

~~SECRET~~

*Downgraded*

(Ref. AHB1 (RAF) S259

44 11 Dec 73

RESTRICTED

INTERNATIONAL LAW OF THE AIR, 1939-1945

MINISTRY

OF

DEFENCE

AIR HISTORICAL

BRANCH (RAF)

Confidential supplement to

AIR POWER AND WAR RIGHTS by J.H. Spaight

AIR HISTORICAL BRANCH (1)  
AIR MINISTRY

RESTRICTED

~~SECRET~~

~~RESTRICTED~~

SECRET

INTERNATIONAL LAW OF THE AIR, 1939-45.

The principle upon which the notes that follow have been compiled requires a word of explanation. They are intended to supplement a book written by the compiler: Air Power and War Rights, by J.M. Spaight, 1st edition, 1924, 2nd edition, 1933, 3rd edition to be published in 1946. To have dealt with the various questions of the laws of air warfare in these notes as well as in the book would have doubled the labour and wasted time for all concerned; and, per contra, to have put these notes into the book was impossible, because they contain secret matter. The right course seemed, therefore, to be to confine the notes to such secret matter and to regard them, in effect, as so many appendices to the chapters of the book, which will, of course, be available in the Air Ministry Library.

The chapter-headings of the book are these:-

- I. Air Power in the First World-War.
- II. Air Power in the Second World-War.
- III. The Laws of Air Warfare.
- IV. The Opening of Hostilities.
- V. Combatant Quality.
- VI. Belligerent Usage.
- VII. Ruses.
- VIII. Weapons and Projectiles.
- IX. Bombing in the First World-War.
- X. The Bombing Problem, 1919-39.
- XI. Bombing in the Second World War.
- XII. Bombing and Privileged Buildings.
- XIII. Special Missions of the Air.
- XIV. Propaganda by Aircraft.
- XV. Enemy Casualties.
- XVI. Civil Aircraft.
- XVII. Belligerent Entry of Neutral Jurisdiction.
- XVIII. Neutral Volunteers and Supplies.
- XIX. Air Operations against Shipping.

MINISTRY  
OF  
DEFENCE  
AIR HISTORICAL  
BRANCH (RAF)

The notes which have been compiled supplement these chapters in the following ways (for convenience they have been lettered A, B, C etc.).

/Section

<u>Section of the Notes</u>	<u>Chapter of the book</u>
A - German Treatment of Parachute Troops	V
B - Gas Warfare .....	VIII
C - Flying Bombs: The Question of Retaliation	VIII
D - British Bombing Policy .....	XI
E - Use of Red Cross Emblem .....	XV
F - Prisoners of War .....	XV
G - Threat of Czech Air Crew Prisoners of War	XV
H - Prisoners of War of Belgian Nationality serving in German Forces .....	XV
J - Neutral States: Interment of Belligerent Airmen .....	XVII
K - Air Operations against Shipping .....	XIX

It will be seen that no notes have been prepared on questions falling within the scope of Chapters VI (Belligerent Usage), VII (Ruses), XIII (Special Missions of the Air), XIV (Propaganda by Aircraft), XVI (Civil Aircraft) and XVIII (Neutral Volunteers and Supplies), though it is almost inconceivable that some such questions were not discussed officially. A great mass of precedents (taken from published sources) is assembled in the book on these matters. It has not been possible, however, to obtain any files, secret or otherwise, dealing with such questions. There is, in general, a marked dearth of official literature on the subject, as a whole, of international law of air warfare.

J. M. S.

June, 1945.

SECRET

A. GERMAN TREATMENT OF PARACHUTE TROOPS

On the night of 19/20 November, 1942, two British aircraft towing gliders flew over southern Norway, carrying members of the Airborne Division who were to be landed in central Norway, to attack a target there, and then to make their escape across the Swedish frontier. All the men wore the full uniform of the Airborne Division and were armed; underneath their uniform they wore "black underclothes" or wind-proof clothing, practically undistinguishable from ski-ing suits as worn by the civilian population in Norway. This underclothing bore no distinguishing marks such as badges of rank, medal ribbons, etc., and apart from the fact that all the troops wore the same underclothing it did not in any way resemble military uniform.

Owing to bad weather the aeroplanes made forced landings and the gliders crashed, many of the troops being killed and the rest more or less seriously injured. One of the (towing) aircraft escaped. The wounded men were compelled to obtain medical assistance and the whole party were captured by the Germans. The majority were wearing their proper uniforms when captured but some may have been wearing their "black underclothes". After cross-examination by the Gestapo, all the survivors of the accident were shot by the Germans without any trial.

The men had instructions to wear their military uniforms until they had completed their assignment, after which they were to discard the uniforms and to make their way in the "black underclothes" into Sweden.

The German execution of the men was discussed at a meeting held at the Foreign Office on 16 March, 1943, with the Attorney General in the chair and representatives of the Foreign Office (Sir. W. Malkin being one), Judge Advocate General's Department (J.A.G. himself and Colonel Osmond), War Office, Admiralty and Air Ministry. The committee held that troops who penetrate or are dropped behind the enemy's lines must, if captured, be treated as prisoners of war if they are in uniform and there is no evidence that they have or intended to wear civilian clothes as a disguise. Members of the armed forces who penetrate behind the enemy's lines to carry out

/sabotage

sabotage or espionage and are captured while in disguise are liable to be tried by court martial and shot. To shoot them without trial is illegal.

The committee's view was that if a court were satisfied that there was an intent to use civilian clothes as a disguise in the course of an operation it would be entitled to inflict the penalty although the men captured had not yet carried out the intention. Clearly the men would be liable to be found guilty if they had discarded their uniforms and were caught proceeding to or executing an act of sabotage in civilian clothes. The question was whether this liability was affected by the fact that the uniforms were discarded only after the operation had been completed. The majority of the committee considered that they would still be liable to be found guilty in that event. The court might well conclude that there had been an intention to discard the uniform at any stage if it had become expedient to do so in order to avoid being shot at or captured; or, indeed, that the men were intending to commit further acts of sabotage or espionage if opportunity arose.

The committee held that there was a clear distinction between such a case as that referred to above, and that of crashed airmen or prisoners of war trying to escape in civilian clothes. Such escapists are not liable to be shot - that is the recognised rule. (Has it been affected by the murder of the Stalag Luft III airmen? - J.M.S.) The two parts of the operation that was in question in the Norwegian case - the getting to the scene and then the escaping - could not be separated, and if civilian clothes were worn for the second purpose, there would be danger that the men on capture would be convicted of an offence.

The committee also considered whether the wearing of badges of rank on the civilian suits would give the men a good answer to a charge of being disguised. The view held was that it would not. The wearing of badges visible at close quarters would not be regarded as negating the offence if the court were satisfied that the civilian clothes were provided and worn as a disguise so that at a moderate distance the men might be taken to be ordinary civilians of the locality.

The committee concurred with the proposal that the case should be taken up with the enemy on the basis that it was illegal to shoot men without a trial and also on a threat which the German Government were alleged to have made to shoot out of hand all persons landing from aircraft to carry out sabotage, whether in uniform or not.

(C.M.S. 27, April, 1943)

On 29 April, 1943, the Foreign Office accordingly sent a telegram to the British Minister at Berne asking him to ascertain whether it was true that 17 members of a British Airborne Division who crashed in a glider near Eggersund on the night of 19 November had been shot without trial or capture. On 19 June, 1943, the Minister at Berne telegraphed to the Foreign Office as follows:-

"Swiss Government have sent me copy of reply from German Ministry of Foreign Affairs of which following is the substance.

- (1) Enemy soldiers while carrying out a clear military task and while wearing regular uniform will be treated in accordance with international law, that is, they will be made prisoners of war after they have been overpowered.
- (2) On the other hand, enemy nationals who are dropped behind the battle front to carry out treacherous acts by treacherous use of hidden weapons or by using disguise (Tarnkleider) or civilian clothing or by any other unsoldierly means will not be treated as soldiers but will be cut down in battle without mercy.

This is in accordance with High Command's communiqué Oct. 7, 1942, which has already been published".

(141 in C.M.S. 27)

After consultation with the War Office and Air Ministry, the Foreign Office sent a telegram to the British Minister at Berne on 12 October, 1943, instructing him to request the Swiss Government to return the following reply to the German Government:-

"His Majesty's Government in the United Kingdom note the assurance of the German Government that members of the armed forces belonging to States at war with Germany will be treated in accordance with international law provided that they are wearing regular uniform and are engaged in a manifest military task. This assurance appears, however, to be restricted by the qualification contained in the second paragraph of the German Government's memorandum to

/which

which His Majesty's Government cannot in any circumstances subscribe. It is a fundamental principle of international law that a member of the armed forces of a belligerent made captive or surrendering can only be deprived of his rights as a legitimate combatant if he is convicted after proper trial of a serious breach of the laws of war. Moreover, it is specifically provided in Article 30 of the Hague Land Warfare Regulations that even a spy shall not be punished without trial and it is unthinkable that worse treatment in this respect should be accorded to combatant members of the armed forces of a belligerent power.

"His Majesty's Government must point out that not only have the German Government in the second paragraph of their memorandum and in their High Command communiqué of 7 October, 1942, announced a policy which appears to be without foundation of any kind in international law, but have also made no attempt to reply to the specific questions which were put to them. His Majesty's Government must therefore request an immediate reply to the following questions:-

- (1) Are the 17 members of the British Airborne Division, to whom they referred in their previous note, alive, and if so where are they being held and are they being treated as prisoners of war?
- (2) If they are not alive why have the name of those in question not yet been notified in accordance with the provisions of the Geneva Convention?
- (3) Is there any truth in the report referred to in His Majesty's Government's previous note that the above 17 members of the British Airborne Division were shot by the German authorities without trial after being taken prisoners?"

(23A in C.I.S. 27)

No reply was received to the enquiry quoted above, and meanwhile another serious incident of the same kind had occurred in Norway. On 24 July, 1943, M.T.B. 345 sailed from Lerwick and, apparently, became stranded outside Bergen. The seven occupants, of whom six were Norwegians and one - the wireless operator - British, were taken to Ulven concentration camp and there shot on 2 August, 1943. They were dressed in battle-dress and this may have led the Germans to regard them as Commandos. The information about their fate was obtained from Norwegian underground sources. The S.O.E. stated that it was another example of the execution of the threat published by General Von Falkenhorst and Terboven to treat all raiding parties as liable to be shot on capture on the grounds that their activities are really sabotage.

(26B in C.I.S. 27)

On 10 February, 1944, the Foreign Office sent the following

/telegram

telegram to the British Minister at Berne:-

"Evidence has come into the possession of His Majesty's Government which makes it clear that the German occupation authorities in Norway are carrying out a deliberate policy of shooting members of the British Armed Forces and Allied Forces under British command captured in the course of military operations in and off the coast of that country.

"The German Government are well aware that they are obliged to accord to all members of the Armed Forces of the enemy, captured in the course of operations, treatment as prisoners of war in accordance with the rules of war and the provisions of the Geneva Convention, provided they are wearing uniform. Nevertheless, it has come to the knowledge of His Majesty's Government that British service personnel wearing British service uniform captured by the German armed forces on or off the Norwegian coast have been shot in cold blood. These acts have been committed some considerable time, and in some cases several days, after the capture of the men, and the German authorities have therefore had ample time in which to identify the uniform which they were all wearing and their status.

"His Majesty's Government protest in the strongest possible terms against these wanton acts which constitute yet another flagrant breach by the German authorities of the recognised rules of war to which they have so often appealed and of the conduct of a civilised nation. . They must demand immediate assurances from the German Government that the strictest instructions have been issued to all the German military and security authorities in Norway that all personnel of the British Armed Forces or Allied Forces under British command captured in the course of military operations and who are wearing military, naval or air force uniform shall be accorded the full rights of prisoners of war to which they are entitled. (Meanwhile, His Majesty's Government desire to make it abundantly clear to the German Government that they will hold personally responsible for any illegal shooting of service personnel by the German occupation authorities not only those members of the German Forces and civil administration who perpetrate these illegal acts but also General Von Falkenhorst, the General Commander-in-Chief in Norway, who must bear the full responsibility for all actions carried out by his orders or by the orders of or with the connivance of any members of the forces or authorities under his command or control)".

(38A and B in C.I.S. 27)

The final sentence, bracketed, was omitted from the communication transmitted to the Swiss Legation in Berlin for delivery. The Swiss Foreign Minister, M. Pilet Golaz, stated that if it were included the German Government would have returned the communication.

(42A in C.I.S. 27)

There seems to have been no German reply.

SECRET

B. GAS WARFARE

C.I.D. 1237-B. Policy with Regard to the Possible Use of Gas as a Retaliatory Measure in War.

C.I.D. - Memorandum by Chiefs of Staff Subcommittee, June, 1936.

Extract.

"Recent events, in our opinion, make it impossible to be sure that gas will not be used against us in war, indeed, the probabilities are in the other direction. We therefore consider that immediate steps should be taken to provide stocks of the latest and most potent forms of gas, so that, if necessary, we may be able effectively to retaliate without a day's delay. To produce these stocks and to form a nucleus for production on a war scale, a factory will have to be set up and possibly some enlargement of existing experimental establishments will be required."

C.I.D. 1465-B. The Manufacture of Toxic Gas for Use in War.

Memorandum prepared by War Office and Air Ministry, submitted to C.I.D. on 26 July, 1938.

Extract.

Para.30 - Conclusions -

"(i) There is no doubt that Germany is making very thorough arrangements for the provision of gas and its employment in war. She is well ahead of this country and consequently it is necessary that measures should be initiated at once to enable us to retaliate, should gas be used against us in war.

(ii) Gas is not alternative to but complementary to the high explosive bomb and the incendiary bomb, and if used in conjunction with them will hasten the work of dislocating and disorganising the national life and demoralising the community.

/((iii))

(iii) The employment of gas as well as high explosive and incendiary bombs would augment the effectiveness of an air offensive to a degree unattainable by other means.

.....

(vi) Kemet Factory should be developed to give an output of 300 tons a month.

.....

(ix) The knowledge that we possess gas for retaliation will have a reassuring effect at home and be a strong deterrent to its employment by potential enemies abroad".

C.I.D. 1489-B The Use of Poison Gas in War. (December 1938)

A letter dated 29 November, 1938, from the Foreign Office to the C.I.D. suggested that an attempt be made on the outbreak of war to obtain from the enemy Government, even though a signatory of the Geneva Gas Protocol of 1925, an assurance that they will abide by the terms of that instrument. The undertaking would be of considerable propaganda value if the enemy did violate the Gas Protocol later.

(An assurance was asked for by our Minister in Berlin when requesting his passports on 3 September, 1939, and was given by the German Government).

S.6 Folder No.255. Bari Gas Incident.

Stocks of mustard gas were held by us as reserve for use if the enemy should use gas against us. 540 tons of this gas were loaded in a ship in Bari harbour, Italy, which was raided by the G.A.F. on the night of 1/2 December, 1943. A large number of gas casualties occurred in consequence amongst British service personnel and merchant seamen. They were due in part to a failure to appreciate the need for decontamination and to the ships in the harbour at the time being allowed to go to other ports while still undecontaminated.

S.6. Folder 427. White Phosphorus.

The question of the use of white phosphorus arose in 1943 and again in 1944. It is primarily a smoke-producing chemical, but its property of igniting spontaneously and burning vigorously when exposed to the air make it one of the first materials produced for incendiary purposes. (The Germans usually referred to our 4-lb incendiary bombs as "phosphorus canisters".) In contact with the body phosphorus produces burns that are slow and difficult to heal. It was considered by the Foreign Office to come within the prohibition contained in the Geneva Gas Protocol, and the Chiefs of Staff agreed that it should not be used as a casualty producing agent against troops in the open. (C.O.S.(44) 220th Meeting). The Chiefs of Staff considered, however, that there was no objection to its use as a normal incendiary weapon, and they agreed in October, 1944, to a proposal by 2nd Tactical Air Force that rocket projectiles with heads filled with "white or liquid phosphorus or thickening fuel" should be used to dislodge the enemy from strong-points too heavily defended by Flak to permit low level bombing and too strong to be destroyed by 60-lb rocket projectiles. (C.O.S. (44) 339th Meeting, 16.10.44).

Destruction of crops etc: Foreign Office ruling.

The Legal Department of the Foreign Office advised in July, 1945, that there was no objection under International Law to the employment of substances (whether chemical or biological) which destroy crops and other vegetables, before or after growth, but are harmless to human and animal life and do not render plants poisonous to such life. The Inter-Services Committee on Chemical Warfare have examined three substances - L.N.8, L.N.32 and L.N.33 - fulfilling these conditions. The Chiefs of Staff agree with the Committee's conclusion that there is no bar under International Law to

/their

their use in war, but state that they should not be used  
without prior sanction by His Majesty's Government.

(C.O.S.(45)488(0), and  
C.O.S.(45)188th Meeting  
27 July, 1945)

Employment of gas on the Continent 1945:

S.H.A.E.F. Instruction

S.H.A.E.F. issued the following instruction to all Army Groups serving under it on 29 March, 1945, reference AG.385,2.1 GCT-AGM.

- "1. It is desired to define the policy of the Supreme Commander regarding the employment of non-lethal, non-asphyxiating gases for the suppression of disturbances in Germany.
2. Prior to the cessation of organized resistance throughout the whole of the European Theatre of Operations non-lethal, non-asphyxiating gases will not be used by any Allied Expeditionary Force troops without the prior consent of the Supreme Commander.
3. After organized resistance has been declared by this headquarters to have ceased throughout the European Theater of Operations troops of each nationality will follow the policy of their own governments in respect of the use of these gases as follows:-
  - a. British troops will not employ such gases.
  - b. U.S. troops in the U.S. zone of Germany may employ non-lethal, non-asphyxiating gases for the suppression of disturbances.
  - c. The policy of the French Government in this respect will be notified in due course."

SECRET

C. FLYING BOMBS : THE QUESTION OF RETALIATION

The Chiefs of Staff advised against the adoption of retaliation for the flying bomb attacks. They had the question before them at their 222nd meeting on 5 July, 1944; references C.O.S. (44) and J.P.(44) 177 (Final). A note by the Air Staff, C.O.S.(44) 598(0), of the same date, submitted the following conclusions for the Chief of Staff's consideration:-

- "(a) There is no evidence that a policy of reprisals would produce the desired effects.
- (b) It is, in any case, unlikely that such a policy would bear fruit in less than perhaps two months after its initiation.
- (c) Its effect might well be to encourage rather than to discourage German use of 'CROSSBOW'.
- (d) Once the policy was adopted, it would be difficult to withdraw from it should it prove unsuccessful".

The Air Staff Note also stated that reprisal attacks would involve diversion from attacks on other targets such as oil plants, aircraft factories, etc., as well as from giving direct support in the battle of France and from attacks on flying bomb objectives. The following objections to the initiation of a policy of reprisals were also seen:-

- (1) It would amount, in effect, to a proposal that if the Germans abandoned the use of the flying bomb we would not bomb the threatened towns. This was tantamount to negotiating the whole question of bombing policy - an admission of weakness we avoided when our strategic position was much less satisfactory.
- (2) The Germans would almost certainly resort to counter-reprisals, possibly in the shape of murder of the air crews in their hands.
- (3) "We have hitherto always maintained consistently in all public statements regarding our bombing policy that it is directed against military objectives and that any damage to civilians is incidental to the attack on the German war machine. This is a moral and legal point of great importance, both now and in the maintenance of our position after the war, and it would be greatly weakened should we now for the first time declare that we intended deliberate attacks on the civilian population as such."

"We are led by these considerations to recommend that a policy of reprisals should not be adopted".

The Chiefs of Staff accepted the recommendation. All three agreed that gas should not be used as a means of retaliation. Sir A. Cunningham was in favour of bombing small German towns as a retaliation for the flying bombs, but Sir Alan Brooke and Sir C. Portal opposed the proposal. Sir A. Brooke thought retaliation would not induce the enemy to cease using the weapon, which had already had important military results in forcing us to use a great number of aircraft to counteract it and in thus diverting them from attacks on Germany or close-support in France. Sir C. Portal said that attacks on large industrial towns in Germany had not affected the enemy's morale, and the small towns contained only .5 per cent of the total German population. To divert effort from Crossbow targets would mean a greatly increased scale of attack. Once begun, the policy would have to be pursued with increasing intensity, and it was unlikely to make the Germans give up the flying bomb. It would be better, he thought, to make a large scale attack on Berlin than to retaliate on small towns.

(C.O.S.(44) 222nd meeting (O) dated 5 July, 1944)

The War Cabinet accepted the views of the Chiefs of Staff.

SECRET

D. BRITISH BOMBING POLICY

Lord Swinton's Proposal, 1937

Our policy before the war and for the first nine months of the war was inspired by the consideration that the less bombing there was, the better for us. We were apprehensive about the effect of heavy attacks on London, and as our Air Force was only one-third the size of the German in September, 1939, we were not in a position to return blow for blow. For some years before that time we had been engaged in a hopeless attempt to overtake Germany's lead in the air. So long as she held that lead it was in our interests that bombing should be restricted, and one finds this view being emphasised by Lord Swinton, Secretary of State for Air, in a minute addressed to the Chief of the Air Staff on 14 November, 1937. He said:-

"I suggest we frame our proposal on the maximum of immunity, e.g., you may bomb purely military objectives and nothing else. By this I mean warships, troops, whether in camp, barracks or on or moving to the field of battle, aircraft and aerodromes and airmen. This means that you can always try to kill the fighting men; you must not try to kill the civilian. You may not bomb a munitions factory. You will say: Can you bomb an ammunition dump? I think the answer is Yes. The only dividing line I can see is whether the object is or is not (a) a military object and (b) one that is in the possession of and a part of the arms of the Force. In this way you can draw a distinction between the factory and the dump; and civilian manufacture is immune though it is manufacture for war. There are lots of difficulties, e.g., the naval yard; the warship undergoing repairs; the warship in building. But we must have a line and reduce it to writing; and we should go for what we think will be most useful to ourselves and reduce bombing of civilians as much as possible." (S.43020).

The same minute raised the question of the use of aircraft against merchant vessels, and it was on the latter question that the discussion then initiated concentrated. The wider question was pursued independently, however, in the following year (1938).

Evidence of the apparent lack of co-ordination between certain directorates of the Air Ministry is to be found in a Memorandum on "The Restriction of Air Warfare" prepared by the Air Staff and circulated by the Secretary of State (Lord Swinton) to the Cabinet on 1st March 1938. The reference number was 1408 - B.

The memorandum considered what our policy should be in the matter

/of

of the limitation of air forces, and after setting forth the arguments came to the following conclusion, of which the major part was printed in heavy type (paragraph 9):-

"This, then, should be the fundamental principle on which to base our policy for air limitation; to secure such a concrete and material limitation of the technique and instruments of air power as to ensure that air forces, while they may remain valuable ancillaries to surface forces, cannot in themselves be a decisive factor in war".

Here, it will be seen, a philosophy of air warfare was suggested which was at variance with that preached by Trenchard and accepted by his successors, in the office of Chief of the Air Staff. That a conception very different from that implied in the Memorandum of 1938 did inspire Air Council policy is clear from many decisions that were taken in the pre-1939 decade: the decision, for instance, to establish a Bomber Command in 1936, the decision to shift our air bases across England from the south to the east, and the decision to reject the tentative proposals of Herr Hitler in 1935-36 for the restricting of bombing to combat areas. These decisions were not compatible with a view of air warfare which relegated it to a merely ancillary role. They implied an intention to undertake independent air operations, and the magnitude of the preparations we set ourselves to make showed that we expected such operations to have important results - as, indeed, they had. If they did not win the war, they made it possible to win a war which otherwise would probably have been lost.

The same Memorandum then went on to consider both quantitative and qualitative limitation of air armaments. As regards the latter, it quoted (paragraph 21) the proposed article of the draft disarmament Convention which His Majesty's Government submitted to Geneva on 16th March, 1933:-

Art 37 - The High Contracting Parties agree that air armaments will not include aeroplanes exceeding 3 tons unladen weight. Exception, however, may be made in case of troop carriers and flying boats. Complete particulars of any such machines exceeding the maximum unladen weight of 3 tons must be returned annually to the Permanent Disarmament Commission.

On this the Memorandum stated (paragraph 25):-

"The policy of His Majesty's Government on qualitative limitation should be confined to a limitation of the weight of military aircraft, on the lines of Article 37 of the British Draft Disarmament Convention of 1933, subject to the following points:-

- (a) The reservation about troop carriers and flying boats contained in that Article should be abandoned.
- (b) Further technical examination will be necessary, to determine details such as the unladen weight to be accepted, and the possibility of "global" limitation subject to an upper limit for any individual aircraft".

Here a further discrepancy of view became apparent. The policy advocated in the Memorandum was not consistent with that adopted by the Air Council in 1935 when they approved the construction of the heavy bombers which were eventually to be known as the Stirling, Halifax and (via the Manchester) the Lancaster. These bombers were certain to be immensely in excess of 3 tons unladen weight; actually, they were nearly ten times that weight. It is true that the limits of 3 tons was not put forward in the Memorandum as a cast-iron one, but it is evident that the variation from it that was contemplated was not a large one. The whole idea of this part of the Memorandum was that the very large aircraft should be ruled out. It stated (paragraph 24):-

"If it were possible to reach an agreement on the lines suggested, while it might not be completely successful, it would at least tend to check the development of huge bombers capable of carrying several tons of bombs to ranges at which no corner of any country will be immune from attack".

It was fortunate for us that we did not bank in 1935-39 on the big bombers being ruled out. Providence apparently decided that of the two voices with which the Air Ministry spoke in those years, the one to be listened to was not that of the Memorandum but the other and wiser one.

#### The Malkin Committee, 1938

On 10 June, 1938, the Foreign Office addressed to the Committee of Imperial Defence a letter pressing that the formulation of proposals for the restriction of air warfare should be pursued with the least possible delay. The Limitation of Armaments Sub-Committee, of which Sir Thomas Inskip was chairman and the First Lord of the Admiralty, the Secretaries of State for War and Air, the three Chiefs of Staff and Sir Robert Vansittart were members, held a meeting on 7 July and decided to call for a report on certain legal aspects of the question from an ad hoc committee under Sir William Malkin's chairmanship. The Malkin Committee, on which there were three representatives of the Air Ministry, two of the Admiralty, and one of the War Office, made its

/report

report on 15 July, 1938 (B.T.G. (A.W.)3). The report began by referring to the three principles laid down by the Prime Minister (Mr. Chamberlain) in the House of Commons on 21 June, 1938, in a debate on the bombardments in Spain and Spanish Waters. These were as follows:-

- (1) It is against international law to bomb civilians as such and to make deliberate attacks on the civil population.
- (2) Targets which are aimed at from the air must be legitimate military objectives and must be capable of identification.
- (3) Reasonable care must be taken in attacking these military objectives so that by carelessness the civilian population in the neighbourhood is not bombed.

Starting from these principles, the committee, after considering the two possible solutions of the problem - the total prohibition of bombing and the restriction of bombing to the area of sea and land fighting, and dismissing the first because it was unlikely to be accepted and the second because it would suit Germany but not ourselves, proposed the following rule (paragraph 14) of report):-

"Air bombardment is only legitimate in the following circumstances:-

- (1) Against warships, including transports and fleet auxiliaries, at sea;
- (2) On land, in accordance with the following rules:

Any objective on land which may legitimately be bombarded under the rules applicable to land warfare, may be bombarded from the air if it is within the range of medium artillery, which for this purpose should be taken as ten miles from any of the forces of the belligerent who effects the bombardment or his allies.

In addition, the following objectives on land may be bombarded, provided that they are either anywhere on territory occupied by an invader or within a radius of fifty miles of the nearest troops or air forces of the belligerent carrying out the bombardment or of his allies:-

- (a) Enemy troops and air forces;
- (b) Ammunition dumps, military supply depots, artillery parks and similar well defined aggregations of distinctively military equipment, stores or supplies;
- (c) Supply columns and other means of transport which are engaged in transporting supplies to or from the depots etc. mentioned under (b)".

/Proposed

### Proposed Ban on Night Bombing

The report pointed out, however, in paragraph 16, that the rule proposed above might be criticised as being unduly favourable to a strong naval Power, in so far as it prohibited air attacks on warships in harbour. On the other hand, the enemy's air force would be free to concentrate against the fleet at sea, and our air forces would be unable to retaliate against the enemy's air bases. Such bases, paragraph 17, suggested, might have to be included in the permitted objectives if they were being used for air attack. It was also suggested in the report (paragraph 47) that bombing of objectives otherwise permitted should be prohibited between sunset and sunrise, except in the immediate neighbourhood of the operations of land forces or against warships at sea. "We have considered", said the Committee, "whether ~~this~~ prohibition should be extended to conditions of bad visibility during the day, but have come to the conclusion that this would not be practicable". It should, however, be laid down that aircraft must abstain from bombardment unless the objective is of such a size and so situated that it can be bombarded with a reasonable expectation that damage will be restricted to it; and it should also be prescribed that the airman must be able to distinguish and identify the objective.

The proposal to prohibit bombing between sunset and sunrise was a strange one, seen in relation to the Air Staff's constructional programme at that time (summer of 1938). This included, in Scheme L, then in force, the formation of 47 heavy bomber squadrons as part of the air striking force of 73 squadrons. (In Scheme M, approved in November, 1938, the whole air striking force of 85 squadrons was to consist of heavy bombers). It was always contemplated that the heavy bomber would be essentially a night bomber. In a minute dated 24 May, 1938, to the Deputy Chief of the Air Staff, the Director of Organisation, Air Vice-Marshal C.F.A. Portal, stated, à propos of the programme for a maximum war effort:-

"The heavy bomber is visualised as operating solely by night and, for that reason, enjoying a considerably lower rate of wastage than other bombers operating mainly by day. Under Scheme L the tendency is for all bombers to become heavy bombers." (File S.37626).

/It

It is evident that there was some lack of co-ordination between such an expansion policy and the policy of restriction suggested by the Malkin Committee, which, as stated above, included representatives of the Air Staff.

#### The Malkin Proposals Dropped

Actually, this and the other proposals of the Malkin Committee came to nothing. They were considered by the Ministerial Limitation of Armaments Sub-Committee of the Committee of Imperial Defence, under the chairmanship of Sir Thomas Inskip, on 18 July, 1938, and that Sub-Committee decided before proceeding further to obtain advice on two further major questions. These were questions relating to (i) the effect in a major war of the abandonment of some of our traditional maritime rights and particularly the interception of foodstuffs, and (ii) the degree of immunity at which we should aim with particular reference as to whether it would be to our advantage to include factories constituting important well-known centres engaged in the manufacture of arms, munitions or distinctively military supplies as legitimate military objectives under Article 24 of the draft Hague Rules, 1923. Reports were received on both these questions from the Service Departments. They were not of such a nature as to convince the Sub-Committee that the Malkin Committee's proposals were in our interest.

At a meeting on 12 January, 1939, the sub-Committee on Limitation of Armaments came to the conclusion: "That conditions had so changed since they were charged with the duty of examining the question of the restriction of air warfare and the limitation of air and other armaments as to make the prospect of obtaining any international agreement on these matters extremely remote". The Chairman was requested to inform the Prime Minister that "the Sub-Committee did not feel that there was sufficient justification to expend further time and labour on this subject".

#### Air Ministry Instructions of 15 September 1938

Meanwhile, in September, 1938, the Air Ministry had issued to Bomber Command instructions regarding the policy which it should follow in the opening stages of a future war. The instructions were given in response

/to

to a letter of 30 August, 1938, BG/S.20953/Plans, from the Air Officer Commanding-in-Chief, Bomber Command, in which he raised the question of the advisability of attacking German aircraft factories in view of the probability that a proportion of the bombs aimed at them would fall outside the limits of the target and thus cause serious casualties among the civil population. He asked for the instructions of the Air Council.

The Air Council replied in a letter dated 15 September, 1938, S.46239/S.6., which was agreed to by Sir William Malkin before issue and which began by quoting the three principles enunciated by the Prime Minister in the House of Commons on 21 June, 1938, and already quoted, namely, that deliberate attack on the civil population was unlawful, that targets must be identifiable military objectives, and that such objectives must be bombed with reasonable care for the neighbouring civil population.

The letter stated that "there are certain objectives, particularly among aircraft factories, which it would be almost impossible to attack, even by day, without causing loss of life to the civilian population in the neighbourhood". It was appreciated that Bomber Command's freedom of action would be seriously prejudiced if it were unable to take action against such objectives. "For reasons of policy, however, which the Council feel sure you will readily understand, it is essential that in the opening stages of a war your action should be rigorously restricted to attack on objectives which are manifestly and unmistakably military on the narrowest interpretation of the term; and that even such objectives should not be attacked initially unless they can be clearly identified, and attacked with a reasonable expectation of damage being confined to them". It was "vital to avoid any action which could be represented as an attack on the civil population, in view both of the effect on neutral opinion and of the importance of ensuring that the enemy is given no genuine pretext for retaliatory action". "In these circumstances it will be necessary to abstain from bombardment of objectives in populated areas, even though these objectives may be regarded as perfectly legitimate in themselves."

/Bomber

Bomber Command's initial operation orders, it was laid down, should therefore exclude attack on aircraft factories until further orders from the Air Ministry, and attack should be confined to "formed bodies of troops and transport, and to objectives such as railway embankments, cuttings, sidings, road and rail bridges etc., where these are situated away from centres of population". "Railway trains should not be attacked initially unless they can be identified as military trains by reconnaissance or other intelligence sources".

The Chief of the Air Staff, in submitting the above directive to the Secretary of State, stated in a minute dated 9 September, 1938 in S.46239, "I feel sure that this restriction will not last very long, but we obviously cannot be the first to 'take the gloves off'."

#### Admiralty Proposals, 1939

In a letter dated 31 July, 1939, M.07137/39, the Admiralty raised with the Air Ministry the question of the bombardment of shore objectives in Italy and referred for concurrence a proposed telegram to the Commander-in-Chief, Mediterranean. This stated that the following might be considered provisionally to be legitimate targets for planning purposes:-

1. Military, Naval and Air Forces.
2. Coast Defence Works.
3. Naval, Military and Air Establishments.
4. Railways used for Military communications but not stations or trains unless known to be troop trains.
5. Wharves, etc., in commercial harbours actually being used for Military purposes, subject to every care being taken to avoid damage to merchant ships in harbour.

"N.B. Factories not forming part of Military, Naval or Air Establishments should not be attacked without express Admiralty authority".

The proposed telegram added that the prohibition of indiscriminate bombing in the Hague draft rules was regarded by the Admiralty as ruling out attacks "unless (a) it is possible to distinguish and identify the objective in question, and (b) there is a reasonable expectation that damage will be confined to legitimate objectives".

/Sir C.L.N. Newall,

Sir C.L.N. Newall, C.A.S., wrote semi-officially to Sir John Pound, C.N.S., on 4 August, 1939 (S.46239/I) in reply to the above official letter, and suggested that representatives of the three Service Departments should meet, under the chairmanship of Sir William Malkin, of the Foreign Office, to consider the proposed instructions. Meanwhile, Sir C. Newall suggested, the instructions went further than was advisable in authorising commanders to bombard, e.g. Taranto or Tobruk in the very early days of a war. He considered that no action in this respect should be initiated without authority from London, in view of the incidental loss of civilian life that might be involved.

Inter-departmental Committee. August, 1939

A meeting under Sir William Malkin's chairmanship was held accordingly, and a report was rendered to the C.I.D. on 11 August, 1939 (No.19/4/III), (Joint Planning Sub-Committee number J.P.512, A.M. file S.46239/I). This report recalled that in the course of the Anglo-French Staff Conversations in April, 1939, it was agreed that "the Allies would not initiate air action against any but purely 'military' objectives in the narrowest sense of the word, i.e., Naval, Army and Air Forces and establishments, and as far as possible would confine it to objectives of which attack will not involve loss of civil life". (Paper No. C.O.S.915, Annex I).

The report went on to say that it was important to make quite certain that "no bombardment was undertaken, even as a reprisal for indiscriminate action by an enemy, of any objectives liable to cause loss of civil life, - i.e., other than enemy warships or transports at sea, or land and air forces in open country remote from human habitations, without definite authority from the Government in London". This would not commit us to any policy or course of action but would merely ensure that the action of a commander did not commit the Government. A draft of instructions to be sent to all Commander-in-Chief, General Officers and Air Officers Commanding, Overseas, was appended to the report (as was also an extract from a report by the Chiefs of Staff, No. C.O.S.939), stating that it would not noticeably relieve pressure on

/Poland

Poland if we bombed military objectives in Germany, in view of the relative air strengths of the Axis on one side and the Allies on the other.

The "Instructions governing Naval and Air Bombardment" annexed to the report distinguished between three stages, the first being that existing before definite instructions had been given by the Admiralty, War Office or Air Ministry, the second that emerging when the restrictions applicable to the first stage were lifted, and the third the stage in which everything allowed by Hague Convention No. IX of 1907 on Naval Bombardment and by the draft Hague Rules of Aerial Warfare, 1922-23, could be done.

In the first stage - Stage One - bombardment from air or sea was to be confined at the outset to the following objectives:-

Enemy warships.  
Troop transports.  
Land and air forces.

Bombardment was to be effected only where such objectives were away from populated localities.

"This restriction is not to be relaxed on any account pending further instructions, even in retaliation for indiscriminate action by an enemy".

In the second stage - Stage Two - the policy agreed in the Anglo-French Staff Conversations would be adopted in full, namely, the bombardment of "purely military objectives in the narrowest sense of the word", i.e. Naval, Army and Air Forces and establishments, and as far as possible bombardment would be confined to objectives on which attack would not involve loss of civil life. The rule of Stage One that the permissible objectives might be bombarded only when away from populated localities would be thus modified. "It will be observed that the effect of the instructions on Stage Two will still be to restrict bombardment more severely than is required by a reasonable interpretation of existing international law".

#### Proposed Permissible Objectives

In Stage Two, accordingly, paragraph 15 laid down that the following objectives might be bombarded from sea or air; and Army commanders would conform generally to the spirit of the instructions:-

/"(a)

- "(a) Naval forces, i.e. warships, auxiliaries actually attendant on the Fleet, naval dockyards, barracks and other establishments manned by naval personnel.
- (b) Army units, fortifications, coast defence works, barracks, camps, billets, depots, dumps and other establishments manned by military personnel.
- (c) Air units, military aerodromes, depots, storage units, bomb stores and other establishments manned by air personnel.
- (d) Troop transports (whether at sea or in harbour); roads, canals and railways used for military communications, military road and inland water transport. Stations are not to be attacked. Trains, road and inland water transport are not to be attacked unless they can be reasonably presumed to be of a military character.
- (e) Accumulations of naval, army or air force stores. (This does not authorise attack on factories).
- (f) Naval, army and air force fuel installations or dumps in the field or situated within the confines of the naval, army and air force establishments mentioned in sub-paras. (a) to (c) above.

(Note:- Bulk stocks of fuel, not covered by the above definition, are not to be bombarded under these instructions.)"

The Instructions, having laid down the above limitations in paragraph 15, proceeded further to qualify them in paragraph 16:-

"Action against objectives in paragraph 15 above will be subject to the following general principles:-

- (a) The intentional bombardment of civil populations is illegal.
- (b) It must be possible to distinguish and identify the objective in question.
- (c) Bombardment must be carried out in such a way that there is a reasonable expectation that damage will be confined to the objective and that civilian populations in the neighbourhood are not bombarded through negligence".

"Thus it is clearly illegal to bombard a populated area in the hope of hitting a legitimate target which is known to be in the area, but which cannot be precisely located and identified".

Paragraph 17 of the instructions stated that commanders must exercise their discretion in carrying out this general policy. "In particular it must be borne in mind that the fact of an objective being unquestionably military does not necessarily or invariably justify bombardment of it. Thus an anti-aircraft or coast defence gun situated in the centre of a populous area could not be bombarded with reasonable expectation that damage would be confined to

it. A small detachment of troops in billets in, or a convoy of transport passing through a town, or a troop transport lying alongside a commercial wharf, are unquestionably military objectives, but the bombardment of such objectives in a town might involve risks to the civil population out of all proportion to the military importance of the target at the time and might thus be unjustifiable".

Air Council Instructions of 22 August, 1939

The proposed instructions were considered by the Service Departments and the Foreign Office and modified in certain respects, the most important being the cutting out of Stage One that had been proposed. (Another change was the deletion of the words "Stations are not to be attacked" in paragraph 15(d)). Lord Halifax thought Stage One was too restrictive and would alarm our allies. As revised, the instructions, while retaining nearly all the Malkin Committee's proposals, provided for only two stages, the original Stage Two now becoming the first. They were issued to all Air Officers Commanding at home and abroad with Air Council letter of 22 August, 1939, S.46239/S.6. In the instructions as issued, paragraph 15, quoted above, became paragraph 8, paragraph 16 became paragraph 9, and paragraph 17 became paragraph 10.

Another Air Council letter, S.46105/S.6, was also issued on 22 August, 1939, enclosing "Air Ministry Instructions and Notes on the Rules to be observed by the Royal Air Force in War". These instructions covered the subject as a whole and included two paragraphs on "Air Bombardment and other forms of air attack on targets on land and at sea", but the covering letter stated that, until receipt of further orders, objectives to be attacked would be confined to those listed in paragraph 8 of the other instructions referred to above. The two paragraphs included in the general instructions were these:-

"14. The policy governing the selection of targets for air attack is a matter for decision by the government. This policy will be made known, through the Air Ministry, to Commanders-in-Chief and will be reflected in operation orders.

(i) There are three principles of international law which apply to warfare from the air as they apply to warfare at sea or on land. These principles may be interpreted in terms of air warfare as follows:-

(a) The intentional bombing of civilian populations is illegal;

/(b)

- (b) Objectives aimed at from the air must be legitimate military objectives and must be identifiable;
  - (c) Any attack on legitimate military objectives must be carried out in such way that civilian populations in the neighbourhood are not bombed through negligence.
- (ii) A difficulty which arises in attempting to translate these principles into practical rules is that there exists no internationally agreed definition of what is to be regarded as a "legitimate military objective". It is, however, possible to divide targets broadly into three categories, as follows:-
- Category A: targets which, by reason of international agreements such as the Red Cross Convention, or the accepted customs and usage of war, must be regarded as definitely illegitimate;
- Category B: targets, the legitimacy of which could not be questioned even in the present unregulated state of air warfare;
- Category C: targets as to whose legitimacy it is impossible to set down a hard and fast rule; the legality of attacking these targets may depend upon the circumstances and the manner in which the attack is made. The selection of targets in this category will, as stated in paragraph 14 above, depend upon the policy of His Majesty's Government at the time.
- (iii) As regards Category A, it is clear, that attacks upon the civil population as such, or upon hospitals, hospital ships, and other places where the sick and wounded are collected, are definitely forbidden. Attacks upon buildings devoted to religion, art, charitable purposes, or science, and upon historic monuments must also be regarded as illegal provided these buildings are not being used for military purposes.
  - (iv) Examples of targets in Category B are military forces; military works; military establishments or depots, including aerodromes and naval dockyards; trenches, canals, roads and railway tracks in the area of land operations.
  - (v) As regards Category C it is possible that it might be decided at some stage of the war to undertake attacks upon many forms of target not falling within Categories A or B, provided the circumstances and methods of the attack did not contravene the rule that the civil population, as such, may not be attacked. Action against targets in this category must always, however, involve political as well as military considerations. It will be for the Government to lay down, from time to time, their policy in regard to the immunity, or otherwise, of such targets. In general, therefore, it may be said that attacks on targets in Category C should not be undertaken except in accordance with definite instructions".

"15. As regards the principles of identification and reasonable care referred to in paragraphs 14(i)(b) and 14(i)(c) above, it may be said that the governing principle is that it is illegal to bomb a populated area in the hope of hitting a legitimate target which is known to be in the area but which cannot be precisely located and identified. It follows that it would be considered illegal to bomb a target in a populated area from above a cloud layer by the use of an indirect method of finding position such as a wireless 'fix'. The principle of identification applies also to night bombing in circumstances in which risk to the civil population is involved, although it might be applied with more latitude in the vicinity of land or sea operations. Thus, except on moonlight nights, or when circumstances otherwise make it possible to identify the target, bombing of objectives in populous areas might be considered illegal unless flares are used. Thus if the target cannot be located and identified no attempt should be made to bomb it by indirect methods unless specific orders are received to do so".

A note to paragraph 15 added: "It is the policy of the Admiralty, notwithstanding the greater latitude permitted to naval forces by the Hague Convention No. IX, to restrict naval bombardment within the limits permitted to air bombardment."

The policy to be adopted by our air striking force on the outbreak of war was considered by the Committee of Imperial Defence on 1 September, 1939 and decided as follows:-

"The Committee of Imperial Defence agreed:-

- (a) That the Joint Anglo-French Declaration on the methods of conducting war should be based, so far as our own forces were concerned, on President Roosevelt's message.
- (b) That, in addition, the Declaration should include paragraphs on the subject of the rules for submarine warfare, air attack on merchant shipping and gas.
- (c) To authorise the Foreign Secretary to settle the precise terms of the Declaration with the French, and to issue it without further reference to the Committee."

(The message from President Roosevelt, addressed to the Governments of the United Kingdom, France, Italy, Germany and Poland, appealed to each of these Governments "to affirm its determination that its armed forces shall in no event and under no circumstances undertake bombardment from the air of civilian populations or unfortified cities, upon the understanding that the same rules of warfare shall be scrupulously observed by all their opponents". The Anglo-French Declaration of 2 September, 1939, after welcoming President Roosevelt's appeal, stated that the two Governments had already sent explicit instructions to their armed forces prohibiting the bombardment,

/from

from air, sea or land, of any except "strictly military objectives in the narrowest sense of the word". Aircraft would be employed against merchant shipping only in conformity with the recognised rules applicable to the exercise of belligerent rights by warships. The Geneva Gas Protocol of 1925 would be observed. All these restrictions would be subject to reciprocity).

The Committee of Imperial Defence at the same meeting (1 September 1939) considered a memorandum by the Chiefs of Staff Sub-Committee on the employment of the main air striking force (C.O.S.968), which put forward proposals for the action to be taken if Germany did or did not initiate unrestricted air warfare - alternative hypotheses which corresponded to the two stages contemplated in the instructions issued by Air Ministry letter of 22 August, 1939, S.46239/S.6. On this subject the Committee agreed:-

"(a) To approve the policy for the employment of the main striking forces recommended by the Chiefs of Staff in their Memorandum (Paper No. C.O.S.968), which can be summarised as follows:-

(i) If Germany initiates unrestricted air action from the outset -

We should attack objectives vital to Germany's war effort, and in particular her oil resources.

(ii) If Germany confines her attacks to purely military objectives -

(1) We should launch an attack on the German Fleet at Wilhelmshaven unless we have certain information that it is not there.

(2) We should attack warships at sea when found within range.

(3) We should undertake the widespread dropping of propaganda at night.

(4) We should conserve our resources until our hands are freed, by relaxation of policy, to adopt the more vigorous action contemplated in (i) above.

(b) That it was desirable that the dropping of propaganda over Germany should start as soon as possible after the outbreak of war; but that the squadrons should not be despatched without prior consultation between the Secretary of State for Air and the Prime Minister". (C.I.D. 374th Meeting, 1 September, 1939).

C.A.S.'s Correspondence with A.M. Barratt, 1939

On 15 October, 1939, Air Marshal Barratt, commanding the Advanced Air Striking Force, raised in a cypher message to the Chief of the Air Staff a

/number

number of questions arising out of the instructions issued with the letter of 22 August, No. S.46239/S.6. C.A.S. in his reply of 16 October began by stating:-

"Owing to German action in Poland, we are no longer bound by restrictions under the instructions governing naval and air bombardment S.46239/S.6. of 22/8 nor by our acceptance of Roosevelt's appeal. Our action is now governed entirely by expediency, i.e. what it suits us to do having regard to (a) the need to conserve our resources, (b) probable enemy retaliatory action, and (c) our need still to take into account to some extent influential neutral opinion."

C.A.S. then replied to the specific questions as follows:-

- (1) If German Army attacks Maginot line in force but refrains from bombing, are we to hold our hand? - Reply - This situation is most unlikely to arise.
- (2) If the Germans attack our aerodromes, have we permission to retaliate instantaneously, bearing in mind that German aerodromes which we have to attack are in many cases close to towns and villages, and occasionally aircraft are placed in lanes and in close proximity to houses?
- (3) In what circumstances may important Headquarters known to be in towns and villages be attacked, bearing in mind that civilians will almost certainly be killed.

To these two questions C.A.S. replied:- "If Germans attack our aerodromes we should certainly be free to take action against their aerodromes and headquarters and incidental loss of civilian life would have to be accepted, but as long as enemy action on these lines was not having critical results we should not expend full effort".

- (4) If Germany flies over neutral territory may we do the same forthwith? Reply - Yes, if it suits us, but we should first establish publicly Germany's guilt.
- (5) If Germany invades neutral territory may we instantaneously route our attacks over neutral territory? Reply - Yes, automatically.
- (6) If Maginot Line is broken and invasion in effect take places may we start bombing targets behind the line without reserve regardless of civilian ban? Reply - "Situation envisaged would be highly critical and we should have to make fullest use of all our available resources subject only to the principles laid down in paragraph 9 and 10 of the instructions attached to S.46239/S.6. of 22/8, bearing in mind that (c) of paragraph 9 must be freely interpreted as regards objectives in the vicinity of land operations". (1)

Memorandum

- (1) The principles of paragraphs 9 and 10 of the instructions referred to were, briefly, (a) that civilian populations must not be bombarded intentionally, (b) that the objective must be identified, and (c) that there must be a reasonable expectation that damage would be confined to the objective and that civilian populations in the neighbourhood would not be bombarded through negligence. It was the last condition which was to be freely interpreted in the vicinity of land operations.

Memorandum of 21 October, 1939

Soon after this exchange of messages, the air policy of H.M. Government was laid down in a memorandum dated 21 October, 1939, in the following terms:-

- "1. The British Chiefs of Staff have recently examined the principles which, in the face of the situation which now confronts the Allies, should govern the employment of the British bomber force, and the manner in which these principles should be put into effect in various alternative situations.
2. On the question of principle, the conclusions which they have reached and which have been generally approved by the War Cabinet are as follows:-

- (a) The Allied inferiority vis-à-vis Germany in existing air strengths. From this it follows that for the present the initiative is with Germany: our action must be conditioned by her action.

It also follows that, so far as enemy action permits, we should conserve and develop our resources until the gap in numerical strength is narrowed. In particular, we should not fritter away our striking force on unprofitable objectives in deference to public clamour for retaliation or public criticism at inaction.

- (b) On the other hand, we must now shrink from using all that we have got if enemy action against either France or ourselves looks like being decisive. In that event, our striking force must be employed at all costs in the manner that holds out the best hope of obtaining decisive results against Germany.
  - (c) Germany's weakest spot is the Ruhr, the heart of which is about the size of Greater London, and in which is concentrated approximately 60 per cent of Germany's vital industry. It contains, moreover, a population which might be expected to crack under intensive air attack. Such attacks would involve a heavy casualty roll among civilians, including women and children.
  - (d) We should not be the first to 'take the gloves off'. From this it follows that until and unless Germany, by killing large numbers of civilians, either by indiscriminate air attack on France or Great Britain, or in the course of a violation of Belgium, gives the necessary justification, there could be no question of attacking the Ruhr, or anything other than strictly military objectives.
3. The application of the above principles to various alternative hypotheses may be illustrated as follows:-
    - (i) If the enemy confines his attack, either on the French or ourselves, to strictly military objectives, we should reply by strictly limited attacks on corresponding German objectives, i.e. we should continue our present bombardment policy.

/(ii)

- (ii) If the enemy attacks convoys or even our East Coast ports indecisively, i.e. if they are not doing vital damage, we should still not do anything to invite retaliation which might do us vital damage.
- (iii) If the Germans should either undertake intensive and indiscriminate air action against France or ourselves, or alternatively if they were to attack France through Belgium and cause considerable civilian casualties in the process of violating the latter, it would be a matter for immediate decision by the British War Cabinet whether we should attack the Ruhr as our first and chief objective. In the latter alternative this attack would be combined with action against any favourable military targets presented by the advance of the German forces."

#### C.O.S. Paper of March, 1940

Our bombing policy as thus defined, it will be seen, was one of "wait and see". We were not strong enough in the air to take the initiative and "air action must be conditioned by her (Germany's) action", as the memorandum stated. That was true still five months later, when the Chiefs of Staff submitted a paper (C.S.O.(40)111), of which note was taken by the War Cabinet on 27 March, 1940. This paper stated inter alia:-

"10. The outbreak of war found us with our pre-war plans for air force expansion incomplete. It was, however, decided to adopt a greatly increased programme of expansion, on the basis of the Government's policy that we should organise our resources for a long war. Preparations were therefore put in hand to develop on progressive lines a very powerful air force by the third year of war. These involved a programme of production aiming at an output by that time of 2,500 aircraft a month, including trainers, which has to be matched by a training programme on an appropriate and extensive scale. This latter can only be achieved by striking a prudent balance between future requirements and immediate requirements for increase in first-line strength. In effect, a very high proportion of our resources in personnel and aircraft must necessarily be devoted to building up a great air force for a long war - inevitably at the expense of our ability to wage a short one on an intensive scale.

"11. The first-line bomber force was particularly affected by the requirements of training. The position will show a progressive improvement during 1940, but it must be a considerable time before the real results of the war expansion programme begin to be felt. Meanwhile, the expansion of our first line can only be gradual, and, unless it proves possible by some means to increase the rate of production, could not be accelerated, save at the expense of our long-term programme and with the most serious dislocation of existing approved development measures.

"11A. The same factors apply, though not to the same extent, to the development of our fighter force. We are still gravely deficient in certain essential components of active defence, particularly fighters, both first line and reserve, and light A.A. guns.

"12. The French air situation is less satisfactory than our own, and we could not rely on any appreciable assistance from them if we were seriously attacked.

"13. Taking both offensive and defensive factors into account, it is clear that we are considerably short of the position when it would be wise for the Allies to adopt the initiative in undertaking an air offensive on an intensive scale. We should lend all our energies, regardless of cost, to accelerating our production and training programme, so as to give us greater offensive resources and improve our defensive capacity."

#### Our long-term Policy

The "Conclusions" reached were thus expressed in the same paper:-

"22. The Allies embarked upon this war incompletely prepared and in a position of dangerous weakness relative to the enemy on land and in the air. We have so far conducted it in accordance with a carefully considered and agreed policy. We have not yet reached the stage, and are unlikely to reach it this year, when we can adopt a general offensive strategy except at sea and in the economic sphere.

"23. Time, however, is on our side only if we take the fullest possible advantage of it. It is essential - particularly in view of the closer Russo-German collaboration - that we should be in a position to pass to the offensive at the earliest possible moment. We should therefore shrink from no sacrifices and from no measures, however drastic, to intensify and accelerate the building up of our resources with a view to shortening the period that must elapse before we can pass to a general offensive strategy.

"24. The lack of spectacular military events tends to create pressure to undertake projects that offer little prospect of decisive success and are calculated to impair our resources and to postpone ultimate victory. This tendency should be resisted. At the same time our object should be to harass the enemy materially and morally wherever the opportunity offers or can be created, provided that such enterprises are commensurate with our resources, and that they do not involve political and military disadvantages disproportionate to the effects likely to be achieved."

#### Bombing Instructions of 4 June, 1940

The invasion of Norway and Denmark on 9 April and of the Low Countries on 10 May, 1940, led to a re-consideration of our bombing policy, and in May the instructions issued on 22 August, 1939, referred to above, were revised after consideration by the Joint Planning Committee (J.P.(40)201) and the Chiefs of Staff (C.O.S.(40), 154th Meeting); fresh instructions were issued to all Air Officers Commanding by secret cypher signal X560 of 4 June, 1940. The new instructions were as follows (paragraph 1 was a reference to the previous instructions, now to be cancelled):-

"2. The action of armies is well established by practice. Commanders of land forces will use every reasonable precaution to avoid undue loss of civilian life by artillery bombardment.

3. Bombardment by naval and air forces is to be confined to military objectives and must be subject to the following general principles:-

/(a)

- (a) The intentional bombardment of civil population as such is illegal.
- (b) It must be possible to identify the objective.
- (c) The attack must be made with reasonable care to avoid undue loss of civil life in the vicinity of the target.
- (d) The provisions of Red Cross Conventions are to be observed.

4. The following military objectives may be attacked. (In the following categories the term 'military' is used in its widest sense to include all armed forces. These do not include merchant ships, whether defensively armed or not):-

- (a) Military forces including naval auxiliaries of whatever description and whether or not attendant on the fleet; troop transports and military supply ships whether at sea or in port.  
(Note: Areas in which all shipping can be treated as enemy transports or military supply ships will be specially notified).
- (b) Military works and fortifications.
- (c) Military establishments and depots, including barracks, camps, billets and naval dockyards; aerodromes whether designated military or civil; stores and dumps of military supplies.
- (d) Shipyards, factories and other establishments engaged in the manufacture, assembly or repair of military material, equipment or supplies, power stations ancillary thereto; fuel and oil producing plants, refineries and storage installations.
- (e) Lines of communication and transportation and means of inter-communication, serving military purposes.
- (f) Provided that the principles set out in paragraph 3 above are observed, other objectives, the destruction of which is an immediate military necessity, may be attacked for particular purposes.

5. In the case of naval bombardment of objectives in a town, warning should be given if the safety of the attacking force or the success of the operation is not jeopardised by so doing".

#### Targets specified in July, 1940

On 13th July, 1940, Bomber Command was instructed by the Air Ministry (S.46368/D.C.A.S.) to direct its operations against 15 primary targets in Germany, viz:-

5 aircraft depots

5 airframe assembly factories

5 oil plants - 2 being hydrogenation and

3 refineries.

The shaft-lock and aqueduct at Minden were to be attacked as "last resort objectives". For the medium bombers, the primary role should be

/the

the attacking of any large concentrations of barges or shipping reported to have been collected for the invasion of this country.

#### Attacks on Trains and Ports in France

On 16 July, 1940, the Air Ministry issued a further instruction in signal X.320 to Bomber Command, allowing attack on ships at anchor inside territorial waters of enemy-occupied territory or alongside in an European port in his possession. Still further instructions were issued in signal X.937 (S.46239) on 29 July, 1940, in the following terms:-

" Authority is now given to extend air bombardment policy as defined in Air Ministry signal X.560 of 4th June and amplified in regard to shipping in Air Ministry signal X.320 of 16th July to any military objectives in occupied France in addition to other countries now occupied by Germany subject to the following provisos:-

- (i) Attack of moving trains is not to be undertaken for the present.
- (ii) Attack of military establishments and depots including barracks, camps, billets and naval dockyards, should only be specifically selected for attack in cases where it has been definitely established that they are in use or occupation by Germans or Italians.
- (iii) The provision of paragraph 3 of Air Ministry signal X.560 of 4th June should be applied with especial care in the case of the attack of objectives, such as Le Bourget aerodrome, in the vicinity of large centres of population."

On 22 July, 1940, a conference on bombing policy was held at the Air Ministry and as a result a letter was sent to Bomber Command on 24 July, (S.46368/D.C.A.S.) specifying targets to be attacked. The first priority targets were the aircraft depots (with one added, making six) and airframe assembly plants specified in the letter of 13 July, and also 5 alumina and aluminium factories. The letter stated that operations against oil plants and stocks in Germany and German-occupied territory should be continued, and an appendix to the letter contained a list of such stocks and plants in German-occupied territory bordering the North Sea and English Channel. The letter stated that 3 squadrons should continue to be employed on mining, and that forest areas in Germany should be attacked in suitable weather conditions.

On 30 July, 1940, Bomber Command was sent a list of power targets which were to be attacked as alternatives to the primary targets (S.433033/D. of Plans).

/On

On 3 August, 1940, Bomber Command was asked to attack the "Gneisenau" and other warships at Kiel and the "Bismarck" at Hamburg (cypher message X573), and on 4 August another letter added a further aircraft factory (Augsburg) and an optical instrument factory (Jena) to the list of first priority targets. sent on 24 July. These two factories were included in a list of 5 factories notified to Bomber Command on 12 August, 1940, the other 3 being 2 aircraft assembly factories and 1 airscrew factory. These factories were to take the place of the original 5. The letter of 12 August (S.46358/D.C.A.S.) also stated that the oil plants at Bremen, Hamburg and Emmerich need not be attacked again at present, having been sufficiently damaged to put them out of action for a considerable time.

#### Special Targets, August 1940

On 17 and 21 August, 1940, Bomber Command was asked to make harassing attacks on the aerodromes in occupied territory from which England was being raided (cypher messages X.383 and X.927).

On 21 August, 1940, Bomber Command was informed that the Leipzig Fair was to be held on 25-29 August, and an attack on the Leuna oil plant, 15 miles to the west, and on Leipzig itself would be good propaganda (S.46368/D.C.A.S.). (A similar suggestion was made on 17 February, 1941, in letter S.46368/II/D.O. in regard to the Leipzig Fair to be held on 2-7 March, 1941).

On 4 September, 1940, 2 more aluminium plants were notified to the Command in place of those which had been included in the list sent on 24 July and, it was stated, had been successfully attacked. (S.46368/D. of Plans).

#### Berlin

The D.C.A.S. (A.V.M. Douglas) on 18 September, 1940, submitted to C.A.S. this illuminating minute (23A in S.46368. C.A.S. 3321):-

"The C.-in-C., Bomber Command proposes to carry out his large scale attack on Berlin tomorrow night, 19/20 September, provided that the wind is suitable. (The Hampdens cannot make the distance with safety if the wind is too strong, and he wants to get the whole force over on the same night). He thinks that he will have 115-120 sorties available for Berlin.

2. He wants to put some bombs down in the middle of Berlin, and the only two targets on his list in this area are the German War Office

/and

and Air Ministry. He therefore asks for approval to attack these targets.

3. I would certainly like to see some bombs go down in the middle of Berlin, but I feel that it is hardly judicious to start a "barging match" on the respective Air Ministries and War Offices. I recommend therefore that the C.-in-C., should be told not to attack these targets. May I have an early decision, please?"

The C.A.S. (Sir C. Newall) minuted in reply, also on 18 September:-

"Put some in the middle on "Railway Communications" - don't mention War Office or Air Ministry".

On 21 September, Bomber Command was instructed by cypher message K.904 to ensure that only military objectives should be attacked in operations against Berlin. "Your main effort should be directed against electrical and gas power objectives." (24A in S.46368).

#### Directive of 21 September 1940

On 21 September, also, a long Air Ministry letter (S.46368/D.C.A.S.) was sent to Bomber Command, stating that certain features of our bombing policy had recently been reviewed in the light of the future strategical situation and of the latest information available on the effect of our air offensive in Germany. As a result of the review it was directed that the greater part of our bomber effort in the immediate future must be against anti-invasion objectives - barges, ships etc. Attack on the enemy's aircraft industry was not for the moment so important, but the offensive against the aluminium plants should be continued; a list of such plants was given in an Appendix to the letter, which also listed 5 factories making Bosch ignition generators, crankshafts, airscrews and alloys, which were also profitable targets. For the time being mining should be abandoned and the three squadrons hitherto employed on it diverted to attacking the submarine organisation, especially the building yards at the northern ports, Kiel, Bremen, Hamburg, Wilhelmshaven and Stettin. A list of 16 marshalling yards with Hamm at the top, was contained in another Appendix to the letter; these were to be subjected to "a moderate scale of effort", being treated as "last resort targets in Germany in preference to aerodromes". The offensive against Germany's oil resources was still to be maintained as the basis of our longer term policy. Berlin was also to be

/raided

raided when favourable weather conditions permitted. As a result of experience afforded by the German raids on London it was considered that gas and electricity plants in Berlin and its environs were the most profitable targets, and a list of power stations, coal gas works etc. in the Berlin area was given in a fourth appendix.

On 30th September, 1940, the instructions in the letter of 21 September, above, on the anti-invasion offensive were modified by Air Ministry cypher message X.984 to Bomber Command; it said: "Although enemy concentrations of shipping in Channel ports remain, it is considered that imminence of invasion in present weather conditions has somewhat receded." Increased effort against objectives in Germany should now be made, but Bomber Command should be prepared to transfer attack to anti-invasion targets at short notice.

#### Directive of 30th October, 1940

On 30 October, 1940, a new directive was issued to Bomber Command in Air Ministry letter of that date, S.46368/D.C.A.S. This stated that the enemy, it seemed likely, had abandoned, at least temporarily, his intention to invade this country, and it was now considered important to attack the morale of the German people. Our effort should be concentrated on two principal objects - oil being the first, together with the aluminium and component factories referred to in the letter of 21 September; the other object should be the causing of heavy material destruction in large towns and centres of industry in order to "demonstrate to the enemy the power and severity of air bombardment and the hardship and dislocation that will result from it". With this object attacks should be made on Berlin whenever the weather was favourable. Other towns should also be attacked in accordance with their size, distribution and objectives contained in them.

In these attacks, the letter stated, as many heavy bombers as possible should be used, carrying H.E., incendiary and delay-action bombs, "with perhaps an occasional mine". The aim of the first sorties should be to cause fires with incendiary bombs and of the successive sorties to prevent the fire-fighting services from preventing the spread of the fires. "The objectives considered most suitable for these concentrated attacks

are the sources of power, such as electricity generating stations and gas plants, and centres of communications; but where primary targets such as the oil and aircraft industry objectives are suitably placed in the centres of the towns or populated districts, they also might be selected."

In the intervals between these heavy attacks the primary objectives should be attacked over as wide an area as possible, in order to impose A.R.P. measures and thus to interrupt work and dislocate industry. In addition, objectives in N. Italy should be attacked whenever favourable conditions occurred, and a small effort could be profitably continued against marshalling yards in Western Germany. Pending Admiralty agreement to a reduction, the effort of three heavy squadrons should continue to be diverted to mining and to occasional attacks on submarine building yards; a moderate scale of attack should be kept up against the invasion ports in the Low Countries and N. France.

Finally, the letter stated, until the air defences of this country begin to have more success against night bombers, a limited effort should be expended against the aerodromes in N. France at which our wireless interceptions or other information indicate that regular activity takes place. It was suggested that some form of "security patrol" should be carried out over these aerodromes, "particularly those to which the enemy bombers are returning, where lights to facilitate landing are most likely to be exposed".

This directive of 30 October, 1940, is very important in so far as it inaugurated the attack on the enemy's morale and authorised the causing of heavy material destruction in large towns and centres of industry, the object, as stated above, being to show the Germans how hard we could strike and the hardship and dislocation that would result from our blows. It was the natural and justifiable reply to the bombardment of London in September, 1940.

#### Targets specified in November and December, 1940

A further Air Ministry letter, dated 10 November, 1940 S.46368/II/D.C.A.S. clarifying the letter of 30 October, above, stated that Bomber Command's only primary objectives in the strict sense should be those in "the Oil Plan". "All other objectives should be regarded as secondary and, as stated in the  
/directive,

directive, should only be selected for attack when, for tactical or geographical reasons, you do not consider it is either possible or profitable to select objectives in the Oil Plan. Among these secondary objectives, priority should be given to those targets in the aircraft industry as listed in Appendix A to Air Ministry letter numbered, as above, dated 21st September, 1940". The letter of 10 November, added that the Admiralty had agreed that only one squadron should be employed on mining, but more could be used in order to train or make effective use of inexperienced crews.

In November and December, 1940, Bomber Command was requested from time to time to attack specified targets, such as the Phillips Electro-Chemical Works at Eindhoven, the submarine bases at Bordeaux and Lorient, etc. On 11 December, 1940, Fighter Command was requested, in Air Ministry letter S.7488/D.H.O., to consider the practicability and wisdom of carrying out security patrols with night-fighters over enemy's night bombing aerodromes in France and the Low Countries.

#### Christmas Lull

On 23 December, 1940, Bomber, Fighter and Coastal Commands were informed by Air Ministry letter S.46368/D.C.A.S., that the War Cabinet had decided that day that our policy should be not to launch bombing attacks against targets in Italy, Germany, or the occupied countries from dusk on 24 December to midnight on 25/26 December. If the enemy should make heavy bombing attacks on this country after dusk on 24th December the question would be reconsidered; and the action to be taken in an emergency such as the threat of invasion was in no way prejudiced.

#### Oil Plants.

On 15 January, 1941, Air Ministry letter S.46368/V.C.A.S. informed Bomber Command that its sole primary aim until further orders should be the destruction of the German synthetic oil plants. A list of 17 such plants was appended to the letter. Weather might limit the occasions on which they could be attacked, and then the offensive should be directed against the enemy's main industrial towns and communications; the towns selected

/should

should be preferably those connected with the oil industry, e.g., Magdeburg, Hanover, Bremen and Oppau. The only diversions from the operations indicated should be attacks on invasion ports when invasion seemed to be imminent, and on enemy naval forces if the Air Ministry issued special instructions.

#### U-Boats.

On 9 March, 1941, Air Ministry letter S.46368/V.C.A.S. informed Bomber Command that the Prime Minister had ruled that "for the next four months we should devote our energies to defeating the attempt of the enemy to strangle our food supplies and our connection with the United States", and that with this object we must attack the U-boats and the Focke-Wulf aircraft both on and over the sea and in their nests. A list of objectives was appended to the letter - submarine building yards and bases and long-range aircraft factories and bases. The letter stated that this new directive did not entirely exclude attacks on the primary objectives given in Air Ministry letter of 15 January, 1941, above, against which a proportion of the bombing effort should continue to be employed. The list of (submarine) plants appended to the letter of 9 March was amended in a further letter of 18 March, 1941, S.46308/D.C.A.S.

#### Targets in Northern France.

On 27 June, 1941, Air Ministry letter S.46368/D.C.A.S., forwarded to Bomber Command a list of 12 targets in N. France suitable for attack in daylight with fighter cover. They were mainly power stations (8) but some railway centres (4) were also included. This letter was modified by another on 3 July, which stated that a new list of targets should be given priority to that sent on 27 June. The new list was one of factories in the Pas de Calais area known to be working for the Germans; attack on them would both induce the German fighter aircraft to accept combat and might cause serious internal trouble, embarrassing to the Germans, among the Communist workers. The letter of 3rd July, 1941, added that leaflets warning the French workers to keep away from factories working for the Germans had recently been dropped over the area in question.

/Help

### Help for Russia

On 8 July, 1941, Air Ministry letter S.46368/V.C.A.S., transmitted to Bomber Command an Air Staff Memorandum on "the present strategical situation as it is affected by the German-Soviet air war". Bomber Command was requested to use the general strategical principles outlined as a guide in the planning of the current daylight operations. The memorandum stated that, in order to assist Russia by forcing Germany to withdraw fighters from the eastern front, we should increase and sustain our offensive against targets in the Lille and other areas, but we should also attack vital industries in N.W. Germany, especially by daylight.

### Attack on Transportation and Morale

On the following day, 9 July, a further letter was sent to Bomber Command, S.46368/D.C.A.S., enclosing as an appendix an "Outline Plan of Attack on German Transportation and Morale". This "Plan", before detailing the actual targets to be selected, stated:

"It is accepted as a principle in this plan that the successful attack of a specific target at night can only be undertaken in clear moonlight. It follows, therefore, that for approximately  $\frac{3}{4}$  of each month it is only possible to obtain satisfactory results by heavy, concentrated and continuous area attacks of large working class and industrial areas in carefully selected towns. It is further accepted that it is a matter of the greatest difficulty to find selected targets on moonless nights unless they lie on or near water, and failure to deliver the maximum weight of attack results in dispersion of effort and loss of the desired moral effect."

The list of targets to be selected was as follows:-

#### Primary targets:

Specific railway targets, suitable for attack on clear moonlight nights only

Hamm, Osnabruck, Sonst, Schwerte, Cologne (Kalk Nord), Cologne (Gereon), Duisburg (Hoehfeld Sud), Dusseldorf (Derrendorf), Duisburg-Ruhrort.

"These nine railway centres form a ring round the Ruhr-Rhine area and their complete stoppage would virtually isolate the area."

Targets on water suitable for concentrated and continuous area attack on moonless nights

The railway centres, above, at Cologne, Duisburg and Dusseldorf

/were

were suitable for this kind of attack, "as they lie in congested industrial towns, where the psychological effect will be the greatest."

Inland canal and river targets connecting Ruhr-Rhine area to north-west, central and southern Germany

Dortmund-Ems and Ems-Weser canals.

River Rhine.

Road Transport

"The greatest interference with road transport can be achieved by reducing the German output of synthetic rubber, on which the Germans are almost entirely dependent. The only two main factories producing this commodity are at:-

(A) Schopau

(B) Huls. "

Secondary targets

Targets selected for attack when weather conditions are unsuitable over the primary targets, also to prevent too great a concentration of A.A. and night-fighter defences in the Ruhr-Rhine area.

Hamburg, Bremen, Hanover, Frankfurt, Mannheim, Stuttgart.

The "Plan" finally gave some estimates of the effect of attack on railway centres; summarised very briefly, it was that, on the law of averages, 112 out of 675 H.E. bombs (500 lb.) and 1,874 incendiary 4 lb. bombs out of 11,250 aimed might be expected to fall in the target area, and 50 per cent of these would hit vulnerable points. The average load of bombs per aircraft was taken as approximately 1½ tons.

The "Plan" of 9 July, 1941, marks an important stage in the development of our bombing policy in so far as it outlined a programme of area attacks on centres of population on moonless nights, when precision attacks on individual targets were not practicable. A number of towns in the Ruhr and elsewhere were specified as suitable for attacks of this kind; they were all "congested industrial towns where the psychological effect will be greatest".

On 22 July, 1941, Air Ministry letter number S.46368/D.B.Ops., to Bomber Command, made an addition to the "Inland canals and river ports...." detailed in the "Plan" above, that is, the Dortmund-Ems and Ems-Weser canals and the River Rhine. The addition was the port of Emden, which was important in connection with Germany's iron ore supplies from Sweden; the Dutch town of Delfzijl lay on the south side of the river and should be included in the attack. "In the case of Emden the attack of the town itself will have an important psychological effect which will react on the efficiency of the port."

#### Targets specified in July-August, 1941

On 22 July, 1941, also, another Air Ministry letter, under the same reference number, was sent to Bomber Command, enclosing a supplementary list of targets in enemy-occupied territory requiring deeper penetration than those notified in the previous letters of 27 June and 3 July, quoted already. The list included a large number of factories, power stations and railway centres, all important to the Germans, in France and Belgium.

On 30 August, 1941, Air Ministry letter number S.46368/D.C.A.S., sent Bomber Command a list of 21 smaller towns on the main railway routes from western to eastern Germany and stated that the aim of the attacks should be twofold:

- (1) to dislocate traffic by attacking a number of towns on the same route on the same night, and
- (2) to spread our offensive and thus affect morale.

The operations, it was added, would have the tactical advantage of enabling our attacks to be made in less heavily defended areas and of forcing on the enemy a wider dispersion of their resources. A further town, Schweinfurt, was added to the list by Air Ministry letter of 11 September, 1941, S.46368/D.B.Ops; this town, it was stated, had a peculiar importance of its own, being one of the principal centres of the ball-bearing industry.

#### Incendiary Bombs

On 29 September, 1941, Air Ministry letter number S.46368/II/D.C.A.S. forwarded to Bomber Command an Air Staff paper, dated 23 September, on

/ "The

"The Value of Incendiary Weapons in Attack on Area Targets", and requested that any favourable opportunities should be taken to apply the technique suggested. The paper began by stating that hitherto we had relied mainly upon the H.E. bomb, the incendiary being considered complementary only. Experience showed, however, that it was necessary to improve upon our technique. Our aim was twofold, namely, to make the town attacked physically uninhabitable and to make the people conscious of constant personal danger. Greater destruction was caused by incendiaries than by high explosives in the raids upon England; our raids with incendiaries had been less effective because they had been insufficiently heavy or concentrated in time.

Our incendiary bomb weighed 4 lb. as compared with the German 2 lb. so that an enemy bomber of comparable capacity could carry a greater number than one of ours, and the greater number carried meant more fires caused. We should aim at carrying 25000/30000 incendiary (4 lb.) bombs in each raid, so as to swamp the fire-watchers and the fire-fighters. The load of incendiaries should be dropped in a short time and in the early stages of the attack. This fire-raising attack should be followed by the main H.E. attack, which should be aimed into and around the areas of the principal fires, but H.E. should also be dropped in the opening raid to force people to take cover and to damage water mains. The 250 lb. G.P. bomb was heavy enough to damage all types of water mains. Attacks should be staged on 3 or 4 successive nights so as to reduce the chances of recovery between raids.

On 4th October, 1941, Air Ministry letter S.46368/D.C.A.S., at Admiralty request, asked Bomber Command to take any opportunity for attacking the submarine bases at St. Nazaire, Lorient and Brest, without affecting the priority laid down in the letter of 9 July, quoted already.

On 16 October, 1941, the Air Officer Commanding-in-Chief, Bomber Command (Air Marshal Peirse) addressed to the Air Ministry a letter commenting on the Air Staff paper sent to him on 29 September. He agreed with its conclusions as to the value of incendiary weapons in attack of target areas but challenged some of the statements of fact. It was not quite true to say that we regarded any increase in the weight of incendiaries as an encroachment

on the useful load; on the contrary, Bomber Command had long been convinced of the importance of large-scale incendiary attack and had used a steadily increasing proportion of incendiaries.

In reply to Air Marshal Peirse's letter, Air Ministry letter of 25 October, 1941, S.46368/II/D.C.A.S., pointed out that the Air Staff paper forwarded on 29 September was not intended to suggest that the value of incendiary weapons had not been appreciated, but merely to show the trend of thought on the subject and to serve as an introduction to the technique suggested. "The whole question of area attack is undergoing further investigation", the letter of 25 October stated, "in preparation for the time when the weight of our offensive is judged to be sufficient to direct the whole effort primarily against the enemy morale". It was desired with this object to try out the suggested technique at the earliest possible moment; the result might be the modification of aircraft to carry heavier incendiary loads. The letter enclosed as an appendix an outline plan of incendiary attack upon a selected town.

#### Technique of Incendiary Attack

The outline plan envisaged an attack by two waves of bombers -

- (1) an initial fire-raising party of about 40 Stirlings, Manchesters and Halifaxes, and
- (2) a main force of 300 Wellingtons, Hampdens and Whitleys.

The first party would drop about 30,000 4 lb. incendiaries and the main force about 73,500 more; the 30,000 would be dropped on the target area within a space of 20 minutes, in salvo, the object being to saturate the fire-fighting organisation and to raise a fire of such size and **intensity** as to be impossible to simulate by decoys. The 73,500 incendiaries would be dropped in stick and would include some incendiary bombs with an explosive content; a number of 500 lb. and/or 250 lb. G.P. bombs would also be dropped by the main force for the purpose of:

- (1) cracking water mains,
- (2) encouraging the spread of fires by the passage of air through holes and broken windows, and

(3) adding in general to the difficulties of fire fighting.

The main force should arrive over the target 45 minutes after the initial fire-raising party had left the area. The attack should be repeated, if possible, on the following night.

This plan of 25 October, 1941, anticipated in some degree, it will be seen, the technique of the Pathfinder Force, instituted in the summer of 1942. "The Success of the Plan", it was stated, "will depend on the skill and determination shown by the crews of the initial party in finding their targets and pressing home their attack."

On 19 December, 1941, a signal No. X.355, was sent by the Air Ministry to Bomber Command stating that "entry of Japan into war and their (sic) early success against capital units of United States' fleet has made destruction or neutralisation of enemy capital units matter of highest priority present situation. Maximum effort up to 50 sorties within tactical conditions should be made against these units every night when weather is sufficiently favourable."

#### Night Attack on French Factories.

On 5 February, 1942, Air Ministry letter No. S46368/D.C.A.S. informed Bomber Command that the War Cabinet had reconsidered the policy for the attack of factories in occupied France and agreed that these factories might now be bombed at night with the object not only of destroying them but of discouraging French labour from contributing to the German war effort and of demonstrating to the French people the offensive power of our bomber force. Attacks should be made on the following four factories, with the priority stated:-

- (1) Renault motor and armament, Billancourt;
- (2) Gnome and Rhone, Gennevilliers;
- (3) Ford, Poissy;
- (4) Aircraft works, Villacoublay.

The attack on the first should be combined with a full scale trial of the flare technique. The letter stated:-

"I am to emphasise the fact that the primary object of these operations is the total destruction of the industrial plants as an

/indication

indication of the fate which awaits those industries in occupied territory which continue to work for the enemy. It is recognised that incidental loss of life to French workers and civilian employees must to some extent be unavoidable, but much of the value of the attacks will be lost and our prestige and goodwill amongst the French population will suffer if a large number of French civilians are killed while the target we are attacking is not decisively damaged.

I am to emphasise, therefore, the need for careful planning and co-ordination of the attacks and for extreme care by all crews in the actual aiming of the bombs in order that there may be no suggestion of indiscriminate bombing and that the effectiveness of our striking power may be convincingly demonstrated."

With this letter of 5 February there was sent to Bomber Command a memorandum by the Research and Experiments Department (F Division) of the Ministry of Home Security. This stated, inter alia: "Incendiary attack remains by far the most efficient method of destroying the majority of industrial plants. So far as the contents factor is concerned, this covers all textile, food, chemical, paint, rubber and woodworking plants, as well as those purely engineering plants where combustible materials are used (e.g. aircraft works) regardless of their construction". It stated also: "It is not uncommon for large British engineering factories to be in full production within one week of receiving from four to ten direct hits with H.E. bombs, though the damage may at first look spectacular, especially in an air photograph. To destroy effectively large shed-type reinforced concrete structures, it is necessary to use large bombs, say 1,000 lb. and upwards. The aim should be to generate intense internal blast pressures; the blast of small bombs, specially those under 500 lb. is liable to be dissipated in a large interior and fail to bring down the roof panels."

#### TR.1335 and Bombing Targets.

On 14 February, 1942, Air Ministry letter No. S46368/D.C.A.S. was sent to Bomber Command with new instructions in regard to the selection of Bombing targets. The purpose of the letter, it was stated, was to enable Bomber Command to make the offensive fully effective on the introduction of TR.1335 equipment ("Gee") on operations; the introduction of it was

/referred

referred to as "a revolutionary advance in bombing technique", the advantages of which should be exploited to the full before the enemy could develop counter-measures. Only a relatively small proportion of our bombing force could be equipped "during the estimated effective life of T.R.1335 as a target-finding and blind bombing device", and it was of the first importance that tactical methods to assist the remainder of the force should be developed. The letter enclosed two annexes, detailing a number of specific targets within the anticipated range of the TR.1335 equipment (350 miles from Milderhall) and also a number of targets beyond that range. In addition to these targets, attacks on factories in France were to be undertaken in accordance with Air Ministry letter S4636/D.C.A.S. of 5 February, 1942, quoted already.

The primary industrial areas within range of TR.1335 were Essen, Duisberg, Dusseldorf and Cologne, and the alternative areas within range were Bremen, Wilhelmshaven and Emden. Alternative industrial areas beyond TR.1334 range were Hamburg, Kiel, Lubeck, Rostock, Berlin, Kassel, Hanover, Frankfurt, Mannheim, Schweinfurt and Stuttgart. Precise targets within TR.1335 range were Huls synthetic rubber works, Quadrath power station, Nordstein and Buer synthetic oil plants (Gelsenkirchen) and the Braunkohlen works at Wesseling. Precise targets beyond TR.1335 range were the Schopau synthetic rubber works at Merseburg, the U.D.M. airscrew works at Frankfurt, the Bosch works at Stuttgart and the I.G. Farben synthetic oil works at Merseburg.

#### "Circus" Operations.

On 13 March 1942, Fighter Command was instructed in Air Ministry letter S.46368/D.C.A.S. to resume its daylight "Circus" operations against power stations and industrial targets in France. "The general policy underlying these operations" it was stated, "will be to send escorted bombers to attack important objectives with the object of inducing German fighters to accept combat with out own covering fighter forces." In this way we shall inflict casualties in the fighting whilst the additional flying which is

/forced

forced upon the enemy will increase normal wastage. The bomber and fighter operations are therefore to be designed with these aims in view." The letter enclosed a list of priority targets for "Circus" operations - 9 power stations and 5 factories, all in France within 120 miles radius.

#### Targets in France, Belgium and Holland.

The letter of 13 March was supplemented by another of 7 April, S.46368/D.C.A.S. which forwarded to Fighter Command (copy to Bomber Command) a much longer list of possible targets in France, Belgium and Holland. It included power stations, ports, marshalling yards, aircraft repair works and other industrial works (engineering, chemical, locomotive etc.). Notes covering the list stated that the selection of the targets had been governed to some extent by their geographical situation in relation to built-up areas; the Voltol Plant, at Ghent, for example, was excluded because it was situated in the midst of a built-up area. Power stations were to be regarded as the primary objectives.

#### German Aircraft Factories.

On 5th May 1942, Air Ministry letter S.46368/D.C.A.S. informed Bomber Command that every effort should be made to reduce the output of aircraft factories and particularly those producing fighter aircraft. For this purpose, when choosing alternative targets under the directive in Air Ministry letter of 14 February, 1942, quoted already, Bomber Command should give special consideration to the attack of Bremen, Kassel, Frankfurt and Stuttgart, and as precise targets, factories making propellers and injection pumps. The aircraft factories at Augsburg, Regensburg, Leipzig, Wiener-Neustadt and Warneumunde, all making Me.109's and 110's, in addition to the factories at Kassel and Bremen, should also be attacked.

#### Targets in Occupied Territories.

On 25 May, 1942, Air Ministry letter S/46368/III D.B.Ops., forwarded to Bomber Command a list of 8 engineering and other works in Belgium (4), Holland (2) Denmark (1) and Norway (1), supplementing the list of targets

in France sent with the letter of 5 February, 1942, quoted already. The letter of 25 May said: "Such attacks must be planned with the object of avoiding, as far as possible, loss of life to the inhabitants of the areas attacked. It is appreciated that the location of certain of the selected targets is such that some loss of life is bound to occur, but no effort should be spared to keep this to an absolute minimum. In carrying out these attacks the following conditions are to be observed:-

- (i) The attacks are to be only under favourable weather conditions
- (ii) Experienced crews only are to be employed.
- (iii) Bombs are not to be released in the target area unless the target can be clearly identified on the bombing run."

The Norwegian, Dutch and Belgian Governments were consulted before any of the targets, above, were bombed, and they had no objection to the proposal. (Enclosures 40A-42A in S.46368/III).

On 2 June, 1942, the Air Officer Commanding-in-Chief, Coastal Command, suggested that Bomber Command should undertake the destruction of harbour facilities at the five main ports in Western France from which U-boats operated, these being Brest, Lorient, St. Nazaire, La Pallice and Bordeaux. Air Chief Marshal Sir P.B. Joubert in submitting this proposal said: "It is known that at several of these ports very strongly protected pens have been built to shelter the U-boats themselves against air bombardment so that no real measure of success can be obtained by direct attack. If, however, these harbours were subjected to the scale of attack such as has been recently imposed upon large German cities all light, water, power, sanitation and feeding resources would be completely blotted out and could not be restored within a matter of months. It is realised that there may be serious political objections to attacking French cities in this manner, but it is thought that the situation on the American coast is so serious, due to the heavy rate of sinkings of merchant ships, that we cannot wait either for American counter-measures or for the slow process of attrition now being carried

/out

out by Coastal Command's aircraft to produce the decisive result".

61A in  
CMS.330

On 12 June, 1942, the Secretary of State stated in a minute to Vice-C.A.S.: "If the Air Staff were convinced that by bombing the French submarine bases we could reduce enemy submarine activity to manageable proportions, I should feel bound to ask the War Cabinet to consider whether it would not be worthwhile to incur the political odium of these operations in order to achieve a military object of such great importance. Unless, however, the Air Staff is convinced that the military object can be achieved, I agree that it would be useless to ask the Cabinet to embark upon a policy of ruthless attacks on French towns".

The Air Staff reached the conclusion that the desired military object could not be achieved by the form of attack prepared and the A.O.C.-in-C., Bomber Command, concurred in this view. Coastal Command was informed accordingly on 19 June, 1942, S.46239/II/A.C.A.S. (Ops).

#### Citroen and Schneider Works.

On 11 July, 1942, the Chief of the Air Staff submitted to the Secretary of State for Air a minute asking for authority to make night attacks on two important factories in France - the Citroen, at Paris, and the Schneider works at Le Creusot. The minute stated that we had dealt fairly effectively in night attacks with the Renault works at Billancourt, the Matford Works at Poissy, and the Gnome and Rhone works at Gennevilliers; and we were going to attack the Gien Ordnance Depot at night, under authority already given. The Citroen plant was closely bounded by built-up areas on two sides, but in good weather conditions and with selected crews it should be possible to carry out an effective attack. Permission had been given for daylight attack on the Schneider works at Le Creusot but we wished to attack at night, because the weight of attack by day could not do decisive damage and would result in a strengthening of the defences, an attack on the heaviest scale was  
/desirable

desirable, and in good weather conditions an accurate night attack could be made without undue loss of life to Frenchmen. Sir A. Sinclair approved and submitted to the Prime Minister on 16 July, 1942, the proposal that the two targets should be attacked by night on condition that only experienced crews were employed, that the targets were attacked only in really favourable weather conditions and the crews brought back their bombs if they could not identify the target with a reasonable degree of certainty.

(Enclosure 54A in S.46368/III). The Prime Minister approved on 17 July, 1942, and on 20 July, 1942, Bomber Command was requested by Air Ministry letter S.46368/III/A.C.A.S. (Ops) to consider industrial targets in France in the following revised order of priority - (i) Le Creusot, (ii) Citroën, (iii) Gien. The letter stated that as the first two works were in the closest proximity to built-up areas, night attack upon them entailed the risk of political embarrassment and should not be attempted unless the conditions laid down by the Secretary of State could be fulfilled.

Bomber Command, replying on 29 July, 1942, stated that a very small number of tanks was at present being assembled at Gien and the depot was very difficult to find, so that it was not considered worth attacking. Air Ministry letter of 31 July, 1942, S.46368/III/A.C.A.S. (Ops.) replied that the attack on Gien should be held in abeyance.

#### Sir A. Harris on the Oil Plan.

A letter from Sir A. Harris, A.O.C., -in-C., Bomber Command, dated 10 September, 1942, is of interest for the light it throws on the question of bombing oil plants in the Ruhr. He had been requested to attack the hydrogenation plant at Pöchlitz and was asked at the same time whether this should not be followed up by attacks on the two Gelsenkirchen plants, which were within T.R. 1335 range. He replied that attack on the latter plants would be waste of time. "They are both very small and difficult to find in the smoky and hazy atmosphere of the Ruhr. I do not believe that we have ever succeeded in damaging them and thousands of sorties have been wasted in the attempt. There is so much crying out to be done that we know

/we

we can do successfully that I am very much against this suggestion. If we have learnt anything, we have learnt that only under very exceptional conditions can the best crews find these small individual factories in the Ruhr industrial area, and then only if luck attends their efforts."

(Enclosure 73A in S.46368/III). The Secretary of State, whose suggestion it had been, agreed on 17 September that the Gelsenkirchen raid be deferred.

#### Attacks on Trains in Low Countries.

On 7 October, 1942, Air Ministry letter No. S3319/A.C.A.S. (Ops.) informed Bomber and Fighter Commands (copy to Army Co-operation Command) that agreement had now been reached with the Belgian and Dutch Governments to extend the existing authority for the attack on trains in their respective countries to allow such attacks:-

- (i) by day on goods trains over all the transportation systems of Belgium and Holland;
- (ii) by night on the whole transportation system of Belgium and on that of Holland south of the River Waal-Rhine between 2300 and 0400 hours, British summer time;

No attack was to be made by night on trains in Holland north of the Waal-Rhine; the railway there was electrified and specialised to the local suburban traffic, and attacks might involve considerable risks to the civilian population. No restriction was imposed on attack on barge traffic. Warnings would be broadcasted to the Belgian and Dutch people as soon as the first attacks had been made.

#### Raids on Italy.

On 3 December, 1942, the Prime Minister directed that "the heat should be turned on Italy ..... but Germany should not be entirely neglected." To comply with this direction, an Air Ministry letter, S.46368/III/A.C.A.S. (Ops.) was sent to Bomber Command on 17 January, 1943, stating that for the time being first priority in the strategic bombing offensive should be given to the attack of industrial centres in Northern Italy whenever weather conditions permitted. This priority was to be subject, however, to the proviso that no opportunity should be missed of

/attacking

attacking important German targets in favourable weather. Consequently, operations against Italy were not to prejudice (i) any attack which was being planned against Berlin, and (ii) any concentrated attack of the order of 200 sorties or over which suitable weather might allow to be made against important targets in Germany. The principal objectives in Italy should be the industrial centres of Milan, Turin and Genoa. The feasibility of attacking Spezia should also be examined but violation of Swiss territory must be avoided.

#### Bombing of U-boat Bases in France

The question of bombing U-boat bases in France was raised again later in 1942, when the Foreign Secretary informed the Prime Minister in a minute of 18 November that he agreed to the bombing of them provided it was precision bombing and not devastation. The Air Staff view, however, was that a combination of precision bombing with area bombing was necessary and the question was re-submitted to the War Cabinet, who on 11 January, 1943, approved a policy of area bombing of the bases in question. Bomber Command was informed on 14 January, 1943 (S.46239/II/A.C.A.S. (Ops)) that the bases at Lorient, St. Nazaire, Brest and La Pallice should be subjected to "a maximum scale of attack at night with the object of effectively devastating the whole area in which are located the submarines, their maintenance facilities and the services, power, water, light, communications etc., and other resources upon which their operations depend". Lorient should be initially attacked and the results analysed before the operations were continued. The operation should be given first priority but was not to prejudice any attack which Bomber Command might be planning against Berlin, or any concentrated attack (interpreted as one of 200 sorties or more) which suitable weather might enable to be made against important objectives in Germany and Italy.

On 23 January Bomber Command was informed (S.46239/II/A.C.A.S. (Ops)) that the War Cabinet had now decided that there should be no pause to assess results of the attacks on Lorient before other U-boat bases in the Bay of Biscay were subjected to area bombing.

/Sir Arthur

### Sir Arthur Harris's Objection

Bomber Command in letter of 27 January, 1943 (BC/S, 23746, C.-in-C.) protested against the proposed operation against the four U-boat bases on the ground that it could not achieve the intended object. Air Marshal Sir Arthur Harris's view was that the attack on Lorient, already then in operation, would merely leave the town destroyed; the submarine pens, being concrete shelters, would not be destroyed, and the maintenance of them could easily be arranged by utilising roads and a few motor vehicles. He suggested that "these intended operations are ill-conceived and will be ineffective against the enemy, while being fraught with serious results to ourselves both in regard to the diminution of our attack on worthwhile targets elsewhere and in regard to their effect upon the most friendly elements of the French population".

The Secretary of State for Air decided, however, that the attack on the four Biscay ports for which the Admiralty had asked should continue; he did not think an appeal to the Cabinet against that decision would succeed. We must wait until we had evidence about the effect of the attack on Lorient (minute by S. of S., dated 31 January, 1943 in S.46329 (No. amended later to C.I.S.330)).

The attack on Lorient (and on St. Nazaire, which was also subjected to two heavy attacks on March, 1943) did not succeed in reducing the U-boat operations from that bases in as great a degree as had been hoped, and on 6 April, 1943, an Air Ministry letter directed Bomber Command to discontinue this form of attack as its main bomber effort; night attacks of a harassing nature were still, however, to be carried out against the Biscay U-boat bases when suitable opportunities occurred. A letter in generally similar terms was sent on 7 April to the Commanding General, 8th (U.S. Army) Air Force, who was asked to attack vulnerable points in the U-boat servicing systems at those bases, and to concentrate first on the destruction of the turn-table and slipway at Lorient.

/Directive

Directive of 21 January, 1943

Meanwhile, the Combined Chiefs of Staff at Washington had approved on 21 January, 1943, a Directive to govern the operation of the British and United States Bomber Commands in the United Kingdom. This informed the two Commands, to whom it was sent in Air Ministry letter of 4 February, 1943, C.S. 16536/A.C.A.S. (Ops.):-

"Your primary object will be the progressive destruction and dislocation of the German military, industrial and economic system, and the undermining of the morale of the German people to a point where their capacity for armed resistance is fatally weakened.

2. Within that general concept, your primary objectives, subject to the exigencies of weather and of tactical feasibility, will for the present be in the following order of priority:-

- (a) German submarine construction yards.
- (b) The German aircraft industry.
- (c) Transportation.
- (d) Oil plants.
- (e) Other targets in enemy war industry.

The above order of priority may be varied from time to time according to developments in the strategical situation. Moreover, other objectives of great importance either from the political or military point must be attacked. Examples of these are -

- (i) Submarine operating bases on the Biscay coast. If these can be put out of action, a great step forward will have been taken in the U-boat war which the C.C.S. have agreed to be a first charge on our resources. Day and night attacks on these bases have been inaugurated and should be continued so that an assessment of their effects can be made as soon as possible. If it is found that successful results can be achieved, these attacks should continue whenever conditions are favourable for as long and as often as is necessary. These objectives have not been included in the order of priority, which covers long-term operations, particularly as the bases are not situated in Germany.
- (ii) Berlin, which should be attacked when conditions are suitable for the attainment of specially valuable results unfavourable to the morale of the enemy or favourable to that of Russia.

3. You may also be required, at the appropriate time, to attack objectives in Northern Italy in connection with amphibious operations in the Mediterranean theatre.

4. There may be certain other objectives of great but fleeting importance for the attack of which all necessary plans and preparations should be made. Of these, an example would be the important units of the German fleet in harbour or at sea.

5. You should take every opportunity to attack Germany by day, to destroy objectives that are unsuitable for night attack, to sustain continuous pressure on German morale, to impose heavy losses on the German day fighter force and to contain German fighter strength away from the Russian and Mediterranean theatres of war.

6. When the Allied armies re-enter the Continent, you will afford them all possible support in the manner most effective.

7. In attacking objectives in occupied territories, you will conform to such instructions as may be issued from time to time for political reasons by His Majesty's Government through the British Chiefs of Staff."

#### Bombing of Urban Areas in France

The final paragraph of this Directive referred, it will be seen, to operations against targets in occupied countries. Some unfortunate incidents happened in connection with such operations, and on 21 April, 1943, the C.A.S. wrote to Major General Ira C. Eaker on the subject of the avoidance of a recurrence. He stated that the matter was discussed at a Cabinet Meeting on 20 April, when the Foreign Secretary stressed the danger of our creating a strong anti-Allied feeling, especially among the French people, if the present scale of civilian casualties from Bombing was to continue. "I am sure", said Sir Charles Portal, "that the high standard of accuracy achieved by your bomber crews in recent operations is generally realised. It is clear, however, from the diagrams which we recently examined in connection with your new plan that in spite of this standard of accuracy, high altitude bombing in heavily populated areas must inevitably result in considerable civilian casualties. We can accept this fact in attacks on Germany, but we cannot accept it in enemy occupied countries unless the objective is of outstanding economic or military importance".

Major General Eaker directed the 8th Bomber Command on 22 April, 1943, "to carry out the spirit of the directive as announced in Air Chief Marshal Portal's letter".

#### Air Staff Memorandum November, 1943

A memorandum prepared by the Air Staff and concurred in by the

/Foreign

Foreign Office, in November, 1943, gave a clear account of the principles governing air attack on targets in French territory. Some of these targets were in densely populated areas and the general policy was to refrain from bombing them except in cases of special importance. An example was quoted in the memorandum:-

"Naval targets of particular importance appeared recently in the harbour of Nantes. These targets consisted of a large U-boat supply ship and several vessels which the enemy evidently intended to use as blockade runners. The existing instructions regarding the bombing of targets in enemy occupied territory would have precluded the carrying out of an attack on these targets owing to the serious risk of damage to populated areas. The outstanding importance which was attached to these targets, however, compelled the Chiefs of Staff to waive the existing rule and to authorise a daylight attack to be made with heavy bombers. The results were as feared, and serious damage and most regrettable loss of life were occasioned in parts of the city of Nantes. At the same time the object of the attack was achieved and most of the above-mentioned vessels were sunk, together with a floating dock upon which much of the enemy's naval activity in the Bay of Biscay was based."

The memorandum stated also:

"Especially care is invariably taken to minimise in every possible way the casualties to the civilian population which may be caused by attacks on objectives in France.

- (i) Repeated warnings both by wireless and by leaflet are given, wherever possible, of these attacks.
- (ii) Special orders and briefing are given to crews taking part in these attacks, imposing on them the obligation to exercise the utmost possible care.
- (iii) Targets in populous areas are avoided unless their military and economic significance is of paramount importance.
- (iv) The use of delay action bombs has recently become possible in certain cases, and appropriate warnings to the civilian population have been issued."

Spezia: Sir A. Harris's View.

On 20 February, 1943, Air Ministry letter No. S.46368/III/A.C.A.S. (Ops.) informed Bomber Command that the Admiralty had asked that a heavy attack should be made on the Italian naval base at Spezia. If possible, the Admiralty should be informed in advance, so that submarines could be disposed outside the port, to attack battleships which tried to leave. Sir A. Harris, A.O.C.-in-C., Bomber Command, replied on 4 March, objecting vigorously to the proposal, which he considered "ill-advised and in-

/consistent

consistent with the agreed policy as to the proper employment of our Bomber Force." "The request", he said, "is only one of a number of such proposals for diverting effort from our main objective, Germany, which have recently been received". Experience of the attacks on the Scharnhorst and Gneisenau at Brest suggested that the chances of doing serious damage to the naval units at Spezia in a single attack would be negligible. Advance notice could not be given as requested by the Admiralty.

Air Ministry letter of 13 March, 1943, S.46368/A.C.A.S. (Ops.) to Bomber Command amounted to a "climb-down". It asked that if Bomber Command did plan an operation against Spezia, as much notice as possible should be given to the Admiralty.

#### Targets in Occupied Countries.

Air Ministry letter of 6 May 1943, S.46368/III/A.C.A.S. (Ops.) to Bomber Command, stated that in view of the unfavourable reactions which had arisen in connection with casualties to civilians in the bombing of targets in occupied countries, the targets to be attacked in "Circus" operations had been reviewed, and some which closely adjoined built-up areas and were not of sufficient importance to justify the risk of casualties to civilians involved in their attack had been eliminated. The revised list was sent with the letter.

In Air Ministry cypher message AX/7 dated 21 May, 1943, (copy at 103A in S.46368/III) to Bomber Command, in which authority was given for attack on four plants in France (Le Creusot, Gennevilliers, Renault and Villacoublay), these conditions were laid down:-

- (1) only reliable and experienced crews to be employed;
- (2) attack only in clear and favourable weather;
- (3) all possible precautions to be taken to minimise civilian casualties.

The first two conditions had been laid down in the Air Ministry letter of 25 May, 1942, already quoted; condition (3) was different, replacing a former one directing bombs not to be released unless the target could be clearly identified on the bombing run.

/Directive

Directive of 10 June, 1943

A Directive dated 10 June, 1943, S.46368/IV/A.C.A.S.Ops, re-affirmed the primary object of the combined Bomber forces as "the progressive destruction and dislocation of the German military, industrial and economic system, and the undermining of the morale of the German people to a point where their capacity for armed resistance is fatally weakened". It also assigned the American heavy bombers the following priority targets:-

Intermediate objective - German fighter strength.

Primary objectives      - Submarine construction yards and bases.  
                                 Remainder of German Air Force industry.  
                                 Ball-bearing industry.  
                                 Oil.

The Directive stated that "while the forces of the British Bomber Command will be employed in accordance with their main aim in the general disorganisation of German industry, their action will be designed as far as practicable to be complementary to the operations of the Eighth Air Force."

It was further laid down the latter operations should be directed to:

- "(i) the destruction of German airframe, engine and component factories and the ball-bearing industry on which the strength of the German fighter force depends;
- (ii) the general disorganisation of those industrial areas associated with the above industries;
- (iii) the destruction of those aircraft repair depots and storage parks within range, and on which the enemy Fighter force is largely dependent;
- (iv) the destruction of enemy fighters in the air and on the ground."

The British Fighter Command's task, consistent with the needs of the air defence of the United Kingdom, would be to further the general offensive above directed by:

- "(i) the attack of enemy aircraft in the air and on the ground;
- (ii) the provision of support necessary to pass bomber forces through the enemy defensive system with the minimum cost."

"American fighter forces will be employed in accordance with the instructions of the Commanding General, Eighth Air Force, in furtherance

/of the

of the bomber offensive and in co-operation with the forces of Fighter Command."

#### Aircraft Factories and Depots in Occupied Territory.

Aircraft factories, depots and parks in France, Belgium and Holland fell within the scope of the directive of 10th June, 1943. Before they were attacked, leaflets were dropped in the towns containing such targets, warning the French, Belgian and Dutch people to remove themselves from the vicinity of the targets. The instructions issued to Bomber Command authorised bombing by day only (see enclosures 26A and 30A in S.46368/IV). Attack by night during the moon period upon four specific targets were authorised, however, by Air Ministry letter of 10th September, 1943, to Bomber Command. The targets were three airfields in France from which Ju.88's and long-range fighters of the German Air Force operated against our anti-submarine patrols in the Bay and to the west of Spain, and the rubber tyre factory at Montlucon. (40A in S.46368/IV). A fifth target - the aero-engine repair and assembly factory at Limoges - was added by Air Ministry letter of 15th September and three more were added by letter of 10th September, 1943 - an aero-engine and components and M.T. factories at Woippy near Metz and in Lyons (41A and 44A in S.46368/IV).

#### Schweinfurt.

In December, 1943, semi-official correspondence took place between the D.C.A.S. (Air Marshal Bottomley) and the C.-in-C., Bomber Command (Air Chief Marshal Harris) on the subject of an offensive against the ball-bearing industry in Germany. The 8th Air Force had made a very successful attack on that industry's most important centre, Schweinfurt, on 14th October, 1943, and Bomber Command, it was suggested, could complete its destruction by a night attack. Sir A. Harris dissented vigorously. He stated in his letter of 20th December, 1943, that he did not regard a night attack on Schweinfurt as a reasonable operation of war. It was an extremely small target, difficult to find, and very highly defended. It was pre-eminently a job for the U.S. Bomber Command, not the British. He

/expressed

expressed strong views about the bombing of special targets of this kind - "Panacea" targets, the destruction of which was always going to reduce Germany to extremities but never did so. (64A in S.46368/IV).

Nevertheless, after submission to and approval by the C.A.S. and the S. of S. for Air, an Air Ministry letter was sent to Bomber Command on 14th January, 1944 (S.46368/IV/D.C.A.S.), stating that "it is particularly important that you should do your utmost to destroy at as early a date as possible the town of Schweinfurt and the ball-bearing factories which it contains. One third of the town's population is employed in the ball-bearing industry; the "de-housing" of the town and the infliction of heavy casualties amongst those workers would, in itself, be a valuable contribution." The letter pointed out that the operation came within the terms of the Directive of 10th June, 1943.

The C.-in-C., Bomber Command, replied in a letter of 19th January, 1944, in which he restated the objections to an attack by his Command on Schweinfurt. He estimated that six or seven attacks would be needed to give a reasonable chance of worth-while damage to it, and that each attack would cost at least 40 casualties. The Air Ministry maintained its position, however, in letter dated 27th January, which stated that Schweinfurt was such a vital target that the attack on it was considered justifiable and should be undertaken in reasonably favourable weather conditions (78A in S.46368/IV/D.C.A.S.).

#### Fighter Aircraft Targets.

In January, 1944, telegraphic discussions took place between the Chiefs of Staff in London and Washington in regard to a new bombing directive. Pending its settlement, the British and American Bomber Commands were instructed on 29th January, 1944, that before "Overlord" the maximum effort of the strategic bomber forces was to be concentrated upon key installations in the German fighter aircraft and ball-bearing industries and the towns associated with those key installations. A list of 14 fighter aircraft factories and 5 ball-bearing factories, all in Germany, to be attacked by

/day

day, was given in the message, which also directed R.A.F. Bomber Command, so far as practicable, to give priority to six German towns associated with certain of these factories (Schweinfurt, Leipzig, Brunswick, Regensburg, Augsburg and Götha). When conditions were not suitable for such attacks, both Bomber Command and 8th Air Force were to attack Berlin whenever weather and tactical conditions were suitable. (Enclosure 81A in S.46368/IV). The list was revised in detail by messages sent by the Air Ministry to Bomber Command and U.S.S.T.A.F. from time to time in March to September 1944. A large number of the amending lists will be found in the enclosures in S.46368/IV, from 108A to 150A.

Directive of 17 February, 1944

The Directive of 10 June, 1943, was superseded by a new one issued on 17 February, 1944, in Most Secret cypher message AX.621 to R.A.F. Bomber Command and U.S. Strategic Air Forces in Europe. The operational provisions were as follows:-

"(1) Mission - Your overall mission remains 'the progressive destruction and dislocation of German military, industrial and economic system, the disruption of vital elements of lines of communication and material reduction of German Air combat strength by successful prosecution of combined Bomber offensive from all convenient bases'.

(2) Objective - Under this general mission, objectives of Bomber Command, R.A.F., and U.S.S.A.F.E. are:-

(A) Primary objective, the German Air Force. Depletion of German Air Force with primary importance upon German fighter forces by all means available including attacks against following precision targets and industrial areas and facilities supporting them:

(i) Equal first priority. German S/E fighter airframe and airframe component production. German T/E fighter airframe and airframe component production. Axis controlled ball-bearing production.

(ii) Second priority. Installations supporting German fighter air forces.

(B) Other objectives:

(i) 'Crossbow'. Operations by all means available will be undertaken to neutralise threats developing under 'Crossbow'.

(ii) Berlin and other industrial areas. Attacks should

/bc

be delivered upon Berlin or other important industrial areas by both Bomber Command, R.A.F., and U.S.S.A.F.E. (latter utilizing blind bombing technique as necessary) whenever weather or tactical conditions are suitable for such operations and unsuitable for operations against the primary objective. Targets should be selected so as to cause maximum assistance in achieving primary aim of reducing strength of German Air Force.

(iii) Targets in south-eastern Europe. Attacks should be delivered by XVth U.S. Army Air and by the Mediterranean Allied Air Forces upon cities, transportation targets and other suitable objectives in the Balkans and in the satellite countries of south-eastern Europe whenever weather or tactical conditions prevent operations against 'Pointblank' objectives or in support of land operations in Italy.

(3) Concept - Overall reduction of German air combat strength in its factories, on the ground and in the air through materially supporting attacks by both strategic Air Forces pursued with relentless determination against same target areas or systems so far as tactical conditions allow, in order to create the air situation most propitious for 'Overlord', is immediate purpose of bomber offensive".

The immediate result of the Directive of 17 February, 1944, was the sustained attack on the German fighter aircraft plants in the spring of 1944, and especially in the period 20 - 25 February, when heavy damage was caused to the industry. The German fighter strength was seriously affected by these operations.

#### Ruhr Synthetic Oil Plants.

On 3rd June, 1944, Air Ministry letter S.46368/IV/D.C.A.S., transmitted to Bomber Command a paper on "Selection of Aiming Points for Bomber Command in the Ruhr/Rhineland Area". It discussed the targets which could best be attacked during the next 8 to 10 weeks, while the nights were short. It gave priority to the synthetic oil plants, the destruction of which, it was stated, "would do more to embarrass the enemy's military operations than the destruction of any other targets in this area." The Ruhr/Rhineland synthetic oil plants were, in order of magnitude of production from 400,000 tons a year down to 75,000 tons:-

Gelsenkirchen - Nordstern (B)

Gelsenkirchen - Scholven (B)

Wesseling (B)

/Homborg

Homburg (FT)

Wanne - Eickel (FT)

Sterkrade - Holten (FT)

Castrop - Rauxel (FT)

Dortmund - Kamen (FT)

Dortmund (FT)

Bottrop - Welheim (B)

(B) = Bergius Hydrogenation Process:

(FT) = Fischer - Tropsch Process.

The first four of these plants produced between them, 1,650,000 tons of oil a year, and the output of the ten plants was nearly half of Germany's total synthetic production.

Another paper appended to the letter and entitled "Economic Priorities for Night Attacks in the Ruhr - Rhineland Area" examined the effect of attacks on a number of industries in the area - coal mining, iron and steel production, heavy engineering, machine-tool production, chemical plants, synthetic oil and ball-bearing production. The conclusion was that oil was the most profitable target, for the purpose of giving quick results, but two other targets should also be given priority, namely, the Jaeger ball-bearing works at Wuppertal-Elberfeld, and the Ford M.T. works at Cologne. A number of other targets were also recommended but would be subject to a greater time-lag; these were plants in the Ruhr/Rhineland producing ferro-alloys, tank material, armaments material, synthetic rubber, and chemicals. An interesting point in the paper is that attacks on city centres were no longer regarded as worthwhile, so much damage had been done in earlier raids. (Enclosures 127A, B and C in S46368/IV/D.C.A.S.).

Directive of 25 September, 1944

On 25 September, 1944, the Air Ministry issued by letter No.C.M.S./608, D.C.A.S., a new "Directive for the control of Strategic Bomber Forces in Europe", that is, both those of the R.A.F. and of the

/U.S.A.A.F.

U.S.A.A.F. It was as follows:-

Encls. 186B  
in C.M.S/  
330

"In accordance with instructions received from the Combined Chiefs of Staff, the overall mission of the Strategic Air Forces remains the progressive destruction and dislocation of the German military, industrial and economic systems and the direct support of land and naval forces.

2. Under this general mission you are to direct your strategic attacks, subject to the exigencies of weather and tactical possibility, against the following systems of objectives:-

First Priority

- (i) Petroleum industry, with special emphasis on petrol (gasoline) including storage.

Second priority

- (ii) The German rail and waterborne transportation systems.
- (iii) Tank production plants and depots, ordnance depots.
- (iv) M.T. production plants and depots.

Counter Air Force Action

3. As a result of air action against the production, maintenance and operational facilities of the German Air Force, its fighting effectiveness has been substantially reduced. At the same time, our combined air strength has vastly increased. In these circumstances, we are no longer justified in regarding the German Air Force and its supporting industry as a primary objective for attack. Our major efforts must now be focussed directly on the vital forces of Germany's war economy. To this end, policing attacks against the German Air Force are to be adjusted so as to maintain tactical conditions which will permit of maximum impact upon the enemy. No fixed priority is therefore assigned to policing attacks against the German Air Force. The intensity of such attacks will be regulated by the tactical situation existing.

Targets and Target Priorities

4. The list of strategical targets in paras. 2 and 3, best calculated to achieve the aim, and the relative priorities accorded them, will be issued separately. These priorities will be adjusted from time to time in accordance with the situation.

Direct support

5. The direct support of land and naval operations remains a continuing commitment.

Important Industrial Areas

6. When weather or tactical conditions are unsuitable for operations against specific primary objectives,

/attacks

attacks should be delivered on important industrial areas, using blind bombing technique as necessary.

#### S.O.E. Operations

7. All S.O.E./S.I.S. operations will be in accordance with existing instructions and procedure.

#### Co-ordination

8. The procedure as at present established for the co-ordination of operations between the various Air Forces will continue".

#### U-Boats Assembly Yards and Bases

It will be seen that this Directive did not refer to attacks upon U-boat assembly yards and bases. The question of making such attacks was considered in an Air Staff memorandum dated 1 December, 1944, enclosure 215A in C.M.S./330. The conclusion reached was that they would have only a marginal effect upon the U-boat offensive, reducing it to some degree but not preventing its continuance. "Even if the maximum contribution of the Strategic Bomber Forces were made, our shipping must continue to rely primarily for protection against U-boats upon the counter-offensive of the Navy and Coastal Command. Only when those countermeasures are proved to be inadequate, therefore, should the Strategic Bomber Forces be called to their assistance". (para.38 of memorandum.) The memorandum was approved by the Secretary of State for Air, 4 December, 1944 (minute 218 in C.M.S./330).

#### Hurricane I and II

On 13 October, 1944, Air Ministry letter CMS/608/D.C.A.S., informed Bomber Command that while the overall mission and the general order of priority remained as indicated in the directive of 25 September 1944, it had been decided in agreement with the Deputy Supreme Allied Commander and the Commanding General, U.S.St.A.F.E., to undertake special operations known as "Hurricane I" and "Hurricane II". "Hurricane I" was a concentrated bombing effort on the vital areas of the Ruhr, carried out by the combined bomber forces within the shortest possible period. The plan was to be initiated when visual bombing conditions were favourable in the area but

/did

did not permit of visual bombing against the primary objective (oil) elsewhere in Germany. The Tactical Air Forces would attack enemy concentrations at the same time, the object being to push back enemy railheads. "Hurricane II" provided for the maximum concentration of Allied air attacks on precise targets in Germany when visual bombing conditions obtained over that country generally; oil targets would be the first attacked, and again under this plan the Tactical Air Forces would attack railheads.

Directive of 1 November, 1944

On 1 November, 1944, Air Ministry letter CMS/608/D.C.A.S., cancelled the directive of 25 September and forwarded to Bomber Command a new directive, the object of which was to intensify pressure on the enemy petroleum industry. For the purpose of preventing diversion of effort, tank production plants and depots, ordnance depots, and M.T. production plants and depots were deleted from the current objective. The new objective laid down the following priorities:-

"First priority.

- (i) Petroleum industry, with special emphasis on petrol (gasoline) including storage.

Second priority

- (ii) The German lines of communications.

- (a) The operations of the Strategic Air Forces based in the United Kingdom are to be directed against enemy lines of communications, with particular emphasis upon the Ruhr.
- (b) Target lists will be issued from time to time for all Strategic Air Forces."

In other respects the directive repeated that of 25 September, 1944.

U-boat yards

On 23 December, 1944, Air Ministry letter CMS/608/D.C.A.S., informed Bomber Command that, in view of evidence of the enemy's

/preparations

preparations for a renewed U-boat offensive, it had been decided that certain objectives in his U-boat organisation should be attacked whenever possible without detriment to the<sup>0</sup> offensive in support of the land battle and that against his petroleum industry, his lines of communications, his important industrial areas, and the German Air Force as necessary. A priority list of targets in the U-boat organisation would be issued periodically by the Combined Strategic Targets Committee.

Directive of 15 January, 1945

On 15 January, 1945, Air Ministry letter GHS/608/D.C.A.S. cancelled the directive of 1 November and the instructions of 23 December, above, and issued a new directive to Bomber Command. This made the German Air Force, and primarily its jet production, training and operational establishments, a primary objective. No fixed order of priority was assigned to such attack in relation to the petroleum industry and communications, since (the letter stated) it was in effect a security measure which must be adjusted from time to time in accordance with the development of the threat (i.e. from the German jet-propelled fighters). The offensive against oil was to be maintained and, if possible, intensified.

The directive of 15 January laid down the following priorities, the first being as in the former directive, the second being slightly amended:-

"First priority

- (i) Petroleum industry, with special emphasis on petrol (gasoline) including storage.

Second priority

- (ii) The German lines of communications

The operations of the Strategic Air Forces are to be directed against enemy lines of communication. Those based in United Kingdom will place particular emphasis upon the Ruhr."

The paragraph in the former directive on "Counter Air Force Action" was completely revised as follows:-

- "4. Largely as a result of the concentration of our strategic bombing effort on the enemy's petroleum industry and his communication system, and due to our preoccupations on the battle-front, we have

/allowed

allowed the G.A.F. to recover a great deal of its fighting strength. Moreover, the enemy has concentrated his efforts particularly on developing his fighter force at the expense of other branches of the G.A.F. In this effort to increase the efficiency of his fighter force, he has turned to the rapid development of jet fighters and there is every evidence of his intention to produce them on a large scale as early as possible.

5. Already he has a considerable number of these aircraft in operation. They are superior in speed and armament to our conventional fighters. As soon as they are available in sufficient numbers, and as soon as the enemy has developed suitable tactics for their efficient employment, they will doubtless be employed systematically against our strategic bombers. The conditions which are likely to confront the conduct of our strategic offensive in the near future are therefore serious, unless the enemy's production and employment of jet aircraft is checked in some way.

6. In addition, the employment of these aircraft over the battle-front will place our tactical air forces and the armies themselves at considerable disadvantage. This particularly applies to reconnaissance and to the employment of these aircraft in a ground attack role. It has therefore been decided that we shall employ the necessary amount of strategic effort to neutralise this grave threat. The G.A.F. and primarily its jet production, training and operational establishments now become primary objectives for attack."

The directive of 15 January, 1945, was otherwise similar to the former directive.

#### Tank Production

A paper prepared by the Joint Intelligence Committee, J.I.C. (45)31(0), 26 January, 1945, reviewed our bombing policy and recommended that attacks on oil targets should continue to take precedence over all else. The Air Staff agreed with this view. The J.I.C. also recommended that the attack of tank production should take precedence second only to oil. Tank production was included in the directive of 25 September, 1944, with priority after oil and communications. It was removed at the beginning of November in order that there should be the minimum diversion of effort from the oil and communications targets. The Strategic Targets Committee considered (January, 1945) that tank production should be given third priority after communications.

#### Berlin

The J.I.C. also suggested that Berlin should be subjected to a

/series

series of heavy attacks by the British and American strategic bomber forces over a period of four days and nights, an aggregate load of upwards of 25,000 tons being dropped. The Air Staff considered that weather conditions at this time of year ruled out the likelihood of dropping this tonnage within four days; and in this view C.A.S. himself concurred. Some other possible targets of attack - in central Germany, Norway, Latvia, Hungary - were also considered by the J.I.C.; none was strongly advocated.

(Enclosure 59B in CMS/608)

#### Tanks Again

On 11 February, 1945, a signal, MS1/220, was sent by the Air Ministry to Bomber Command, and repeated to Commanding General U.S.St.A.F.E., and to Deputy Supreme Commander, S.H.A.E.F., stating that tank factories are to be attacked on priority, in general equal to that of communications targets. The current directive (15 January) should therefore be amended by the addition under "Second Priority" of a new sub-paragraph - "(iii) Tank factories" (Enclosure 23A in CMS/608)

#### The Ruhr

At an Air Commanders' Meeting held on 1 March, 1945, a plan was discussed for the complete paralysation of the Ruhr and its neighbourhood, by attacks on key rail centres. The plan, it was agreed, should be implemented by the allotting of areas of attack to the 9th U.S. Air Force, the 2nd Tactical Air Force (R.A.F.), and the Strategic Air Forces, the preserve of the last being the Ruhr itself. (75A in CMS/608). The plan was referred to Bomber Command, S.H.A.E.F., and U.S.St.A.F. and it was agreed at a further Air Commanders' conference on 8 March that it should take place at the earliest date the weather permitted. It was not to prejudice attack on major oil targets in central Germany and was to include attack on any near-active synthetic plants in the Ruhr.

On 5 April, 1945, A.C.M. Sir Charles Portal, C.A.S., sent General H.H. Arnold, Commanding General, U.S. Army Air Forces, a telegram, Webber W.3082, suggesting that the advisability of continuing area attacks on

/Germann

German cities should be examined, since the full effects were unlikely to mature before hostilities cease, and they would result in the destruction of housing and other facilities needed for the occupying forces. The policy was now to drain the enemy's oil resources to the lowest possible level, to disrupt communications vital to his resistance, and to provide maximum direct support to land and naval forces. Attacks on built-up areas immediately behind the front might still be necessary in preparation for assault, and in addition area attack of military objectives such as communication centres, H.Q. or naval targets situated near built-up areas might be necessary, as the time factor might not always allow us to await visual bombing conditions. Otherwise, area bombing, for the destruction or disorganisation of industrial areas, should be discontinued.

Telegram en clair from C.A.S. to A.O.C.-in-C., Bomber Command,  
16 April, 1945, A.34 -

"I should be grateful if you would issue the following message from me as an Order of the Day to your Command.  
Begins:-

"The tasks given to the British and American Strategic Air Forces in Europe were to disorganize and destroy the German military, industrial and economic systems and to afford direct support to our forces on land and sea.

"In the first of these tasks we are now at the point of having achieved our object; the progress of the Allied armies across Germany brings to light every day how fatally the German war machine has been weakened by the devastating blows of the Strategic Air Forces against industrial and military targets.

"Bomber Command were the pioneers of the strategic bomber offensive, and all formations and units are deserving of the highest praise for the part they have taken with our American Allies in bringing it to a successful conclusion.

"Henceforward the main tasks of the Strategic Air Forces will be to afford direct support to the Allied Armies in the land battle and to continue their offensive against the sea power of the enemy which they have already done so much to destroy. I am confident that Bomber Command will maintain in these final phases of the war in the air over Europe the high standard of skill and devotion that has marked their work since the earliest days of the war. - Ends.

"There is of course no objection to the publication of this message. General Spaatz proposes to issue a similar Order of the Day which I understand will be released at 2200 hours today".

/Bombing Policy

## BOMBING POLICY

File S.43171 (1937 - 1939) contains correspondence with the Foreign Office in regard to the legitimacy or illegitimacy of different kinds of bombing, the discussions being mostly of a distinctly woolly nature. There is nothing of very great importance in the file, but the following note of some of its contents may possibly be of use to some future enquirer:-

Correspondence between the Foreign Office and Sir Neville Henderson, British Ambassador, Berlin, in December 1937 - January 1938, about Herr Hitler's attitude to the question of bombing (no one was quite sure what it was). - 5A, B and C.

Foreign Office letter to C.I.D., dated 2 February 1938, on same subject. - 8B.

Foreign Office letter to Air Ministry, dated 21 June, 1938, about Japanese bombing of Chinese towns and what it is proposed to instruct our Ambassador in Tokyo to say to Japan. - 19A.

Japanese Ambassador's list of "military objectives" in Canton and Foreign Office remarks thereon. - 25A, B and C.

Note left with Sir L. Oliphant by M. Cambon, the French Ambassador, on 13 August, 1938, stating the French view of that time as to bombardment of military objectives (1) in zones of immediate operations or of concentration or transport of land forces, and (2) in other places, greater latitude being allowed in (1) than in (2). - 41E and F.

Foreign Office letter of 26 August, 1938, on the question of what the United Kingdom Delegation was to say at Geneva in the following month when the Assembly would be discussing bombing in Spain and China. - 41A.

Air Council letter of 9 September 1938 to the Foreign Office in reply to 41A, agreeing that as little as possible should be said at Geneva and confined to the three principles stated by the Prime Minister in the House of Commons on 21 June, 1938. - 48A.

Telegrams between Foreign Office and Sir R. Craigie, Tokyo, about bombing, August - September, 1938. - 52A, 53A, 54A.

/Reply

Reply to M. Cambon's note of 13 August, 1938, referred to above. -

55A.

Report by M.M. Bourquin (Belgium), Rapporteur, to 3rd Committee of the Assembly, Geneva, 28 September, 1938, on (inter alia) "Protection of Civilian Populations against Bombing from the Air in case of War". - 61B.

Netherlands suggestion of an approach to the German Government as to the regulation of air warfare. - 68A and B.

Capt. Evan Wallace's report to Lord Halifax, 1 October, 1938, on the discussion at Geneva, September 1938. - 70A. (The Assembly approved the British principles, which were substantially the same as those laid down in the House of Commons by Mr. Chamberlain on 21 June, 1938).

Letter from British Consul, Basle, 16 September, 1939, to Foreign Office, advising strongly against bombing of Germany, main ground being that it would make Germany more determined than ever and would strengthen Hitler. - 81B.

SECRET

E. USE OF RED CROSS EMBLEM

The Three Service Departments agreed early in 1940 that the Red Cross emblem should not be displayed on hospital roofs except in certain defined cases. The position in this respect is made clear in correspondence of 1942 between the Admiralty and the Air Ministry.

The Admiralty were not happy about the omission of the Red Cross and Mr. A.V. Alexander raised the question semi-officially with Sir A. Sinclair. The latter replied, also semi-officially, in a letter dated 21 July, 1942; No.S.2137/III, which gave the following reasons against the display of the emblem:-

- (1) It might be a landmark to military targets.
- (2) It could not be allowed to be illuminated at night.
- (3) Immunity is not dependent upon the display of it.

(The Geneva Convention, 1929, requires the display only "so far as military exigencies permit".)

- (4) Civil hospitals are not entitled to use it, even though military personnel are in them.
- (5) Even if emblems visible at 15000 feet were displayed, high-flying aircraft might not see them before releasing bombs.
- (6) The Germans have never respected the Geneva Convention when it suited them to disregard it. Sir A. Sinclair stated also that, abroad, the decision whether the emblem should be displayed on the roof would be left to the discretion of the local Commander; and that at home and abroad the Red Cross flag would be flown so as to be visible to ground forces.

Admiralty letter (official) of 29 October, 1942, referring to the correspondence quoted above, explained the naval practice. This was that the emblem should not be displayed (a) on any naval hospital or sick quarters in or near a naval, military or air force station, or (b) where it would be a landmark to military targets in the neighbourhood. Naval hospitals and sick quarters not so situated are marked with the emblem, particularly if the hospital is partly hatted and might be mistaken for a military camp. Thus, the Royal Naval Hospital, Newton Abbot, Devon, and the Royal Naval Hospital, Kingseat, Aberdeen, have the

/ emblem

emblem on the roof. Other naval hospitals have not. The Admiralty letter added that it was understood that the Germans displayed the Red Cross on roofs of certain hospitals in France, Belgium, Holland and Norway. There was no evidence as yet, it was stated, of deliberate attacks on the Red Cross in this country.

Sir A. Sinclair's letter of 21 July, 1942, quoted above, referred to the fact that civil hospitals are not entitled to display the Red Cross. The distinguishing mark for civil hospitals, as laid down in the (unratified) Air Warfare Rules drafted in 1922-23, is a black and white rectangular sign, but this also was not displayed on hospitals, for reasons that were broadly similar to those applying to the use of the Red Cross. They were stated in an Air Ministry letter of 12 March, 1942, No.S.2137/II, to the Dominions Office (the New Zealand Government had raised the question):-

- (i) Any protection the sign might afford would be limited to the hours of daylight, since it would be obviously unwise to allow the illumination of the sign at night.
- (ii) It being illegal to bomb civil populations, no additional protection would be provided by the sign against attack by day.  
(See note below)
- (iii) Buildings showing distinctive markings might provide a landmark from which military targets in the neighbourhood might be more easily found.
- (iv) The Germans have no humanity or respect for international usage.

(Note. The argument at (ii) seems to be not very well founded. The purpose of the sign is to enable enemy airmen to distinguish buildings which under the rules of land and naval war alike are entitled to special consideration, over and above that extended to the civil population.)

The Germans and Italians displayed the Red Cross on the roofs of their military hospitals. It is evident that they did not see the same objections to the use of the emblem as we did. Early in 1943 Allied Force Headquarters, Mediterranean, reported that Red Crosses were displayed on the roof of a building in the centre of the seaplane station at the naval base in Bizerta, and requested that the Axis Powers should be notified that unless the

/ hospital

hospital were moved from this important objective within 48 hours, the Allied Air Forces could not be responsible for damage to it. The Foreign Office on 10 April, 1943, requested the Swiss Legation in London to take urgent action with a view to having the hospital moved, but the German Government refused to move it; the request, they stated, was "a violation of universally accepted principles of international law". (S.2137/III)

In North Africa the Germans displayed on their hospitals and main dressing stations not only the Red Cross on a white ground, but also a white cross on a dark ground, the reason being that the former was frequently unrecognizable in North African country. No objection was raised by us to the German note which communicated particulars of the additional marking. (S.2137/III)

In June, 1940, the Germans began to use He.59 floatplanes as Seenotflugzeuge off the East Coast and in the Channel; they bore the Red Cross as well as civil markings. Two of these seaplanes were shot down by our fighters, one on 1 July and one on 9 July, and 8 members of their crews were captured; 6 of them carried Red Cross passes and claimed that they were intitled to be treated as civilians. Actually they were treated as prisoners of war. The Air Ministry made an announcement on 29 July to the effect that we could not recognise such aircraft as ambulance aircraft under the terms of the Convention of 1929. The German authorities thereon sent a Note through the Swiss Legation, stating that the "rescue seaplanes" were painted white with the token of the Red Cross on all the sides and the German flag on the tail steering gear; they had a distinguishing mark of four letters with the letter "D" prefixed; the crew was composed of members of the defence force wearing uniforms with Red Cross armlets, and carried a pistol for self-defence. Apparently the Germans thought that they had only to give such particulars and all would be well.

A letter, drafted by Sir W. Malkin of the Foreign Office, was sent to the Swiss Legation in November, 1940, dealing with this subject. It pointed out that the Hague Convention of 1907 for the Adaptation of the Geneva Convention to Maritime War contains no reference to aircraft and relates exclusively to hospital ships. The Geneva Convention of 1929 deals only with the case of wounded and sick in land armies, and Article 18 is, therefore, applicable only to

the succour of wounded and sick in warfare conducted on land. Article 18 provides that medical aircraft may not fly over the firing line or the zone in front of clearing or dressing stations; and generally over enemy territory, and a fortiori it must be permissible, if the principles of the Red Cross Convention are to be applied to aerial warfare, to apply corresponding restrictions to flying ambulances over areas of sea which are the theatre of military operations and in the vicinity of the territory of one of the belligerents. The purpose of the employment of the German ambulance aircraft, the letter stated, is to rescue unwounded airmen and enable them to take part in future operations. His Majesty's Government were "not prepared to grant immunity to ambulance aircraft flying over areas in which operations are in progress on land or at sea, or approaching British or Allied territory or territory in British occupation, or British or Allied ships".

The attitude of His Majesty's Government to the treatment of ambulance and rescue aircraft was made clear in a letter sent by the Foreign Office to the Brazilian Minister in London on 1 February, 1941, in reply to an Italian notification received through him of the markings displayed on Italian first-aid and medical-service aircraft. The letter (747/297/49) stated that while His Majesty's Government desired to accord to ambulance aircraft reasonable facilities for the transportation of the sick and wounded in accordance with the Red Cross Convention, they were unable to grant immunity to such aircraft flying over areas in which operations were in progress on land or at sea, or approaching British or Allied territory, or territory in British occupation, or British or Allied ships. It went on to point out that the Geneva Convention of 1929 dealt with the case of wounded and sick in land armies and the rules regarding the employment of aircraft embodied in Article 18 were applicable only to the succour of wounded and sick in warfare conducted on land. To adapt the principles of the Convention to maritime and aerial warfare a Special Convention would have to be concluded, which has not been done. Article 17 of the unratified Hague Rules of 1923 was not in force as a treaty obligation.

His Majesty's Government were willing, however, to apply the general principles of the Red Cross Convention to ambulance aircraft "reserved

/exclusively

exclusively for the evacuation of wounded and sick and the transportation of medical personnel and material". Aircraft employed to rescue unwounded airmen who had come down in the sea, with the object of enabling them to take further part in warlike operations, could have no title to the protection of the Red Cross Conventions. (S.2137).

The Brazilian Ambassador raised the question again in a note of 10 July, 1941, on behalf of the Italian Government, and the Foreign Office replied on 15 October, 1941 (W.8605/297/49). It repeated that an aircraft employed in rescuing unwounded airmen did not fulfil the conditions necessary to entitle it to immunity. Such use was not covered by Article 18 of the Geneva Convention, 1929. His Majesty's Government, it was stated, did not claim that an airman landed in the sea may not be rescued by an aircraft sent to his aid. "All they assert is that aircraft so employed are not entitled to the special immunities conferred by international treaties on particular forms of ambulance aircraft and subject to stringent safeguards not obtaining in the case of such aircraft". (S.2137/II)

In 1940 the Swiss Legation, London, forwarded to the Foreign Office notes stating that the German Government intended to employ 64 vessels to rescue airmen from the sea, and that these vessels were to be distinguished by Red Cross markings. The Foreign Office in a letter dated 26 August, 1940, asked the Legation to inform the German Government that His Majesty's Government did not place their own boats employed for rescuing airmen under the Red Cross, even though they had been deliberately attacked on occasion by the Germans. His Majesty's Government considered, it was stated, that the frequent use of German rescue boats in areas where war operations were constantly in progress must inevitably assist enemy and hamper our own forces. The reply referred to the sinking of the hospital ships "Maid of Kent", "Brighton" and "Paris". His Majesty's Government were therefore unable to accept the German communication as to hospital ships.

The record of neither belligerent side in the matter of attack on hospital ships and Red Cross ships can be described as creditable. A number of such ships were sunk in circumstances which, if they do not point to deliberation, do at least indicate a certain degree of lack of due care. Probably the worst case of all was the sinking of the Swedish-owned steamer "Enbla"

/ while

while on her way from Marseilles to Gibraltar with parcels for German prisoners of war. She was attacked by British aircraft on 6 April, 1944, near Port Vendres, and damaged. She put in to Port Vendres for repair and sailed again on 19 April. Again she was attacked by British aircraft off the south French coast, and this time sunk. The explanation given was that no notification of her sailing had been received - as it should have been - by our Minister at Lisbon. But the Red Cross markings on her were clear and unmistakable, and the weather was fine. The attack on the Spanish-owned steamer "Christina" on 6 May and again on 25 June, 1944, was hardly less deplorable; she was also a plainly marked Red Cross ship. The Admiralty cabled to the Commander-in-Chief, Mediterranean, on 20 May, 1944, that further incidents involving attacks on Red Cross ships might involve a complete stoppage of the traffic in which they were engaged and the cutting-off of supplies of prisoners of war parcels. (S.2517)

His Majesty's Government refused in 1940 to accept German notification of ships of under 2,000 tons as hospital ships within the terms of Hague Convention No.X of 1907, Article 4. The reason given was that such ships were used to rescue unwounded airmen and, moreover, were believed to be engaged in reconnaissance and other illicit operations in preparation for the invasion of the United Kingdom. But Japanese notifications of hospital ships of under 2,000 tons were accepted by us. (S.2235/II).

SECRET

F. PRISONERS OF WAR

Parole

On 3 January, 1940, the Military Co-ordination Committee decided that officers who were prisoners of war in an enemy country are forbidden to give their parole. Officers interned in neutral countries will in general be ordered not to give their parole, but departures from this rule may be allowed in particular cases. (S.6 Dossier No.187, Paper M.C.(39)29).

Work of prisoners of war

The Commander-in-Chief, Middle East, cabled to the War Office on 18 March, 1941 (A.2/49848) that he proposed to employ prisoners of war in Crete on road and aerodrome construction. The War Office replied on 21 March (57589 cipher P.2) that to employ them on aerodrome construction would be a direct breach of Art.31, Prisoners of War Convention, and cannot be approved, but employment on roads is approved.

On 6 February, 1942, D. of Plans pointed out in a minute that prisoners of war must not be employed on work having a direct connection with the operations of the war or be sent to an area where they would be exposed to the fire of the fighting zone or be employed to render by their presence certain points or areas immune from bombardment. It would therefore be not permissible to employ them on construction of operational aerodromes or within such a distance (say 1 mile) of an operational aerodrome that they would be exposed to danger in the event of an air raid on it, or in similar proximity to a camp or other establishment while it is in use. (S.6 Folder 187).

A letter dated 1 September, 1943, from Asstt. Chief of Air Staff (Policy) to A.O.C. -in-C., Flying Training Command, Reading, stated that the employment of Italian prisoners of war as groundmen and cultivators at training aerodromes is open to grave objection under the Convention on Prisoners of War, Art.32, which forbids the employment of prisoners on "dangerous work". Work may be dangerous, the letter said, not only by

/reason

reason of its nature but also because of the place where it has to be performed. An aerodrome is a legitimate military objective and is specially liable to bombardment from the air. Demands for prisoners' labour are so great, it was added, that they can all be employed on legitimate work and their use in doubtful or border-line cases avoided. (C.S.20204).

Transfer of prisoners from one ally to another

Cypher telegram from War Officer to C.-in-C., H.E.,  
2 April, 1941, No.59561/P.W.2.

"..... Foreign Office support our view that international law does not prohibit handing over of prisoners by one ally to another. No such provision is to be found either in customary international law or in any Convention. United Kingdom Government have transferred German prisoners of war into custody of Canadian Government without protest from Germans under that head. Shortly before collapse of France British Government invited French to hand over specialist prisoners to prevent rescue. French failure to respond is not understood to have been based upon legal objections. A further argument is that in certain contingencies Arts.7 and 9 of the P.W. Convention can best be satisfied by transfer overseas". (S.6 Folder 187)

Punishment for attempted escape

The Swiss Political Department informed the British Legation, Berne, on 22 February, 1944, that 4 British prisoners of war (3 sergeants and 1 able seaman) were condemned by a military court in Germany to 2 years' imprisonment for having attempted to seize an aircraft of the German army in order to escape, and for attempted theft of a compass and several maps. They were defended by a solicitor. The War Office, in a letter of 31 May, 1944, to the Foreign Office, pointed out that a similar case occurred in this country in 1941, when two officers of the German Air Force actually succeeded in escaping in an aeroplane but were unable to reach their own forces owing to lack of petrol. They were dealt with under Article 52 of the P.W. Convention and given 28 days'

/detention.

detention. The War Office suggested that this case should be quoted to the German Government and a reconsideration of the sentence requested. (S.6 Folder 187).

Order to escaped prisoners to report themselves

On 15 September, 1943, Rome Radio issued a proclamation by the German Commander-in-Chief in Italy ordering all Anglo-American prisoners of war who had escaped from camps to report to the German Military authorities. Treatment according to the P.W. Convention was promised to those complying, but any found in possession of arms or resisting arrest were threatened with treatment according to martial law. A War Office telegram to Allied Force Headquarters, Algiers, dated 29 September, 1943, referring to the German proclamation above quoted, stated that an announcement would be made by the B.B.C. on 30 September that the escaped prisoners of war are entitled to all the privileges and benefits provided in the Geneva P.W. Convention of 27 July, 1929. They are under no obligation whatever to report to the German authorities in North Italy and the German demand that they should do so is contrary to international law. Their clear duty is to escape and rejoin their own forces, and the fact that they have acquired arms or may resist arrest in order to carry out this duty cannot in any way detract from their right to be treated in all respects as prisoners of war under the Geneva Convention if recaptured. Any German authority who treats a prisoner of war otherwise will be held personally responsible for his action. (S.6 Folder 187)

Employment of repatriated prisoners of war

Repatriated prisoners of war may not be employed in a combatant capacity against the belligerent who releases them (Art. 74, P.W. Convention). The Foreign Office and Air Ministry agreed in January, 1944, that it is better not to employ prisoners repatriated from Germany against Japan so long as the German war goes on. Escaped prisoners of war can, however, be employed. (C.S.20204)

SECRET.

G. THREAT TO CZECH AIR CREW PRISONERS OF WAR

In October, 1944, the Swiss Government informed the British Government that 11 R.A.F. officers and men of Czech origin were held at Oflag IVC, Colditz, on a charge of treason for having borne arms against Germany. The Swiss official who visited the Oflag. stated that the prisoners claimed that they had never acquiesced in the occupation of Czechoslovak territory or in the laws passed by Germany as the occupying Power, and that they had left Czech territory as soon as possible and now possessed British nationality. (This last statement was not correct - see below).

On 30 November, 1944, the Swiss Foreign Office reported that the number of Czech prisoners held at Colditz had increased from 11 to 21, and that a German official had stated that nationals of a territory under German control, and particularly those Czechs who had committed an offence by joining an enemy force, might be made "subject to special proceedings", even if captured in British uniform. The Swiss Foreign Office asked whether the Czechs had acquired British nationality. The Foreign Office informed the Czechoslovak Government on 16 December, 1944, that the Czech prisoners could not have acquired British nationality. Statements made by three of them to the Gestapo at Prague (before they were sent to Colditz) that they had taken an oath of allegiance to the King and were British subjects were, as regards the latter part, incorrect.

At a meeting at the Air Ministry on 5 February, 1945, at which representatives of the Foreign Office, Home Office, and War Office were present, the question was discussed of the possible action to be taken to save the Czech airmen. The Home Office did not think they could be given British nationality under the law as it stood. In any case, it might not help them, for the Germans might claim that a change to enemy nationality in time of war was itself an act of treason.

/The

The Foreign Office Legal Advisor's opinion was quoted as follows:-

- (1) The Geneva Convention applied to all members of the British armed forces whether or not they were British nationals.
- (2) The Geneva Convention did not, however, preclude trial for treason.
- (3) If in German law particular prisoners were German nationals, then the position under International Law was that they were Germans.

Finally, it was agreed that the following telegram should be sent to H.M. Minister, Berne:-

"Your despatch No. 8101, of 1 December, 1944. H.M. Government are seriously concerned at danger to which these Czech prisoners are exposed. As you will have seen from my telegram No. 3583, we do not admit that they are German subjects or liable to accusation of treason. They have sworn allegiance to H.M. the King and have served in British forces in British uniform. Under the Geneva Convention they should therefore be treated in exactly the same way as British prisoners of war. Unless proceedings have already been dropped, please ask Swiss Government to make immediate communication to German authorities on the above lines and to add that we shall regard any prosecution for treason as illegal and that the persons responsible will have to answer for their action after the war. For your information, we cannot assert that those Czechs are actually British subjects, but H.M. Government are prepared to say that we recognise them as British subjects if the Swiss consider it necessary to save their lives".

It was subsequently learned that the charges against the Czech airmen were dropped.

(.S.6 Folder 187)

SECRET.

H. PRISONERS OF WAR OF BELGIAN NATIONALITY  
SERVING IN GERMAN FORCES

In a note dated 15 March, 1945, from the German Government to the Swiss Government, it was stated that the British and American military authorities had handed over to the Belgian Government members of German forces of Belgian nationality and that after trial some of these had been shot. The note pointed out that this action was contrary to the practice established during this war that uniform and not nationality governed the treatment of prisoners, and the German Government reserved the right to take similar measures against Allied nationals captured in British uniform unless immediate steps were taken for redress. A similar note was sent to the State Department, Washington.

The Chiefs of Staff, London, in informing the Joint Staff Mission, Washington, of the note, stated that the German statement as to the established practice was correct, and enquiries were being made about the truth of the German allegations. They considered that an undertaking should be given by the Belgian, French or other Allied authorities that no person handed over to them would be tried not only for war crimes but for treason or collaboration with the enemy pending the cessation of hostilities with Germany.

The Belgian action, the Chiefs of Staff pointed out, might revive the threat to the 11 Czech officers of the R.A.F. against whom the German authorities had begun judicial proceedings in October, 1944, subsequently staying them until the end of the war.

(Cypher telegram C.O.S. (W) 825, 1 May 1945)

SECRET

J. NEUTRAL STATES : INTERNMENT OF  
BELLIGERENT AIRMEN

The practice established in the war of 1914-18 was that belligerent aircraft entering neutral jurisdiction should be held by the neutral state for the duration of hostilities and the crews interned. This practice was followed in principle in the second world-war. The "Instructions and Notes on the Rules to be observed by the Royal Air Force in War" issued with Air Ministry circular letter S.46105/S.6. dated 22 August, 1939, contained the following two paragraphs in regard to entry of neutral jurisdiction:-

"35. A neutral Government must use the means at its disposal to prevent the entry within its jurisdiction of belligerent military aircraft and to compel them to alight if they have entered such jurisdiction.

"36. A neutral Government must use the means at its disposal to intern any military aircraft which is within its jurisdiction after having alighted for any reason whatsoever."

Three countries - Venezuela, Persia and Saudi Arabia - did not follow the rule thus expressed. All other countries interned - in principle - any belligerent aircraft entering their jurisdiction, but there was a good deal of laxity in the application of the principle. As the following examples show, some neutral countries were more strict in this matter than others.

SWITZERLAND

A large number of aircraft, German, British and American, came down in Switzerland; some were shot down by the Swiss defences, others made forced-landings because they were short of petrol or had been damaged by enemy action. The number of belligerent airmen interned from first to last was very considerable. Nearly 1,200 Americans were interned there in August, 1944, and there were 90 British internees, some being airmen; number of Germans not stated (Telegram No. 3941, 22 August, 1944, from British Minister, Berne, to Foreign Office).

The Swiss rule in 1943 (and presumably earlier also) was not to intern an aircraft carrying out an unarmed training flight, even

if it was a military machine; it was treated as a civil aircraft and handed back (Telegram from H.B. Minister, Berne, to Foreign Office, 26 March, 1943, in C.S.18851). The Foreign Office protested against the release of such an aircraft (German) in February, 1943, and the protest seems to have had some effect. At all events, a telegram from Berne in May, 1943, stated that a German training aircraft which landed at Basle Birsfelden airfield had been seized and the crew interned. (C.S.18851).

In August, 1944, it was proposed by the United States military authorities that we should try to get the 1,290 American and British internees in Switzerland released, 1,290 German Army internees being released at the same time. The Air Ministry opposed the proposal. Our policy, it was stated, was not to encourage such exchanges, and Germany's acute shortness of man-power provided a strong argument against this proposal.

#### SWEDEN

Sweden was another country in which belligerent aircraft came down in fairly large numbers. The rule there was to seize the aircraft and intern the air crews. Releases were arranged in some special cases. Thus when in February, 1943, a German courier 'plane which was allowed to fly across Sweden on condition that it carried neither armament nor troops in uniform, made a forced landing in Sweden, and was found to be carrying 15 German soldiers and some dismounted machine-guns, and despite the breach of the agreement, the 15 German soldiers and the three members of the crew were allowed to proceed to Norway by car, the Swedish authorities released 9 R.A.F. men as a kind of punishment for Germany's failure to observe the regulations governing the courier service. (C.S.18874). There were, it seems, only these 9 British airmen then interned, but 7 more were interned when their Halifax bomber crashed in south Sweden after a raid on Berlin on the night of 27 March, 1943; these also were released as part of the compensation for the release of the 18 Germans in the courier 'plane. (C.S.18874).

The Swedish Government offered to release 10 Allied airmen in April, 1944, as appeasement for its action in returning a German training aircraft to the Germans. The training aircraft was seized by two Poles in Poland and flown to Sweden. There was another compensatory release in September, 1944, in the following circumstances. When Finland turned against Germany, 4 Finnish ships with 33 German officers and soldiers in all on board were taken by their crews into Swedish ports against the wishes of the Germans. There the Germans were detained for a short time by the Swedish authorities, but were then allowed to proceed to Germany. "Although Swedish Government did not consider that there was any case for their internment in international law, they decided to release 33 Allied interned airmen in exchange". (Telegram No. 1109, 23 September, 1944, from Sir V. Mallet, Stockholm, to Foreign Office). 6 more Allied internees were released when a German ship put in to Trelleborg with 6 German soldiers (manning machine-guns) on board, who were allowed to proceed to Germany. (Ibid.)

A little later in September, 1944, 51 armed German soldiers in uniform and 2 German officers also reached Sweden from Finland and were interned. It was agreed between the Swedish Government and the British and American Ambassadors that they should be released and simultaneously 300 Allied airmen (nearly all American) should be released. Further Germans would be released as they arrived in Sweden, to balance the "account". It was arranged that a further large contingent of Allied airmen should be released as soon as the next batch of Germans was released, so that the Allies would always be in credit. The Soviet Minister in Stockholm was informed of the transaction and she raised no objection. (Telegram) Nos. 1126, 1137 and 1197, dated 27 September, 29 September and 10 October, 1944 from Sir V. Mallet to Foreign Office.)

In November and December, 1944, another deal with Sweden was negotiated. In return for the supply of 50 P-51 (Mustang) fighters to Sweden it was agreed that 1,100 American airmen should be released, these being half the total number of American airmen then

/interned

interned in Sweden. (Telegram No. Signair 626, dated 30 November, 1944, and No. Marcus 1486, dated 21 February, 1945, from Rafdel, Washington, to Air Ministry). A little earlier there had been an "exchange" of 75 interned Allied airmen for 50 Radar sets supplied to Switzerland. (S.62229).

A different class of question arose when the crew of an R.A.F. bomber baled out over Norway in May, 1942, and 4 of them (Wing Commander D.C.T. Bennett and 3 sergeants) escaped into Sweden. They had been in custody of German soldiers for a very brief space of time after landing, and the Foreign Office contended that they were entitled to be treated as escaped prisoners of war and not interned. After a good deal of argument the Swedish authorities agreed to release the 4 airmen, but released 4 Germans at the same time. (C.S.14485).

#### TURKEY

The attitude of the Turkish Government to internment is evident from a cypher message which was sent to the Foreign Office by the British Minister at Angora on 26 March, 1943. It stated that there were now interned in Turkey 69 Allied and Axis airmen, made up of 7 British, 20 American, 15 Russian, 5 anti-Vichy French - Total Allied, 47; 11 Germans and 11 Italian - Total Axis, 22. Some time ago the German Ambassador had tried to get the German airmen released, Americans being released also, but the Service Attachés were then opposed to the proposal. The numbers of British and American internees had now increased, as above, and the Service Attachés no longer raised an objection to the general release. The Foreign Office telegraphed to the Minister at Angora on 2 April, 1943:- "In spite of rule of international law under which all these airmen should all (sic) be interned, you are authorised to agree to proposed release of internees in question, though you should make it quite plain that your agreement applies to present internees only and does not imply our agreement future releases which may not be to our advantage". (C.S.18397).

/PORTUGAL

### PORTUGAL

Portugal, it was stated in a minute dated 18 April, 1942, by D. of I.(S), in S.14324, had been notoriously lax in not enforcing internment laws. From a letter of October, 1943, addressed by the Foreign Office to the British Ambassador to Turkey and explaining the practice in Spain and Portugal, it appears that these countries allowed the crews of belligerent aircraft to escape, but, it seems, kept the machine. "It was recently proposed to the Portuguese Government that they should release individual aircraft of types not suited to Portuguese requirements in exchange for other types of equal value and of which the Portuguese Government stood in greater need. For the time being this proposal is not acceptable to the Portuguese Government, who consider it would give rise to difficulties under international law". (C.S.14164).

While the Portuguese Government was thus not disposed to exchange interned aircraft for other types, it was quite prepared to buy the interned aircraft for Portuguese use. The Americans sold 5 forced-landed Liberators to the Portuguese Government, and U.S. personnel went to Portugal to service the aircraft. (Telegram from Air Ministry to Rafdel, Washington, 24 May, 1944). Our own Government offered to sell Portugal a Catalina flying Boat which forced-landed 55 miles south of Lourenco-Marques on 15 October, 1942, but the Portuguese Government would not buy it, apparently because the price asked was too high. (C.S.17413 and C.S.21503).

### SPAIN

In the first two years of the war the Spanish practice was lax in the matter of internment, German aircrews were released or allowed to escape, and when we heard of this, we demanded and obtained the release of all the R.A.F. aircrews interned up to the date of the release of the last German aircrew (semi-official letter, Air Ministry to Foreign Office, 8 May, 1942, in S.14324). Afterwards the Spanish Government reverted to the principle of interning all military aircraft and crews landing in Spain, but the practice was rather different.

"In

"In practice the crews are permitted both in Spain and in Portugal to escape", it was stated in a letter sent by the Foreign Office to the British Ambassador, Turkey, in October, 1943, explaining the practice in regard to internment. (C.S.14164).

It was stated in the letter just referred to that the Spanish (like the Portuguese) Government was given an opportunity to purchase the interned aircraft, whether British or American.

#### EIRE

The rule adopted by the Government of Eire was that a belligerent aircraft and its crew were not liable to be interned if the flight in which Eire territory was entered was a non-operational one. The results of the working of this rule are to be seen in the figures for internments and releases from the outbreak of war to 21 October, 1943.

	<u>British</u>	<u>United States</u>	<u>German</u>
Number of aircraft dealt with ... ..	67 ...	13 ...	14
Number of aircraft totally destroyed or beyond salvaging	34 ...	1 ...	14
Number of aircraft permitted to depart at once ... ..	17 ...	6 ...	-
Number of aircraft returned after salvage ... ..	11 ...	6 ...	-
Number of aircraft interned but purchased for Air Corps	5 ...	- ...	-
Number of personnel allowed to depart ... ..	154 ...	95 ...	1*
Number of personnel escaped*	11 ...	- ...	-
Number of personnel still interned ... ..	11 ...	- ...	43

\* German airman repatriated on medical grounds. (C.S.3095).

By 25 March, 1944, there were only 2 British airmen interned in Eire. No American airmen were interned. 79 British and 179 American airmen had been released during the period 1 January, 1942 - 15 March, 1944. During that period, of 43 British aircraft, 14 had been released, 16 salvaged and 13 written off; of

/American

American aircraft, 12 had been released, 8 salvaged and 5 written off. (A.A. Dublin, 25 March, 1944 in C.S.16324)

Mr. De Valera stated in reply to a question in the Dail on 4 November, 1943: "Since the beginning of the war a number of planes belonging to the various belligerents have crashed or made forced landings within our territory. Those which were engaged on operational flights were detained and their crews interned. The others were released". Mr. De Valera declined to add to this reply when asked on 16 February, 1944, why British internees having been released, a similar number of Germans was not released also. (How, exactly, the Germans could have been released was not made clear by the questioner, who possibly overlooked the British blockade).

Addendum (Sweden)

Telegram from Sir V. Mallet, Stockholm, to Foreign Office, No.605, 10 April, 1945 -

- "1. My United States colleague informs me that Swedish Government have agreed to release of (grp. undec.) United States bomber aircraft which landed in Sweden before January 1st 1945, numbering about 76.
- "2. He tells me he considers readiness with which Swedes agreed rather significant. The only stipulation they made was to the release of, as an act of reciprocity, 4 or 5 small German trainer aircraft interned here".

SECRET

K. AIR OPERATIONS AGAINST SHIPPING

In November, 1937, the Admiralty sent to the Air Ministry, Foreign Office and Minister for Co-ordination of Defence a secret draft memorandum on the subject of air attack on shipping. After some discussion the memorandum, with some slight changes only from its original form, was agreed to in March, 1938. The substance of it was this:-

In 1922, at the time of the meeting of the Commission of Jurists at the Hague, the view of the Admiralty, approved by the Committee of Imperial Defence, was that aircraft should be empowered to exercise belligerent rights at sea if, as the result of subsequent development, they became capable of carrying out the procedure laid down for surface craft. The Commission of Jurists were unable, however, to agree upon any rule on the subject of air operations against shipping. The main difficulty was the question of the diversion of merchant ships for visit and search. The American view as expressed in a draft article proposed at The Hague was that aircraft should not be empowered to divert a merchant vessel from its course without first boarding it.

After the meeting at The Hague the question was again considered and on 30 May, 1924, the Cabinet decided that if it came up again at an international conference "the British representatives should in the first instance press for a prohibition of visit and search of merchant vessels by aircraft, and should only agree to a proposal on the lines of the American draft if the other Powers would not agree to total prohibition". (S.43020, enclosure 9B, para. II).

The question was further considered on more than one occasion and the Admiralty attitude to it was again slightly modified. It was felt that total prohibition of air attack on shipping would be unlikely to be accepted by France, Germany and Italy, and in any event a prohibition might in practice become a dead letter. Furthermore, the principle of the assimilation of aircraft to warships for this purpose had in effect been admitted in the Supplementary

/Agreement...

Agreement to the Nyon Arrangement in 1937 which provided that if a surface warship witnessed an aircraft attack contrary to the "humanitarian principles embodied in the rules of international law with regard to warfare at sea", it should open fire on the aircraft. It would be difficult to argue that aircraft were subject to the limitation but did not possess the privileges of warships in regard to belligerent rights at sea.

The reconsidered Admiralty view as explained in that Department's memorandum M.05519/36 of 1939 was that aircraft should be authorised to exercise such rights subject to suitable safeguards, which were required to prevent possible abuses in connection with (1) the diversion or detention of shipping, and (2) the "sanction" by which the aircraft could compel compliance with its orders. As regards the first, the Admiralty suggested that the rule should be that diversion could be enforced only when an armed guard had been put on board or, failing that, the vessel was escorted into port. This would mean that diversion would be limited to the distance which the ship could steam while under air escort, the assumption being that the aircraft, being unable to place an armed guard on board, would have to accompany the ship until she reached port or the aircraft's parent ship. As regards the "sanction", the rule should be that the aircraft could use such degree of force as was sufficient to secure compliance with its orders and could only attempt to sink the ship or render it incapable of navigation if the resistance was such that it could not be overcome in any other way. (Enclosure 9B in S.43020).

When war was imminent the Admiralty issued to the Fleet Air Arm, on 25 August, 1939, instructions which were even more restrictive than those contained in the memorandum quoted above. The instructions were not referred to the Air Ministry before despatch but when they were referred, on the day of issue, no objection was raised to them. They were as follows:-

"1. Enemy warships, troopships and auxiliaries in direct attendance on the enemy fleet may be attacked without

/warning...

warning provided they have been identified beyond doubt.

"B. (1) Any ship which there are definite grounds for believing to be an enemy raider (see para. B (iii) below) should be ordered to steer course to a port where she could be examined or to nearest of H.M. ships capable of dealing with her. Alternatively, she should be ordered to stop and await arrival of H.M. ship capable of performing visit and search. It is a rule of international law applicable to aircraft as well as warships that in the exercise of belligerent rights at sea they may use only such force as is necessary to make a merchant ship obey an order or to overcome her resistance to visit and search. In dealing with a suspected raider therefore aircraft must exercise great care and must scrupulously observe the following procedure.

"If vessel fails to obey signals after it is clear she has understood them, bombs should be dropped or machine guns fired ahead of her as warning. If this is disregarded bridge should be machine gunned. If this fails, ship should be attacked in some non-vital part such as superstructure. Only small bombs should be used such as would be unlikely to sink ship if she were hit in a vital spot.

"(ii) It is important to remember that unless ship's true character is made clear she incurs no penalty by escaping or ceasing to obey order if aircraft even temporarily lose control over her. If this occurs, aircraft must repeat process described in preceding para. if they wish to regain control. It is of course highly important that, if it all possible, touch should be kept with the vessel until H.M. ships arrive.

"(iii) For the time being it is of great importance that neutral sympathies should not be alienated by use of force against innocent merchant shipping, which may not have understood signals from aircraft. Owing to probable

existence of many genuine merchant ships with defensive armament and to difficulty of penetrating disguise from the air, there must be some definite reason for thinking that vessel is an armed raider before action at (B) (i) is taken. Such suspicion would normally be founded on some precise indication from intelligence sources, but occasionally it might be possible to establish character by observation, e.g. of an attempt on raider's part to capture or attack merchant shipping, or of large armament mounted in broadside.

"C. On sighting any ship not covered by A or B aircraft should confine action to reporting vessel's position, course and if possible her nationality and identity, to H.M. ship in vicinity as seems best, in the meantime keeping in touch with her as far as practicable. Even if merchant ship should open fire with defensive armament aircraft should refrain from any form of retaliation and merely take avoiding action, reporting facts as in preceding sentence.

"Their Lordships desire to emphasise that in carrying out these instructions aircraft should refrain from any use of force rather than run the risk of sinking a merchant vessel.

(Enclosure 11C in S.43020).

The same instructions were issued by the Air Ministry to Coastal Command on 27 August, 1939, signal X476. On 6 December, 1939, the Air Officer Commanding-in-Chief, Coastal Command, submitted, in a letter to the Air Ministry, revised rules for the purpose in question, and on 30 December a conference was held at the Air Ministry, under the chairmanship of Air Marshal Sir Philip Joubert, to consider the amendment of the August rules. One of the remarks made at the conference is deserving of record, for it goes some way to explain our policy of tenderness towards merchant shipping, so far as air operations against them were concerned. Sir William Malkin said: "I suppose the Admiralty anxiety is not to do anything which will give some excuse for the enemy starting indiscriminate

/bombing...

bombing of the defensively armed merchant ships." Sir Philip Joubert agreed that that was the reason. (Enclosure 22B in S.43020).  
21A.

The conference agreed to the amendment of the August instructions in certain respects. Fresh instructions were drawn up and after being agreed to by the Admiralty were issued to operational Commands of the R.A.F. at home by letter dated 4 February, 1940, and to overseas Commands by signal X363 of same date. The new instructions were these:-

"Instructions Governing the Action of Aircraft against Shipping at Sea.

"1. The action of aircraft against shipping at sea is to conform with the following instructions which are based on Maritime Law.

"2. Aircraft must not be ordered to attack at sight and without challenge any vessels except the following:-

- (a) Vessels definitely indentified as enemy warships.
- (b) Vessels definitely identified as enemy mine layers, mine sweepers, patrol vessels or troopships.
- (c) Any vessels other than those specified in (a) and (b) above which are definitely established by observation to form part of an enemy fleet. (Merchant ships in convoy are NOT part of an enemy fleet).
- (d) Any vessel in a "Special Zone" which opens fire on a British or Allied aircraft. The attack should not be made if it involves risks to innocent ships in the vicinity.

Note: "Special Zones" will be defined from time to time in Air Ministry/Admiralty instructions<sup>(1)</sup>.

"3. Aircraft should not be ordered to challenge vessels at sea unless:-

/(a)

---

(1) Such "Special Zones", or zones dangerous to shipping, were defined from time to time, the first being an area of the North Sea as delimited in Air Ministry letter of 8 February, 1940 S.43020/S6.

- (a) The aircraft is engaged in contraband control operations in co-operation with H.M. Ships or in conjunction with a contraband control base. In such circumstances specific orders as to the description and general location of vessels to be challenged are to be issued. (For detailed procedure see para.4).
- (b) The aircraft has been ordered to search for or keep a look-out for an enemy vessel being used openly or under disguise for military purposes. In such circumstances an aircraft may not challenge a ship unless it corresponds with the description and probable location of the vessel concerned. (For detailed procedure see para. 5).

"4. The following procedure is to be followed by aircraft engaged in contraband control operations in co-operation with H.M. Ships or in conjunction with a contraband control base (see para. 3 (a) above):-

- (a) The aircraft is to report the position of the vessel to the co-operating warship or contraband control base.
- (b) The aircraft is to pass on to the vessel by lamp, using the International Code of Signals (Part I), the orders received from the co-operating warship or contraband control base.
- (c) If the vessel obeys, it is to be escorted for as long as possible or until it is taken over by the co-operating warship or the contraband control base or a relieving aircraft.
- (d) If the vessel does not obey, the aircraft is to repeat the orders THREE TIMES. If the vessel still does not obey the aircraft is to fire a number of rounds as a warning into the sea ahead of the ship and repeat the orders.
- (e) If the ship still refuses to obey, the aircraft is to request further instructions from the co-operating warship or contraband control base.

- (f) In no circumstances is the vessel to be attacked unless the foregoing instructions have been complied with and specific orders to attack have been received from the co-operating warship or contraband control base.
- (g) If orders are received to attack the ship the aircraft is to follow the procedure set out in para. 5 (d), (e) and (f) below.
- (h) Even if the vessel opens fire the aircraft is not to attack unless ordered to do so by the co-operating warship or contraband control base unless the ship is within a "Special Zone" when it may be dealt with under para. 2(d) above.
- (j) If the aircraft for any reason has to cease escorting the vessel before a relieving aircraft or one of H.M. Ships arrives, and the vessel in the interval ceases to obey the orders given to her, the procedure described in sub-para. (a) to (h) above must be recommenced and followed in its entirety if it is desired to regain control of the vessel.

"5. An aircraft which identifies a vessel as a suspicious ship which it has been ordered to search for and challenge under para. 3(b) above is to adopt the following procedure:-

- (a) The aircraft is to report the description, position, course and speed of the ship to its base and to the nearest British or Allied warship.
- (b) Order the ship by lamp, using the International Code of Signals (Part I), to steer a course towards the nearest British or Allied warship or a suitable port.
- (c) If the ship obeys it is to be escorted for as long as possible, or until the aircraft is relieved.
- (d) If the ship does not obey, the order is to be repeated THREE TIMES. If it still does not obey the aircraft is to fire a number of rounds into the sea ahead of the ship and again repeat the signal.

(e) If the ship still does not obey the order it may be assumed that she has enemy character, and force may be used to secure compliance with the orders given. The aircraft is to machine gun the bridge with a short burst of fire. If this has no effect the ship is to be bombed until one hit is registered. After a reasonable lapse of time if the ship still continues on her course the aircraft is to continue bombing until the ship obeys.

(f) If at any stage of this procedure the vessel opens fire the aircraft may at once attack it with all the force at its command whether it is in a "Special Zone" or not.

"6. Orders to aircraft are to make it clear that as all merchant ships have a right of self-defence aircraft must in all circumstances be careful not to provoke an innocent merchant ship to open fire by approaching any merchant ship, whether suspect or not, in such a manner as to give the vessel reasonable grounds for apprehension that she is about to be attacked."

(Enclosure 44C in S.43020)

On 26 March, 1940, the instructions issued on 4 February, quoted above, were amended by letters issued by the Air Ministry to all operational Commands of the R.A.F. (Signals in advance of the letters were sent on 24 March to overseas Commands, number X381).

Para. 3 of the February instructions was deleted and the following substituted:-

"3. Aircraft should not be ordered to challenge vessels at sea unless:-

(a) The aircraft is engaged in contraband control operations in co-operation with H.M. Ships or in conjunction with a contraband control base. In such circumstances specific orders as to the general description and probable location of vessels which may be challenged or diverted are to be issued. (For detailed procedure see para. 4).

/(b)

(b) The aircraft has been ordered to search for or keep a look out for -

(i) An enemy vessel being used openly or under disguise for military purposes (e.g. a suspected raider).

(ii) Particular enemy merchant ships.

In such circumstances an aircraft may challenge and divert any ship in the area ordered to be searched which corresponds with the description of any of the vessels described in the orders. (For detailed procedure see para. 5)."

(Enclosure 66B in S.43020).

On 9 April, 1940, the War Cabinet authorised the First Lord of the Admiralty to instruct submarine commanders to attack without warning all shipping in the Skagerrak. (The Germans invaded Norway and Denmark on night of 8/9 April.) On 11 April the Air Ministry instructed Coastal and Bomber Command, by signal X.113, as follows:-

"Aircraft may attack without warning any ships, merchant or otherwise under way within 10 miles of the Norwegian coast south of latitude 61° N. and anywhere east of longitude 6° E. as far south as latitude 54 N. Ships at anchor may be attacked if definitely observed to be enemy. In the event of British submarines operating and proceeding on the surface restrictions will be promulgated."

(Enclosure 68A in S.43020).

This instruction was amended on 12 April by signal X.297 to Bomber, Coastal and Fighter Commands:-

"After the words 'Ships at anchor may be attacked if definitely observed to be enemy' insert 'except in the Kiel Bay area where all ships including merchant ships may be attacked provided they are not alongside.'"

(Enclosure 69A in S.43020).

The instructions of 11 April, quoted above, limited the area in which aircraft might attack ships on sight to 10 miles from the Norwegian coast and thence down the western edge of the German mined

/area

area to the Dutch coast. On 16 July, 1940, the Air Ministry issued instructions to Bomber, Fighter and Coastal Commands by signal X.320 extending considerably to the west and south the area within which attack at sight was authorised, and also allowing attack on any ship at anchor inside the territorial waters (i.e., within 3 miles of the coast) of enemy occupied territory or alongside in any European port in enemy possession. (Enclosure 921 in S.43020).

On 4 August 1940 the Air Ministry sent the following signal (X.719) to the Middle East and Malta:-

"As Italians have now issued a warning that all vessels navigating within 30 miles of enemy territory in the Mediterranean do so at their own risk, instructions contained in our X.363 of 4 February as amended by our X.381 of 24 March should be modified as follows. Aircraft may sink at sight and without challenge (a) any vessel encountered within 30 miles of the Libyan coast and (b) any identified Italian ship within 30 miles of any Italian territory in the Mediterranean provided this does not infringe Turkish territorial waters. Action in the Mediterranean should so far as possible be co-ordinated with instructions for naval action issued by Admiralty in their 0058/18/7 to C.-in-C. Mediterranean and Vice-Admiral Malta." (Enclosure 110A in S.43020).

On 1 September, 1940, the Air Ministry by signal X.396, informed Bomber, Fighter and Coastal Commands that the sink-at-sight area authorised on 16 July (signal X.320) referred to above was extended to include a defined area in the Bay of Biscay and also an area in the English Channel east of a line from the Bishop Rocks Light to the Chaussée de Seine; care was to be taken not to interfere with the Spanish vessels engaged in Coastal trade between Spanish ports. The same signal (of 1 September) also stated that the instructions contained in Admiralty signal 1903/26 regarding hospital vessels should be complied with. Signal 1903/26 had instructed naval C.-in-C's, home waters, that 64 small German vessels marked with the Red Cross and detailed for rescuing airmen from the sea were not regarded by us as entitled to

/treatment

treatment as hospital ships and could be captured or sunk.  
(Enclosure 120A in S.43020).

On 15 October, 1940, the Air Ministry authorised R.A.F., Middle East, and Aden, to sink at sight any vessel within 30 miles of the coast of Italian Somaliland and added that A.O.C., M.E., at his discretion could take similar action off coasts of Eritrea and British Somaliland, due regard being paid to native dhows and legitimate shipping entering and leaving the Red Sea. (Enclosure 151A in S.43020).

On 22 February, 1941, by signal X.653 to Middle East, Malta and other Commands, the sink-at-sight area was extended to include the part of the Mediterranean bounded by the North African shore from Benghazi to Cape Bon, Sardinia and the heel of Italy. The signal added that elsewhere in the Mediterranean German and Italian vessels might be attacked without warning anywhere within 30 miles of Italian territory and also south of Lat. 35°46'N. in Tunisian territorial waters. (Enclosure 23A in S.43020/II).

On 19 April, 1941, by signal X.490, to Middle East, Malta, Gibraltar and Coastal Commands, the sink-at-sight area was extended to include the whole Aegean Sea, (Enclosure 42A in S.43020/II).

On 27 April, 1941, Middle East, Malta, Gibraltar, Far East and Coastal Commands were informed that as French territory could not be regarded as having the status of an ordinary neutral, all French territorial waters could be entered for the purpose of attacking or intercepting enemy shipping, and also for the purpose of intercepting French merchant ships. (Enclosure 50A in S.43020/II).

To prevent the scuttling of enemy merchant ships, the Admiralty on 1 May, 1941, instructed all Naval Commands at home and abroad that, until a boarding party could be put on the ship, she should be ordered in International Code: "Stop - do not lower boats - do not use radio - do not scuttle - if you disobey I open fire." The first consideration, said the instructions, was to save the ship and force could be used to get the order obeyed. "Crews should not be left in open boats on high seas or to drown in ship as this would be contrary to dictates of humanity observed by Royal Navy." The message added: "Aircraft sighting a suspect ship should report and shadow, endeavouring to remain unobserved. No attempt should be made

to divert unless surface vessels are unable to make contact, in which case objects of aircraft should be (i) to prevent crew scuttling and taking to boats, (ii) to divert ship to most suitable British or Allied warship or most suitable British or Allied port." In this case aircraft should be guided by the instructions to naval craft above. Similar instructions were issued by the Air Ministry on 7 May, 1941, to all Commands at home and overseas. (Enclosure 69A in S.43020/II).

The anti-scuttling instructions above quoted were revised by the Admiralty in signal 1258A of 4 November, 1941, to Naval Commanders at home and abroad, a para. being added that: "If the ship is definitely identified as enemy fire may be opened immediately after sending of W.B.A. (i.e. "Stop - do not lower boats, etc."). The primary object is to induce a state of irresolution in the enemy's mind." As regards action by aircraft, the new instructions said: "If ship is identified as enemy, aircraft may drop a bomb on the bridge to disorganise scuttling arrangements and machine-gun the boats at the davit head." Similar instructions were issued by the Air Ministry by signal X.195, on 9 December, 1941, to R.A.F. Commands at home and overseas. (Enclosure 211B in S.43020/II).

On 17 July, 1941, the Japanese Consulate-General, Wellington, - Japan was still neutral then - protested to the New Zealand Government against a Notice to Mariners gazetted on 19th June, regarding the control of merchant vessels by R.N.Z. Air and Naval Forces. The Japanese Note stated:- "My Government is unwilling to recognise the method of controlling neutral ships by aircraft as embodied in the above mentioned notice, on grounds that: firstly, no international law or custom law (sic) is yet established empowering a belligerent country to stop and/or to institute a search or to direct the movements of neutral shipping by aircraft. Secondly, neutral vessels will be deprived of a reasonable freedom of navigation when they are to be ordered by controlling aircraft, instead of by controlling vessel, to stop and/or to be searched or to proceed to a certain distant place, and, moreover, they are subject to machine-gun fire from the aircraft if they do not obey orders at once, as a practical possibility of this control.

The New Zealand Government's reply, in which the Dominions

/Office

Office concurred before issue, was:

"In view of the action of German raiders in disguising themselves as Japanese ships and flying the Japanese flag, and no doubt using the flag of other neutral States, H.M. Government in New Zealand take the view that in international law a right does exist to permit the diversion of ships by aircraft both for the purpose of contraband control and of discovering the friendly character or otherwise of the vessel intercepted." The reply added that interception by aircraft should involve no greater interference with freedom of navigation than interception by naval forces. (Enclosure 130A in S.43020/II).

On 22 June, 1941, hostilities began between Germany and Russia, and on 23 July, 1941, the Admiralty instructed Naval Commands at home that vessels could be attacked at sight by submarines, surface craft and aircraft in waters north of the parallel 69° N. The sink-at-sight area in the Bay of Biscay was extended at the same time. Copies of the instruction were sent by the Admiralty to Bomber and Coastal Commands. (Enclosure 134A in S.43020/II).

The Admiralty letter of 23 July consolidated instructions as to the conditions in which submarines, surface craft and aircraft could sink at sight in the Bay of Biscay, English Channel and Northern Waters. The instructions were revised again by letter of 24 April, 1942, and in view of that revision are not quoted here.

After the North Sea danger area had been extended as above, Coastal Command proposed to the Air Ministry that, as fishing vessels were being sighted as much as 40 miles from the Norwegian coast and were suspected of being used to give information about our aircraft, the Norwegian Government here should broadcast a warning that such vessels were liable to attack when more than 6 or 7 miles from the coast. The Air Ministry replied on 4 October 1941 that the Council did not favour a general offensive against all fishing vessels off the Norwegian coast. It had been ascertained from the Admiralty that the fishing vessels largely carried loyal Norwegians escaping to this country. (Enclosure 171A in S.43020/II).

On 27 November, 1941, the Admiralty issued a Confidential

/Admiralty

Admiralty Fleet Order which contained the following para.:-

"(7) Aircraft sighting a suspected enemy merchant ship should report and shadow, endeavouring to remain unobserved. No repeat no attempt should be made to stop or divert unless surface vessels are unable to make contact, in which case objects of aircraft should be (1) to prevent crew scuttling and taking to boats, (2) to divert ship to most suitable British warship or port. If a ship is identified as enemy, aircraft may take such action as is necessary to disorganise scuttling arrangements, e.g. machine-gun the bridge and the boats at the davit head."

On 18 March, 1942, the Admiralty gave notice (reference 1425/A) that the danger area in the Bay of Biscay was extended again, and on 24th April, 1942, issued revised and consolidated instructions covering the danger areas in Northern waters, the North Sea, the English Channel and the Bay of Biscay (as extended). (Admiralty M. 050299/41). Bomber, Fighter and Coastal Commands received copies. The instructions of 24 April, 1942, included the following "Instruction governing attacks at sight by aircraft in Home Waters":-

"1. Aircraft may at all times, by day or by night, attack all vessels whether at anchor, under way or alongside within the areas defined in Appendix I, (i.e. the areas laid down as those in which shipping might be attacked at sight by submarines, surface ships and aircraft).

"2. In addition,

(a) Ships in Swedish territorial waters west of 13° East may also be attacked, but only if under way.

(b) Bay of Biscay, east of 12° West and North of 43° North. Any vessel identified as enemy may be attacked anywhere in the Bay of Biscay east of 12° West and North of latitude 43° North provided it is not less than 5 miles from the Spanish coast. Enemy warships and auxiliaries may of course be attacked anywhere outside Spanish territorial waters.

"3. The Admiralty may route certain neutral ships through the areas defined in Appendix I, paras. 1 and 2 (i.e. Northern waters and the North Sea). The description and movements of these vessels will be promulgated to aircraft. They are only to be attacked if they do not proceed along the route promulgated by the Admiralty.

"4. Spanish territorial waters should in general be respected. Any vessel which delivers an attack from anywhere within Spanish territorial waters or within the zone referred to in para.2 (b) above may, however, be attacked in return."

The consolidated instructions of 24 April, 1942, also contained instructions for the action of aircraft against shipping outside the sink-at-sight area; these were the same as the former instructions but are worth putting on record to show how air action was still circumscribed in anti-shipping operations. It was laid down that aircraft were not to attack at sight and without examination any vessels other than those definitely identified as enemy warships or as enemy mine-layers, mine sweepers, patrol vessels or troopships, or vessels definitely established as forming part of an enemy fleet. "Merchant ships in convoy are NOT part of an enemy fleet." Aircraft engaged on contraband control in co-operation with H.M. ships or a contraband control base, were authorised to identify vessels at sea by International Code of Signals, and so were aircraft ordered to keep a look out for a suspected raider or particular merchant ships. But they were forbidden to attack the ship even if it opened fire until ordered to do so by the co-operating warship or contraband control base. Emphasis was laid in the instructions on "avoidance of provocation". All ships, it was pointed out, have the right of self-defence and aircraft should not approach a merchant vessel, suspect or not, in such a manner as to give her grounds for apprehending an attack.

The instructions of 24 April, 1942, furthermore contained (in Appendix 4) "restrictions on attack by sea and air on fishing vessels in certain areas within sink-at-sight zones". These stated that an

/appreciable

appreciable amount of allied traffic went on between Norway between latitudes  $62^{\circ} 30'$  N. and  $59^{\circ}$  N. and the United Kingdom and this should be borne in mind before attacking fishing vessels in this area, and also that French sailing vessels in the western approaches of the English Channel were a valuable link for intelligence and other purposes and no action should be taken to disturb this channel of communication. The latter vessels would remain liable to visit and search as some of them were known to be made use of by the Germans, but indiscriminate attack should not take place. (Enclosure 13B in S.43020/III).

On 9 May, 1942, the Air Ministry informed the Admiralty that there was strong evidence that the enemy were endeavouring to counter our action in flying low so as to keep below German R.D.F. cover by using Danish and Dutch fishing vessels as the outer screen. There had been a definite increase in our aircraft losses and also in the number of enemy aircraft sighted by our patrols along the convoy routes. The Air Council therefore proposed to issue instructions that in the North Sea sink-at-sight zone all (Danish and Dutch) fishing vessels might be attacked except those within 30 miles of the Danish coast.

(Enclosure 18A in S.43020/III).)

The Admiralty agreed, and on 23 July, 1942 the Admiralty instructed naval commanders and Coastal, Bomber and Fighter Commands, reference 13552/23, that:

- (i) N. of  $58^{\circ}$  N. no fishing vessels were to be attacked;
- (ii) S. of  $58^{\circ}$  N. all fishing vessels of whatever nationality were to be attacked except (a) Danish, Dutch and Belgian vessels within 30 miles of Danish or 20 of Dutch coasts, and (b) French fishing vessels in the Channel and Bay of Biscay S. of  $49^{\circ}$  N. and E. of a line drawn from the southern boundary of the sink-at-sight area along the meridian  $5^{\circ}$  W. to  $57^{\circ} 15'$  N. and then in a direction  $3.5^{\circ}$  W to  $49^{\circ}$  N. (Enclosure 67A in S.43020/III).

/On

On 21 July, 1942, French fishermen were warned by the British broadcasting service to keep away from the danger areas in the North Sea, the Channel and the Bay of Biscay, and leaflets in French were dropped at French ports with a similar warning. (Enclosure 71C in S.43020/III). Leaflets in Spanish were dropped subsequently on Spanish fishing boats, not on Spanish territory; the Foreign Office agreed to their being thus distributed. (Enclosures 78B and C in S.43020/III).

On 21 July, 1942, also, the Admiralty issued by signal, reference number 1031 B, rules governing operations against U-boats in the territorial waters of Spain, Spanish possessions, Tangier, Portugal and Portuguese possessions, as follows:-

- "A. H.M. ships and aircraft by day or night may enter territorial water or air space to attack any U-boat actually in sight or contact provided -
- (i) Care is taken to avoid damage to neutral ships or persons and property ashore.
  - (ii) Attack is not made in harbour except upon express instructions from the Admiralty.
  - (iii) Aircraft after completing the attack do not remain over Spanish territorial waters longer than is essential to observe the result of the attack.
- "B. (i) By day H.M. ships or aircraft may not patrol inside territorial waters.
- (ii) By night H.M. ships only (not aircraft) may, if necessary, enter territorial waters in areas where their presence is unlikely to be observed.
- "C. . When a U-boat has put into a Spanish port for repairs or for any other reason, it is not to be attacked within territorial waters upon leaving without express authority from the Admiralty.
- "D. It will be appreciated that utmost importance is attached to avoiding unnecessary infringements of Spanish sovereignty."

On 1 August, 1942, the Admiralty issued by letter M.051103/42, instructions amending those issued on 24 April, regarding attacks at

/sight

sight by aircraft in Home waters. The new instructions were as follows:-

- "1. Aircraft may at all times attack all vessels, whether at anchor, under way or alongside within the area defined in Appendix I (i.e. the area announced to be dangerous for shipping).
- "2. In addition ships in Swedish territorial waters west of  $13^{\circ}$  east may be attacked but only if under way.
- "3. Any merchant vessel definitely identified as enemy may be attacked at sight anywhere in the Atlantic outside neutral territorial waters.
- "4. Bay of Biscay North of  $42^{\circ} 15'$  N. and East of  $14^{\circ}$  W, vessels of over 2,500 tons. Neutral Governments have been warned as follows:-

Portugal: All movements of ships over 1,000 tons N. of  $42^{\circ} 15'$  N. must be notified 72 hours in advance.

Spain: All movements of ships over 2,500 tons N. of  $42^{\circ} 15'$  N. must be notified 72 hours in advance.

Eire: All ships both outward and homeward bound are to keep west of  $12^{\circ}$  W. when between the parallels of  $49^{\circ}$  N. and  $42^{\circ} 15'$  N. and that they disregard this warning at their peril. Sailings of Eire vessels from ports in the U.K. will be promulgated to Commander-in-Chief, Plymouth, F.O.C.N.A., and Air Officer Commanding-in-Chief, Coastal Command, and sailings from Lisbon will be notified by N.C.S.O. 24 hours in advance

" British and allied shipping is not permitted to proceed north of Oporto without prior approval from the Admiralty, who will notify any such movements. Vichy vessels in this area are to be treated as enemy. Accordingly outside neutral territorial waters:

- (a) If in a given area no movements of neutral ships have been notified as provided for above, any ship

/encountered

encountered of over 2,500 tons may be assumed to be enemy and attacked at sight.

- (b) If neutral or allied shipping is to be expected in a given area a suspicious vessel of over 2,500 tons may be attacked at sight if it clearly does not correspond to the description of any vessel notified as being within the area. If in doubt she should be shadowed and a description should be signalled to base and instructions asked for.
- (c) All Eire, Spanish and Portuguese vessels exhibit their markings and the fact that a vessel apparently carries no markings will therefore be a highly suspicious circumstance though the possibility of the markings being dimmed or obscured should be borne in mind. A vessel showing colours other than Eire, Spanish or Portuguese may be presumed to be enemy unless notice of a neutral or allied vessel has been promulgated. On the other hand the enemy is likely to adopt Spanish and Portuguese colours as cover and the fact that a suspicious ship is wearing these colours is not therefore by itself conclusive evidence of innocence.
- "5. Spanish territorial waters must in all ordinary cases be carefully respected. If, however, an enemy ship of over 2,500 tons is encountered and attacked outside Spanish territorial waters, the attack may be carried right to the edge of Spanish territorial waters and if absolutely necessary even beyond provided (a) care is taken to avoid damage to neutral persons and property ashore, (b) attack is not made in or in the immediate vicinity of harbour except upon express instructions from the Admiralty, (c) aircraft after completing the attack do not remain over Spanish territorial waters longer than is essential to observe the result of the attack.
- "6. The Admiralty may route certain neutral ships through the areas defined in Appendix I, paras. 1 and 2 (i.e. Northern Waters and the North Sea). The description and movements of

/these

these vessels will be promulgated to aircraft on patrol. They are only to be attacked if they do not proceed along the route promulgated by the Admiralty."

(Enclosure 74A in S.43020/III).

Fishing vessels continued to enter the Bay of Biscay despite the warnings issued in 1942, and on 11 May, 1943, "Coastal Command Operational Instruction No.113" had to be issued. It was as follows:-

"1. In view of their interference with our A/S warfare in the Bay it is intended to drive all neutral and enemy controlled fishing vessels from the Bay of Biscay. The action taken so far consists of a warning by broadcast and official representations to the Naval Authorities in appropriate neutral countries (i.e. Spain, Portugal, Sweden and Eire); and leaflets have been dropped on enemy occupied fishing ports in the Bay.

"2. The next stages of this operation consist of dropping leaflets on the fishing vessels at sea, and the firing of warning shots, to be followed by attacks calculated to destroy or damage them.

"3. Leaflets will be despatched by Air Ministry direct to R.A.F. Station, Chivenor, and provided on a basis of 3 sorties per day for 14 days.

"Watching Phase.

"4. As from 17 May, 1943, when leaflets will be available. No. 547 Squadron will carry out patrols in the Bay carrying leaflets and maximum capacity gun ammunition. Their task is to seek out fishing vessels in areas where they have been reported and attempt to stop each vessel by firing across the bows. At the same time leaflets are to be dropped on or in the vicinity of as many fishing vessels as possible, regardless of nationality.

"5. This phase of the operation will continue for 14 days.

"Attack

"Attack Phase.

- "6. On completion of the warning phase, i.e., 1 June, 1943, No.248 and No.547 Squadron are to undertake patrols in the Bay with the object of seeking out and destroying any fishing vessels encountered of whatever nationality. No.547 Squadron will be armed with 100 lb. A/S bombs set instantaneous. During bombing runs fishing vessels are to be attacked by gunfire.
- "7. No.248 Squadron are to attack with cannon and machine gun fire.
- "8. Particular attention is to be paid to fishing vessels seen to emit puffs of smoke.

"The Attack Area.

- "9. The area in which fishing vessels may be attacked at sight will be extended to cover the south eastern portion of the Bay leaving only a limited area of free water off the coast for in-shore fishermen. This area is defined as follows:-

On the North by the parallel of  $49^{\circ}$  N. On the West by the meridian of  $12^{\circ}$  W. On the South by the parallel of  $44^{\circ} 05'$  N. to a point North of Cape Ortegal, thence eastward 20 miles off the coast of Spain to  $02^{\circ} 40'$  West. On the East to the  $02^{\circ} 40'$  West to position  $45^{\circ} 35'$  North  $02^{\circ} 40'$  West, thence North Westerly to a position  $49^{\circ}$  North  $07^{\circ} 30'$  West.

- "10. It is to be noted that Spanish and other neutral fishing vessels are liable to attack throughout the whole sink-at-sight zone."

(Enclosure 129B in S.43020/III).

On 18 February, 1944, the Admiralty by letter M.013340/43, extended the danger areas in the English Channel and Bay of Biscay as delimited in the instructions of 24 April, 1942, (Enclosure 4D in S.43020/IV); and on 24 April, 1944, by letter M.0615/44, imposed a total prohibition of fishing by British and Allied vessels in the area extending northwards from the sink-at-sight area in the Bay of Biscay up to Irish territorial waters and, on west, to meridian of  $11^{\circ}$ W. (Enclosure 12A in same).

/Various

RESTRICTED

Various changes in the danger areas were made at later dates, but they are not such as to call for record here. Particulars can be found in S.43020/IV).

RESTRICTED