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# NATO AGREEMENTS ON STATUS: TRAVAUX PRÉPARATOIRES

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## FOREWORD

Since the founding of the Naval War College in 1884, the study of international law has been an important part of the curriculum. From 1894 to 1900 some of the lectures on international law and the problem situations studied were compiled and printed with a limited distribution. Commencing in 1901, however, the first formal volume of the Naval War College's "Blue Book" series was published. This book is the fifty-fourth volume in the series as numbered for cataloging and reference purposes.

This present volume is written by the Reverend Joseph M. Snee, S. J., Professor of Law, Georgetown University Law Center. Father Snee has collected, annotated and arranged, in a manner suitable for easy reference, a mass of material comprising the negotiating history of the three principal NATO agreements on the legal status of military forces. The three agreements prescribe the status of NATO personnel in countries where they are present for the purpose of official duties. Father Snee's compilation and commentary should prove to be a most valuable source of reference material in this particular area of international law.

While this material has been processed as required by SECNA-VINST 5600.16 of 2 November 1960, the opinions expressed in this volume and the decisions on selection of materials to be reproduced are those of the author and not necessarily those of the United States Navy or of the Naval War College.

> JOHN T. HAYWARD Vice Admiral, U.S. Navy President, Naval War College

## **INTRODUCTION**

#### The Development of NATO

The North Atlantic Treaty <sup>1</sup> was signed in Washington on 4 April 1949 by the Foreign Ministers of Belgium, Canada, Denmark, France, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, the United Kingdom and the United States, and was subsequently ratified by all twelve nations. A Protocol<sup>2</sup> signed by the Council Deputies in London on 22 October 1951 agreed to the accession of Greece and Turkey, which acceded to the Treaty on 18 February 1952. A further Protocol<sup>3</sup> signed by the North Atlantic Council in Paris on 23 October 1954 led to the accession of the Federal Republic of Germany on 5 May 1955.

The North Atlantic Treaty Organization (NATO) is not mentioned by name in the North Atlantic Treaty. The genesis of the Organization as it exists today can, however, be traced to the establishment, in Article 9 of the Treaty, of the North Atlantic Council and the authorization of other subsidiary bodies:

The Parties hereby establish a council, on which each of them shall be represented, to consider matters concerning the implementation of this Treaty. The Council shall be so organised as to be able to meet promptly at any time. The Council shall set up such subsidiary bodies as may be necessary; in particular it shall establish immediately a defence committee which shall recommend measures for the implementation of Articles 3 and 5.

At the first session of the Council, in Washington on 17 September 1949, it was decided that the Foreign Ministers of the NATO countries would comprise the "normal" membership of the Council, and that any subsidiary bodies which were set up would be subordinate to the Council. The fourth session of the Council, held in London on 15-18 May 1950, resulted in the creation of the "Council Deputies" (meaning Deputies representing their Foreign Ministers) who were to remain in permanent session in London, where the second session had already set up a permanent international working staff. The

<sup>163</sup> Stat., pt. 2, 2241, TIAS 1964, 34 UNTS 243.

<sup>23</sup> UST 43, TIAS 2390, 126 UNTS 350.

<sup>3 6</sup> UST 5707, TIAS 3428, 243 UNTS 308.

ninth session of the Council, held in Lisbon on 20-25 February 1952, resulted in a radical reorganization of the various civilian institutions of the North Atlantic Treaty Organization. The Council Deputies, established in 1950, were abolished. The Council was to remain in permanent session with effective powers of decision. The Council was to be comprised of Permanent Representatives appointed to it by each of the NATO States. It was to take up its headquarters in the Paris area and was to be served by a single International Staff/Secretariat. The meetings of the Permanent Council were to be presided over by a permanent Vice-Chairman, who would also be the Secretary General of the North Atlantic Treaty Organization and responsible for the organization and work of the Staff/Secretariat.

On the military side, by the time the Council held its fifth session, in New York on 15-18 September 1950, it was clear that the military security of the NATO countries required the creation of an integrated military force under a Supreme Commander supported by an international staff and subject to the direction of the subsidiary body of the Council called the Standing Group. In accordance with a decision reached at the sixth session of the Council, held in Brussels on 18-19 December 1950, the United States nominated and the Council confirmed General Eisenhower as Supreme Allied Commander Europe (SACEUR), who chose a site near Paris for the Supreme Headquarters Allied Powers Europe (SHAPE). Also on the military side, several of the NATO countries, and particularly the United States, had armed forces serving on the territories of other NATO countries in connection with the operations of the North Atlantic Treaty.

#### The Agreements on Status

It was this development of the North Atlantic Treaty Organization which created the necessity for some form of multilateral agreement to define the status of NATO personnel, both civilian and military, in the countries where they were present for the performance of their official duties. It was also necessary to define the juridical status of the Organization itself vis-à-vis the national law of the various countries in which the Council or its subsidiary bodies were present and operating. The result was the three principal NATO agreements on status, whose "negotiating history" is contained in the present volume. These three agreements are:

1. Agreement between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces,<sup>4</sup> signed in Washington on 19 June 1951;

<sup>44</sup> UST 1792, TIAS 2846, 199 UNTS 67. It is reproduced at page 13, infra.

- 2. Agreement on the Status of the North Atlantic Treaty Organization, National Representatives and International Staff,<sup>5</sup> signed in Ottawa on 20 September 1951; and
- 3. Protocol on the Status of International Military Headquarters Set up Pursuant to the North Atlantic Treaty,<sup>6</sup> signed in Paris on 28 August 1952.

Of these three agreements, the first to be drafted and signed was the Status of Forces Agreement. Since the United States maintained the largest contingent of troops in other NATO countries, it was perhaps natural that the first draft of this Agreement was submitted by the United States Deputy,<sup>7</sup> who used as the basis for his draft the earlier Agreement Relative to the Status of Members of the Armed Forces of the Brussels Treaty Powers <sup>8</sup> which had already been agreed to by five of the twelve NATO countries—Belgium, France, Luxembourg, the Netherlands and the United Kingdom—although it had never been ratified.

The Status of Forces Agreement deals with the problems arising from the stationing of the armed forces of one NATO country in the territory of another.<sup>9</sup> The Preamble makes it clear that the Agreement merely defines the status of these forces when they are sent to another NATO country; it does not of itself create the right to send them in the absence of a special agreement to that effect. After a definition of terms (Article I), the Agreement states the obligation of such forces to respect the law of the receiving State (Article II). Special provisions are made for the entry, presence and departure of military and civilian personnel, with relaxation of the customary immigration procedures (Article III). Rules are laid down for the issuance of driving permits (Article IV), the wearing of uniform and the marking of service vehicles (Article V), and the carrying of arms (Article VI). Article VII, dealing with the question of criminal jurisdiction, proved both difficult and controversial.<sup>10</sup> It recognizes the right of both the sending and the receiving State to exercise jurisdiction, exclusive when an act constitutes an offense against the law of only one of the two States, and concurrent in all other cases.

<sup>&</sup>lt;sup>5</sup> 5 UST 1087, TIAS 2992, 200 UNTS 3. It is reproduced at page 34, *infra*.
<sup>6</sup> 5 UST 870, TIAS 2978, 200 UNTS 340. It is reproduced at page 43, *infra*.
<sup>7</sup> D-D(51) 23 (23 January 1951).

<sup>&</sup>lt;sup>8</sup> Cmd. 7868, reproduced at page 331, infra.

<sup>&</sup>lt;sup>9</sup> For a thorough discussion of the Status of Forces Agreement, see Lazareff, Le Statut des Forces d'O.T.A.N., Paris, 1964.

<sup>&</sup>lt;sup>10</sup> A discussion of Article VII, based on both the negotiating history and a field study of its actual operation in reference to United States personnel in several of the NATO countries, will be found in Snee and Pye, *Status of Forces Agreements: Criminal Jurisdiction*, New York, 1957.

Where jurisdiction is concurrent, the sending State is given primary right to exercise it in specified cases, with the residual right remaining in the receiving State. Article VIII, on claims for damage, also caused difficulty, particularly the question of the apportionment of costs. Other provisions of the Agreement deal with procurement (Article IX), taxation (Article X), customs duties and exemptions therefrom (Articles XI-XIII), foreign exchange controls (Article XIV). Article XV concerns the applicability of the Agreement to wartime conditions. Other provisions deal with the settlement of disputes (Article XVI), revision of the Agreement (Article XVII), ratification and accession (Article XVIII), denunciation (Article XIX), and application of the Agreement to colonial territories (Article XX).

The Agreement on the Status of the North Atlantic Treaty Organization, National Representatives and International Staff concerns NATO civilian personnel and in the course of the negotiations is not infrequently referred to as the "Civilian Status Agreement." It was the first of the three status agreements to be proposed,<sup>11</sup> although it was not until 1 March 1951 that the first draft was submitted to the Council Deputies.<sup>12</sup> Since both the Council Deputies and the international staff were then located in London, it was the United Kingdom Deputy who initiated action toward such an agreement.<sup>13</sup> His draft drew largely upon the provisions in already existing agreements concerning the status of international organizations: the United Nations,<sup>14</sup> its Specialized Agencies,<sup>15</sup> the Organization for European Economic Cooperation (OEEC),<sup>16</sup> and the Council of Europe.<sup>17</sup>

The Agreement on the Status of NATO, National Representatives and International Staff is divided into seven Parts. Part I, contain-

<sup>&</sup>lt;sup>11</sup> See: D-R(50) 1, par. 7-8 (25 July 1950); D-R(50) 8, par. 13-17 (4 August 1950); D-R(50) 43, par. 55-56 (17 December 1950).

<sup>&</sup>lt;sup>12</sup> D-D(51) 58 (1 March 1950).

<sup>13</sup> See D-R(50) 8, par: 16 (4 August 1950).

<sup>14</sup> Convention on the Privileges and Immunities of the United Nations. Adopted by the General Assembly of the United Nations on 13 February 1946. 1 UNTS 15.

<sup>&</sup>lt;sup>15</sup> Convention on the Privilege's and Immunities of the Specialized Agencies. Approved by the General Assembly of the United Nations on 21 November 1947. 33 UNTS 262.

<sup>&</sup>lt;sup>16</sup> Convention for European Economic Cooperation, signed at Paris on 16 April 1948. Treaty Series, No. 59 (1949), Cmd. 7796, 43 Am. J. Int. L., Supp. 94 (1949). The status provisions are found in Supplementary Protocol No. 1 to the Convention for European Economic Cooperation on the Legal Capacity, Privileges and Immunities of the Organisation, *ibid*.

<sup>&</sup>lt;sup>17</sup> Statute of the Council of Europe, signed at London on 5 May 1949. 87 UNTS 103.

ing general provisions, defines terms in the Agreement (Article 1), its non-applicability to military headquarters or other military subsidiary bodies (Article 2) and the obligation of the Organization to guard against any abuse of the immunities and privileges created by the Agreement (Article 3). Part II deals with the North Atlantic Treaty Organization itself, granting it juridical personality (Article 4), immunity from legal process (Article 5) and inviolability of its premises, property and documents (Articles 6-7). It is freed from currency control restrictions (Article 8) and censorship (Article 11). Provisions for exemption from taxation are made in Articles 9-10. Part III deals with the immunities and privileges of the Representatives of member States to the Organization and their staffs (Articles 12-16), while Part IV defines the privileges and immunities of officials of the International Staff/Secretariat and those of experts on missions for the Organization (Articles 17-23). Other provisions of the Agreement concern the settlement of disputes (Part V-Article 24), supplementary agreements (Part VI-Article 25), and procedures for ratification and denunciation of the Agreement (Part VII -Articles 26-27).

The third NATO agreement on status is the Protocol on the Status of International Military Headquarters Set up Pursuant to the North Atlantic Treaty. The possibility of such an agreement seems to have been first raised on 26 April 1951 at a meeting of the Working Group on Status in reference to the question whether the Status of Forces Agreement was applicable to integrated military headquarters such as SHAPE. At that time the French Representative stated that his Government was engaged in negotiations with SHAPE on this matter, and the Chairman suggested that it could be best dealt with in the form of a Protocol to the Status of Forces Agreement.<sup>18</sup> The question was raised again on 19 June 1951 at the time of the signing of the Status of Forces Agreement, and the French Deputy referred to the France-SHAPE negotiations on this subject.<sup>19</sup> The result of these negotiations was the first draft of the Protocol, which was laid before the Council Deputies in December 1951 by the French Deputy.20

The Protocol applies automatically to "Supreme Headquarters Allied Powers in Europe (SHAPE), Headquarters of the Supreme Allied Commander Atlantic [SACLANT] and any equivalent international military Headquarters set up pursuant to the North Atlantic Treaty," (Article 1), as well as to international military headquarters

<sup>18</sup> See MS-R (51) 16, par. 23-24 (26 April 1951).

<sup>19</sup> See D-R(51) 48, par. 7 (19 June 1951).

<sup>&</sup>lt;sup>20</sup> See D-D(51) 300(R) (3 January 1952).

immediately subordinate to a Supreme Headquarters (Articles 1-2). The Council may decide to extend it to other headquarters as well (Article 14). With regard to such headquarters and their personnel, civilian and military, the Protocol has two purposes. First, it adapts to the headquarters and personnel the provisions laid down in the Status of Forces Agreement in regard to sending States and their personnel (Articles 3-8). Secondly, it creates a special status for such headquarters which is analogous to that created for the Council and its subsidiary civilian bodies by the Agreement of 20 September 1951. In the latter category fall provisions for the relief of headquarters from taxation (Article 8), the disposal of assets or installations no longer needed (Article 9), the grant to Supreme Headquarters of juridical personality and other legal capacities (Articles 10-11), freedom from currency restrictions (Article 12) and inviolability of archives and documents (Article 13).

Four supplementary agreements with their negotiating history are included in this volume, because they were negotiated at the same time as the three principal agreements on status and influenced the development of the latter; they should therefore be considered with them.<sup>21</sup> These are:

- 1. the bilateral agreement between France and SHAPE, supplementary to the Protocol, defining the conditions for the establishment and operation of Allied Headquarters in France;<sup>22</sup>
- 2. the administrative arrangement establishing a procedure for the filing, consideration and payment of claims under Article VIII of the Status of Forces Agreement;<sup>23</sup>
- 3. a bilateral agreement between the United States and NATO concerning the employment of United States nationals by the Organization, in implementation of Article 19 of the Agreement on the Status of the North Atlantic Treaty Organization, National Representatives and International Staff;<sup>24</sup>
- 4. a similar bilateral agreement between the United States and NATO on the employment of United States nationals by Allied Headquarters, in implementation of Article 7 of the Protocol.<sup>25</sup>

 $<sup>^{21}</sup>$  See the statement by the French Deputy on the interrelation between the Protocol and the France-SHAPE bilateral agreement: D-D(52) 2, par. 5 (3 January 1952).

<sup>&</sup>lt;sup>22</sup> Original draft, D-D(51) 301(R) (3 January 1952).

<sup>&</sup>lt;sup>23</sup> Original draft, D–D(51) 269 (29 October 1951).

<sup>24</sup> D-D(51) 252 (9 October 1951).

<sup>&</sup>lt;sup>25</sup> ISM(52) 31 (19 November 1952). The Agreement itself, however, was signed in February 1953.

#### The Negotiating History

In the case of each of the three principal NATO agreements on status, an original draft was submitted to the Council Deputies by the Deputy for the Government most immediately concerned—the United States (Status of Forces), the United Kingdom (Status of NATO), and France (the Protocol). This original draft, together with subsequent redrafts, served as the basis for discussions.

The negotiations themselves were conducted on two levels: (a) by a Working Group, assisted by a Financial Subcommittee and a Juridical Subcommittee; and (b) by the Council Deputies, who were succeeded, after the reorganization of NATO in 1952, by the Council itself. The Working Group consisted of one Representative for each of the twelve NATO countries; the two Subcommittees had the same membership. The discussions at the meetings are reported in *Summary Records*, while related papers (including the texts of the agreements at various stages) are referred to as *Documents*. The two classes of papers are arranged in the following series:

Records	
MS-R(51)	Meetings of the Working Group (1951)
MS-R(52)	Meetings of the Working Group (1952)
MS(F)-R(51)	Meetings of Financial Subcommittee (1951)
MS(J) - R(51)	Meetings of Juridical Subcommittee (1951)
D-R(51)	Meetings of the Council Deputies (1951)
D-R(52)	Meetings of the Council Deputies (1952)
C-R(52)	Meetings of the Council (1952)
C-R(53)	Meetings of the Council (1953)
C-R(54)	Meetings of the Council (1954)
Documents	
MS-D(51)	Working Group Documents (1951)
MS-D(52)	Working Group Documents (1952)
D-D(51)	Deputies Documents (1951)
D-D(52)	Deputies Documents (1952)
C-M(52)	Council Memorandum (1952)
C-M(53)	Council Memorandum (1953)
ISM(52)	International Staff Memorandum (1952)

In each of these series, a Record or Document was assigned a number as the meeting was held or the document issued. Thus, MS-R(51)1 contained the Summary Record of the first 1951 meeting of the Working Group, while MS-D(51) 1 was the first document issued by the Secretariat in that series. Occasionally, a revised or final version of a particular document was issued; this is indicated by (R) or (F) after the reference, e.g., MS-D(51) 11(R) is the revised version of MS-D(51) 11, while MS-D(51) 11(2R) is the second revised version of the same document. For documents containing a draft text of an agreement, further reference is to the Article of the draft agreement and to particular paragraphs of that Article, e.g., MS-D(51) 11(2R), Article VII, par. 2(a). In the case of other documents, as well as the Summary Records, further reference is to paragraphs, e.g., MS-R(51) 16, par. 22.

Since the same Record or the same Document may refer to more than one of the agreements involved, it was not possible to separate them into three distinct groupings, each referring to one of the agreements. Instead, they are arranged, with a few exceptions, as they occurred chronologically. Since not all the Records or Documents in a particular series refer to these agreements on status (and sometimes not all of any particular Record or Document), gaps will be noticed in the various series. In some cases, particularly in Deputies Records or Deputies Documents, only that part of the Record or Document which refers to the status agreements has been declassified.

The mass of materials comprising the negotiating history of the three NATO agreements on status has been arranged in this volume with a view to maximum usefulness and ease of reference. Part I contains the final text of the three agreements in the form in which they were signed, although the actual signatures have not been reproduced here. Part II contains the Summary Records, arranged in chronological order with a few minor variations from that order.<sup>26</sup> Part III contains the Documents also arranged, with a few exceptions,<sup>27</sup> in chronological order. Within Parts II and III, no separate division has been made between the Deputies and the Working Group series.

#### **Tables and Indices**

There is a General Table of Contents, followed by a special table of contents for each of the three agreements. These four tables have the same arrangement: Part I (final text), Part II (Summary Records), and Part III (Documents). The tables of contents have been set up with special indentations to enable the reader to distinguish the various series of Records and Documents at a glance. In each of the special tables of contents, those documents which contain a draft version of the particular agreement are indicated by an under-

<sup>&</sup>lt;sup>26</sup> There is a slight overlap in the chronology of the meetings of the two Subcommittees, in the MS(F)-R(51) and the MS(J)-R(51) series, and D-R(51)11 was, for obvious reasons, also placed slightly out of chronological order.

<sup>&</sup>lt;sup>27</sup> The order of enumeration in a series of documents has been followed even though this may differ slightly from the chronological order, the most notable example being the case where a document appeared in a revised version, i.e., MS-D(51) 11, MS-D(51) 11(R), and MS-D(51) 11(2R).

line, and the text of these drafts is analyzed in the parallel tables at the end of the volume.

There is a parallel table of texts at the end of the volume for each of the three agreements on status which is an essential tool for a study of the negotiating history of these agreements. In each of these tables the first column refers to the final text of the particular agreement, Article by Article and paragraph by paragraph. The parallel columns refer to the corresponding Articles and paragraphs found in earlier drafts of the same agreement, i.e., in those documents which are underlined in the tables of contents. Thus, if one wishes to trace the development, e.g., of the provisions on double jeopardy in paragraph 8 of Article VII of the Status of Forces Agreement, the parallel table will list the Article and paragraph in which that provision appeared in the earlier drafts. Reference to the draft itself in the Documents series will give the text of the earlier version, and recourse to the discussions in the Summary Records (and sometimes in other documents) will indicate the reasons which were advanced for changing the text. To facilitate such cross-reference, footnotes for each Summary Record indicate the particular document there under discussion, and footnotes for each document indicate the part of the Summary Record where that document is discussed.

There is also an "Article Index" for each of the three agreements, which provides another tool for research into the negotiations which led to the final form of a particular provision in the agreements. This "Article Index" breaks down the agreement according to the Articles and paragraphs in the final text and then lists under that heading the exact place in each Summary Record and document (other than earlier draft referred to in the parallel table) where that provision is discussed or mentioned. Thus, under the heading "Article VII, paragraph 8" in the Article Index for the Status of Forces Agreement are listed all places in the Summary Records and the Documents where the question of double jeopardy is discussed. The Article Index and the Parallel Tables thus offer two alternate routes for tracing the negotiating history of any particular provision in the agreements.

#### Norms for Editing

In considering the norms to be followed in editing the NATO papers on status for publication, it should be remembered that the editor had to deal with a vast mass of mimeographed materials concerning in one way or another the negotiations leading to the three final agreements. These were prepared day by day for the use of the Working Group or the Deputies over a period of more than two years and without thought to the niceties of form involved in ultimate publication. Some of the matters covered by these papers were of transitory interest only—such as reports on how many States had so far ratified, what they were doing toward provisional implementation in advance of ratification, procedural points such as the time of the next meeting, etc. They were prepared by more than one typist or stenographer, with the result that sometimes even the same Record or Document shows inconsistencies in spelling and punctuation, depending upon the British or American background and training of the particular stenographer or typist. All of these considerations, as well as others, made it necessary to formulate certain norms to be followed in editing these papers for publication. Candor suggests that these norms be outlined here.

1. Papers referring to purely transitory arrangements or problems (such as the progress of ratification, provisional implementation) have generally been omitted, as well as parts of papers dealing with such matters.

2. Materials relating to supplementary agreements and, in general, those which follow the signing of each of the agreements have been omitted. A few exceptions have been made, particularly in reference to the four supplementary agreements mentioned earlier in this Introduction.

3. I have omitted from the manuscript the following matters contained in the mimeographed papers (usually at the head): (a) whether the original text was in French or English—all translations being official, with one exception;<sup>28</sup> (b) the security classification of each paper—all of those contained in this volume having been downgraded to unclassified; (c) the date on which Summary Records were issued (but the date is indicated on which the meetings were *held*); (d) the list of those present at meetings (but the nationality of the Chairman is indicated, since he sometimes spoke in his capacity of national representative); and (e) the place and time of meetings. Also omitted, in most cases, have been purely covering notes by the Secretary when distributing a document.

4. Unnecessary duplication of documents has been eliminated. Thus, where a particular text appeared in identical form in several documents, it has been retained in only one and the omission of the others has been noted.

 $<sup>^{28}</sup>$  No official English translation was made for MS(J)-R(51) 4, for which the mimeographed Record gives only the French text. The English version in this volume was translated by the editor from the French original, and all textual quotations therein are from the English documents.

5. The wording has been changed where a reference was to a particular *line* of the mimeographed text, since such a reference would be meaningless in a printed volume.

6. Where official corrections or additions to a Record or a Document were subsequently made, the correction or addition has generally been inserted in the proper place without further note, although in a few cases the fact has been noted.

7. A standard format has been adopted for the main heading of each Record and Document, in place of the somewhat haphazard variations found in the original mimeographs. Within the Records and Documents, subheadings have often been simplified or standardized, particularly where it was unclear in the original which agreement or which text was being referred to. Some subheadings have been deleted as unnecessary; others have been amplified to facilitate reference, i.e., "paragraph 6" becomes "Article VII, par. 6."

8. While most of the Records and Documents have consecutive numbers for the paragraphs, there were a few with unnumbered paragraphs and a few others with non-consecutive enumeration. In such cases, I have supplied consecutive numbering for all paragraphs and noted this fact in a footnote, the purpose being to facilitate reference.

9. As noted above, there are many discrepancies in spelling even within the same Record or Document, depending upon the predilections of the typist. In dealing with this problem I have followed this procedure:

- (a) In the case of earlier texts of the three final documents, quotations therefrom or amendments thereto, the spelling has (wherever it differed) been made to conform to that of the final version—in general, the British practice. The same procedure was followed in the enumeration of Articles and paragraphs (Roman versus Arabic numerals) and in the indentation of subparagraphs.
- (b) Elsewhere, since the greater part of other materials followed the American spelling practice, any inconsistencies have been made to conform to that practice.

10. Every effort has been made to keep footnotes to a minimum. In most cases, footnotes have been added by the editor; in others, they contain information which, for simplicity of format, has been dropped down from the text, i.e., "Previous references." Where a footnote is found in the original, this fact has been indicated, although the footnote itself, if necessary, has been renumbered. In the text of final documents, footnote references are in square brackets.

The necessity for some editing of the mimeographed materials is,

I think, quite clear. The norms mentioned above were adopted in an effort to produce a readable and useful text while at the same time being faithful to the original. In steering this editorial course between Scylla and Charybdis, I trust that I have been moderately successful.

### Acknowledgments

It is almost ten years since the work of gathering and editing these materials first began. During that time I have received much help and encouragement from many people, as well as an occasional prodding when my interest or energies began to lag. A special expression of thanks is due to several individuals. I wish to thank Professor Richard R. Baxter, Harvard Law School, for first suggesting this work. Both Harvard Law School and the Georgetown University Law Center gave grants-in-aid to defray the expenses of gathering and collating the materials. Monroe Leigh, Jere Dykema and Ben Forman-all in the Office of General Counsel, Department of Defense-were indefatigable in procuring the declassification of most of the documents in question and in helping me to obtain copies of these materials, a task in which great effort was also expended by the personnel of USRO in Paris and the members of the International Staff. A word of thanks is due also to the staff at the Naval War College for their continued interest-and patience-while the present volume slowly edged its way to completion. Finally, I should like to thank the Fathers at El Retiro in Los Altos, California, who provided a quiet and pleasant haven where I could do without interruption the final work on this volume.

Joseph M. Snee, S.J.

Georgetown University Law Center 1 December 1966