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XXXVIII. Continued Recognition by the United States of the Minister of Denmark

(Dept. of State Bulletin, Vol. IV, No. 95, April 19, 1941)

The Danish Minister, Mr. Henrik de Kauffmann, on April 14 informed the Secretary of State that he had received a telegram from the Foreign Office in Copenhagen recalling him as Envoy Extraordinary and Minister Plenipotentiary of the Kingdom of Denmark accredited to the Government of the United States, and that his action and authority in signing as the official representative of his Government the agreement relating to Greenland² had been disclaimed by the purported official authorities in Copenhagen.

On August 26, 1939, the President received Mr. de Kauffman's letters of credence as Danish Minister to the United States,³ and he has since been recognized in that capacity as the official representative of the Kingdom of Denmark.

On April 9, 1940, Denmark was invaded by the German Army. Since that date an army of occupation, understood to total 200,000 German troops, has remained in subjugation of that country, and no act of the Danish Government since that time has been taken or can be taken save with the consent of the occupying power or as a result of its dictation.

In view of the foregoing, the Government of the United States has consistently held since April 9,

1940, and now holds, that the Government of Denmark can only be regarded as a government which is patently acting under duress and which is in no sense a free agent.

The agreement recently entered into by the Secretary of State and by the Danish Minister was entered into by this Government, as made clear at that time, because of the desire of the United States in this time of world emergency to insure the security and integrity of Greenland as a part of the Western Hemisphere, and at the same time to assist the local authorities of Greenland in preserving intact the territory of that Danish colony so that once the present world emergency has passed, the Government of Denmark might once more be enabled to exercise fully its sovereign powers over that territory.

The Government of the United States feels confident that the Danish Government and people will unquestionably recognize that the measures undertaken by this Government have been taken in their interest and with full recognition of the sovereignty of Denmark over Greenland, as well as with the hope and belief that the time is not far distant when that sovereignty can once more be freely exercised by a free and independent Danish Government.

The Danish Minister has informed the Secretary of State that he regards the orders of recall issued to him by the authorities in Copenhagen as issued under duress and that he consequently believes it his duty to disregard such orders.

The Secretary of State by direction of the President has informed the Danish Minister that because of the reasons above set forth, this Government will

continue to recognize him as the duly authorized Minister of Denmark in Washington.

The texts of the exchange of notes between the Secretary of State and the Danish Minister follow :

The Minister of Denmark to the Secretary of State

APRIL 13, 1941.

SIR :

Point four in the preamble to the agreement relating to the defense of Greenland signed by you and by me on the ninth instant reads :

“Although the sovereignty of Denmark over Greenland is fully recognized, the present circumstances for the time being prevent the Government in Denmark from exercising its powers in respect of Greenland * * *”

With this situation in mind and in accordance with our understanding I informed the Government in Denmark of the agreement only when it was made public at noon on April 10th.

I did this in a telegraphic message to the Foreign Office in Copenhagen that was delivered after some delay on April 11th.

I indicated that I had signed the agreement

“* * * acting on behalf of His Majesty the King of Denmark in His capacity as sovereign of Greenland, whose authorities in Greenland have concurred herein, * * *” and I explained the reasons for my action, adding

“Under the circumstances, there was, to me, no doubt but that I must, in the interests of Denmark and Greenland, take this unusual step. The Government in Denmark will not, as long as Denmark is occupied, be able to obtain full information as to the background and necessity for this action. I, therefore, request that judgment of my decision be withheld until Denmark again is free, and the Danish Government and public can come to know the situation that made the step necessary. I earnestly beg His Majesty the King and the Danish Government to be assured that I have acted in the way which I felt to be right, after careful considera-

tion and according to my best belief and the dictates of my conscience, fulfilling my allegiance to His Majesty the King."

I thereupon received from the Foreign Office in Copenhagen at 4:30 P. M. Saturday, April 12, 1941, a telegram, the English translation of which reads as follows:

"The Government strongly disapproves the fact that you, without authorization from here, and contrary to the constitution, have concluded an agreement with the Government of the United States regarding the defense of Greenland. You are, therefore, by Royal Decree of April 12, 1941 recalled from your post as Denmark's Minister to Washington. The Legation will temporarily be in charge of Mr. Blechingberg, Counselor of Legation, as Chargé d'Affaires. You are requested immediately to notify the President of the above, and to add that letters of recall will be forwarded later. You are requested to return at once to Copenhagen. Acknowledge receipt by telegram."

From press reports I have furthermore learned that the Government in Denmark yesterday also declared the agreement of April 9, 1941 relating to the defense of Greenland to be considered as void, but this Legation has hitherto received no official communication from Copenhagen to that effect.

On April 10, 1940, the day after the occupation of Denmark by German military forces, I issued a public statement declaring, that I would work for one thing, the reestablishment of a free and independent Denmark. Since that time as before my conduct has been dictated solely by what I have believed to be to the true interest of my King and my country. My work would have been impossible without the sympathetic understanding and cooperative attitude of the American Government for which I am deeply grateful.

My conduct in the situation that has arisen now will be dictated by the same convictions. I believe the action taken in Copenhagen with regard to my recall and in respect to the agreement of the 9th instant to have been taken under duress. Consequently I consider it to be invalid both from the point of view of Danish and of generally recognized common law.

I believe it to be my duty towards my King and my country to carry on the work that was entrusted to me when I was appointed Danish Minister to Washington by a free Danish Government and to let myself be guided by the same principles as hitherto. This attitude of mine has the full support of all the other members of the Danish Foreign service stationed in the United States.

I have the honor, Mr. Secretary, to ask you please to bring this to the knowledge of the President.

The earnest hope for a speedy liberation of Denmark, expressed by President Roosevelt when the agreement relating to the defense of Greenland was made public three days ago will have brought encouragement to all Danes. I beg leave to ask you, Sir, to convey to the President the gratitude of my countrymen.

I avail [etc.]

HENRIK KAUFFMANN

The Secretary of State to the Minister of Denmark

APRIL 14, 1941.

SIR:

Acknowledgment is made of your note of April 13, 1941, advising that the Government in Denmark purports to have recalled you from your post as Minister of Denmark. Cognizance has likewise been taken of your statement that you consider this action to have been taken under duress and to be invalid both from the point of view of Danish and of generally recognized common law, in view of the existing occupation of Denmark by German military forces.

My Government considers it to be the fact that the Government in Denmark in this respect is acting under duress, and in consequence I have the honor to advise that it continues to recognize you as the duly authorized Minister of Denmark in Washington. It renews its hope for the speedy liberation of Denmark.

Accept [etc.]

CORDELL HULL