

Illegal Use of French POWs

By way of justifying the use of French prisoners of war in armament industry it is claimed that this was authorized by an agreement with the Vichy government made through the Ambassador to Berlin. As to this, it first may be said that there was no credible evidence of any such agreement. No written treaty or agreement was produced. The most any witness said was he understood there had been such agreement with Laval, communicated to competent Reich authorities by the Vichy ambassador. If, so, there is no trustworthy evidence that any of these defendants acted upon the strength of it or even personally knew of it.

Moreover, if there was any such agreement it was void under the law of nations. There was no treaty of peace between Germany and France but only an armistice, the validity of which for present purpose only may be assumed. It did not put an end to the war between those two countries but was only intended to suspend hostilities between them. This was not fully accomplished. In France's overseas possessions and on allied soil, French armed forces fighting under the command of Free French authorities waged war against Germany. In occupied France more and more Frenchmen actively resisted the invader and the overwhelming majority of the population was in full sympathy with Germany's opponents. Under such circumstances we have no hesitancy in reaching the conclusion that if Laval or the Vichy ambassador to Berlin made any agreement such as that claimed with respect to the use of French prisoners of war in German armament production, it was manifestly contra bonus mores and hence void.

In view of this conclusion it is unnecessary to decide in this case whether the Vichy government was legally established according to the requirements of the French constitution.