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AMERICAN EMBASSY
40 Berkeley Square
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October 17, 1941.

His Excellency

Anthony Drexel Biddle Jr.,
Ambassador of the United States

London.

Excellency,

As a constitutionally elected Representative of the Czechoslovak people - my mandate in view of my membership on the Standing Committee of the National Assembly still holding good according to the Czechoslovak Constitution - I took the liberty to submit to the Prime Minister of Great Britain arguments against the recognition of Ex-President Dr. Edvard Beneš as the actual President of Czechoslovakia, and of the Government which he formed in London as the legal Government of the Czechoslovak Republic. Reasons against the recognition are embodied in the detailed Memorandum and in an extract from it, copies of which I beg to enclose for Your Excellency's information.

Provided the news is true, which appeared in the U.S. press in respect of the recognition of Dr. Beneš Government by the U.S. Government, I guess that the United States decided not to recognize Dr. Beneš and his Government as the legal Government of the Czechoslovak Republic, but merely as a temporary Government until the time when the legal Government would be restored on the soil of the Republic.

I consider it my duty to express my warm thanks to the U.S. government for their considerate and reserved attitude. Being, however, in no doubt that Dr. Beneš will go on trying to obtain from the United States the extension of their recognition on the British model - and the reported journey of M. Jan Masaryk to the U. S. probably pursues the same goal - I respectfully beg to warn against such plans, calling Your Excellency's attention to my Memorandum. I beg to remain Your Excellency's

Encl. A, B.
Registered.

Faithfully,
F Schwarz
František Schwarz.

A n n e x e A.Short extract from the Memorial on the recognition of Dr. Beneš as President of Czechoslovakia and of his Government.

- I. The Czecho-Slovak Republic continues lawfully to exist - all the acts which prejudiced in 1938 and 1939 its territory and sovereignty being unlawful and ^{un-}constitutional and therefore unvalid, also in the light of the international law.
- II. The Czecho-Slovak Constitution does therefore exist and be valid.
- III. The occupation of the Republic by the enemy makes imposible the functioning and development of the constitutional organs - it's therefore necessary to establish a substitute administration abroad - a provisional Government - which should conduct the fight for the renewal of the legal order on the territory of the Republic.
- IV. This prov. organ - Government should be established on the democratic grounds.
- V. It must pay attention to the firm will of the Slovaks, i-n particular, to preserve their characteristics and autonomy within the Republic.
- VI. It cannot claim for itself the right to be a lawful constitutional organ.
- VII. It must pledge itself to resign immediately the liberation

of the State territory from the enemy will make possible the constitutional establishment of the State organs.

VIII. On these assumptions, with the object of carrying them through, was formed the Czecho-Slovak National Council in Paris, as it is evident from its enclosed programme.

IX. The so-called "provisional State administration" /státní zřízení/ arbitrarily established in London by M. Beneš, wholly contradicts, however, these principles:

1. The prov. Government nominated by M. Beneš endeavoured - unfortunately for us with success - to be recognized as a lawful Government of the Rep.
2. Dr. E. Beneš - on the strength of the so-called prov. State Admin.-passes himself for the President of the Rep., which he ceased to be since the 7th Oct. 1938, and notwithstanding this he obtained the recognition by a foreign power of the Presidential authority not due to him.
3. Beneš' "State Administration" introduced the dictatorship of one man.
4. Since the first Beneš' efforts abroad aimed at this goal.
5. Beneš' organs /Government and State Council/ do not represent the nation, nor its groups, tendencies or sentiments.
6. Especially, they do not represent the Slovaks /nor the

Sub-Carpathian Ruthenes./

7. They are eager to bring with them into the Repub. dictatorial powers obtained abroad and make impossible a free establishment of the constitutional organs.
 8. In their own interest they oppose and will go on to oppose an inquiry into the guilt and responsibility for the national catastrophe, and a prosecution for the high treason committed for the benefit of Germany.
 9. Practically, they show now already that their chief aim is to prevent the improvement of the state of things, which led to the collapse of the State, and give back the powers into the hands, which proved in the past their complete inability and incapacity.
 10. For the sake of attaining their personal aims they are using - and are compelled to use - consistent untruths and misleading misrepresenting statements.
 11. They sacrifice to the efforts for the renewal of their personal positions and forfeit fundamental interests concerning the liberation of our fatherland and the guarantee of its future freedom.
- X. The recognition of Dr. Beneš as President of the Rep. and of his Government as the lawful, constitutional Government of ČSR. is therefore contrary to the principles of democracy,

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to the fulfillment of the abiding obligations and to the spirit of the liberation of the oppressed nations, on whose behalf G.B. is also struggling.

XI. It cannot therefore be considered by (the) ČSR. as an improvement of the Munich policy, but rather as its continuation.

XII. It impaires - also through the impression which this recognition necessarily must have caused in the home country, especially in Slovakia - the efforts for abetting the oppressed people against the invaders.

XIII. It will make more difficult an orderly reform of the Central and Eastern Europe after the war on the federative grounds.

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Protectorate and still serving under Hitler during this war /like Dr. Ladislav Feierabend, Minister of State in Beneš' government in London/.

It is obvious that in case Beneš and his Government succeed to keep their personal positions, which the British Government recognized, they will do all to prevent the right from getting satisfaction and the attitude of the Czech Quislings from being lawfully prosecuted. Desperate efforts to escape the consequences of the past sins induce Dr. Beneš and company to pile up new anti-constitutional acts - plotting against the Republic, passing himself for the President of State etc. And apart from his old longing for absolutistic powers which since long ago Dr. Beneš was trying to usurpe in the Republic, the mentioned efforts of his are probably the main cause of his dictatorial plans, which now have been carried out in London and worked out for our country.

9. The dictatorship of Beneš makes impossible not only a moral resurrection of the Czecho-Slovak peoples, which requires the punishment of the most guilty men, but it simultaneously makes impossible the improvement of conditions which weakened the country both in-wardly and outwardly, which let the State, abandoned by all the neighbours and allies, except USSR, face the German aggressor, and which were the cause that there stood

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at a critical moment, at the head of a courageous and intelligent people, deciding upon their destiny and honour, persons incapable and coward, irrespective of whether they were military or civilians. This is apparent from the sad fact that the "state organs" of Beneš consist apart from persons, who never were entrusted by the people in the home country with public functions, exclusively of politicians /starting with Beneš himself/ fully linked up with the grossest anti-constitutional and anti - democratic practices of the so-called Beneš' governments. A pitifully small number of Czecho-Slovak soldiers in England and still more pitiable conditions in this small army clearly show that the Generals whom Dr. Beneš placed at its head and whom he entrusted with its organisation in his government, were chosen by the same person and on the same lines as the Prime Minister of Beneš capitulation government, General Syrový, and the then Commander in Chief, General Krejčí, with respect to both their abilities and the independence and the firmness of character. But as is proved by their press, by their radio propaganda, by their own speeches etc., they do not even try to hide their intention to renew - possibly in a still worse form - their regime which ended with the national disaster, and to return the power, even against the will of the people, into the same hands which proved themselves completely incompetent.

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If it is true that the political art is identical with the capability to foresee the future course of events, then it is hardly possible to find a politician lacking this capability more than Dr. Beneš. His predictions were just the opposite of what happened. As *f.e.* ending of the last war, reparation questions, problems of armament, Geneva protocolle, "Eastern agreement", Locarno agreement, outlook of the Naziism in Germany, that of the Fascism in Italy, significance of the League of Nations' intervention against the Japanese aggression of China, consequences of the Abyssinian intervention, influence and future of the League of Nations itself ! The worst was that he was consistently calming down the nation, saying that the peace was secured, that we were not threatened from any danger, that Germany had no claims on us and that we were sufficiently safe from any attack thanks to the protection by the League of Nations, by the Little Entente, by France and England. Still before the new year of 1938 /sic!/ Dr. Beneš in a message to the nation, said that the year 1937 was a tense one, but that the year 1938 would clear up and settle all ! I stated already what he was asserting about Münich and I can add that he was trying to prove that at least we would be "among ourselves" /i.e. without the Germans/ and that we would be able to settle all matters according to our own wishes and will !!

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To say nothing of his confidence that even after Munich he would be able to remain in the presidency. The worse he foresaw the political development - ahead - the better he is prophesying - from the past. This will say that he is always contradicting himself - forgetting what he said before a particular event happened, and after such an event occurred, he is asserting that he "justly foresaw it". But even when he was about to leave the country which he threw not only into the enemy's slavery, but also into humiliation and disgrace, he was repeating in his farewell - speech his optimistic self-deceptions about the possibility of the State independence, about the advantage of having no minorities any more, and he even found that what occurred, i.e. the mutilation of the Republic and the loss of its independence - corresponded to the national principle !!! /"Our State had a special nationalistic situation. Now it becomes a national State, corresponding to the development of the national principle."- See Ripka, page 238./

On the other hand, it is necessary to avow that Dr. Beneš before long justly prophesied his own capitulation. The American Ambassador in Berlin, Mr. Dodd, recorded in his diary /Ambassador Dodds Diary 1933-38, Victor Gollancz Ltd, 1941, page 238/ on April 4th 1935:

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" I learned of a confidential interview with Beneš, about the end of March, in which the Czech Premier said his country would fight for its independence if their allies came to their aid; otherwise, there was nothing to do but capitulate to Germany's terms of friendship. I wonder if Beneš doubts the validity of French and English promises."-

This is from 1935. The Polish journalist Roman Fajans spoke in September 1937 with Dr. Benes, then President of the Republic, some days after Masaryk's burial. He printed this interview in full in the book "Sylwetki i rozmowy". Dr. Beneš assured M. Fajans that "it was not to expect shortly or within the whole period /15 - 20 years/ a war in Europe", that the disease, from which the world was suffering since 20 years, would pass, rather inside many areas, through radical changes, but that one of the areas, which would not be threatened from such changes, were Czecho-Slovakia /page 94/. And then he declared /pages 101 and 102/: "I assure you, that in no case there will be a Czecho-Slovak-German war. No ! As long as I am here, I shall always be able to find a way for an agreement with the Germans."- How, Mr. President ? "It is always possible to come to agreement, if it is wanted." - "I beg to ask in advance to excuse my bold question, Mr. President, whether I am to understand your reply as a hint at an eventual

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capitulation?" - "You may take it as you like. But I will tell you this: If Europe will desert us, if they will leave us alone face to face with the Germans, then no one will be authorized to reproach us that the guns from the Škoda works will again fire on Paris - as in 1914." The people in the home country, knew, of course, nothing of the intention to capitulate, avowed by Dr. Beneš.

The war naturally broke out and "very shortly" indeed. But it was not Dr. Beneš who started it, he capitulated, of course. The guns from the Škoda Works did not fire on Paris for the only reason that Paris capitulated like him.

In the same book of Fajans an interview with the Chairman of the Slovak people party, Msgr. A. Hlinka, is printed, too. Then M. Hlinka said: "It is for you necessary to know that each nation, as long as they defend themselves and fight, will last and progress. But they will perish, if and when they submit."

The reason why DR. Beneš was so consistently and so awfully mistaken with his forecasts of the political development and facts, taking place independently from him, is very simple: "wishfull thinking." In short, he is not able to consider things objectively and without bias. On the contrary, with regard to what is being or will be, he passes it

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for what he wishes to happen. And he himself firmly believes in his dreams. Therefore he exceptionally guesses right happenings when by a pure chance there is probability that something happens, what Dr. Beneš is longing for, as f.i. Russia's part in the war with Germany. /When in 1939 Dr. Beneš was in agreement with this expectation of mine - and with others regarding the development, outcome and consequences of the war, too - I at first was afraid of whether this time I did not submitted to Beneš' weakness? For Beneš was always asserting the opposite of what I myself said! But careful considerations calmed me down: my forecasting is based on serious, objective facts which can't undergo a change despite they coincide may by change with Beneš' wishful thinking. For he also disagreed with me on what he did not wish for/.

The Czecho-Slovak foreign policy was conducted since the very beginning until the fall of the Republic by a single man. This fact alone explains fully away its undemocratic spirit, which is also revealed by its methods. The Parliament was only given the decisions taken. Sometimes such decisions wholly contradicted the will of Parliament, expressed before. So, all the speakers in the Foreign affairs Committee of Parliament unanimously demanded the vote of the people in Silesia /on whether they desire to be annexed to ČSR or to Poland/ and

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rejected, on the other hand, the "delimitation arbitrage." The Minister for foreign affairs took note of it - and moved that the matter should be settled by the arbitrage instead of the people's vote. [This much damaged the future relationship between ČSR and Poland, since both parties felt prejudiced. If the vote were carried out and if even afterwards the frontier dispute were solved by agreement, but backed by the result of the vote, there would not ^{have} been left the feeling of wrong awakening the desire to move frontiers once established. The results of the population census in both countries in respect of nationalities did not mete out this discontent - doubts being entertained concerning the objectivity of the authorities carrying out the census and concerning the correctness of its results.] Dr. Beneš went even so far that he changed the frontiers with Rumania, without asking Parliament for the approval, although every change of the frontiers requires - in accordance with the Czecho-Slovak Constitution - a constitutional act !

Responsibility for this policy falls, before all, on Dr. Beneš, who was carrying it out, but also on all factors /political parties and politicians alike/ who made it possible either by an active participation in it or by passively tolerating it.

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In the internal policy the Constitution was not observed more, of course. The government were consistently spending hundreds of millions which were not comprised in the voted budget, without asking - in accordance with the Constitution - in advance for the approval of the National Assembly. In the last years the government went still farther and appropriated the legislative powers which it exercised with the help of emergency orders - although the authority to do it could have been conferred by the so-called constitutional act only ! The government did not possess, however, a sufficient majority to have this act passed /3/5 of all the members of both chambers./ The Constitutional Court, having the authority to cancel each unconstitutional law or order, already in 1921 established a principle that the Parliament are not able to pass the legislative powers to the government by an ordinary law /but only by a constitutional act, affecting the Constitution/. Members of the Constitutional Court, after the expiration of the first 10 years period of their office /1930, 1931 respectively/, were simply not nominated lest they could frustrate the Emergency orders of the government ! /The Constitutional Court was reestablished shortly before the Republic's fall only./ Liberties guaranteed by the Constitution were being consistently cut off /freedom of the

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press, of assembling etc./ The government was given the authority /again unconstitutionally! / to deprive members of the legislative chambers of their mandates /through dissolution of their parties/! That the specific stipulations of the Constitution with respect to the Carpatho-Russian ^{were not carried out} autonomy, and which prejudices in Slovakia and Carpathian Russia arose for the whole country from the centralistic policy, I already stated above. Thanks to this political incapability a great cultural and economic work which the Republic has done in these Eastern provinces, poor and neglected through the Magyar oppression in particular, has thus been very depreciated. It is fair to say, however, that undemocratic powers and methods were being not used for suppressing cultural needs and the language of the minorities /not Slav/ Germans and Hungarians. They had nothing to complain of, with respect to schools in particular; the German minority was left with unjust privileges from the past /in Slovakia, where at the time of Magyars the Germans possessed no schools at all, new ones have been opened on a considerable scale/. On the whole, they had more schools - national, secondary, high and special - than corresponded to the number of their population. The proportionate electoral system was a safeguard that the political representation of

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minorities /not-Slav/ in the National Assembly corresponded to the number of their adult population /it was just the opposite of the conditions in the former monarchy, where the Germans-in Hungary the Magyars still more - were given, thanks to an artificial electoral geometry, a much larger representation than they were entitled to in view of the number of their population./ It is symptomatic, however, that the emergency powers, mentioned above, were not used at all towards the suppression of the treacherous Henleinite movement, nor for keeping down by wholly constitutional measures their illegal activity. This attitude was interconnected with and influenced by parties politics, since the government party, which held the Ministry of Interior, not seeing or forgetting which danger was threatening to the State, welcomed the weakening of the Socialist wing of the government Coalition due to the decline of the German Socialists /who also were in the government./

A corrupt and repulsive political parties system, sacrificing vital State interests to a party's lust for power, and abusing the public power for profiteering and for personal enrichment, was regarded as the worst evil - and was, in fact, a source of all evils above mentioned. It was even threatening the internal legal order ! The government

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political parties, their enterprises and leaders and all the persons in their services were practically immune from punishment; they were not even prosecuted for mean crimes /perjury, falsely obtained state subsidies, tax fraud, bribery and cheating in connection with State delivery orders etc./ although their guilts were sometimes established. Prosecuting against (in the proceedings before Courts of Law) officials arrested for bribery and trickery connected with the state supply orders were simply stopped when it was ascertained that the government parties were involved and compromised etc. /The public prosecutor was not independent since he was subject to a political Minister./ On the other hand, the members of the opposition were given scandalous trials - with false witnesses - for supposed crimes they were said to have committed long years ago as members of the government. All these trials were unsuccessful for the instigators, the tribunals and courts still conserving the independence. And since the tribunals or proper disciplinary committees did not follow the government lead, the "justice" was "done by administrative" disciplinary committees specially set up for the purpose. /This had for consequence that persons were helped to the popularity by martyrdom, although they were not worthy of it/. A member of the Parliament^{ary} opposition has been deprived of his mandate on the pretext that he did not

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possess the Czecho-Slovak state citizenship, although he was Envoy Extraordinary and Minister Plenipotentiary of the Republic before, in fact since its very beginning. And the Ministry of Interior let for seven years his appeal unanswered lest he obtained the state citizenship from the High Administrative Court which fortunately was independent /without a decision of the highest administrative authority an appeal to the High Administrative Court was, however, impossible./ On the other hand, it was possible for a convicted person to become a Cabinet Minister...

Without adherence to a political party - a party's legitimation paper - and very often without legitimation paper of a particular party which "ruled" in a particular Ministry, it was completely out of question to get supply orders, official positions, official promotions etc.

This state of things developed from the fact, or better ^{by the fact} it was made possible that the Electoral Order and all subsequent anti-constitutional measures killed a direct responsibility of the elected representatives towards the electors /constituents/ and made the elected persons mere tools in the hands of political parties leadership. The so-called "unchangeable lists of candidates left with the people but the choice within the party and it was not for the

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them to decide which persons should be returned from the whole list, but the sequence of names was deciding. Through the 2nd and 3rd scrutiny was filled, de rigueur, more than one third of the posts and the parties leadership designed who should get mandates according to the number of votes fallen on them - only after polling ! Neither this was, however, enough, for the law expressly stated that with respect to the autonomous bodies, a representative automatically loses the mandate, when he ceases to be member of the party, for which he was returned. The Constitution made it impossible with respect to the National Assembly and it was therefore circumvented by handling declarations which before the election the candidates were bound to sign and with which they undertook to follow in the Parliament the will of the party and to give up the seat on demand. Although the Constitution expressly forbade the deputies and senators to accept whatever orders or instructions, the Electoral Court, composed of parties representatives, attributed the validity to the declarations and was depriving deputies and senators of their seats whenever asked by a party to do it. /All the members of the Parliament were chained by such declarations - excepting 17 members of my party and this was due to my firm stand in this matter/. As soon as the

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parties leaders set up, together with the President, the government, all was settled ! It was known in advance, how every one had to vote. The Parliament did never defeat a government. It was, however, quite feasible that the government which just got the vote of confidence from an overwhelming majority of the House, subsequently fell. But a few persons made decisions behind the scene, while the Parliament was formally executing their will "to look as it had a parliamentary democracy". In many institutions this appearance was neither cared for nor maintained. So the administrative organs of the social insurance offices, of the chambers of commerce etc. were being for the whole period between the two wars "provisionally" nominated by the government. The elections for such bodies - when they were already existent - took place for the last time before the World war No 1.

It is doubtless that, comparing real conditions in [✓]CSR with those in the neighbour-states where almost without exception were, with the time going on, established undisclosed dictatorships, Czecho-Slovakia looks as a most democratic country in Central and Eastern Europe - or still better as a country least undemocratic ! The truth, however, is, that there was no democracy in Czecho-Slovakia under "Beneš' governments" - neither from the standpoint of an ideal democracy nor when

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comparing the state of conditions in our country with that in the Western democracies and in the small democratic countries altogether - as to how the powers and the State will were developing.

Beneš' London régime shows quite clearly that he is not willing to avoid past blunders, but rather magnify them. A screened dictatorship of some men /leaders of political parties and the President/ is substituted by the dictatorship of a single person, which can hardly be held for more democratic ! Otherwise, he is manifestly showing that "he forgot and learnt nothing" ! Irresponsible dealing with public money and State property /see the company Caswick Ltd./, setting up of offices to reward personal services, impunity of the "regime's pillars" irrespective of what they have committed, terrorizing of everybody daring to claim justice and right - to quote but some striking instances ! And it is on the whole like in the home country: the more they are trespassing on the Constitution and against the democratic principles, the more they are talking on Constitutionalism and on Democracy...

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10. The main feature of the Beneš' régime's methods abroad is, like in the home country before, a consistent deceiving with clear mis-statements and mis-representations or half-truths, which - as Bryce rightly pointed out in his Modern Democracy -