Sumner Welles Papers
Box 91 Folder 3
Office Correspondence
Proskauer, Joseph M

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POSTAL TELEGRAPH

LA445W (FOUR) 226-MG NEWYORK NY 24 115P
HON MYRON C TAYLOR
MAYFLOWER HOTEL (WASHINGTON DC)

WE HAVE JUST RECEIVED FROM RESPONSIBLE GROUP IN ENGLAND THE FOLLOWING CABLE. QUOTE GRAVEST POSSIBLE NEWS REACHING LONDON PAST WEEK SHOWS MASSACRES NOW REACHING CATASTROPHIC CLIMAX PARTICULARLY POLAND ALSO DEPORTATIONS BULGARIAN RUMANIAN JEWS ALREADY BEGUN. EUROPEAN JEWRY DISAPPEARING WHILE NO SINGLE ORGANIZED RESCUE MEASURE YET TAKEN. URGE YOU ENERGETICALLY TAKE ADVANTAGE PRESENCE OUR VISITOR SOLEMNLY IMPRESS BRITISH AMERICAN AUTHORITIES DUTY RESPONSIBILITY CONVOKE IMMEDIATELY OTTAWA CONFERENCE FOR ACTION NOT EXPLORATION OTHERWISE TOO LATE RESCUE SINGLE JEW. WE DOING ALL POSSIBLE BUT EFFECTIVE ACTION NOW RESTS AMERICA. WE RECEIVED TODAY RIEGNERS FOLLOWING LATEST REPORT FROM 26TH FEBRUARY TO SECOND MARCH FIFTEEN THOUSAND JEWS BERLIN DEPORTED IN CARS TO CAMPS AS OFFICERS DECIDED MAKE BERLIN FREE JEWS BY FIFTEENTH MARCH. RABBI BACH PRESIDENT STATE ASSOCIATION GERMAN JEWS DEPORTED TEREZIN. DUTCH DEPORTATIONS JANUARY SEVENTEEN THOUSAND. EXTERMINATIONS REACHING PEAK. URGE ALLIED RELIEF ACTION. AMERICAN BRITAIN SHOULD SUBMIT CONCRETE PROPOSALS THROUGH PROTECTING POWERS GUARANTEE NEUTRALS SHOULD BE GIVEN IMMEDIATELY COVERING REPATRIATION MAINTENANCE REFUGEES UNQUOTE. WE EARNESTLY URGE THAT STATE DEPARTMENT WITH THE HELP OF LORD HALIFAX MAKE IT POSSIBLE FOR US TO PRESENT TO SECRETARY EDEN AN EARNEST PERSONAL APPEAL TO FURTHER THE ATTAINMENT OF THE OBJECTIVES SET FORTH IN THE SEVERAL MEMORANDA WHICH WE HAD THE PRIVILEGE OF PRESENTING TO YOU. WE WOULD BE ADDITIONALLY GRATEFUL IF YOU WOULD

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HAVE THE KINDNESS TO CALL THIS TO THE ATTENTION OF SECRETARY WELLES.

JOSEPH M PROSKAUER STEPHEN S WISE.

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THE FOLLOWING IS A STATEMENT OF VIEWS WITH RESPECT TO THE PRESENT SITUATION IN JEWISH LIFE ADOPTED BY THE EXECUTIVE COMMITTEE, DECEMBER 6TH, 1942

At this time when our country is engaged in an epoch-making war, we, who are united with our brethren of ~~other~~ all faiths in the common bond of American citizenship, pledge every effort and every sacrifice to the winning of the war, the achievement for the whole world of the Four Freedoms and the blessings of the Atlantic Charter and the establishment of a just and enduring peace.

We reaffirm our devotion to our religion and pledge ourselves to maintain and perpetuate the vitality of the Jewish religious community, confident that its teachings have constituted and will continue to constitute a basic contribution to the development of civilization and of democracy.

We join with our brethren of all creeds in the continued fight against those who through bigotry and prejudice endeavor in any way to imperil the rights of any group of American citizens and thus to divide our country and undermine the foundations of American liberty.

We urge upon the United Nations and upon those who shall frame the terms of peace the relief from the havoc and ruin inflicted

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by ~~Hitler~~ apes barbarism on millions of unoffending human beings, especially Jews, their repatriation, rehabilitation and the complete restoration and safeguarding of their equal civil and religious rights.

To the extent that economic conditions in the war torn lands shall make emigration therefrom of their nationals necessary, we ask the implementation by those who shall frame the terms of peace of a program which shall under international supervision facilitate voluntary settlement elsewhere under the most favorable conditions.

We ask of the United Nations and those who shall frame the terms of peace, reaffirmation of the fundamental principle that Jewish citizens of every land, fulfilling their obligation of complete loyalty to their respective countries, shall be guaranteed the correlative right of complete equality. We applaud the recent statement of the Secretary of State, that we must have a world in which Jews like all others "are free to abide in peace and in honor."

Thus, while associating ourselves fully with all the purposes of human freedom and betterment proclaimed by the President of the United States, we have special concern with the two objectives, salvation of these suffering people and the preservation of the Jewish community as a spiritual force.

We recognize that there are now more than half a million Jews in Palestine who have built up a sound and flourishing economic life and a satisfying spiritual and cultural life, and who now constitute

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substantially one-third of the population, and that while this Palestinian immigration has been a blessed amelioration of the condition of this large number of Jews, and has helped to bring about a great development of the country itself, settlement in Palestine although an important factor, cannot alone furnish and should not be expected to furnish the solution of the problem of post-war Jewish rehabilitation.

We affirm our deep sympathy with and our desire to cooperate with those Jews who wish to settle in Palestine.

With respect to the government of Palestine, we recognize wide divergence of opinion and that under existing conditions there should be no preconceived formula at this time as to the permanent political structure which shall obtain there. Since we hold that in the United States as in all other countries Jews, like all others of their citizens are nationals of those nations and of no other, there can be no political identification of Jews outside of Palestine with whatever government may there be instituted.

We endorse the policy of friendship and cooperation between Jews and Arabs in Palestine and urge that every possible avenue be followed to establish good will and active collaboration between them.

We approve for Palestine an international trusteeship responsible to the United Nations for the following purposes:

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(a) To safeguard the Jewish settlement in and Jewish immigration into Palestine and to guarantee adequate scope for future growth and development to the full extent of the economic absorptive capacity of the country.

(b) To safeguard and protect the fundamental rights of all inhabitants.

(c) To safeguard and protect the holy places of all faiths.

(d) To prepare the country to become, within a reasonable period of years, a self-governing Commonwealth under a Constitution and a bill of rights that will safeguard and protect these purposes and basic rights for all.

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April 6, 1943

Proskauer, Joseph M.

My dear Judge Proskauer:

Thank you for your kindness in sending me with your letter of April 5 a copy of the letter which Lord Halifax wrote to you under date of April 1.

With my kindest regards, believe me

Yours very sincerely,

The Honorable
Joseph M. Proskauer,
11 Broadway,
New York, New York.

U:SW:GES

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11 BROADWAY

New York City

April 5, 1943.

Hon. Sumner Welles,
Under Secretary of State,
Washington, D.C.

Dear Mr. Secretary:

To complete your file I am enclosing herewith copy of a letter of April 1st from Lord Halifax to me, being the answer to my letter of March 29th to Mr. Eden, of which I have already sent you a copy.

Yours faithfully,

Joseph M. Proskauer

(Enc.)

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Ref: 1403/9/43

BRITISH EMBASSY
WASHINGTON, D. C.

Dear Judge Proskauer,

Mr. Eden saw your letter of March 29th just before his departure for Ottawa on March 30th, but had no time to answer it. He asked me to let you know that you can be assured that any practicable proposal for alleviating the dreadful situation of the Jews in Europe will be thoroughly studied by the British authorities, and if it seems likely to have any chance of success will be at once put into effect, so far as it lies with those authorities.

Yours very sincerely,

Halifax

COPY

Judge Joseph M. Proskauer,
11 Broadway,
New York City

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11 BROADWAY
New York

April 12, 1943.

UNDER SECRETARY OF STATE
APR 13 1943
MR. WELLES

Hon. Sumner Welles,
Under Secretary of State,
Washington, D.C.

Dear Mr. Secretary:

As you know, I am deeply interested in the coming Bermuda Conference and it occurs to me that its success will turn in substantial part on the personnel of the expert secretariat that will accompany the American Commissioners. I hope it is not out of order therefore for me to make the following suggestions to you of the names of three men I think will be most useful to the American Commission.

First, I would assume that, without any suggestion from anyone, it would occur to the Department to name someone in close contact with the President's Committee on Refugees, and Mr. George Warren associated with that body occurred to me as an ideal man by reason of his character and ability and his great familiarity with the background of the problem.

Second, I would like to suggest to you the name of Dr. Joseph Schwartz, at this time Chairman of the European Council of the American Jewish Joint Distribution Committee, which means that he is their General Director for European Affairs. He has just returned to this country after spending nineteen months continuously in the relief work of the Joint Distribution Committee abroad. He has the latest information on the European picture from personal observation and could undoubtedly give important factual information. He has a long and distinguished record in philanthropic work, having been formerly a director of the Brooklyn Federation of Jewish Charities, Secretary of the American Jewish Joint Distribution Committee, and at one time was President of the National Conference of Jewish Social Workers. I have learned that

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he has reservations for Lisbon on a steamer due to leave in about a week or ten days and has his passport and visas and everything ready to go to North Africa. I am sure however that if he were, with reasonable promptness, asked to take thisimportant assignment, that he could be had for it.

The third suggestion I have to make is that of Mr. Herman Shulman, a lawyer in this city. He is a man in early middle age, of very great ability, and of high standing at the Bar. He has an important position in the Zionist Organization; he is a man of great poise and good judgment. My reason for suggesting him is the following: I think it would give great satisfaction to his group to feel that he was present, and he has such remarkable ability in collating facts and suggesting practical conduct, that I am sure he would be most useful.

I venture to suggest in conclusion that following these suggestions would in my judgment add materially to the efficiency of the Commission and make the task of the Commissioners lighter and more useful.

With kindest personal regards, I am,

Yours faithfully,

Joseph M. Proskauer

Joseph M. Proskauer

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April 13, 1943

Proskauer, Joseph M.

My dear Judge Proskauer:

I greatly appreciate your letter of April 12 and the very helpful suggestions contained in it.

In accordance with one of your suggestions, the President has been glad to authorize the designation of Mr. George Warren as one of the advisers to the United States delegation to the conference. The limitations upon the size of the delegation are such, however, as to make it impossible to designate the other two gentlemen mentioned in your letter. Personally, I am sorry for this because I feel that their qualifications would have made them most helpful advisers, although, perhaps in part at least, the unusual knowledge and experience of Mr. Warren will make up for this.

Mr. George Backer had, however, been designated an adviser to the delegation before I received your letter now under acknowledgment, and you may feel that his appointment likewise will be of service in taking care of some of the requirements of which you spoke to me when I last had the pleasure of seeing you.

With my kindest personal regards and with my renewed thanks for your unfailing assistance and cooperation, believe me

Yours very sincerely,

The Honorable
Joseph M. Proskauer,
11 Broadway,
New York, New York.

U:SW:PRH

The Cremieux Decree

Submitted by
The American Jewish
Committee

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STATEMENT REGARDING THE ABROGATION OF THE CREMIEUX DECREE

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STATEMENT REGARDING THE ABROGATION OF THE CREMIEUX DECREE

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STATEMENT REGARDING THE ABROGATION OF THE CREMIEUX DECREE

The Substance and Legality of Giraud's Action

On March 14, General Giraud in an address to the Alsace Lorraine Society declared: "With the same desire to eliminate all racial discrimination, the Cremieux decree, which established in 1870 the different status between native Moslems and native Jews, is abrogated." On March 14, he published an ordinance, as follows:

> Ordinance of March 14, 1943, abrogating the decree of October 24, 1870 concerning the status of the native Israelites of Algeria.
>
> The General, Civil and Military Commander-in-Chief,
>
> Orders:
>
> Article 1. The decree of October 24, 1870, concerning the status of the native Israelites of Algeria is abrogated.
>
> Article 2. Regulatory decisions will determine, within a period of three months, the conditions of application of the present ordinance.

The decree of October 24, 1870, to which this ordinance refers, is the so-called Cremieux decree, as follows:

> Native Israelites of the departments of Algeria are declared French citizens. Consequently, their real and personal status will, from the promulgation of the present decree, be governed by French law. All rights acquired to this day remain immune. All legal dispositions, decrees, and regulations to the contrary are abolished.

General Giraud usurped the right to change the law of France. The logical meaning of Article 1 of the Giraud ordinance is that those Jews who were themselves affected by the Cremieux decree, receiving their citizenship by virtue of it, are now deprived of their citizenship with the abrogation of that decree. Algerian-born descendants of Jews made citizens by the

Cremieux decree are citizens not by virtue of the decree but by virtue of the French Law of Nationality. Such a law has always been in existence; the last version concerned with determining citizenship by birth on French soil or of French citizens dates from August 10, 1927. It provides that all children born on French soil - and Algeria is French soil, legally a part of France - of French parents are French; as are children born on French soil of foreigners, but who do not opt at their majority for other citizenship. (Part of Article 15 of that law reads as follows:)

> (The present law is applicable to Algeria, as well as to the colonies of Guadeloupe, Martinique and Reunion.)

Even if there were legal validity to the abrogation of the Cremieux decree, this abrogation can legally affect only those who themselves became citizens by virtue of it, and who, having been born in or before 1870, must today be more than 72 years old. Giraud has not indicated in any of his ordinances that he intends to deprive of their citizenship Jews who are citizens by virtue of the 1927 law.

Actuaries have estimated that roughly 7½% of the population of the United States in 1870 would still be living today. The percentage would probably not vary widely for Algeria. The Jewish population of Algeria in 1870 was approximately 38,000; 7½% of 38,000 is 2,850, which would be the approximate number of Jews made French citizens by the Cremieux decree still living.

Although, as we have said, Giraud himself has given no explicit indication that his abrogation of the Cremieux decree will be applied to others than these 2,850, we may assume that he has all the Jews of Algeria in mind. We shall know definitely when the regulatory decisions mentioned in Article 2 of the Ordinance of March 14, 1943, quoted above, are published. Until that time we may be guided by several considerations. Various Algerian commentators have expressed their opinion, which has not been

challenged, that the Giraud measures will affect about 100,000 Algerian Jews; this is the common estimate of the total Algerian Jewish population. It is not likely that Giraud would have taken such pains for the disfranchisement of a comparative handful of septuagenarians and octogenarians. If he was thinking only about that group he would probably have issued a statement to that effect to correct a widespread contrary impression in the United States and Great Britain, and to reassure an aroused public opinion in those countries. Further, Giraud says, as we shall see below, that Jewish citizenship arouses antagonism and resentment among the Moslems; to allay this alleged resentment it would not be enough for him to disfranchise less than 3% of the Jewish population.

Naturalization

If, however, as seems likely, in actual fact the Jews are put in the same category with the "natives," they may theoretically avail themselves of the Law of 1919 and apply for naturalization. In this connection, it must be borne in mind that in practice naturalization is likely to be made difficult, tedious and long-drawn-out by the officials who in reality control the naturalization process. These officials in general belong to the reactionary segment of Algerian French society and will be reluctant to allow the Jews to be naturalized in sufficiently large numbers or in sufficient time to exercise any rights in the forthcoming elections. The question of Jewish participation in elections is discussed further below.

Consequences of the Giraud Action

The effects of the Giraud ordinance will actually be learned only after the publication of the regulatory decisions mentioned in Article 2. Until that time we can only suppose that its effects will be to make the status of the Jews similar to that of the natives, since it is Giraud's

apparent intention to return the Jews to their native status of the days before Cremieux. For the Jews, a native status will involve several important and practical differences from their status as citizens.

Algeria is divided into three departments, which constitute three of the 89 departments of the French Republic. The population of Algeria, as of the last census, is 7,234,084; of these 6,246,832 are native Moslems, and 937,252 are Europeans. Of this latter figure, in turn, 853,209 are French citizens, including an estimated 100,000 Jews. (Precise statistics on religious affiliations of citizens have not been available since the French separation of Church and State.)

Only citizens may vote for deputies to the French Parliament; natives may not. If citizenship is withdrawn from the Jews the number eligible to vote will be reduced by eleven or twelve per cent. In the past, the republican and anti-republican elements have been fairly evenly balanced in Algeria. The Jews were republican en bloc, if only because reaction meant anti-Semitism. The republican forces, when they did prevail at elections, could never have done so without the solid Jewish republican vote. With the Jews eliminated from the political scene, the anti-republican forces should have no difficulty in maintaining a permanent upper-hand. It would, indeed, not be a baseless supposition that this consideration played a large part in motivating some of Giraud's advisors to recommend this step.

Each of the Algerian departments, like the other French departments, has a Council General, dealing with local matters, and composed of 24 members. Of these, 18 are elected by citizens and six by natives. The native population, more than seven times as large as the number of citizens, elects one-third as many representatives.

Budgetary and local tax questions are decided by the vote of the

Algerian Financial Delegation (Delegation Financiere). Its activities have an obvious influence in the economic life of the country and the Jews have a very legitimate interest in that economic life. Its membership is 69, 24 of whom are elected by French owners of large holdings, 24 others by the general body of citizens, and 21 are chosen by the Governor General from among the natives. In the past, these 21 representatives have usually been selected among the native aristocracy. There have always been Jews among the 24 representatives elected by the general body of French citizens. Their new status would deprive them of this representation.

Besides the loss of their political rights and their influence in fiscal affairs, the Jews will be directly affected in their occupations, if they are put in the same category as the natives. Natives are not allowed to occupy governmental "functions of authority," which means that the higher posts in government service are barred to them. Further, in the lower ranks, which they may occupy, they receive a lower pay scale than "Europeans." It should be noted that a proportionately large section of the Algerian population depends on government service for a livelihood, and consequently this question is of considerable practical importance.

French Jews were, of course, admitted into the army with the same rights as all French citizens. This made it possible for Algerian Jews to reach the highest ranks. (The commanding general of the Constantine area was a Jew.) Natives serve in separate units and can normally attain only the rank of captain. There is only one case known of a native occupying a rank as high as major. Loss of citizenship will therefore drastically change conditions for Jews in military service.

Giraud's Justification and Its Unacceptability

General Giraud invokes two reasons for his action. One is the demand of equity, as expressed in his stated motive for abrogating the Cremieux decree: "With the same desire to eliminate all racial discrimination...." By his procedure General Giraud establishes equality by lowering the status of the Jews, which is a method without precedent and which violates accepted democratic principles.

The other reason is Giraud's desire to eliminate any cause for resentment among the Moslem population, directed against the interests of France and the United Nations, and which could be exploited by the Axis powers. This is implied when he adds the following advice to Moslems immediately after he announces the abrogation of the Cremieux decree:

> Mohammedans should not lend their ears to one-sided advice lavished upon them by German-Italian propaganda. The Germans, like the Italians, have too frequently shown how they treat 'non-Aryans' for one to let oneself be misled by their talk.
>
> As to the relations between Moslems and Jews, they must be those of men destined to complement each other economically, the latter working in his shop, the former in the desert, without either having advantage over the other, France assuring both security and tranquillity.
>
> I have lived too long in North Africa not to be convinced that the thing is possible and even easy. I trust in the common sense of all for its realization.

This is the argument that carries most weight with the democratic public. The feeling is that if the existence of the Cremieux decree caused such bad feeling among the Moslems that the Axis powers can exploit it to the detriment of the United Nations, abolition of that decree was a necessary war measure. The fact is, however, that there is no indication that the Moslems have ever protested against the Cremieux decree.

The Moslem natives have never been given French citizenship largely because they have always insisted on the retention of their own

"personal status," which involves certain customs, like polygamy, punishable by the French penal code in a citizen. The incompatibility of Moslem religious customs with French law is the only reason ever expressed by a French statesman to explain Moslem non-citizenship in Algeria. The statistics show that in the twenty-year period following the last World War, an average of only about thirty Moslems a year received citizenship in Algeria, of a total Moslem population of some seven million.

Moslems who did become French citizens were made to feel the resentment of their co-religionists against what they considered treachery. There is an Arabic word for this kind of "turncoat - M'Tourni." Incidents were reported of riots against attempts to bury religious Moslem French citizens in Moslem cemeteries.

A criterion for granting French citizenship has always been the willingness to renounce religious customs not reconcilable with French law. The Jews were willing to accept these conditions and progressively and voluntarily submitted their personal status to French law. Therefore, Algerian Jews became French citizens according to French standards.

The Moslems primarily concerned with French citizenship are those who have been educated in French schools. This educated element has never objected to the Cremieux decree, but on the contrary has desired the extension of its benefits to the Moslem population. Indeed, if General Giraud was sincere in the desire to remove any Moslem resentment, he probably will succeed only in heightening it among this group. Depriving the Jews of French citizenship will not impress them as a great blow for equality; on the contrary, they will see in it the determination of the "European" ruling class in Algeria to exclude any large native group from obtaining French citizenship - and from their rightful share in the government of Algeria. Some Moslems will see in the abrogation of the Cremieux

decree the disappearance of their last hope of equality. Until this time they have been sustained in their struggle for citizenship by the hope that the Cremieux decree would serve as a precedent for conferring upon their people citizenship en bloc. So far from welcoming its abrogation, therefore, they resent it.

The Cremieux decree has the full force of French Law and can be changed only by the Parliament of France. In forty years there has not been one proposal to change it in Parliament. General Giraud has stated his intention to respect the French Republican tradition; he cannot reconcile respect for the republican tradition with his abolition of the decree.

It is a sharp reversal of the process of Emancipation begun by the French Revolution. It is all the more significant in that the Vichy revocation of the decree in February 1942, could be dismissed as being only a French disguise for German racism, while Giraud's action was taken by a regime not under the influence of Germany, but, on the contrary, of the great Western Democracies.

The Giraud ordinance is obnoxious because it is sharply discriminatory. It does not even apply to children born of foreigners who were natives of countries historically hostile to France. It favors a German who fought against France in the last war, but who was naturalized in 1938, as against an Algerian Jew whose family has been French in spirit for a century and in citizenship for more than seventy years. It asks that a man apply for citizenship who has distinguished himself by gallantry in two wars and attained high rank in the army or navy. As such it is clearly a racist measure directed specifically against the Jews.

By abrogating two fundamental French laws, that of prohibiting retroactivity and the Nationality Law of August 10th, 1927, (according to

which those born of French parents on French soil are citizens) only as far as Algerian Jews are concerned, General Giraud introduces racial legislation.

Finally, this is the first time that a non-totalitarian regime has deprived native-born citizens of their citizenship. Not the least important of the many objections to General Giraud's action is that it is a very dangerous precedent.

A P P E N D I C E S

APPENDICES

Ap I: Quotations from the speech of General Giraud of March 14, 1943.

"Whether you were born here or over there, whether you have lived in Mulhouse or in Thionville, in Paris or in Algiers, you are still Alsatians, you are Lorrainers, and above all you are Frenchmen."

"The expression of the sovereignty of the French people has been interrupted by German occupation and it will be re-established only when France has been liberated."

"I am the servant of the people of France. I am not their master."

"After June 22, 1940, the will of the French people ceased to express itself freely. ....
The free will of the people alone forms a basis for law. Without it all codes of law are nullified. ...
It is in this spirit and in accordance with this principle that we shall administer the possessions and the interests of France with which task we have been charged. We shall preserve intact those territories to which France has brought civilization."

"Nevertheless, life continued after June 22, 1940. There were temporary situations to be regulated and new conditions to be met. ..
We shall begin to work immediately to re-establish a situation of order. To accomplish this we shall take progressive measures adapted to the entanglements and complexities that our economic life imposes."

"And now the measures that have already been taken:
The municipal assemblies and the General Councils will resume their traditional role. The laws of racial discrimination, imposed on France by the Nazis, exist no more. The order has been promulgated declaring null and void the law of June 2, 1941, and the decrees connected with it.
The abrogation of these laws and decrees has restored the French tradition of human liberty and the return to equality of all before the law. Without such equality there exists no French liberty. This abolition wipes out that mark of shame that in their work of persecution the Nazis wished to inflict on France by forcibly associating her with their own perversion.
With the same desire to eliminate all racial discrimination, the Cremieux decree, which established in 1870 the difference of status between native Moslems and native Jews, is abrogated.
....
"Regarding relations between Moslems and Jews, they must be those of men who are destined to complement each other in economic life: the latter work in their shops and the former on the soil, without one being better than the other, as France assures them both security and tranquillity. ...."

Ap II: ORDONNANCE DU 14 MARS 1943 PORTANT ABROGATION DU DECRET DU 24 OCTOBRE 1870 RELATIF AU STATUT DES ISRAELITES INDIGENES DE L'ALGERIE.

Le General d'armee, commandant en chef francais civil et militaire,

ORDONNE:

Article 1er. - Le decret du 24 Octobre 1870 concernant le statut des israelites indigenes de l'Algerie est abroge.

Article 2. - Des decisions portant reglement determineront, dans le delai de trois mois, les conditions d'application de la presente ordonnance.

Article 3. - La Presente ordonnance sera executee comme loi.

Alger, le 14 mars 1943.

Signed: Giraud.

Ab: The Cremieux Decree.

Decret du 24 Octobre 1870.

Article 1. Les Israelites indigenes des departements de l'Algerie sont declares citoyens francais; en consequence, leur statut reel et leur statut personnel seront a compter de la promulgation du present decret, regles par la loi francaise, tous droits acquis jusqu'a ce jour restant inviolables.

Article 2. Toute disposition legislative, tout decret, senatus-consulte, reglement ou ordonnance contraires sont abolis.

(Source: Moniteur Officiel, Octobre 27, 1870)

(Art. 1. The native Jews of the departments of Algeria are declared French citizens. Therefore, dating from promulgation of the present decree, their real status and personal status will be governed by French law; all right acquired up to this day remain inviolable.

Art. 2. All contrary legislative acts, decrees, senatus-consulte rulings and ordinances are hereby annulled.)

Ac. The Law of Nationality of August 10, 1927.
(Journal Official, August 14, 1927)

"Loi sur la nationalite.

Le Senat et la Chambre des deputes ont adopte,
Le President de la Republique promulgue la loi dont la teneur suit:

Art. 1er. - Sont Francais:

1) Tout enfant legitime ne d'un Francais en France ou a l'etranger;
2) Tout enfant legitime ne en France d'un pere qui y est lui-meme ne;

3) Tout enfant legitime ne en France d'une mere francaise;
4) Tout enfant naturel dont la filiation est etablie, pendant la minorite, par reconnaissance ou par jugement, lorsque celui des parents a l'egard duquel la preuve a d'abord ete fait est Francais;

...
5) Tout enfant naturel, ne en France, lorsque celui de ses pere et mere, dont il devrait suivre la nationalite .. est lui-meme ne en France;

6) ..
7) Tout individu ne en France, de parents inconnus ou dont la nationalite est inconnue.

Art. 2.- Sont Francais, sauf la faculte de repudier cette qualite dans L'annee qui suivra leur majorite, telle qu'elle est reglee par la loi francaise:

1) Tout enfant legitime ne en France d'une mere etrangere qui y est elle-meme nee;
2) Tout enfant naturel ne en France de parents etrangers, lorsque celui dont il ne devrait pas suivre la nationalite, aux termes de l'article 1er, est lui-meme ne en France.

Peut etre admis a repudier la qualite de Francais .....

Art. 3.- Peut, jusqu'a l'age de vingt et un ans accomplis, devenir Francais, tout individu ne en France d'un etranger et domicilie en France, qui declarera reclamer la qualite de Francais.

S'il est age de plus de seize ans, le declarant doit etre autorise par le parent ... S'il est age de moins de seize ans, la declaration peut etre souscrite en son nom par son representant legal ..
l'enregistrement de la declaration .. peut etre refuse pour cause d'indignite ..
La participation volontaire aux operations du recrutement, dans les conditions determinees par les lois militaires pour les fils d'etrangers, nes en France .. tient lieu de la declaration visee a l'alinea 1er. ...

Art. 4. - Devient Francais, a l'age de vingt et un ans, s'il est domicilie en France, tout individu ne en France d'un etranger, a moins que dans l'annee qui suit sa majorite, il n'ait decline la qualite de Francais ..
Cette disposition n'est pas applicable:
a) Aux enfants nes en France des agents diplomatiques ..
b) A L'individu contre lequel a ete pris un arrete d'expulsion dont les effets n'ont pas ete suspendus.

Art. 5. - Toute declaration souscrite, soit en vue d'acquerir, soit en vue de repudier la qualite de Francais, est recue par le juge de paix ...

Ac.

Art. 6. - Acquierent la qualite de Francais les etrangers naturalises. La naturalisation est accordee par decret rendu apres enquete sur l'etranger.
.....
L'etranger naturalise jouit de tous les droits civils et poliliques attaches a la qualite de citoyen francais, Nennmoins, il ne peut etre investi de fonctions ou mandats electifs que dix ans apres le decret de naturalisation, a moins qu'il n'ait accompli les obligations militaires du service actif dans l'armee francaise ..

Art. 7. - Peuvent obtenir la naturalisation sans condition de stage: la femme majeure ou mineure, mariee a un etranger .. et les enfants majeurs de cet etranger.
Deviennent Francais les enfants mineurs legitimes ou illegitimes non maries, d'un pere ou d'une mere survivant qui se fait naturaliser Francais ou qui acquiert la nationalite francaise par application des articles 3 et 4.
Deviennent Francais les enfants naturels mineurs ...
....

Art. 8. - La femme etrangere qui epouse un Francais ..

La femme francaise qui epouse un etranger, conserve la nationalite francaise a moins qu'elle ne declare expressement vouloir acquerir, en conformite des dispositions de la loi nationale du mari, la nationalite de ce dernier.
Elle perd la qualite de Francaise si les expoux fixent leur premier domicile hors de France apres la celebration du mariage, et si la femme acquiert necessairement la nationalite du mari, en vertu de la loi nationale de ce dernier.

Art. 9. - Perdent la qualite de Francais:

1) Le Francais naturalise a l'etranger ou celui qui acquiert, sur sa demande, une nationalite etrangere ..

2) Le Francais qui a repudie la nationalite francaise dans le cas prevu a L'article 2;

3) Le Francais meme mineur qui, possedant par l'effet de la loi sans manifestation de volonte de sa part, une nationalite etrangere, est autorise, sur sa demande, par le Gouvernement francais, a la conserver;

4) Le Francais qui, remplissant a l'etranger un emploi dans un service public, le conserve, nonobstant l'injonction de la resigner ..

5) Le Francais qui, ayant acquis, sur sa demande, .. la nationalite Francaise, est declare dechu de cette nationalite par jugement.
.....

Art. 10. - L'action en decheance doit etre exercee dans un delai de dix ans a partir de l'acquisition de la qualite de Francais
.....

Art. 11. - L'individu qui a perdu sa qualite de Francais peut la recouvrer a tout age par decret ..

.....

Art. 15. - La presente loi est applicable a l'Algerie, ainsi qu'aux colonies de la Guadeloupe, de la Martinique et de la Reunion. Continueront toutefois, en ce qui concerne les indigenes algeriens, a recevoir leur application, meme sur le territoire metropolitan, le senatus-consulte du 14 juillet 1865 et la loi du 4 fevrier 1919. "

To Point 2 of the Statement A.

Ad: The law of April 7, 1915. (Journal officiel, April 8, 1915.)
(Lois Annotees etc. 1915.)

"Art. 1er. En cas de guerre entre la France et une puissance a laquelle a ressorti un etranger naturalise, celui-ci pourra etre dechu de la naturalisation, lorsqu'il aura conserve la nationalite de son pays d'origine ou du pays dans lequel il a ete anterieurement naturalise.

2. Seront revisees toutes les naturalisations accordees, posterieurement au 1er janvier 1913, a des sujets ou anciens sujets de puissances en guerre avec la France.

.....

4. Le retrait de la nationalite francaise, prononce en vertu des articles precedents, est personnel a l'etranger qui l'a encouru. Toutefois, selon les circonstances, il pourra etre etendu a la femme et aux enfants, s'il en est ainsi ordonne, soit par le decret concernant le mari ou le pere soit par un decret ulterieur, rendu dans les memes formes. (17)

....."

"Note 17. 'Le retrait de la nationalite francaise est personnel a celui contre lequel il est prononce' .. Le retrait dont il s'agit dans cette premiere disposition pourrait etre appele aussi retrait direct ou a titre principal. Il s'appliquera a toute personne ayant beneficie d'une naturalisation proprement dite, non seulement au chef de famille, mais a la femme et aux enfants majeurs ou mineurs devenus Francais dans les circonstances prevues par l'art. 12, alin. 2 et 3, Code civil. L'exercise du retrait a titre principal suppose toujours que l'interesse se trouve personnellement dans un des cas prevus par l'art. 1er. Le retrait direct ou a titre principal ne peut, au contraire, etre applique a d'autres personnes, par exemple a la femme ou aux enfants dont le mariage ou la naissance sont posterieurs a la naturalisation du chef de famille. Les uns et les autres sont Francais en vertu de la loi, et non par le seul benefice d'un prolongement de la naturalisation.

Ae: The Vichy law of February 1942.

Loi du 18 fevrier 1942 fixant le satut des Juifs indigenes d'Algerie

Article 1. Le decret du gouvernement de la defense nationale du 24 octobre 1870 declarant citoyens Francais les israelites indigenes des departements de l'Algerie est abrege.
Les Juifs indigenes d'Algerie restent soumis au senatus-consulte du 14 juillet 1865; ils ne peuvent se prevaloir des dispositions de la loi du 4 fevrier 1919.

Article 2. Nonobstant toutes dispositions legislatives ou reglementaires contraires, et sous reserve de l'article 3 ci-apres, les Juifs indigenes d'Algerie ne peuvent en aucun cas beneficier des droits specialement reserves aux citoyens Francais. Ils sont soumis, notamment en ce qui concerne l'exercice des fonctions publiques et des professions privees, a la loi du 2 juin 1941 - portant statut des Juifs.

Article 3. En ce qui concerne les droits civils, le statut reel et le statut personnel des Juifs indigenes d'Algerie, sont regles par la loi francaise.

Article 4. Les Juifs indigenes d'Algerie n'ayant encouru aucune condamnation a une peine criminelle ou correctionnelle conserveront la qualite de citoyens Francais s'ils remplissent l'une des conditions suivantes:

a) Etre titulaire de la carte de combattant institutee par l'article 101 de la loi du 19 decembre 1926.

b) Avoir fait l'objet, au cours de la campagne de 1939-40, d'une citation donnant droit au port de la Croix de guerre instituee par le decret du 28 mars 1941.

c) Etre decore de la Legion d'Honneur ou medaille militaire pour faits de guerre.

d) Etre pupille de la Nation ou ascendant, veuve ou orphelin de militaire mort pour la France.

Les Juifs indigenes d'Algerie ayant encouru une condamnation criminelle ou correctionelle et desireux de conserver leur qualite de citoyen devront faire une demande sur laquelle il sera statute dans les conditions prevues a l'article 5.

Article 5. La qualite de citoyen pourra etre conservee par arrete pris par le secretaire d'Etat a l'interieur et par le Garde des Sceaux, secretaire d'Etat a la Justice, aux Juifs indigenes d'Algerie qui se seront distingues ou dont les familles se seront distinguees par des services rendus au pays.

Article 6. Les Juifs nes en Algerie autres que les Juifs indigenes vises a l'article 1er qui possedent la nationalite a titre originaire par suite de leur naissance sur le territoire Algerien ou ont acquis cette nationalite .. sont regis par le statut des indigenes israelites d'Algerie. Ils peuvent notamment beneficier des dispositions des articles 4 et 5 de la presente loi. ..

(Source: Journal Official, February 20, 1942.)

ALGIERS COUNCIL-GENERAL EMBARASSED BY GEN. GIRAUD'S ABROGATION OF CREMIEUX DECREE.

WASHINGTON, April 23. (JTA) --An embarassing situation resulting from Gen. Giraud's abrogation of the Cremieux Decree developed last Monday in the Council-General of Algiers, which was holding its first session since the landing of the allied troops, it was reported by the Fighting French delegation here today.

When the roll was called, one of the deputies identified only as the elected representative of the Balaiche, arose and declared that he was present only because the Council-General had been formally convoked and he was a duly elected member of the body. "But," he added, "I realize that, in view of the abrogation of the Cremieux Decree, I shall no longer be qualified to exercise my functions, because I am a Jew."

Af: Political institutions in Algeria.

The constitution of the country places the key political positions in the hands of French citizens and leaves to the native Moslem only a very small basis of self-administration.

According to the law of 1884 ("Loi sur l'Organisation Municipale") the native has the right to vote and to be elected to the Municipal Councils of all small or large communities. French citizens may be elected to the Municipal Councils as well as "a titre indigene," i.e. to the seats belonging to the natives.

Each of the three Algerian Departments is represented by a "Conseil General" of whose members only one-fourth are natives, the remainder being French citizens. The three "Conseils Generaux" together form a kind of a local Parliament. While the French members are elected by universal vote, the natives are elected by the members of the Municipal Councils.

The third important political body is the so-called "Delegations Financieres," which votes on the budget and taxes. This body is composed of 24 representatives of the French colonists, meaning the big landowners, 24 representatives of all other French citizens and 21 natives who are appointed by the General Governor and usually selected from the rich Arab landowners of the country.

The members of the "Conseils Generaux" and of the "Delegations Financieres" together with the "Conseil du Gouverneur" (a council appointed by the Governor and whose members are high Government officials) form the "Conseil Superieur," the highest advisory body to the General Governor.

In addition to exercising their local voting rights, French citizens send their representatives to the Chamber and Senate of Metropolitan France.

Ag: The Senatus-Consulte of 1865.

Senatus-Consulte sur l'estat des personnes et la naturalisation en Algerie.

"Napoleon par la grace de Dieu et la volonte nationale ..

Art.1. L'Indigene musulmane est francais; neanmoins, il continuera d'etre regi par la loi musulmane. Il peut etre admis a servir dans les armees de terre et de mer. Il peut etra appele a des fonctions et emplois civils en Algerie. Il peut sur sa demande etre admis a jouir des droits de citoyen francais; dans ce cas il est regi par les lois civiles et politiques de la France.

Art.2. L'Indigene israelite est Francais; neanmoins il continue a etre regi par son statut personnel. Il peut etre admis a servir dans les armees de terre et de mer. Il peut etre appele a des fonctions et emplois civils en Algerie. Il peut sur sa demande etre admis a jouir des droits de citoyen francais; dans ce cas il est regi par la loi francaise.

Art.3. L'etranger qui justifie de trois annees de residence en Algerie peut etre admis a jouir de tous les droits de citoyen francais.

Art.4. La qualite de citoyen francais no peut etre obtenue, conformement aux articles 1,2, et 3 du present senatus-consulte, qu'a l'age de 21 ans accomplis; elle est conferee par decret imperial rendu en conseil d'Etat.

Art.5. Un reglement d'administration publique determinera:

1) Les conditions d'admission, de service et d'avancement des indigenes musulmans et des indigenes israelites dans les armees de terre et de mer;

2) Les fonctions et emplois civils auxquels les indigenes israelites peuvent etre nommes an Algerie;

3) Les formes dans lesquelles seront instruites les demandes prevues par les articles 1,2 et 3 du present senatus-consulte.

Delibere et vote en seance, au palais du Senat, le 5 Juillet 1865.

Fait au Palais des Tuileries le 14 Juillet 1865.

(Signed) Napoleon"

(Source: Le Moniteur Universel. Le 23 Juillet 1865.)

Ah. The Law of 1919.

"Loi sur l'accession des indigenes de l'Algerie aux droits politiques.

Titre ler
De l'Accession des Indigenes d'Algerie a la qualite de citoyen.

Art. ler. - Les Indigenes d'Algerie pourront acceder a la qualite de citoyen francais en vertu des dispositions du senatus-consulte du 14 Juillet 1865 et de la presente loi.

Art. 2. - Tout indigene algerien obtendra, sur sa demande, la qualite de citoyen francais, s'il remplit les conditions suivantes:

1. Etre age de vingt-cinq ans;
2. Etre monogame ou celibateur;
3. N'avoir jamais ete condamne pour crime ou pour delit, comportant la perte des droits politiques, et n'avoir jamais subi aucune peine disciplinaire soit pour actes d'hostilite contre la souveraineto francaise, soit pour predication politique ou religieuse ou menees de nature a porter atteinte a la securite generale;
4. Avoir deux ans de residence consecutive dans la meme commune en France ou en Algerie ou dans une circonscription administrative correspondante d'une colonie francaise ou d'un pays de protectorat francais;

El s'il satisfait en outre a l'une des conditions speciales suivantes:

A) Avoir servi dans les armees de terre et de mer et justifier de sa bonne conduite par une attestation de l'autorite militaire;

b) Savoir lire et ecrire en francais;

c) Etre proprietaire ou formier d'un bien rural ou proprietaire d'un immeuble urbain, ou etre inscrit au role soit des patentes, soit des impots de replacement, depuis un an au moins dans la meme commune pour une profession sedentaire;

d) Etre titulaire d'une fonction publique ou d'une pension de retraite pour services publics;

e) Avoir ete investi d'un mandat public electif;

f) Etre titulaire d'une declaration francaise ou d'une distinction honorifique accordee par le Gouvernement francais;

g) Etre ne d'un indigene devenu citoyen francais, alors que le demandeur avait atteint l'age de vingt et un ans.

La femme d'un indigene devenu citoyen francais posterieurement a son marriage pourra demander a suivre la nouvelle condition de son mari.

Art. 3. - L'indigene musulman algerien qui desire beneficier de la presente loi doit adresser au juge de paix, ou a l'autorite qui le remplace, une demande en deux exemplaires et y joindre les pieces suivantes:

1. Son acte de naissance ou, a defaut, un acte de notoriete dresse sur l'attestation de quatre temoins par le juge de paix ou par le cadi du lieu de sa residence;
2. Les pieces justifiant que les conditions prevues a l'article 2 sont remplies;
3. Un extrait de son casier judiciaire.
4. Les actes de naissances de ses enfants mineurs ou les actes de

Ah:

de notoriete qui en tiennent lieu.
Le greffier de la justice de paix lui delivre un recepisse de sa demande et en transmet sans delai un duplicata au gouverneur general de l'Algerie.

Art. 4. - Dans le mois qui suit l'enregistrement de la demande au greffe de la justice de paix, le juge de paix convoque le postulant, verifie s'il remplit les conditions necessaires et fait connaitre les resultats de cet examen a l'interesse, au maire ou a l'administrateur de la commune de sa residence, au procureur de la Republique et au gouverneur general qui, dans le delai de quinze jours, en accusent reception et presentent les observations qu'ils jugent utiles.

Le dossier complet est ensuite transmis sans delai au greffier du tribunal civil de l'arrondissement, et avis en est donne au procureur de la Republique et au gouverneur general.

Art. 5. - Si le postulant est domicilie en France, dans uns colonie francaise ou en pays de protectorat, il adressera sa demande au juge de paix dont releve sa commune d'origine ou a l'autorite qui le remplace. Celui-ci pourra donner commission rogatoire a tout juge de paix ou a l'autorite francaise qui le remplace, pour proceder aux formalites d'examen.

Art. 6. - Si, dans le delai de deux mois a dater de l'enregistrement de la demande au greffe du tribunal civil, il ne se produit aucune opposition du gouverneur general que du procureur de la Republique, en conformite soit de l'article 7, soit de l'article 8 de la presente loi, le tribunal de premiere instance, a la premiere audience publique, declare que le postulant remplit les conditions fixees par la loi et est admis a le qualite de citoyen francais. Mention de cette declaration sera faite en marge de l'acte de naissance et de l'acte de mariage du postulant.

Si le postulant n'est pas inscrit sur les registres des actes de l'etat civil, semblable mention sera portee sur l'acte de notoriete etabli conformement a l'article 3. Cet acte de notoriete suppleant l'acte de naissance ou de mariage sera depose au greffe du tribunal de premiere instance et au secretariat de la mairie.

Art. 7. - En cas d'opposition, soit par le gouverneur general, soit par le procureur de la Republique, notifiee dans les delais prevus par simple lettre au greffier du tribunal, le tribunal examine si l'opposition est fondee, soit sur l'absence de l'une des conditions prevues a l'article 2, soit sur l'existence d'une condamnation pour l'un des fait enumeres a cet article. En audience publique, dans le delai d'un mois, il recovra l'opposition ou en donnera mainlevee; dans ce dernier cas, il declare que le postulant est admis a la qualite de citoyen francais.

Art. 8. - Dans le meme delai de deux mois fixe a l'article 6, le gouverneur general pourra, par un arrete delibere en conseil de gouvernement et approuve par le ministre de l'interieur, s'opposer pour cause d'indignite, a la declaration du tribunal prevus au meme article. La demande rejetee dans ces conditions ne pourra etre renouvelee qu'apres un delai de cinq ans.

Art. 9. - Le pourvoi en cassation est ouvert contre la decision du tribunal de premiere instance, soit au procureur de la Republique, soit a l'interesse. Il sera suspensif. Ce pourvoi sera introduit et juge dans les formes et conditions prevues par le decret du 2 fevrier 1852 et par la loi du 6 fevrier 1914. Les notifications du pourvoi seront faites au procureur de la Republique ou par lui.

Ah:

Art. 10. - Les actes judiciares seront dispenses de timbres et enregistres sans frais. Les extraits d'actes de l'etat civil seront delivres gratuitement sur papier libre aux interesses ou au juge de paix; ils porteront en tete de leur texte l'enonciation de leur destination speciale et ne pourront servir a aucun autre usage.

Art. 11. - Les effets des decisions rendues en execution des articles 6,7, et 9 ci-dessus sont ceux que le senatus-consulte de 1865 a attaches a l'admission a la qualite de citoyen francais.

Titre II

Statut politique des indigenes musulmans algeriens qui ne sont par citoyens francias.

Art. 12. - Les indigenes musulmans algeriens qui n'ont pas reclame la qualite de citoyen francais sont representes dans toutes les assemblees deliberantes de l'Algerie (delegations financieres, conseil superieur de gouvernement, conseils generaux, conseils municipaux, commissions municipales, djemaas de douars) par des membres elus, siegeant au meme titre et avec les memes droits que les membres francais, sous reserve des dispositions de l'article 11 de la loi organique du 2 aout 1875. Dans les assemblees ou siegent en meme temps des membres indigenes nommes par l'administration, ceux-ci ne peuvent entre en nombre superieur aux membres elus.
Les conseillers municipaux indigenes participent, meme s'ils ne sont pas citoyens francais, a l'election des maires et adjoints.

Art. 13. - Il est statue par les decrets speciaux sur la composition du corps electoral indigene, et sur le mode d'election des representants des indigenes dans chaque assemblee.
Sont dans tous les cas, incompatibles avec les mandats de conseiller municipal, conseiller general et delegue financier; les fonctions de caid, agha, bach-agha, secretaire de commune mixte, de sous-prefecture, garde champetre, garde forestier, agent de police, cavalier de commune mixte.
A titre transitoire les membres des assemblees designees dans le paragraphe precedent qui sont choisis par l'autorite, conserveront leurs fonctions actuelles dans les conditions ou elles leur ont ete conferees; les membres elus investis actuellement de ces fonctions pourront, leur vie durant, continuer a les cumuler avec leur mandat electif.

Art. 14. - Les indigenes musulmans non citoyens francais sont admis au meme titre que les citoyens francais, et sous les memes conditions d'aptitude, aux fonctions et emplois publics. Neanmoins, un decret determinera la liste des fonctions d'autorite qu'ils no pourront exercer que s'ils sont citoyens francais.
Ceux qui seront inscrits sur les listes electorales ne peuvent etre condammes, en ce qui concerne les contraventions et les delits, que pour les memes faits et par les memes tribunnaux que les citoyens francais, sous reserve de mesures speciales edictees pour la protection et la conservation de la loi du 14 juillet 1914 relatives a la mise en surveillance speciale.

Art. 15. - Dans les douars constitues en execution du senatus-consulte du 22 avril 1863, et dans tous les groupes de population indigene regulierement pourvus d'une djemmaa, les prestations fournies en argent ou en nature par les habitants du douar, pour les chemins vicinaux et ruraux, deduction faite des contingents preleves au profit des departments, et les revenus des biens communaux appartenant au douar, seront exclusivement affectes aux travaux d'utilite publique interessant la population de ce douar.

Art. 16. - Les dispositions de la presente loi sont applicables a tout le territoire civil de l'Algerie.

La presente loi, deliberee et adoptee par le Senat et par la Chambre des deputes sera executee comme loi de l'Etat.

Fait at Paris, le 4 fevrier, 1919.

R. Poincare.

(Journal Officiel, February 6, 1919.)

Ai.

In 1936, S. FACI, a fervent French patriot of the Arab-Algerian origin, a teacher with a degree from the Law Faculty of the University of Algers, published a study with a preface by M. Viollette: "L'Algerie sous l'Egide de la France, Contre la Goodalito Algerienne." (Toutouse 1936)

Regarding the Algerian administration, he states:

"D'un cote, la castre europeenne qui domine le pays par les richesses et l'influence qu'elle detient; d'un autre cote, l'aristocratie indigene ... Au-dessus de ces deux castes, une administration: autoritaire, tracassiere, routiniere et tatillonne, toujours attentive pour satisfaire les plus puissants, mais toujours implacable pour les faibles."

"La naturalisation des Indigenes meme a titre individuel est consideree par l'administration algerienne comme une grave atteinte a la preponderance francaise. Des lors, les autorites..s'ingenuent a rejeter ou a retarder indefiniment les demandes de naturalisations qui emanent des Indigenes."

("On the one hand, there exists the European cast, which rules the country by virtue of the wealth and power in its possession; on the other hand there is the native aristocracy .. above those two classes, we have the administration, authoritarian, bureaucratic, petty and a source of vexation, always ready to bond to the strong, but always implacable toward the weak." p.76.

"Naturalization of the natives, even as single individuals, the Algerian administration considers a serious threat to the French majority. Consequently the authorities .. contrive at rejecting or indefintely postponing the requests the natives make to be naturalized." p. 80)

III

Finally, in 1939 the "Societe d'Etude et d'Information Economique" published a "Lettre d'Algerie. Le Probleme de la representation politique indigene." (Supp. au Bulletin Quotidien, No. 122 du 1er Juin 1939), from which we quote the passage regarding the Algerian administration and the naturalization of natives. After having stated that the law of 1919 has only naturalized 1,651 natives up to the year 1935, it says:

> "Les raisons de cet echec sont claires: l'esprit dans lequel la loi fut appliquee, les dossiers de naturalisation restant enfouis dans les cartons d'ou il n'est possible de les sortir qu'apres plusieurs annees parfois de demarches et de puissantes interventions; cette mauvaise volonte evidente de l'administration tend a decourager les demandes et ne peut qu'inciter les Musulmans evolues a penser que la France les considere comme indesirables."

Ai: Quotations of French statesmen, former General Governors and French specialists on Algerian administrative conditions.

I

In 1912 compulsory military service was introduced in Algeria. At this time, certain progressive elements of the French Parliament and French public opinion wanted to change the status of the natives of Algeria.

In the paper "Le TEMPS" Paul Bourde at Philippe Millet started a violent campaign against the administration in Algeria. They were joined by the deputy Albin ROZET in Parliament.

> "On y representait les indigenes algeriens comme vivant sous un regime d'arbitraire, d'iniquite et de terreur .. l'administration etait prisonniere des colons et le demeurerait tant qu'on n'accorderait pas aux indigenes dans les divers conseils de la colonie une representation serieuse et suffisante."

("The native Algerians were described as living under a high-handed and corrupt regime of terror. The administration itself was prisoner of the colonists, and so had to remain as long as the natives were not granted serious and adequate representation in the several governing bodies of the colony.")

(Source: Gabriel Hanotaux, L'Histoire des colonies francaises. 1929-33. Tome II, p.459.

II

In 1935, the senator Maurice VIOLLETTE, who had been General Governor in Algeria from 1925 to 1927, and who later was the author of the Viollette-Blum bill introduced in Parliament in 1936, providing for change of status of the Arab natives, appeared before the French Senat

> "Pourquoi les naturalisations sont-elles si rares? Parce que l'administration ne les encourage pas. ...
> Theoriquement le juge devrait statuer dans les six mois. Or, il n'en est pas ainsi; des annees se passent avant la solution.."

> ("Why are naturalizations so few? Because the administration does not encourage them. ..
> Theoretically, the judge must pass on the naturalization within six months. Actually, nothing of the kind happens. Several years may pass before a decision is reached..")

(Source: Journal Officiel. Debats Parlementaires. Seance du 21 et 22 Mars 1932.

> ("The reason for this failure is clear: the spirit in which the law has been administered, with the documents relating to the naturalization cases buried away in files from which they can only emerge after several years of effort, after only by intervention of persons in high places; this patent bad will on the part of the administration tends to discourage requests for naturalization and can only irritate the educated Moslems into thinking that France regards them as undesirable.")

Aj. I: ORDONNANCE DU 14 MARS 1943 PORTANT VALIDATION DES REGLES GENERALES APPLIQUEES POSTERIEUREMENT AU 22 JUIN 1940 DANS LES TERRITOIRES RELEVANT DU COMMANDANT EN CHEF.

.... la presente ordonnance est provisoire et sera l'objet de ratifications ulterieures, sur la proposition d'une commission specialement designee...

Art. 3: Les actes dont l'abrogation n'aura pas ete prononcee dans un delai de deux mois a compter de la publication de la presente ordonnance, seront reputes definitivement ratifies.

Aj. II: ORDONNANCE DU 14 MARS 1943 RELATIVES AUX MESURES PRISES A L'ENCONTRE DES JUIFS.

... Article 2: Les gouverneurs generaux et residents generaux determineront dans le cadre du statut legislatif propre a chaque territoire:

1) Les conditions et les delais dans lesquels il sera procede a la reintegration dans les fonctions publiques et les emplois des services publics de ceux qui en ont ete exclus du fait de leur qualite de juif;

2) Les conditions et les delais dans lesquels il sera progressivement fait appel dans l'economie privee a ceux qui en ont ete exclus du fait de leur qualite de juifs;

3) Les conditions et les delais dans lesquels seront restitues aux juifs les biens places sous administration provisoire.

Article 3: Les actes accomplis par les administrateurs provisoires sont declares valables a l'exception des actes de disposition d'immeubles ou des fonds et sous reserve des vices autres que ceux derivant de la nullite ci-dessus declaree.

AK: The so-called personal status in its relation to French citizenship.

The term "statut personnel" covers all those religious or other customs which make it impossible for an individual entirely to submit to French civil law. Most important of the foreign customs which confronted the French in Algeria were:

Polygamy with not possibility of divorce by women and at the same time unlimited repudiation by the husband.

Permission for the father to marry off his children without their consent and at any age.

Inheritance restricted to males only on the primogeniture principle.

The corresponding Jewish customs permitted under personal status were:

Majority of children at the age of 13.

Polygamy and possible repudiation of the wife by the husband,

Privileged inheritance of the male successors.

Though, as a rule, it is impossible to become a French citizen without renouncing personal status, the Senegalese received French citizenship without such renunciation (law of September 1916); they have the right to vote and to be elected to the French Parliament. The only restriction is that those who have not renounced their personal status cannot vote in France but only in Senegalese territory. The same holds true for the inhabitants of the West Indian French possessions.

In Algeria, however, which was so near to the mother country and organized so closely after the model of a French province, the French always demanded renunciation of personal status before granting citizenship. Therefore, the Jews lost their personal status through the Cremieux decree. In their eyes they were giving up a privilege, as witnessed by Cremieux himself:

"Don't say to them (i.e. the Jews): Become French if you wish - for they will not of their own will abandon the law of God."

(Journal Officiel, May 22, 1874)

AK:

Today, there exists not the slightest possibility of the Jews going back to their old status. This has even been recognized by the Vichy legislation that placed the Jews under the "status francais". Probably, the same thing will be done by General Giraud - only that in this case he will approve, implicitly, of the brand new kind of "subject" that has been created by the Vichy laws. For until 1940, being born on French territory, of French citizens and being subject to French law was a kind of definition of French citizenship.

AL: Survey of the bills intending the extension of the Cremieux decree to all Algerian natives from 1887 to 1936.

The French Parliament has tried time and again to find a formula that would permit the assimilation and naturalization of Algerian natives. In 1887, a law was proposed designed to confer French citizenship on Moslem natives of Algeria. In 1890, another proposition was made to grant progressive naturalization to Algerian Moslems. Important discussions on this matter took place in the Senate in March 1891 and May 1893; in 1895 still another proposal came before the Parliament to grant citizenship at least to those natives who had served eight years in the French army. In 1897, the same proposal was made as in 1887. During the war, in 1915, Clemenceau together with the deputy Leygues, wrote an open letter to the French Parliament and asked for immediate complete emancipation of the whole Algerian population without renunciation of personal status. But not until 1919 were the first small reforms granted.

After 1919, there was hardly a year in which a new bill was not introduced in Parliament. Between 1927 and 1936, nine such bills were discussed by the Chamber and Senate. Among them, we can distinguish three categories of proposed reforms:

1. Special and separate representation for the natives within the French Parliament. The most important of these proposals was presented by Moutet, a Socialistic Deputy. Others were presented by deputies of the right, such as Taittenger. It must be observed that this category for the first time in French colonial history, did not base its arguments upon assimilation and the thesis that all inhabitants of French colonies were gradually to receive French citizenship, but upon a policy of separation of the two nations. Therefore, these proposals were the only ones that enjoyed a certain measure of support by the French colonials - though Moutet (in 1926)

AL:

when defending his memorandum before the Senate, used the argument of the right of self-determination of all peoples. The Government could not back these propositions which threatened to create a dangerous precedent in French colonial policy.

2. Naturalization without renunciation of personal status. After the letter of Clemenceau in 1915, this is best represented by the proposal Maurice Violette made in 1931 which was backed by the Blum Government in 1936.

3. The third category is represented by the proposal of the Senator Cuttoli (1935) who wanted to naturalize the natives on bloc but with renunciation of personal status. Individually, the natives should have the right to file their refusal of French citizenship if they wished to retain their status.

None of these plans materialized. The only proposal ever backed by the Government, the Violette-Blum bill, was so violently attacked by the Algerian colonials that it had to be abandoned.

APPENDICES II

Ba: Arab demands for extension of the Cremieux Decree; In 1912, compulsory military service was introduced in Algeria: "The introduction of compulsory military service among the natives had necessarily to effect a change of their status. .... The party "Jeune Algerien" came to Paris with specifications of their political demands". Since that time, the party "Jeune Algerien" has represented the most progressive and the most patriotic section of the Arab population: "Pupils of our schools, engaging in the liberal or commercial professions .. champions of rapprochement with the French and of assimilation" (See: Gabriel Hanotaux, L'histoire de colonies francaises, II, 509), they were opposed by the "Vieux Turbans" "belonging to the old feudal families .. whose power our administration has more or less preserved and enforced" and by the extreme nationalists of the Pan-Islamic movement.

In 1933, Senator Cullotti, in his speech before the French Senate (session of March 21 and March 22) on the native newspaper:

> "A la lecture des journaux indigenes, on pourrait croire qu'il s'agit d'un mouvement.. poussant les musulmans d'Algerie a reclamer a la France un complement des droits politiques .."
>
> ("Reading the native newspapers, one may conclude that a movement is afoot to push the Moslems in Algeria into demanding from France the remainder of their political rights.")
>
> (Journal Officiel Debats Parlementaires.)

In 1939: "Les evolues .. ne craignent pas de dire et d'imprimer a l'heure actuelle qu'ils sont prets a accepter l'abandon du statut personnel, surtout s'il etait impose du 'fait du prince'. La recente campagne reprise par 'Alger-Republicain' .. en faveur du projet Viollette est symptomatique a cet egard. Les interesses pour la plupart instuteurs indigenes a sympathie S.F.I.O. qui publient la 'Voix des Humbles' se declarent disposes a abandonner le statut .."

("The progressive element .. are not afraid to declare, both in speech and press, that at this moment they are ready to give up their personal status especially if the demand is made from above. The recent campaign

Ba:

conducted by the 'Alger-Republicain' in favor of the Viollotto plan is symptomatic in this regard. ..")

(Lettre d'Algerie. Soc. d'Et. et d'Inf. Econ. No. 122 du lor Juin 1939)

Bb: Arab anti-Semitism;

The anti-Semitism of the Arabs is only a special instance of whatever general anti-European feelings some of them may hold. Such hostility, fostered by the Hitler propaganda of the thirties, has far from subsided as yet.

Said Senator Duraux before the French Senate in 1935:

> "Des propos injurieux et menacants ont ete tenues dans les cafes maures contre le Gouvernement, contre les juifs, contre les Francais qui sont venus s'installer dans l'Afrique du Nord ..
> Dans de nombreuses conversations rapportees par les services de surveillance, il est question d'une prochaine interwention de l'Allemagne destinee a mettre terme a la domination francaise."
>
> ("Insulting and threatening words have been uttered in the Moorish cafes against the Government, against the Jews and against the French who have come to settle in North Africa ...
>
> In the numerous conversations overheard and reported by the secret service, there is talk of early intervention by Germany to put an end to French domination.")
>
> (Journal Officiel. Debats Parlementaires.
> Seance du 21 et 22 Mars)

Bo: The Algerian French citizens as different from people of the French mother country.

I;
Composition of the population.

Of the European population in Algeria, only one-third is of French origin. (See: S. Faci, L'Algerie sous l'Egido de la France, 1936.) In 1911, for instance, the European population of Oran was divided as follows:

93,000 Spaniards
93,000 naturalized Frenchmen
95,000 French citizens of French origin;

(Hanotaux, II op. cit.)

The most important foreign elements among the French colonial population are: Spaniards, Italians, Germans. Of approximately 5,000 naturalizations granted around 1909, more than a thousand were to inhabitants of German origin, more than a thousand to that of Italian origin and about 1,300 to residents of Spanish origin. (See: Revue Indigene, Juillet 1911, Paris.)

S. Faci, former instructor, native Algerian and "diplome de la Faculte de droit d'lger" says (op. cit. p. 14):

> "Les Francais d'origine ne forment qu'une tres faible partie de la population europeenne, compte tenu de la naturalisation automatique des Etrangers (Loi du 26 Juin 1889) ..."

> ("The native French constitute only a very minor section of the European population, on account of the automatic naturalization of foreigners (Law of June 26, 1889) ..."

II.

The mentality of the French colonial element.

Jules Ferry in 1892, in his report to the French Parliament:

> "Il est difficile de faire entendre au colon europeen qu'il existe d'autres droits que les siens en pays arabe et que l'indigene n'est pas une race taillable et corveable a merci."

("It is difficult to make the European colonist understand that there exist other rights than his own in an Arab country and that the native is not to be molded according to his desires.")

Opinion of Professor Emile Larcher, specialist on Algerian questions, regarding the foreign element:

"L'Algerie recoit de toutes les nations europeennes bien nombre de vagabonds, de gens sans aveu, d'individus fuyant la justice de leur pays. Aussi la criminalite des Etrangers est-t-elle extremement elevee. .. Cette population .. a donne la mesure de ce qu'elle peut faire par la tres large part qu'elle a prise aux pillages lors de l'agitation antisemite d'Alger en 1897-1898."

("Algeria receives from all the European countries a great number of vagabonds, suspects of all kinds and fugitives from the law. Thus crime among the foreign is very high .. This element .. showed just what it was capable of doing by the prominent share it took in the anti-Semitic riots of Algeria in 1897-98.")

(Traite elementaire de Legislation Algerienne. pp. 91-02.)

Opinion of Gabriel Hanotaux, French publicist and diplomat:

"Un nouveau peuple franco-algerian s'est constitue dans la vielle Regence barbaresque. .. L'Algerien differe forcement par quelques traits du Francais de la Metropole."

("A new national type, the Franco-Algerian, has emerged in the old "Regence barbaresque". .. The Algerian differs of course in several respects from the Metropolitan Frenchman.")

(Op. cit. '', 532)

Opinion of Gilbert MASSONIE, avocat at Constantino:

"On a souvent compare le regime politique et social de l'Algerie a la feodalite, les Francais jouissant des prerogatives et droits semblables a ceux des seigneurs d'autrefois. Il y a du vrai dans cette remarque.)"

("The political and social regime of Algeria has often been compared to a feudal state, with the French enjoying rights and privileges similar to those of former feudal lords. There is some truth in this comparison.")

(Quoted after S. Faci, op. cit. 230)

Opinion of S. Faci, spokesman for the progressive Arab element:

> "L'Europeen algerien, voire meme le Francais etabli depuis longtemps dans la colonie, se distingue en effet tres nettement du Francais de la Metropole, car il a subi l'influence de plusieurs races; il est tres audacieux .. tres endurant, generalement enclin a empieter sur les droits du voisin .. le type decide et debrouillard que veut atteindre son but coute que coute."
>
> ("The Algerian European, including even the Frenchman who has been settled in the colony for a long time, is actually and clearly distinguishable from the Metropolitan Frenchman. For he, the Algerian, has imbibed the influence of several races; he is very bold, very tough, generally inclined to encroach on the rights of his neighbor .. a determined and resourceful type, who is bound to attain his ends, cost what it may."

(op. cit. p. 29)

Opinion of a colonial Frenchman, deputy to the Delegations Financieres when opposing a proposal of the Governor General, Maurice Viollette, during the Session of June 12, 1926:

> "Je dis que ce projet a ete etabli avec des vues de Francais de France, et non pas avec des vues de Francais d'Algerie."
>
> (I say that this plan has been evolved from the point of view of the Frenchmen of France and not of the French of Algeria.")

(Quoted after Viollette, op. cit. p. 158)

III.
Anti-native and anti-Jewish attitudes.

Professor Emile LARCHER, op. cit. II, 340:

> "Les citoyens sont les nobles ou les seigneurs; les indigenes sont les roturiers ou les serfs."
>
> ("The citizens are the noblemen or the lords; the natives are the plebeians and the serfs.")

How the Algerian administration under the influence of the colonial French element treats the native citizens was witnessed by Senator Violette, former Governor General. (Interpollation before the French Senate, Journal Officiel,

Debats Parlementaires, Seance du 21 et 22 Mars 1935). Reporting an election of a mayor in Mekla who had been elected by 5 French votes, 5 French native votes and 5 natives, he said this election had been declared void by the "Conseil de la Prefecture":

> "parce que la municipalite n'avait pas ete elue par une majorite europeenne; et l'on defalquait du nombre des Francais les indigenes naturalises qui y avaient participe."
>
> ("because the mayor had not been elected by a European majority: from the total of French votes were subtracted the votes of naturalized natives.")

No wonder that

> "l'indigene se mefie du colon en general et qu'il reserve sa confiance et sa sympathie au Francais de la metropole."
>
> ("the native mistrusts the colonial in general, and reserves his confidence and friendship for the Metropolitan Frenchman."
>
> (S. Faci, op. cit. p. 69.)

The anti-Jewish propaganda is closely tied up with the anti-native policy of the French colonial element.

> "Le mouvement antijuif est utilise a des fins purement politiques; pour discrediter un candidat aupres de la population europeenne, il est d'usage de le faire passer pour juif."
>
> ("The anti-Jewish movement is used for purely political ends: to discredit a candidate amont the European population, it is customary to pretend that he is a Jew.")
>
> (M. Roblin, Les Juifs d'Algerie. In: Terre-Air-Mer. Tome LXI, 1934, No. 2)

Senator VIOLLETTE, in his interpellation before the French Senate (1935, Session of March 21 and 22):

> "S'il y a de l'antisemitisme en Algerie, ce sont les Europeens que l'attisent."
> "C'est une maison francaise d'Oran qui a lance le papier a cigarette a la croix gammee."
> "Quand on cause avec de certaines personnes qui ont le prejuge de race en Algerie, presque suivant le mode hitlerien, elles vous repondront que jamais on ne fera des Francais avec des musulman."
> (Dans le departement d'Oran) "la politique de M. Molle a ete exclusivement une politique d'antisemitisme. Je me rappelle un certain journal (Francais) ..qui .. reclamait pour les juifs le bucher, l'huile bouillante et la poix fondue. J'ai reclame au Procureur general des poursuites

contre ce journal pour excitation de meurtre. L'information a ete ouverte, mais deux mois apres, le non-lieu est intervenu..et cela d'accord avec la chancellerie."

("If there is anti-Semitism in Algeria, be sure that it is Europeans who fan it."
"It is a French company of Oran that has put out a cigarette paper stamped with the swastika.
"When you speak to certain people who express ideas of race prejudice very much akin to those of the Hitler crowd, those people tell you that you'll never make Frenchmen out of Moslems."
("In the department of Oran) "the policy of M. Molle was altogether a policy of anti-Semitism. I recall a certain newspaper (French) .. which .. recommended for the Jews the stake, boiling oil and hot pitch. I asked the Procuror General to prosecute the paper for inciting to murder. Legal procedure was started, but two months afterwards, the case was quashed and that was confirmed by the chancellery.")

During the pogroms in Oran in 1934:

"La troupe et la police assistent impuissantes a cette veritable boucherie parce qu'elles n'avaient pas recu l'ordre d'intervenir."
"Tout s'est passe comme si les agents du service d'ordre avaient ete mis la comme temoins pour regarder et rendre compte exclusivement."

("The troops and the police stand by, powerless in the face of this regular butchery, because they have not received orders to intervene.""

("Everything goes on as if the guardians of peace and order had been stationed there simply to observe and to report.")

(La Depeche Algerienne, August 7 and 8, 1934.)

Already in 1882, large signs in Algerian streets declared that:

"tous les moyens sont bons et doivent etre employes pour l'aneantissement des Juifs par les Europeens."

("All means employed by Europeans to exterminate Jews are good and justified.")

And Edouard DRUMONT expressed the hope that a campaign of French anti-Semitism would start in Algeria. (Ed. Drumont, La France Juive, Chat. IV)

S. Faci (op. cit. p. 22) speaking about anti-Jewish feelings in Algeria:

"le maintien de l'ordre public dans la colonie doit etre exclusivement assure avec fermete et vigilance par la Metropole.

> Livrees a elle-meme, les autorites locales seraient peutetre tentees a obeir a des suggestions inspirees .. par des prejuges de race."
>
> ("The maintenance of public order in the colony must be ensured exclusively by Metropolitan France, firm and vigilant. Left to themselves, the local authorities would perhaps be tempted to heed certain suggestions emanating from .. racial prejudice.")

That anti-native and anti-Jewish attitudes of the Algerian administration and the French colonials have not disappeared since the landing of American troops on North African territory has been witnessed by distinguished American correspondents:

> "Therefore the Axis Nuremberg laws were welcomed by those Frenchmen who feared a Jewish-Arab collaboration in which .. the Jewish minority might advise the Moslem majority and gain dominance. This attitude is still quite prevalent."
>
> (C. L. Sulzberger, N. Y. Times, April 1, 1943, p. 6)

Kenneth C. CRAWFORD states on April 2, 1943 that Algerian Jews "may not hold most government jobs". This, however, is apparently in contradiction with the law of 1919, Art. 14.

Bd. A few statistical data, regarding the Algerian population.

YEAR	EUROPEANS	FRENCHMEN	FOREIGNERS	NATIVES	COLONISTS
1839	25,000	11,000	14,000		1,500
1847	109,000	52,000	57,000		15,000 ***
1858	189,000	107,000	82,000		
1872	245,000	130,000	115,000		100,000 (appr)
1881	376,000	195,000	181,000		
1896	579,000	381,000 *	198,000		146,000
1911	752,000	493,000	259,000		
1926	833,000	657,000 **	176,000		
1936	996,252	853,209	143,043	6,247,758	370,000 ****

* Jews excluded; ** Jews included; *** 9,000 of whom were French

**** of whom 70,000 were big landowners.

Sources: Hanotaux, op. cit. passim.
The Royal Institute of International Affairs.
London 1941. The French Colonial Empire.
Information Dep. No. 25.

During the Second Empire, Algeria was used as a place of deportation for political offenders as well as for criminals. An approximative number of these "colonists" is given by Hanotaux (op. cit. II, 298): 9,530 criminals lived among the French Algerian population at the end of Napoleon III's regime.

Be: The Army's views on colonial policy.

General BUGEAUD, Governor General in Algeria from 1840 to 1848:

"L'armee est tout en Afrique; elle seule a detruit, ella seule peut edifier. Elle seule a conquis le sol, elle seule peut le feconder par la culture..."

("In Africa the army is everything; it alone has destroyed, and it alone can build. It alone has conquered the soil, and it alone can enrich and cultivate it...")

(G. Hanetaux: Histoire des colonies francaises. II, 208)

Up to the foundation of the Third Republic

"L'Histoire de L'Algerie sous le Second Empire est essentiellement celle d'un long conflit entre l'element civil et L'element militaire."

("The history of Algeria under the Second Empire is in essence the history of one long struggle between the civilian and the military element.")

(Op. cit. II, 236.)

Admiral de GUEYDON, Governor General of Algeria from 1871 to 1873 (appointed in opposition to the new French Government through the influence of Marshal MacMahon) was among the first to believe the Cremieux decree was the cause of the insurrection of the Moslems of 1871. His opinion of colonial government differs greatly from that held by the French civilian government:

"L'element francais doit etre l'element dominant, c'est a lui seul qu'appartient la direction de l'administration du pays. Ni l'element indigene, arabe ou israelite, ni l'element etranger ne peuvent pretendre a une influence ou a une part quelconque dans la direction politique ou administrative du pays..."

"Les biens sequestres sur les tribus rebelles forment las plus claire de nos ressources pour la creation de nouveaux villages; par le sequestre, l'Etat so procure immediatement les ressources territoriales dont il a besoin pour la colonisation."

("The French must be the ruling element and to it alone belongs leadership in the government of the country. Neither the native element, Arab or Jewish, nor the foreign element, can lay claim to any influence or any part in the political or administrative leadership of the country."

"Property confiscated from the rebel tribes constitute the most obvious of our resour ces for establishing new villages; by such seizure, the

state avails itself immediately of the territorial needs which it must have for colonization.")

(Op. cit. 381 and 396)

The first civilian to be appointed Governor General in Algeria, Albert GREVY, was pro-Cremieux and against the military rule. He was especially opposed to the arbitrary confiscation of property as it had been executed by the militaries; also he favored assimilation: Why set up a special law for a country where it is precisely a question of applying the general law?"

Afterwards, the army lost its open influence in Algerian affairs - thought not in other French possessions in North Africa. It should not be forgotten that Marshal Petain as well as Marshal Weygand are officers with a significant colonial background: Petain having served during the rebellion of the Riff-Kabyles in Morrocco and Weygand having been High Commissioner of Syria.

Bf: The Arab-Jewish relations

The support given by the Jews to the Third Republic hardly needs any confirmation. In Algeria, the Jews were frequently attacked because of this loyalty.

> "le gouvernement -- sait qu'il a dans la population juive un appui solide.. et c'est pour cela qu'ils ont ete naturalises.
>
> ("the government .. knows that in its "Jewish population, it may count on solid support .. and that is why the Jews have been naturalized.")
>
> (Mr. Roblin, Les Juifs d'Algerie. In: Terre-A Air-Mer. Tome LXI, 2, 1934.)

That the Jews were attacked by the French colonials also because they favored claims of the Moslem native population, can be seen from the following "Letter" written to a most violent anti-Republican, anti-native and anti-Jewish newspaper, "L'Ordre National". In a small Algerian town elections for the mayor took place. Naturally, only two candidates were presented, the one the candidate of the French colonists: anti-Republican, anti-native and above all against the Viollette-Blum bill; the other the candidate of the Republicans. The latter got the majority of votes and was elected through the united support of Jews and Moslem natives:

> "Nous vivons en ce moment des elections municipales complementaires, parfaitement edifiantes, et les Arabes marchent a fond avec les Juifs .. La tactique est donc la suivante: favoriser l'action des rouges a tous les postes publics de facon a realiser un jour .. un grand mouvement des elus algeriens en faveur du projet Blum-Viollette.
> .. je vous envoie les resultats du dernier scrutin qui s'est deroule le 30 Avril dans notre ville pour plebisciter un maire. Deuxieme tour: Liste nationale: 3,200; liste marxiste, elue: 1,200 rouges (Note: i.e. Arab natives claiming French citizenship) 2,200 Juifs sur 2,300 inscrits. .. Par ailleurs, les conseillers municipaux ont fait savoir de la facon la plus categorique qu'ils voteront pour un candidat Front Populaire a la mairie..."
>
> (" At the moment we are passing through municipal by-elections, which are very instructive, indeed; the Arabs are basically allied with the Jews .. here is the tactic: to favor the activities of the reds in all public positions, so as, some day, to bring about a strong movement of the Algerian representatives in favor of the Blum-Viollette plan.
> ...I am sending you the results of the last popular elections for mayor which took place in our town April 30. Second vote: for the

nationals, 3,200; for the marxists, who won: 1,200 reds (Note: i. e. Arab natives claiming citizenship), 2,200 Jews of the total of 2,300 registered. ..

Moreover, the native municipal councillors have made it known in no uncertain terms that they will vote for the Popular Front candidate for mayor."

(Lettre du Dr. Gaston Guignon. In: L'Ordre National. no 23, 3e annee, Junel, 1939, pa. 29.)

Re:

COPYRIGHT, 1943, OVERSEAS NEWS AGENCY, INC.

NEW YORK, APRIL "_ (ONA)--DOCUMENTARY EVIDENCE CAME TO LIGHT TODAY BETRAYING THE DESIGNS OF GENERAL HENRI HONORE GIRAUD TO REDUCE THE JEWS OF FRANCE TO A CONDITION OS INFERIOR CITIZENSHIP IN VIOLATION OF THE LAWS OF THE FRENCH REPUBLIC. CREMIEUX LAW.

A COPY OF A MEMORANDUM ISSUED BY GIRAUD'S HIGH COMMAND AT ALGIERS IN JANUARY WAS PRODUCED HERE, CONTAINING THESE HITHERTO UNPUBLISHED CLAUSES:

"1) JEWISH COMMISSIONED AND NON-COMMISSIONED OFFICERS AND MEN IN THE RESERVE WILL GENERALLY BE ASSIGNED TO SPECIAL NON-COMBATANT WORK UNITS.

"2) THIS MEASURE APPEARS NECESSARY IN ORDER TO AVOID HAVING THE ENTIRE JEWISH POPULATION GAIN THE TITLE OF WAR VETERAN, WHICH MIGHT PREJUDICE THE STATUS GIVEN THESE PEOPLE AFTER THE WAR."

This memorandum, the above clauses of which on orders of Giraud were kept confidential, was signed by Major General Prioux, of Giraud's command, and General Louchet, director of personnel, and issued for the generals commanding French troops in North Africa. It is dated Algiers, January 30, 1943; is entitled "The Use of Jews in the Army," and bears the code numbers "40 C-MGJ-CAB."

Paul Jacob, Secretary General of the French Republican Committee, a new organization of Frenchmen in the United States, produced the text of the memorandum, and declared to the Overseas News Agency:

"This measure, and the reasons invoked, are the proof that General Giraud and his staff envisage a new status for the French population of Jewish faith after the war; and thus, the abrogation of the liberty and equality established for all citizens as a result of the French Revolution."

Mr. Jacob is a reserve officer in the French Army who saw service on the Maginot Line and was a prisoner of the Germans in France for three months, before escaping. He was an attorney in Mulhouse (Alsace) and is now assistant professor at the Institute of Comparative Law in the New School for Social Research here.

He charged that General Giraud, high commissioner of North Africa under the American occupation, was putting into practice the philosophy of Charles Maurras, a leader of the totalitarian action Francaise and a propagandist of anti-Semitism. "During Giraud's stay in Vichy," Jacob said, "he was constantly in the company of Charles Maurras and it is the ideas of that reactionary which the General is now applying in North Africa."

Another order by Giraud was cited to demonstrate that his policy aims not alone at stripping the Jews of Algeria of their equality, as had been indicated by abrogation of the Cremieux law of 1870 last month, but at a permanent discriminatory status of Jews in post-war Frnace. This order, promulgated December 30, 1942, provided that French officers of the Jewish faith, including those born in France, would be reinstated into the French Army -- having been dropped by Vichy in June, 1940 -- only on two conditions. These were: (1) They had been wounded or cited for bravery either during the first World War, the present war of 1939-40, or in some other theater of operation; (2) their reinstatement was agreed to by the higher authorities.

This order applied to commissioned and non-commissioned officers alike, active and reserve. It is numbered 582 --- MGP --- CAB.

Jacob said that two of his friends had been mobilized as reserve officers in Morocco, but when it was established they were Jews, and they refused to join the special non-combatant units, they were discharged on orders of Giraud. One of them was a French Jew born in Paris, with the rank of captain in the reserve, and the other, a lieutenant, a French Jew from Alsace, whose great-grandfather had fought under Napoleon and his grandfather in the Franco-Prussian War of 1870.

Jacob accused Giraud of making professions of democracy "in order to mask his true intentions and to gain the favor of his American supporters."

"The New status of French Jews to be proposed by General Giraud after the war can easily be imagined, since he wishes to prevent them from fighting for the liberation of their country as do other French citizens -- in order that they may not have the honored title of war veterans."

Jacob said that it was possible, after examination of individual cases, for French Jews assigned to non-combatant labor units to be transferred to fighting outfits, but, he pointed out, "a numerus clausus (quota) has been established in the army."

"General Lascroux, high commander of the troops in Morocco," he added, "ordered that the number of Jews in the 32nd army medical corps could not exceed three per cent of the total number of men in that corps. The number of Jewish physicians and pharmacists in the troops stationed in Morocco must be maintained at three per cent of the total medical personnel.

APPENDICES III

Ca: The historical background.

In order to understand the attitude of the French government which in 1870 emancipated Algerian natives of Jewish faith, a few words about the citizenship of the Jews in France may be in order. Shortly before the French revolution, a call for emancipation of the Jews of France was raised by several liberals, particularly by Count Marabeau and the Abbe Gregoire. In 1790, the Jews of Avignon and Bordeaux who were of Spanish origin and who already enjoyed full civil reights, were made citizens of France. This citizenship was extended by the Assemblee Constitutionnelle on September 27, 1791, to the entire Jewish population of France. In 1806, Napoleon summoned an Assembly of Jewish notables to determine whether the observance of Jewish religious prescriptions was compatible with French citizenship. By the Decree of March 17, 1808 "reglementant le culte israelite" the citizenship of the French Jews was confirmed. In March 1831, Judaism was put on an equal footing with Catholicism and Protestantism as regards state support for religious institutions. The very last vestige of special status for Jews was abolished in 1846, when the Jewish oath "more judaico" was declared null and void by the French Supreme Court. By the Cremieux Decree, French citizenship for Jews was extended to the newly conquered territory of Algeria. In this connection it is interesting to note that Jewish emancipation was initiated by the "ancien regime," was granted in principle by the French Revolution, was continued by Napoleon and re-affirmed by the Bourbons, Louis Philippe, the Second Empire and the Third Republic.

When in 1830 French troops occupied Algeria, they were violently opposed by the whole Moslem population, but welcomed by about 30,000 Jews who had been oppressed by Turkish rule.

The Jewish settlement in Algeria dates back to the pro-Christian era. During the 12th and 13th century the Moslems tried to force the Jews into conversion and many of them left the country for Spain. With the beginning of the Spanish persecution in 1391 until the final expulsion in 1492, Jews returned to Algeria where they found a secure refuge. The Turkish government in 1519 gave the Jews freedom of worship and autonomous administration.

During the 17th century, relations between Arabs and Jews were good; the Jews accepted the Arab language and the steady immigration of Jews from Italy and South France indicated clearly the prosperous situation of Algerian Jewry. Only when the government of the Turks decayed and the North Africians became the most dangerous pirates the Mediterranean had ever known were the Jews forced by both Arabs and Turks alike into an inferior position. Thettoes were established and the conviction that it was indecent for an Arab to have any intercourse with Jews became the general rule.

Thus, the Jews regarded the French occupation as liberation from oppression, and long before they were granted anything by the French, they declared August 6th, the day of French occupation, their national holiday. It was not until 1847 that the French completed pacification of the Moslem population.

From the very moment the French occupied the country, French Jewry took a great interest in the life, the customs, the conditions and the local status of their new Algerian brethren. Turkish rule had led these Algerian Jews far away from the mode of life followed by the greater part of the Jewish people who had identified themselves with the fate and history of

Europe. Thus before accepting them into their own ranks, French Jewry had to help Algerian Jewry accomplish a great task of assimilation - of assimilation to the Jews as well as to the French. The Algerian Jews shared with the Moslems an almost identical "personal status" that was as much a separation from European Jewry as from the French Nation. Therefore, the personal status of the Jews in Algeria, did not appear to the French as typical of the Jewish people, but rather as bad habits of a small portion of that people, obviously separated from the larger body of its own people and somehow led astray from the path of normal development - habits that could easily be corrected by the majority of the same people.

The representative body of French Jewry, the Consistoire Central, soon was given great powers for the assimilation of Algerian Jewry. The most important matter was to oppose the influence of the local Rabbi. In order to overrule his power, as far back as 1842, French Jewry had won the ruling that the Mosaic law was no longer to be administered among Algerian Jews by their own Rabbis, but by the French authorities. The Cremieux decree was but the last step in the story of assimilating Algerian Jewry to the status and to the way of life of European Jews. For, simultaneously with the emancipation, the Parisian Consistoire Central was given legal power to appoint Algerian Rabbis. In addition to this nearly complete legal control of the life of their Algerian brethren by French Jewry, the great educational work of the Alliance Israelite Universelle assimilated those Arab-speaking Jews in a relatively short time to the French language and civilization. Thus, Algerian Jews were changed into true French citizens - if French citizenship is understood by those standards that always have prevailed throughout French history: French law and French civilization.

The story of the Algerian Moslems under French rule reads differently. Algeria was the first French colony never regarded as a mere "possession" but, from the very beginning of the conquest, incorporated into the body politic of France. Thus, it was divided into departments Prefectures and Sous-Prefectures and, though not until 1871 was the Algerian General Governor put under the civil authority of the Ministry of Interior, like all other Governors or Prefects of French departments, Algeria never was under the authority of the French Colonial Office.

However, the French Government though taking great pains to have French and European colonists settled in the country, and hoping for an especially rapid assimilation of the inhabitants of Algeria, met with the most serious setbacks.

On the one hand it was confronted with natives who, not merely to be characterized as savages, had to abandon an old tradition of their own. It was quite a serious matter to grant them citizenship as long as they would not renounce their personal status, in other words, as long as they would not declare their willingness to see in Islam only a religious "confession." Thus, though the French Government granted to their subjects in the American possessions the right to veto, in 1846, and the same right in 1916 to the Senegalese, who nevertheless did not renounce their personal status, it hesitated to be so generous with the Algerian natives, who could not be considered backward tribes, and whose assimilation had to be watched more carefully.

On the other hand, the French colonists or French of foreign origin who were looked to by the mother country as an enormous asset in assimilating the country to French civilization turned out to be the main obstacle in this objective. They thought of themselves as a kind of master race; they violently opposed Napoleon III when he declared: "We must convince the Arabs that we have not come to Algeria to oppress and exploit them, but to bring them the benefits

of civilization..to bring them over to our culture..The natives have as equal a right to my protection as the colonials, and I am as much the emperor of the Arabs as of the French." (Lettre publique de Napoleon III addressee au Marechal Pelissier, February 6, 1863. Quoted in G. Hanotaux, L'Histoire des colonies francaises. 1929-33. T. II, p. 344.) But the colonials were even more violently opposed to the Third Republic when, in the Cremieux Decree, it became evident that the French Government actually meant to grant citizenship to natives. From then on, the whole story of Algeria is the sad story of a perpetual conflict between the mother country appointed through the French Government in Paris; on the other side we find the colonials, the colonists and officers of the Algerian administration appointed or elected by the local French citizens. The powers of the Governor General decreased, became more and more theoretical - opposed as he was by his own fellow-citizens - until the brief period of Governorship by Senator Maurice Violette, who was determined to act for the good of the natives and who, in consequence, was ousted. (Cf. his book, "L'Algerie vivra-t-olle?", 1931). It is very characteristic that this campaign against Violette was conducted as a campaign against the "Francais de Franco" as opposed to the "Francais d'Algerie."

(cf. Appendix B II, p.36)

At the time of the promulgation of the Cremieux decree it was quite evident that, in Algeria, the Jewish natives were the only part of the population that could be trusted by France. Therefore, the naturalization - though already deliberated under the reign of Napoleon III and favored by all liberal elements - actually was prompted by the French defeat in the Franco-Prussian war. The decree, signed in Tours, was issued in the midst of a national crisis, when the French Government, after the abdication of Napoleon III, was afraid of a serious rebellions in Algeria. It was of no small importance to have

38,000 Frenchmen more in the colony at a time when troubles obviously lay ahead. Therefore, Cremieux was urged by Gambetta to act as quickly as possible: "Please have published immediately in the Moniteur the decrees with respect to Algeria. It is impossible to let the Algerian delegates wait any longer." (Quoted from G. Hanotaux, Les colonies Francaises; Tome II, 381.)

Cb: The tradition of French colonial policies.

1. Says the ROYAL INSTITUTE OF INTERNATIONAL AFFAIRS, London:

"But though the titles under which the various parts of Overseas France are attached to the Metropolitan country are different and the methods of administration are equally diverse, there is a definite common policy which is more important than the superficial differences. First place must be given to the politics of "assimilation" and "association". There is no centrifugal tendency in the French Empire. The aim is to assimilate colonial peoples to the French people, or, where this is not possible in more primitive communities, to "associate" them, so that more and more the difference between la France metropole and la France d'outromer shall be a geographical difference and not a fundamental one...If the watchwords of the French Republic - Liberte, Egalite, Fraternite - are not immediately applicable, or are applicable only to a fraction of the population, they remain the ultimate aim, however imperfectly followed and however modified by force of circumstances they may be."

(The French Colonial Empire. Inform. Dep. Papers No. 25. London 1941)

2. In the seventeenth century:

Joan-Baptiste COLBERT in the instructions given to the French Governor of New France or Canada:

"The natives are to be called to a community of life with the French so that they may ultimately make with those of us who migrate unto Canada, one and the same nation."

3. In the eighteenth century before the French Revolution:

Fobert Jacques TURGOT, in 1776, proposed the foundation of a "statut de provinces alliees" in order to abolish the old "statut de provinces sujettes".

4. The Revolution - apart from the declaration of the Rights of Men: in a decision of the Constituent Representative Assembly in Paris in 1789, deputies from the colony of San Domingo were admitted.

5. During the reign of Louis Philippe, after the conquest of Algeria, a representative publicist, A. GUILBERT:

"Il ne faut pas coloniser .. sans la fusion des races et des interets."
("We must not colonize .. without the fusion of races and of interests.")
(De la colonisation du Nord de l'Afrique. 1839. p. 323 sq.)

6. During the French Revolution of 1848:

Minister CAVAIGNAC, in 1848, speaking about Algerian affairs:

"Le moment parait venu de realiser le voeu si souvent manifeste d'une assimilation .. largement progressive."
("The moment seems to have arrived for realizing the wish so often expressed: assimilation on a large scale.")

7. Second Empire - Regime of Napoleon III:

Napoleon called himself "the emperor as much of the Arabs as of the French". It was he, who granted by his Senatus-Consulte of 1865 French nationality to all Algerian natives. In the report to the Senatus-Consulte of 1865, the "rapporteur" declared:

"Sujets hier, les Algeriens sont Francais aujourd'hui; la France les admet dans son sein; elle les invite a devenir citoyens et a recueillir tous les avantages, tous les droits que notre grande nation reserve a ses propres enfants."

("Yesterday subjects, today the Algerians are French; France admits them to her bosom; she invites them to become citizens and to avail themselves of all the advantages and of all rights that our great nation reserves for its true children."

(Moniteur Universel, Juillet 1865)

8. Adolphe CREMIEUX laying down his principles for a complete reform of the constitution of Algeria in 1870:

"Detruire le detestable regime militaire, fleau de notre riche colonie et y substituer le gouvernement civil, assimiler en un mot completement l'Algerie a la France."

("To destroy the hateful military regime, the curse of our splendid colony, and to replace it with a civil government, in a word, to assimilate Algeria completely to France.")

9. Third Republic. HONNARD, civil Governor General of Algeria in 1903-1911 and 1918-1919, in his report before the French Parliament:

"C'est notre devoir de prendre souci de l'amelioration du sort des indigenes, de les amener progressivement dans la grande famille francaise et .. d'operer la reconciliation des deux races. C'est notre devoir, et c'est aussi notre interet..."

("It is our duty to see to the amelioration of the lot of the natives and to lead them gradually into the great French family and .. to effect the reconciliation of these two races. This is our duty, and our interest, as well ...")

Gabriel HANOTAUX, French diplomat, famous author of "L'Histoire des colonies francaises", concludes his chapter about Algeria with the following words:

> "Notre but final, conformement a notre ideal d'autrefois et de toujours, a l'ideal de Richelieu et de Louis XIV aussi bien que de la Revolution francaise, c'est la fondation d'une France d'outremer ou revivront notre langue et notre civilisation, par la collaboration de plus en plus etroite des indigenes avec les Francais, en un mot, par leur francisation. .. La France retrouvant dans l'Algerie sa propre image revivra en quelque sorte au dela de la Mediterrance."

> ("Our final aim, in consonance with our old and over constant ideal, with the ideal of Richelieu and of Louis XIV, as well as of the French Revolution, is the foundation of an Overseas France where our language and our culture will take a new lease on life through the ever closer collaboration of natives and French - in a word France, discovering in Algeria her own image, will take a kind of fresh life on the other side of theMediterranean.")

M I S C E L L A N E O U S

FIGHTING FRENCH VOICE SEVERE CRITICISM OF ABROGATION OF CREMIEUX DECREE

LONDON, April 16. (JTA)— The Fighting French here today formulated their opposition to Gen. Giraud's abrogation of the Cremieux decree in an article written by Capt. Pierre Bloch, an army officer attached to Gen. de Gaulle's headquarters in London, which will be published on Sunday in their organ La Marseillaise.

"It is untrue to say that the abrogation of the Cremieux decree has established equality between Moslem and Jewish natives," the article says. "On the contrary, this abrogation has created an inferior situation for the Jewish native in regard to the Moslem native. Today, several months after the landing of the liberators, the position of Algerian Jews has become worse. Gen. Giraud goes further than the Vichy government. By a play of words and under the pretext of no racial distinction, he declares the abrogation of the Cremieux decree.

"Thus the Jews, hit by the Vichy government, no longer have a political status (which in wartime is not very important), but they also lose their French status. Furthermore, they now find themselves deprived of citizenship. Algerian Jews who had been subject to French civil law for three generations now find themselves once more governed by their Mosaic and personal statutes. In their business Jews are now wholly dependent on the tribunal of the Rabbi," the article points out, adding that they have less rights than ever before.

LONDON ALGERIA

LONDON, APRIL 1. (ONA)--ASSOCIATIONS OF FRENCH WAR VETERANS AND INVALIDS IN GREAT BRITAIN, IT WAS LEARNED TODAY, HAVE TELEGRAPHED TO GENERAL HENRI GIRAUD A PROTEST ON HIS ABROGATION OF THE CREMIEUX LAW OF 1870, UNDER WHICH JEWS OF ALGERIA HAD BEEN MADE FRENCH CITIZENS. THROUGH GIRAUD'S ACTION A NUMBER OF JEWISH AIRMEN FROM NORTH AFRICA WHO HAD BEEN DECORATED FOR HEROISM IN GENERAL CHARLES DE GAULLE'S AIRFORCE AND WHOSE FATHERS AND GRANDFATHERS HAD FOUGHT FOR FRANCE IN TWO WARS, SUDDENLY FOUND THEMSELVES DEPRIVED OF FRENCH NATIONALITY, IT WAS DISCLOSED BY AN INFORMED SOURCE. JKW530P

ONA 11 - April 1, 1943

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FRENCH CHURCH OF SAINT ESPRIT

Rt. Rev. William T. Manning D.D., L.L.D.
Bishop of New York

Rev. John A.F. Maynard, Ph.D., Th.D.
Rector

109 East 60th St.

Regent 4-0010

April 2 1943

The Overseas News Agency Inc.
101 Park Avenue
New York City, N.Y.

Dear Mr. Landau;

Enclosed my opinion. I happen also to be the secretary of the Center of International Relations at the Ecole Libre des Hautes Etudes. (The French University in New York)

Yours sincerely.

(Signed) John A.F. Maynard

1.

The abrogation of the Cremieux decree was one of the first evil tasks of the Vichy usurpers. It is much to be regretted that, just before renouncing officially the German inspired legislative muddle of Vichy, General Giraud chose as his last official act a renewal of the abrogation of the same decree.

As a Christian minister and a French Democrat, I cannot keep silent on this gigantic aftermath of the Dreyfus affair. For it is that and nothing else. The French National Assembly of 1871, although royalist in its majority, did not abrogate the Cremieux decree. Indeed Cremieux himself has been elected member of the Assembly by the Department of Algiers, where the Jewish vote was, after all, rather small. So that clearly there was no ill will.

Everybody knew at that time that the mass naturalization of Algerian Jews was due to two practical reasons. One was the desire of French magistrates to simplify the administration of justice, made too complex for them by the rabbinical laws which ruled the Algerian Jews. The main reason was that French citizens were less numerous than other Europeans in the colony. By the naturalization of the Jews, the French population increased at once.

The Jews of Algeria are now third generation Frenchmen. They have shown their gratefulness to the Republic of France by voting for it, thereby incurring the hatred of the reactionaries. The abrogation of the Cremieux decree creates absurd situations. The son of a Yemenite Jew born in Algeria will be a Frenchman, because he is the son of a foreigner, but the grandson of an Algerian Jew who was a Frenchman is something indefinite, and unheard of, a man whose civil status is French without civic rights.

What shall we do about it? We shall protest in the name of plain justice, and of the French republican ideal. We shall protest in the name of Right and of the Law. We shall protest because the Cremieux decree of 1870 created a contract. The party of the second part did its duty for seventy years. The party of the first part, the French Republic, is expected to continue doing its share of the agreement. We shall repeat until we are heard, that denaturalization can be enacted, not by a decree of a general, whose right to govern is questionable, but only under due process of law.

(Signed) JOHN. A.F. MAYNARD

STATEMENT OF HENRI PERRIN, PROFESSOR OF PHYSICS AT THE SORBONNE IN PARIS AND VISITING PROFESSOR AT COLUMBIA UNIVERSITY

NEW YORK, April 6. (JTA)-- General Henri Honore Giraud's abrogation of the Cremieux law for Algeria, which has become the subject of controversy involving the State Department, drew condemnation today as "an iniquity and a crime against France" from a leading French scientist now in the United States. He is Professor Francis Henri Perrin, professor of physics at the Sorbonne in Paris and visiting professor at Columbia University, a son of the late Jean Perrin, Nobel prize winner and one-time president of the French Academy of Science.

"It is not possible to state in a few words all the reasons for my indignation when I read in the speech of General Giraud that he had decided to abrogate the Cremieux decree," Prof. Perrin said in a statement. "Firstly, General Giraud has no right, when he pretends to return to Republican legality, to repeal one of the oldest laws of the French Republic, maintained during 70 years by all the Republican governments whatever their political slant -- a law of great importance in the only part of France now liberated.

"Secondly, from the point of view of fundamental rights, it is difficult to admit that the few Algerian Jews born before 1870 and still living, to whom French citizenship had been granted by the Cremieux law could be deprived of this citizenship (except in individual cases as a penalty for criminal activities.) But it is certainly a scandalous violation of the basic laws of the French constitution, and indeed, of the constituion of any civilized country, to deprive a group of born citizens of their citizenship -- and most of the French Jews in Algeria are now born French citizens.

"Thirdly, the word 'natives' applied to Algerian Jews is purposely deceitful. The Algerian Jews have enjoyed French citizenship for three generations, they have been taught in French schools, they have fought as French soldiers during the first and second World Wars, they have fully acquired French civilization, they speak French, they think and feel as other Frenchmen, they are French. The Arabs who desired to keep, mostly for religious reasons, their old customs, laws and language, may be called natives; they are the majority in North Agrica and the situation of the French minority will be difficult if more political rights are too quickly extended to the Arabs. In such a situation, to try to reduce the French groups to a still smaller minority is tantamount to displacing the equilibrium dangerously.

"Fourthly, the abrogation by Giraud of the Cremieux decree, is an iniquity and a crime against France, and will render much more difficult the agreement with General de Gaulle and the reconstruction of French unity. It has only mean political reasons. Aside from an expression of anti-Semitism, it is a means to get rid immediately of the Jews who were elected before the war as members of governmental assemblies, and to eliminate a group of electors which in the majority supported the liberal and more democratic parties. Even if some of them could recover their citizenship before the next election, many would still be unable to vote, and it would give the reactionary parties a considerable advantage in a region in which they are already abnormally strong.

"Perhaps the following comparison may help some Americans to understand the meaning of the decision taken by General Giraud: If the fear of the electoral influence of a Catholic group in Texas led to a law depriving of their citizenship all the American citizens of Spanish origin whose ancestors

had become citizens when Texas was integrated into the United States, and if this law was presented as suppressing some racial discrimination between the Spanish Americans and the Indians, such a law would be similar to the abrogation of the Cremieux decree."

J.T.A. NEWS - April 7, 1943

The Abrogation of the CRÉMIEUX DECREE

by
Henry Torrès

WHAT would be the reaction of American public opinion if it were to discover that American citizens of two or three generations' standing, with a record of having heroically carried their country's flag on the battlefields of Artois and Argonne and contributed at least their share to the civilization of their motherland through their accomplishments in art and science, had been suddenly stripped of their American citizenship? Would it accept as valid the excuse offered by the perpetrator of this arbitrary decision that such a step, directed against a single category of citizens, had been taken to appease Indians and Negroes, and to resolve political problems which concerned them?

The comparison is neither exaggerated nor illusory, but forced by the abrogation of the Crémieux decree on the minds of those who are concerned to the point of anguish with the grave problems of French national developments and the course of international affairs, with the moral as well as the political state of the world.

The abrogation of the decree was announced by General Henri Giraud in his momentous address of March 14, 1943. To justify his attitude, so palpably contradictory to the anti-racist declarations and the unrelenting condemnation of Vichy which made up the essential fabric of his speech, General Giraud claimed that the Crémieux decree was being annulled because of his desire to eliminate racial discrimination, since—according to him—"the decree, at the time of its promulgation in 1870, created a difference between native Moslems and Jews." He thereby appealed to the principles of equality and justice to support a flagrant wrong and the infliction on a category of French citizens of the worst of deprivations—the deprivation of citizenship.

Let us examine the facts, the history, the law itself, and leave further decision to the verdict of the reader. When, in 1830, French troops occupied Algeria, they were received enthusiastically, as was the American Army 112 years later. Included in the welcoming population were some 30,000 Jews who had suffered oppression under Ottoman rule and who awaited the French as liberators. August 6, 1830, the date of the French occupation, was declared a holiday by the Jewish community. The pacification of the Arabs, on the other hand, took some fifteen years. Not until 1848 did the new-born Republic—in the hope of consummating assimilation—bestow universal suffrage on the colony, at the same time that it became effective in France. Simultaneously, Algeria was made a French territory and divided into three *départements;* Algiers, Oran, and Constantine. Regardless of what form the home government took, the Jewish population of Algeria was unequivocally loyal to France. In 1841 Baron Baude, Councilor of State and Minister of King Louis Philippe in North Africa, said of the native Algerian Jews: "They are bound to our cause; they are destined to serve as the vehicles for our influence."

In 1842 a basic change occurred in the life of the Algerian Jews. France's moral

and peaceful conquest prompted them to abandon the laws and customs to which they had clung for innumerable generations, some of which were contrary to French custom and law. From that time on, France could apply to this segment of Algerian population her traditional colonial policies, whose origin dated back to Jean Baptiste Colbert, the Minister of Louis XIV. The naturalization of the Algerian Jews was, therefore, no more than a spontaneous outgrowth of their integration into the civil and moral laws of France. The Arabs, on the contrary, adhered to their own regulations, laws, and customs, among them polygamy. They held—and this without opposing the naturalization of the Jews—that their own naturalization would be a blow to their religion, since it would oblige them to renounce their ancestral laws. Against these, liberal France had no designs, despite their incompatability with her own morals and codes.

In his study of Algerian colonization, de Baudicourt wrote, as early as 1847, that "the French Government has a major interest in incorporating the Algerian Jews." In 1864, Napoleon III, during a trip to the territory, officially received the Chief Rabbi and his consistory in the Chateau Neuf at Oran. Replying to the Rabbi's address, the Emperor said: "I hope that the Algerian Jews will be French citizens." In 1865, the Algerian Court of Appeals declared that the hour had come for the Jews to attain French citizenship. Flandin, Councilor of State in 1869, reporting to the Senate on June 22 of that year, recalled that the native Jews of Algeria had "voluntarily enlisted in the military ranks of their liberators. They have shown themselves to be grateful, and were among the most illustrious officers in the African Command. Let the Senate remember that there is not a witness who will not attest to the fact that whenever the occasion demanded, the Jews rendered valuable services."

Napoleon III asked his Council of State to prepare a law which would collectively naturalize the Jews of Algeria. The Arabs, on the other hand, were to receive the benefits of a *Senatus Consulte* of 1865, which established the following principle: "The native Moslem is French. Nevertheless, he is to remain subject to Moslem law. He may ask for the rights of French citizenship, in which case he will be subject to the civil and political laws of France."

From 1865 to 1869, the General Councils of the three *départements* of Algeria, at every annual session, reaffirmed that "considering the numerous evidences of their patriotism and their services, the native Jews unquestionably merit that French citizenship be bestowed on them without delay." On March 7, 1870, several weeks before the outbreak of the Franco-Prussian War, Count de Hon, speaking in the Imperial Parliament, demanded that the rights of citizenship be granted to the Jews in recognition of their services. According to Millot, Professor of Law at the University of Algiers, in his study of Algerian legislation, "Prime Minister Emile Ollivier would probably have achieved the reform which made French citizens of the Algerian Jews, had not the events of 1870 brought his fall, together with that of the Empire. It was the subsequent passage by the Government of National Defense of the law better known as the Crémieux decree, which effected the reform. History shows that the Government of National Defense did no more than effectuate a project prepared previously by the Imperial Government."

One of the co-authors of the law named after Crémieux—Leon Gambetta, a member of the Government of National Defense, and the incarnation—in 1870—of his country's spirit and will to resist, always vaunted his share of responsibility in the act, which he said was passed "to maintain order in the colony, and because of which grave disorders were prevented or quelled."

The Crémieux decree declared that "the native Jews of the three *départements* of Algeria are French citizens. Consequently, their property and personal rights are from the day of the promulgation of the present decree under the jurisdiction of French law; all rights acquired prior to this date remain inviolable." After the issuance of the decree elevating them to the dignity of French citizens, the Algerian Jews became so thoroughly a part of the French people that until 1940 and the establishment of the vassal Vichy Government, no one dared dispute their political and civic equality.

From 1870 on, a company of Algerian

Jewish sharpshooters maintained a brilliant military record. In 1914, Algerian Jews comprised one-fourth of the active Zouaves; and in the Battle of the Marne, as has been pointed out by Maurice Barrès, the great French Catholic writer, the Jewish Zouaves participated with the 45th Division in the heroic stand at Meaux, where General Gallieni unleashed his decisive offensive. In 1939-1940, Algerian Jews formed an important contingent of shock troops, and became famous for their advance-guard fighting. On May 9, 1938, at the anniversary celebration of the Battle of Carency, Rivollet, leader of the Confédération Nationale des Anciens Combattants and one-time Minister for Military Pensions (he later disgraced himself through his ignominious collaboration with the proponents of the "new order") paid this tribute: "Although the Jewish population of France and Algeria barely totaled 169,000, and about 35,000 Jewish soldiers were mobilized at the beginning of the war, 6,500 fell on the field of honor." As to the role played by Algerian Jews in the development of French influence in Algeria and their contributions to French civilization, the name of Professor Fernand Widal, internationally famous physician and scientist, is sufficient illustration.

II

GENERAL GIRAUD did nothing less than deprive these people of French citizenship, imitating Vichy, which considered its deed indispensable to the policy of subordination to the Reich. Vichy twice abrogated the Crémieux decree, once in the law of October 7, 1940, promulgated under the authority and responsibility of Peyrouton (then Minister of the Interior for Pétain), and again in the law of February 18, 1942. Pétain, then Giraud, between whom Peyrouton is the link, thus withdrew the rights of citizenship from the handful of surviving Jews who were the original beneficiaries of the 73-year-old decree, as well as from the 44,000 male descendants of the original beneficiaries who are no longer alive.

In either case, the abrogation of the Crémieux decree, through its victims, is a blow at one of the organic laws of French justice, a law so important that it was incorporated in Chapter I, Article 2 of the French Civil Code: "A law is applicable only to the future; it can in no way have a retroactive effect." The principle of the non-retroactivity of law is the cornerstone of French jurisprudence. Springing from a concept in Roman law, more than two thousand years old, it is part of the legal systems of all civilized countries in Europe as well as America. In France, it was honored by the Kingdom, the Empire, and the Republic alike.

This absolute rule, common to all countries where justice is founded on respect for the human being, has for its object, according to the French jurist Planiol, "the guarantee of security for citizens, who demand that their rights, their fortunes, their personal property, and the consequences of their acts and of their agreements be safeguarded from jeopardy, compromise or suppression by the whim of a legislator."

In abrogating the Crémieux decree, General Giraud, following Marshal Pétain, retroactively deprived the Algerian Jews of the benefits of naturalization specifically granted them on October 24, 1870; he equally deprived all those who had died since that date, including those who fell on the field of battle. Against this sacrilege I offer only one witness: the ossuary at Douaumont where thousands of Algerian Jews lie in their French uniforms.

But it is not only that General Giraud violated the principle of non-retroactivity in law to strip the heroes of the Marne and the martyrs of Verdun of their French citizenship. The 44,000 descendants of the beneficiaries of the Crémieux decree (I give the official figure), the children, grandchildren, and great-grandchildren of the native Algerian Jews of 1870, who were collectively naturalized by the Government of National Defense, are today French not because of the effect of this naturalization, but by all that is signified in "*nés d'un Français en France*" (born of French parents in France), as stated in the naturalization law of August 10, 1927, with specific reference to Algeria in Article 15. In violating the sacred rule of non-retroactivity in law and wresting French citizenship from Frenchmen of two, three, or four generations' standing, the abrogation of the Crémieux decree is as much an outgrowth

of the Nuremberg Laws enforced in Nazi Germany and in the regions occupied or controlled by the Reich as was the law promulgated by the Government of Vichy.

Does General Giraud consider Article 2 of the Civil Code, which is the very charter of our system of justice, and the naturalization law of 1927, which is the standard of French citizenship, as mere scraps of paper? What right has General Giraud, by abrogating the Crémieux decree of his own accord, to repeat one of the most shameless illegalities perpetrated by the Vichy Government under German pressure, when in his speech of March 14 he declared so precisely that he considered all Vichy legislation utterly void and invalid because it lacked popular consent? From what legal authority does General Giraud derive the power to abrogate and replace a Republican law for the nation, which alone has the right to alter its decisions? Does General Giraud, like Marshal Pétain, want to infect French public law with discrimination between Jews and non-Jews, in violation of the Declaration of the Rights of Man, that "law of laws," which states in its first article that "men are born and live free and equal before the law," and in Article 16, "any society in which a guarantee of rights is not assured . . . has no constitution."

These are the four questions which I submit to the self-appointed apologists for General Giraud, found in the United States among the semi-Vichyite emigrants as well as among the renegades from the French Communist party of the Comintern.

The reason given by General Giraud for the abrogation of the 1870 decree—the necessity of putting an end to racial discrimination between Jews and Arabs, is specious. The problems affecting the French citizenship of the Arabs are absolutely independent of the citizenship of the Jews; they were always considered in the light of their own special features, involving the native mores and beliefs to which the majority of the Arabs are faithful. This special status of the Arabs, which Franch undertook to respect at the time of the occupation in 1830, includes (even in the Algeria of today) polygamy, unilateral repudiation of a wife by the husband, forced marriage, and succession of the male line only. The contradiction of these customs to our laws and morals, and their incompatability with the exercise of the full rights of French citizenship, demanded that Arabs be required to renounce their native laws before being admitted to French citizenship. According to the law of February 4, 1919, this renunciation is the only condition imposed on the native, the only limitation to which he need submit before he becomes as completely French as any other son of French soil.

Liberal French legislation has assured extensive political rights to the native Algerians; they elect one-fourth of the General Councils and one-third of the Financial Delegations, which decide on the budgets for the three *départements*. Yet certain members of the French Parliament, particularly those representing Socialist parties, wanted the Republic to be even more generous. Consequently, they proposed that the Arabs be endowed with complete political rights, either through an electoral college of their own or jointly with other French citizens, and yet be allowed to retain their special laws. These parliamentarians based their demand on the heroism of the Algerian sharpshooters in 1914—a heroism that prompted Georges Clémenceau and Georges Leygues, in a communication addressed to the President of the Council on November 25, 1915, to ask that "the natives be offered the advantages of a new naturalization law, which would not involve the renunciation of their own regulations."

On December 30, 1936, Léon Blum, then President of the Council, and Maurice Violette, one-time governor of Algeria, made public a plan whose symbolic significance would have far outweighed its immediate efficacy. The plan would have elevated to French citizenship some 27,000 natives whose civic competence had already been tested, without imposing on them any obligation to renounce their special laws. This plan was eventually rejected by Parliament. In refusing to take this first step toward collective naturalization of the Arabs, Parliament acceded to the importunate warnings received on February 8, 1938, from the Federation of Mayors and Deputies of Algeria. A unanimous resolution was adopted by the Federation threatening mass resignations if Parliament passed a law "detrimental to the future of France

. . . the granting of full citizenship to native Moslems, regardless of the fact that according to the law of 1919, it depends entirely on their own volition. France has gone further on their behalf than on behalf of the native Jews."

So it was not the Jews, hostile to racism in any form, who opposed the hopes of certain groups of natives that they could acquire plenary French citizenship without forfeiting a bit of their Moslem privileges. It was not the Jews who stalemated the governmental project of December 30, 1936, which will carry the name of Léon Blum into history, just as the law of October 24, 1870, carried the name of Crémieux and the anti-Semitic laws of October, 1940, the name of Peyrouton.

III

AFTER victory is won, it will rest with French sovereignty, with the French Constituent Assembly, to take up again the problem of Arab acquisition of citizenship. To withdraw citizenship from Jews who received it several generations ago is only to establish a precedent that will militate against the Arabs themselves, and handicap their complete emancipation. Leveling downward does not constitute reform, but regression. To be just toward one category of citizens, it is not enough to be unjust to another. Without offering the slightest real satisfaction to Arab claims, the Algerian High Commission has fed the demagogery of a few native agitators, who prate anti-Semitic doctrines from which German propaganda alone can derive any benefit.

It is not merely arbitrary, but often absurd, to consider anti-Semitism in Algeria a spontaneous native movement. Colonists, frequently newly naturalized, imported it under the tutelage of Edouard Drumond at the time of the Dreyfus affair in 1898, and —after 1935—under the guidance of Jacques Doriot and his vicious French Popular party, vassals of the Nazis. But history has shown that anti-Jewish agitation in North Africa has invariably been a screen and a blind for anti-French agitation. It has shown also that in Algeria disturbances can be allayed and religious harmony assured by a handful of intelligent administrators, sufficiently conscious of their duties and responsibilities to the Republic not to concede to or compromise with the mob. Let the present-day government in Algeria be inspired by the example of Governor General Lepine, who needed only several weeks to quiet the ferment throughout Algeria. Let the present-day government resolve not to succumb to blackmail, which can endanger the security of the Allies and the integrity of the French Empire only in so far as it is abetted by complacency or weakness.

It is for the reader to decide whether the abrogation of the Crémieux decree is not a blow at law, and—above the law—at human dignity; whether it is not a crime against history, a burden on the present, a portentous warning for the future; whether it is not a vestige of Vichy, a concession to nazism, an obeisance which certain castes prefer to make toward fascism and racism from within the shelter of democracy's magnificent structure; whether it is not an insensate and cruel retaliation against the spirit of republicanism, toward which the Jews are guilty only of fidelity. I ask you to judge with the uttermost objectivity and calm, forgetting even—in order that your decision may be more potent—that you are party to the debate. For an outrage against the principles and the justice for which the United Nations are fighting is no less an attack on the Protestants of Philadelphia and the Catholics of New Orleans than it is against the Jews of Oran or of Philippeville. I ask, above all, in order that your verdict be absolutely unbiased, that you forget how these Algerian Jews—now debased by the ukase of General Giraud—hoped for, prepared, welcomed, and served the debarkation in Africa of American troops, the emissaries of liberation.

—Translated by Libby Benedict

CONTI ORARY JEWISH RECORD - April 1943

To what extent is French colonial policy responsible for the disfranchisement of Algerian Jews? Hannah Arendt, author and student of French politics, tells the real story behind the abrogation of the Crémieux decree.

Why the Crémieux Decree was abrogated

HANNAH ARENDT

[Four months and seven days after American troops landed in North Africa, General Henri Giraud, French High Commissioner, declared null and void all Vichy legislation affecting the country. The step followed months of strong public protest in Britain and America, and appeared to be taken with some reluctance after much explanation for the delay. General Giraud's declaration was made in an international broadcast on Sunday, March 14, but it was not until the next day that the British and American public learned with considerable indignation that they had been misled.

Easily overlooked among Giraud's pledges of adherence to the democratic principles of republican France was a brief sentence repealing a time-honored law of the French Republic. "With the same desire to eliminate all racial discrimination," General Giraud had said, "the Crémieux decree of 1870 instituting distinctions between Mohammedan and Jewish inhabitants is abrogated." Stripped of its diplomatic verbiage this sentence meant, as the American press was quick to explain, that Algerian Jews were being deprived of their citizenship in order to appease the allegedly disgruntled Algerian Mohammedans. It completely ignored the fact that French citizenship has been available to Muslims for over seventy years. With one stroke it relegated the entire Algerian Jewish population to the status quo 1865! The real reasons for this measure in the midst of a war for the freedom of all peoples lie not in General Giraud's explanation but rather in the traditional power-seeking of French colonial and military groups.—THE EDITORS.]

THE colonial policy of France since the days of Jean Baptiste Colbert —and contrary to the colonial policy of other European nations—had favored complete assimilation of the natives in its possessions. They

were to be "called to a community of life with the French . . . so that they may ultimately make with those of us who migrate unto Canada, one and the same nation." Such were the instructions given by Colbert in the seventeenth century to the French Governor of New France, or Canada. The overseas colonies were to become French provinces, their inhabitants French citizens.

In spite of all the revolutionary changes in France during the last two centuries, there rarely was a government that departed from the general line of the principles laid down by Colbert and strongly supported by the Declaration of the Rights of Men. Algeria, however, was the first French colony which was close enough to be directly incorporated into the body politic of France, to become an integral part of the mother country.

Previously, in 1865, the French Government had laid down the principles for the treatment of the native population in Algeria regarding their citizenship and their relation to the mother country, principles that as far as the Muslims were concerned went unchanged until 1919, when they were altered slightly.

The first article of the so-called *Senatus-consulte* of 1865, of special importance since the abrogation of the Crémieux decree, reads as follows:

> The native Muslim is a Frenchman; nevertheless, he will continue to be ruled by Muslim law. He can be admitted to the army and the navy. He can be appointed to civil posts in Algeria. He can, upon request, be admitted to French citizenship; but in this event he must be governed by the civil and political laws of France.

The second article provides the same benefits for Jewish subjects.

Neither native Jews nor native Muslims, however, showed themselves very eager to ask for French citizenship. Nevertheless, Napoleon III's government planned to naturalize the Jews "en bloc" in 1868. Two years later the French Provisional Government, the "Gouvernement de la Defense Nationale," with Adolphe Crémieux as Minister of Justice, executed the plans of the Second Empire by decreeing:

> The native Jews of the departments of Algeria are declared French citizens. Therefore, dating from the promulgation of the present decree, their real status and personal status will be governed by French law; all rights acquired up to this day remain inviolable. . . .

The naturalization of Algerian Jewry, which generally is regarded—

by friends and foes alike—as the work of Crémieux alone, had been prompted by two reasons. One was the defeat of France in the Franco-German War, which left French rule in North Africa seriously endangered. The decree (signed in Tours) was issued in the midst of a national crisis—the Emperor had abdicated and part of the government had abandoned Paris—and served as an indication that the Jews were regarded as the only trustworthy part of the Algerian population. Indeed, a Muslim revolt did break out in 1871. It was, therefore, of no small importance to the government to have about 38,000 loyal Frenchmen in the colony at a time when trouble obviously lay ahead.

The second reason lay in the fact that Jews, unlike the Muslim natives, were closely linked to the mother country through their French brethren. Their "personal status," not very different from the customs of their Arab surroundings, did not appear to the French as typical of the Jewish people but rather as bad habits of a small portion of that people, somehow led astray—habits that could easily be corrected by the majority of the same people. French Jewry, represented by the Consistoire Central, could assume the responsibility of overruling native rabbis and give some guarantee for the rapid [illegible]

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But enemies of the Crémieux decree soon appeared. The first to oppose it formally was M. Lambert, the Minister of the Interior of the new French Republic. His attitude, inspired by military circles, was in line with the opposition of the French colonial administration and French colonial officers. Their resistance to the Crémieux decree grew largely out of the fact that the new status given Algeria deprived them of much of their power.

Algeria had been ruled by a military governor general who answered only to the Ministry of War and who was responsible for civil life and military security alike. In no other part of France was military influence so preponderant; the *prefets*, the whole of the civil administration were subject to the authority of generals. The constitution of the country was

a kind of military dictatorship. All this was changed in 1871, when a civil governor general was appointed by the government and placed under the authority of the Ministry of Interior. Thereby, the French Army lost the only stronghold it possessed, where it controlled civil life and civilians.

Admiral Gueydon, who had been Governor General of Algeria from 1871 to 1873, was one of the first to blame the riots of 1871 on the Crémieux decree; he was closely followed by General Ducrot. Both gentlemen obviously had chosen to forget the earlier outbreaks in 1864. Colonial administrators like du Bouzet and Autun soon joined this opposition. They spoke in the name of the French colonials in North Africa, men who had never shared the views of the home government regarding colonial politics. During their stay in Algeria they had acquired a feeling of racial superiority that never had been known in France itself, and they felt their economic and political position at stake if French citizenship were granted to Algerian natives.

These French colonials became the major source of anti-Semitism in Algeria. They were anti-native in general but became anti-Jewish when equality was given to native Jews. Through their influence and control, almost the entire Algerian press in the eighties of the last century took an anti-Jewish stand and fought against the Crémieux decree. Street signs declared in 1882 that "all methods are good and should be used for the extermination of the Jews by Europeans." Edouard Drumont, a leading agitator, expressed the hope that a campaign of French anti-Semitism would start in Algeria, and he was not disappointed; during the Dreyfus Affair the worst pogroms took place in Algiers (1898) and Drumont, who could not get enough votes in the mother country, found enough Frenchmen in Algiers to elect him to Parliament.

MEANWHILE, the French Parliament continued to seek a formula that would permit the assimilation and naturalization of the other natives. Between 1887 and 1897 numerous bills were introduced, all of them proposing progressive naturalization of Algerian Muslims. In 1915, Georges Clemenceau introduced a bill that would have granted the Muslims citizenship without asking them to abandon their personal status. In 1919, when Clemenceau was Premier, an amendment to the old *Senatus-consulte* was passed which provided some minor reforms but which still insisted on individual naturalization.

The reasons for the failure of the traditional policy of assimilation in

a country that more than any other had been organized on the model of France are twofold. It is true that the natives did not want to renounce their personal status (which permitted polygamy and the denial of all rights to women) and that France could hardly grant them citizenship under this circumstance. French civil law and the French Penal Code have their bases in the equality of sexes, and the Islamic concept of paternal authority is in fundamental conflict with this principle of individual liberty. If the natives, especially the fellahin, oppressed by their "native aristocracy which rules and exploits them unscrupulously," have not abandoned polygamy it is also partly because the woman is the main source of "manpower" for the fellah, in fact the only one he can afford to "hire." Among the laborers and the intellectuals in the towns, however, polygamy has almost disappeared.

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Far more important than these customs and even more important than the influence of the native aristocracy was the attitude of the French colonials, which was described by the great French colonial politician and statesman, Jules Ferry, in the following words:

> It is difficult to make the European colonist understand that there exist other rights than his own in an Arab country and that the native is not to be molded according to his desires."

These French colonials, mostly large land owners whose prosperity depended upon cheap native labor and sympathetic government officials, lived in perpetual conflict with the governors general appointed by the national government in Paris. The colonists, and not the governor, wielded the real power in Algerian affairs, for they could act through the administration. Moreover, through the Deputies and Senators to the French Parliament, they could even influence the government at home, as they did in 1924 when they forced the Chautemps government to ban Arab emigration from Algeria to France in order to keep their cheap manpower reservoir untouched.

This anti-native rule by the French colonials is possible because of the inferior political status of the natives. Key political positions can be held only by French citizens, while the native Muslim population is limited to local self-administration. According to the law of 1884 (*Loi sur l'organisation municipale*), natives only have the right to vote and to be elected to the Municipal Councils of the communities. Each of the three Algerian *departements* is represented by a Conseil General, only one-fourth of whose members are natives, the remainder being French

citizens. The three Conseils Generaux together form a kind of local parliament. The third important political body is the so-called Delegations Financieres, which decides on the budget and taxes. This body is composed of 24 representatives of the French colonists (i.e., large landowners), 24 representatives of all other French citizens, and 21 natives who are appointed by the governor general and usually selected from the rich Arab landowners. The members of the Conseils Generaux and the Delegations Financieres together with the Conseil du Gouverneur (a council selected and appointed by the governor from his officials) form the Conseil Superiour.

WHILE the national government sought the naturalization of the Arabs and regarded the Crémieux decree as a beginning and a way to attract the Arabs by the privileges it gave to its citizens, its intentions have been frustrated during the last seventy years by the colonials, who used their legal power to prevent naturalization of the natives. They never recognized the naturalized native as a French citizen and did not allow him to share in the rule of the country. Furthermore, the local administration has proved to be much stronger than the national government in Paris. The governor general, its only representative, wields little real power, as was most emphatically illustrated by the almost tragic case of Maurice Viollette (1925-27), one of the best governors Algeria ever had. Viollette was almost ousted by his own administration because he tried to enforce the policy of the home government.

The few citizens of Arab origin were worse off than their non-naturalized brethren, for—in the words of their spokesman, S. Faci—they were "repulsed by the natives and held in contempt by the French." In other words, the native Muslim who applies for French citizenship is confronted with the contempt of his own people, who call him a *"m'tourni"* (turncoat), and the hatred and discrimination of French society and administration. Moreover, applications for citizenship have to be filed through various administrative channels, beginning with the Justice of Peace. Since the documents needed, such as a birth certificate, etc., are obtainable only from the administration or from the Muslim Municipal Councils, which are hostile to any naturalization, the total number of naturalizations granted up to 1934 has been 1,359.

After 1919, there was hardly a year in which a new bill was not introduced in Parliament to normalize the status of Algerian natives, and between 1927 and 1937, nine such bills were discussed. Among them,

we can distinguish three types of reforms. One called for special and separate representation for the natives within the French Parliament, notably in such bills as those presented by Moutet, a Socialist Deputy. The second type of bill proposed naturalization without renunciation of personal status. It is best represented by the proposal Viollette made in 1931, which was also supported in 1936 by the Blum government. The third type is represented by the proposal of Cuttoli (1935), who wanted to naturalize the natives en bloc but with renunciation of personal status. Under this proposal natives would have the right to reject French citizenship if they wished to retain their personal status. However, none of these plans materialized. The

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SINCE the days of the Dreyfus Affair, anti-Semitic propaganda in Algeria has never subsided. Sporadic but bloody riots occurred in Algiers in 1898, in Oran in 1925, and in Constantine in 1934. They were not only tolerated by the administration and the police, but the whole atmosphere had been carefully prepared. Governor General Viollette, speaking about Oran, declared: "The politics of M. Molle has been exclusively a politics of anti-Semitism." And in 1935, Viollette flatly told the Senate: "If there is anti-Semitism in Algeria, be sure that it is Europeans who fan it."

After 1934, Nazi propaganda also made itself strongly felt in all North African countries. Pan-Islamic committees, organized in Syria, Egypt, Tunis and Algeria, were directed by a central committee in Berlin which, according to the French Senate, had at its disposal a fund of twenty million marks. Cries of "Vive Hitler" were common in Algerian movies, and considerable propaganda was circulated among the natives. There is no doubt that these activities were supported by the French colonials, who admired Hitler's racial policy and who were only too glad to see the violent feelings of the economically depressed and politically underprivileged population directed against Jews rather than themselves.

The 1936 elections to the French Parliament, the last before the collapse, already showed that the right wing in Algeria was much stronger than in France proper, although the Republicans still won a majority. But this majority was held principally because of the votes of Jews and a number of civil servants, who subsequently were ousted by the Vichy

regime. However, it should be remembered that pre-war party labels no longer reflected a candidate's true political allegiance and that sympathizers with Hitler, who later became collaborationists, could be found in all parties, from Right to Left. (Laval was a Radical-Socialist, and Fauré was a former colleague of Blum.) Therefore one need not be surprised to learn that, although out of ten Algerian Deputies elected in 1936 only one openly belonged to an anti-Republican party, no more than two deputies protested against the Vichy decrees. And they belonged to two small Center parties.

In Algeria, at the present time, out of a total population of 7,234,084 there are 987,252 Europeans, of whom 853,209 are or were French citizens. Of the latter, about 100,000 are Jews. (Since the separation of State and Church, no special census is available for French countries.) The Jews, now deprived of their citizenship, revert to the status of natives: they have become French subjects.

Muslims today are judged by French laws and French courts in all matters other than those covered by their personal status (marriage and divorce, majority and minority, succession and paternal authority), over which Muslim law takes precedence. As French subjects (natives), however, they enjoy the same civil rights as French citizens; thus, since 1864 and in spite of personal status, natives can even become lawyers and practice this profession under exactly the same conditions as in France. They may represent natives or French citizens (though different civil codes are applied), and they may appear before any legal court in Algeria, either Muslim or French, for "it is the privilege of a lawyer to plead in all courts." But the Algerian administrative system gives the natives little representation in the decisive political bodies of the country and deprives them of such rights as, for example, a voice in taxation.

The position of the Jews in this respect will be even worse: they will not be reinstated to the seats they formerly held in the Conseils Generaux of which the Vichy laws had already deprived them, for they had been appointed or elected to them as French citizens and not as native subjects. Thus, in the matter of taxation, for instance, they will be entirely dependent upon a governmental body that not only cannot represent them but as a matter of fact will even prove hostile to their interests. And General Giraud has already declared that new elections are not to be expected.

Theoretically speaking, Jews, like other subjects, can apply for individual naturalization. Practically, however, their applications will be

made impossible by an administration that is even more anti-Jewish than anti-native and that has blocked naturalization of natives for the last seventy years. Theoretically, abolition of the Crémieux decree will have but little effect upon the general economic life of the Jews. Indeed, the only serious handicap—the permit necessary to enter France, which during recent years was rarely granted to natives—does not play a role for the time being. Practically, abrogation at all in the various political means that Jews will have no representation at all! Practically, abrogation at all in the various political bodies of the country and that they will be in a worse position than the Muslims: they will not be represented at all!

Since Jews had no personal status but were entirely subject to French law, they were French citizens not by privilege but by right. General Giraud's abrogation of the Crémieux decree introduces into Algeria a new criterion for French citizenship and creates a distinction between natives and citizens that is in flagrant contradiction to all French colonial policy. to all French institutions and to the whole of French law, language, and French civil

regime. However, it should be remembered that pre-war party labels no longer reflected a candidate's true political allegiance and that sympathizers with Hitler, who later became collaborationists, could be found in all parties, from Right to Left. (Laval was a Radical-Socialist, and Fauré was a former colleague of Blum.) Therefore one need not be surprised to learn that, although out of ten Algerian Deputies elected in 1936 only one openly belonged to an anti-Republican party, no more than two deputies protested against the Vichy decrees. And they belonged to two small Center parties.

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If General Giraud, instead of abolishing the Crémieux decree, had extended French citizenship to all natives prepared to accept French civil law and to renounce personal status (as was proposed by Cuttoli in 1935), it might have been dubious whether under the present circumstances he had any legal right to make such a constitutional change. But, at least, he would have acted according to the standards of traditional French colonial policies, and he would have put into effect a law which had been discussed time and again before the Parliament. The possibility of repealing the Crémieux decree, however, had not been mentioned in Parliament for more than forty years.

General Giraud pretends to have nullified the Crémieux decree because it caused inequality among the natives and gave a privileged position to the Jews. Actually, he has acted as an agent of those French colonials who always wanted to bring under their "dictatorship" the only part of the Algerian population that so far had escaped their arbitrary and selfish rule. The French colonials, in other words, took advantage of France's defeat and of their freedom from the control of the mother country in order to introduce into Algeria a measure which they would never have been able to obtain through legal channels.

KING SOLOMON AND THE QUEEN OF SHEBA *Etching by Marc Chagall*

PROF. JACQUES MARITAIN DENOUNCES GIRAUD'S ABROGATION OF CREMIEUX LAW

NEW YORK, April 23. (JTA)-- The Ecole Libre des Hautes Etudes, a French institution of higher learning in the United States, issued a statement today criticizing as "unjust," "profoundly regrettable" and "contrary to all the traditions of French law" the deprivation of citizenship of 100,000 French Jews in Algeria. Professor Jacques Maritain, noted French author and philosopher, formerly of the Catholic Institute of Paris, signed the statement as president of the Ecole Libre.

Without naming General Henri Giraud, and pointing out that the Ecole Libre "remains outside of political vicissitudes," the declaration analyzed Giraud's abrogation last month of the Cremieux decree of 1870 by virtue of which the Jewish population in Algeria has held citizenship. It pointed out that the Jews affected by Giraud's action "are French because they are the sons of Frenchmen." Giraud is high commissioner of French North Africa, under Anglo-American military jurisdiction.

The text of the statement of the Ecole Libre des Hautes Etudes follows:

"The Ecole Libre des Hautes Etudes is an institution of higher learning and of disinterested research which, by its very aims, remains outside of political vicissitudes. Yet, precisely because it endeavors to perpetuate the traditions of French culture, of the French spirit, and particularly of French law, the Ecole Libre has felt it its duty to give an impartial and objective opinion on a question which is currently dividing public opinion: that of the abrogation of the Cremieux law in Algeria. The Ecole Libre believes that the following statements are of a nature to enlighten the public mind.

"I. It is a profoundly regrettable contradiction that a law of the French Republic should have been 'abrogated' at the very same moment when Algeria solemnly proclaimed its return to the laws of the Republic.

"II. This abrogation is unjust in itself and is contrary to all the traditions of French law, because:

"a.) It penalizes retroactively persons who are in no wise guilty of any offense, and thus infringes upon the principle of non-retroaction of laws which in all civilized countries is the very safeguard of acquired rights.

"b.) It deprives of their citizenship men who are French by birth. For the Cremieux decree was applied at a specific moment: in 1870-71. At that moment all native-born Jews who, within a short space of time, fulfilled the necessary formalities, became French citizens by virtue of the Cremieux decree, thus abandoning their rights under their personal status and submitting to French civil law. Since then, their children have been French, not through application of this law, but because they were born of French parents. The one hundred thousand men who were deprived by Vichy and who are now again deprived of French citizenship did not themselves benefit by the Cremieux decree: it is their fathers and grandfathers who so benefitted. They themselves are French because they are sons of Frenchmen.

"c.) In modern legislative practice, the withdrawal of citizenship rights is a very serious penalty meted out to nationals who have committed the crime of espionage or treason. As a result of the abrogation of the Cremieux law, a whole category of citizens find themselves thus penalized for the sole reason of being Jewish - a sanction which is without precedent except under racist law.

"III. The normal way to remedy the unequal treatment of which Algerian Arabs may be complaining, is progressively to lead to French citizenship those of them who will have proved their sincere desire to become a part of the French community. In the face of the dangerous excitations of German propaganda, it is not by depriving the Jews of their rights that the Moslem population should be protected against this propaganda, but by giving to the Arabs of Algeria the assurance that the day the French people is able to express its will, their legitimate claims will be firmly defended, provided they will have loyally cooperated towards victory over the enemy.

"IV. The exceptional circumstances created by the state of war and by the troubled situation in North Africa forbid the turning of any protest, even legitimate, into an occasion for agitation in Algeria. If the Jews of Algeria, therefore, abstain from such agitation, this does not mean that they recognize the invalidation of their rights. As for the Frenchmen who are the guests of the free nations, it behooves them to assert the principles of justice involved in a question which concerns part of the national territory, all the while endeavoring to promote the union of all in the struggle against the enemy and evincing every confidence in the United Nations.

"V. It should also be stated that if patriotic duty and concern about victory sometimes demand the temporary acceptance of factual situations in which certain rights are sacrificed, nevertheless, the abrogation of a law of the Republic without the consent of the French people is and remains by nature an act without juridical value. We believe that the French administration in Algeria would fulfill a duty and honor itself by revoking as soon as possible this unjust measure. Moreover, as soon as France has recovered her freedom, the provisional government of France will have the moral obligation to declare null and void the abrogation of the Cremieux law - assuming that this will not have been done in the meantime. And when the sovereignty of the French people is again able to assert itself, we have no doubt that the Jews of Algeria will have their rights corroborated, at the same time as a fair and equitable status will have to be found for the Moslem population.

"VI. Finally, if those who today declare themselves in favor of a measure contrary to law, in the name of expediency, give as their reason the unequal treatment of the Arabs - an argument whose validity we deny, because unequal treatment is not remedied by an even greater injustice - still we feel that such an argument deserves to be discussed and refuted.

"But if an attempt were made to justify the abrogation of the Cremieux law merely as a measure of appeasing the anti-Semitic feelings developed by German propaganda and by the servility of the Vichy regime towards Nazi Germany, such an argument would deserve only to be branded as unworthy of the cause for which the free peoples are fighting. A precedent of this kind would involve the greatest dangers for the future reconstruction of Europe and cannot be accepted by the human conscience. Anti-Semitism is the vehicle of all Nazi poisons, and in no event must any concessions be made to it."

GIRAUD CRITICIZED

French Editor Fears Trouble From Proposed Act

As a Frenchman, a republican, a Roman Catholic and a political newspaper man of over thirty years' experience, I have been greatly surprised and distressed by the announcement made by General Giraud of his intended revocation of the Cremieux-Gambetta decree, signed by the Government of National Defense on Oct. 24, 1870.

I cannot believe that General Giraud, whose career and personality have always won my respect, can understand fully the meaning of this unprecedented move.

The 1870 decree was endorsed in the following years by all the governments of republican France. It was also approved by the Moslem authorities of Algeria, because all Arabs and Moslems were given the right to become French citizens on the same level, if and when they wanted to accept the laws of France.

The people who will lose their nationality by General Giraud's revocation are not naturalized Frenchmen but citizens born on French territory of French parents and grandparents.

Disheartening Aspect

However, another aspect of this matter is still more disheartening--namely, the reasons General Giraud brings forward to support his decision to revert to a Vichy law of February, 1942, and to create a retroactive law, for the first time in French history, with the purpose of depriving innocent citizens of their most sacred right.

As reported by Hanson W. Baldwin of The New York Times, the reason is that "the Arabs have been told for more than two years through the aid of a powerful enemy propaganda machine that if Germany loses the war the world will be ruled by the Jews."

The enemy propaganda machine has said the same thing over and over again not only to the Arabs but to the whole world. Therefore, as the Jews are a minority everywhere, should they be deprived everywhere of their rightful citizenship which they have been holding for generations and centuries?

As a Frenchman, and from a purely national point of view, I see a terrible danger in curtailing the French population of Algeria at such a time as this by about one-fifth.

I fail also to see how General Giraud expects to revive local councils--which are elected bodies in which Jews have been elected and for which Jews have voted--if these Jews are no longer French citizens.

Mistake Seen

I can find only one explanation of what I think is a great mistake on the part of General Giraud. This true and faithful soldier of France has repeatedly stated that he knows nothing about politics and laws. His ideas must come from his advisers, the most immediate of which on the Algerian question is evidently Marcel Peyrouton, Governor General of Algeria. This gentleman's record shows that, as Minister of the Interior of the Petain government, he

promulgated and applied for the first time in French history racial and discrimination laws on the order of the Nazi conquerors.

As long as such men as Peyrouton and the rest of the Vichy officials surround General Giraud all steps taken by him toward unity of Frenchmen and return to democratic principles and the coordinated pursuit of the war by all Frenchmen will be gravely impaired. All suspicions of the final objectives would be justified.

Emile Bure, Editor of the French newspaper L'Ordre, New York, March 24, 1943.

Letter to the Editor of the New York Times, March 28, 1943

DE GAULLE COMMITTEE DENOUNCES GIRAUD FOR CREMIEUX DECREE

London, Apr. 27--The French National Committee of Gen. de Gaulle has broken its silence on the revocation of the Cremieux decree in a vigorous statement questioning the right of any authority--in this case, Gen. Giraud--to take such action, and affirming the Fighting French view that the peoples of French territory must achieve equality by "levelling upwards," not downwards.

Since there has been some dispute about the accuracy of the translation of certain documents in the current French controversy, the National Committee's statement follows in a literal translation:

"The National Committee takes the stand of integral respect for republican legality. It has re-established the laws of the republic in all of the territories freed since 1940 from the hands of the enemy. It cannot, therefore, associate itself with a measure which denies to a category of Frenchmen the rights that the republic gave them.

Enjoyed Protection 75 years

"The pure and simple abrogation of the Cremieux decree deprives the native Algerian Jews, even certain categories exempted by Vichy, such as the war veterans, of their political and civil rights.

"The suppression of these rights effects the result of submitting the Jews, against their will, to the Mosaic laws and of taking away from them the protection of the French civil laws which they have enjoyed for three quarters of a century.

"Equality between the natives of Algeria-Mussulmans or Jews--cannot be conceived as a demotive levelling. Only a great amelioration of the legal status of all the natives of Algeria, and a revision in a liberal sense of the attribution of political rights can allow its realization."

By "CATO"

The above text is especially interesting because the Fighting French make the point that the unconstitutionality and the illegality of the Vichy government are matters of fact and of law, which must be simply affirmed. In other words, nobody has the right to decide that all or part of the void legislation enacted by Vichy decrees shall be retained.

De Gaulle believes only in a liberal revision of the statutes covering the rights of Algerian ntives. One way in which this might be achieved was recommended in 1936 by Premier Blum and Senator Viollette, in a bill which would have extended French citizenship to as many Moslems as there were Jews affected by the Cremieux decree--originally about 30,000.

Blocked By 2 Elements

This bill also would have enabled all loyal Moslems to acquire citizenship without losing their personal status. But it was blocked by French rightists and Algerian colonists--the very people who are now protesting that the Moslems would resent the restoration to Jews of their legal rights.

Special Cable to the Post - April 27, 1943

ROUND TABLE OF FRENCH SCHOLARS IN NEW YORK CONDEMNS ABROGATION OF CREMIEUX DECREE

NEW YORK, May 2. (JTA)-- The abrogation by Gen. Giraud of the Cremieux Decree was condemned here at a Round Table on North African problems held by the Ecole Libre des Hautes Etudes, a French university affiliated with the New School for Social Research.

Jacques Maritain, noted Catholic philosopher, in commenting on the abrogation of the Cremieux Decree and on the situation of the Jews in North Africa, pointed out that Gen. Giraud's abrogation of the decree was possibly an evidence of the anti-Semitic feelings remaining in North Africa. He expressed concern over the danger that the anti-Jewish principles and practices which are now enforced in North Africa may be followed as a general line in the reconstruction of France.

Paul Jacob, a prominent lawyer in pre-war France, declared that the revocation of the citizenship of native Algerian Jews was as ridiculous as if the United States were to declare that since the Indians living in Texas were not granted citizenship when that state was annexed by the United States and the Mexican residents were, the only way of remedying that situation would be to reduce the descendants of those Mexicans to the present status of the Indians, who may now apply for citizenship as individuals but do not receive it automatically.

Mr. Raoul Aglion, one of the Fighting French leaders in this country, attacked the legality of all constitutional measures taken since the disruption of the French parliament. He pointed out that in all territories under the direction of General de Gaulle, the French Republican laws had been maintained or re-established and pointed to Syria where despite strong anti-Semitic propaganda, the application of Republican laws had not met with any difficulty. He emphasized that such an experience was in absolute contradiction to the present situation in North Africa.

Another speaker, Henri Gregoire, recalled the history of the Cremieux decree. He explained how long before the liberal Empire of 1865 there was a law giving all rights to the Jews of Africa with the one exception that they could only become French citizens individually. Upon the advice of Cremieux, the most competent authority on African questions at that time, a decree was passed changing this lengthy procedure, which decree has been considered one of the basic laws of France. The action taken by Giraud in this respect is an attempt to violate the French Republican principles, Mr. Gregoire said.

John Maynard discussed the respective situation of Jews and Moslems in North Africa. He explained how the two groups had statutes of their own which could not be compared because of their particular religious and legal standpoints and therefore opposed the idea that the abrogation of a law favoring the Jews would benefit the Moslems.

Dr. Alvin Johnson, president of the New School for Social Research, who presided at the Round Table, concluded by thanking the speakers and expressing his conviction that the French Republic had never ceased to exist and was in no possible danger of dying.

J.T.A. NEWS - May 3, 1943

GIRAUD RULING ON JEWS FORMS ALGERIAN PUZZLE

In Name of Equality the General Left More Than 100,000 Former Citizens Of France Disenfranchised

Washington Quiet On Subject

The occupation of French North Africa by United States and British troops has been followed by a series of political complexities, of which a great deal has been heard. The prize complexity has been supplied by General Giraud in his orders concerning the Algerian Jews.

Last Sunday General Giraud made a speech which was generally intended to mark his raising from Algeria the decrees of Vichy issued, if not at the behest of Germany, at least along the lines of Hitler governmental philosophy. The announcements by the General were hailed as sealing his departure from the German-dominated regulations which the collaborationists of France had promulgated for all of France and her colonies. His speech was at first glance accepted for what it appeared to be.

With great emphasis he announced that the decrees of Vichy of June, 1941, were wiped out so far as North Africa in general was concerned. These decrees were those which imposed upon all of France, including Algeria, the Laval rewrite of the Nuremberg laws against the Jews, depriving them of citizenship and other privileges belonging to French citizens. It seemed fair to assume at first glance that the General thereby intended to restore to Jews in Algeria the rights of citizenship which Vichy had canceled. Such was the initial impression from the speech of the General.

The Cremieux Decree

However, there was in General Giraud's speech a passage which at first passed almost unnoticed. He announced that the Cremieux decree of 1870 was abolished in effect. He said that he took this step to abolish discrimination between the Jews and the Arabs of Algeria.

This announcement merits some analysis. In the first place, what was the Cremieux decree? This decree provided that the Algerian Jews became in a body French citizens forthwith and that the Arabs of Algeria could apply for French citizenship, it being understood that their application must contain a statement that they accepted the French Civil Code.

But the French Civil Code contains provisions in opposition to the Koranic Code of the Moslem Arabs. The two most important points were that an Arab applying for French citizenship must agree to forsake polygamy and to agree to the rights of women in inheritance, something denied by the Koranic laws. The result has been that since 1870 only a handful of Arabs have taken the necessary steps to become French citizens, whereas the Algerian Jews have been French citizens.

If General Giraud had repealed the Vichy decrees of 1941 and let it go at that, he would have restored citizenship to the Algerian Jews. Then things would have been just as before Laval and company aped the laws of Hitler. But in revoking the Cremieux decree, at the moment when he revoked the decrees of Vichy, he left the Algerian Jews just exactly where they were under the Vichy decrees, which is to say, without French citizenship.

Status of the Arabs

The General said that the purpose of his ruling was to wipe out the inequality between the Jews and the Arabs of Algeria. It is possible to understand that he would wish to make a gesture toward the Arabs, who form an important part of the forces fighting under his command. But, in fact, what did he do for the Arabs? Now, to become French citizens they must, as before, agree to accept the French Civil Code. In that respect their rights to French citizenship rests on the same premises as before. It is thus very difficult to see that General Giraud did anything for the Arabs. In the past seventy years they have not elected in any considerable numbers to follow the route to French citizenship, which has not been altered by the action of the General.

Now since the Cremieux decree did not apply to Jews native of France or to Jews from other European countries living in Algeria, but only to Jews native of Algeria, it may be assumed that his new regulation applies to the same Jews. Their number is placed at about 110,000. The General's action appears to deprive of citizenship these Jews who would have become again French citizens had he repealed simply the Vichy laws of 1941 without elaboration.

It is understood that his ruling permits these 110,000 Jews to apply again for French citizenship under the same theoretical conditions as the Arabs. It is said that this may be done under regulations to be promulgated. It will therefore be in order to pay attention to these regulations.

What Was the Purpose?

Presuming that the way will be opened for the Algerian Jews to regain their citizenship, it is extremely difficult to understand just what General Giraud was seeking to accomplish. It seems safe to take for granted that he has no idea that all the 6,000,000 Arabs in Algeria would become citizens. If so, the French control over the three departments of Algeria would go a-glimmering at the first election. The French population is less than 1,000,000. Therefore, it would appear that the net result of the General's new rule is to deprive more than 100,000 Algerian Jews of their French citizenship at least temporarily.

Under these conditions it seems fair to ask what he was trying to do. It is also fair to ask whether the State Department, or its agents in North Africa, saw the General's speech before it was delivered. And if they did, what did they think he was trying to attain?

Questions directed at the State Department in Washington have not brought very complete or satisfactory explanations. In fact, there has been no effort to explain Giraud's action in taking away citizenship from the Algerian Jews in a speech which was presumed to incorporate a pro-democratic move toward restoring to North Africa the principles which form the basis of the platform of the United Nations.

Explanations Called For

Now, as is well known, the de Gaullists have brought against the Giraud regime the charge that it is not democratic. They have protested against the possibility that in the period which must follow the evacuation of France by the Germans and a free election there is the danger that the army of Giraud may be in control. They charge that he is not truly democratic and that there is danger that he will not suppress the pro-German

press and the local collaborationist leaders in a fashion which will leave the French people free to speak their minds as to the future government of the country.

Admitting that in some respects General de Gaulle has not shown himself to be as supple as might be desired, admitting also that he has not shown that desire to compromise with General Giraud which the leaders of the United Nations desired, it is by the same token unfortunate that General Giraud has made a gesture against the Algerian Jews which has so far certainly remained without satisfactory explanation.

The only explanation forthcoming has been that supplied in his speech of last Sunday that he wished to suppress inequality between the Jews and the Arabs of Algeria. In view of the record, that explanation is not complete. In fact, it leaves a lot to be desired. It seems doubly unfortunate that at a time when Washington and London are trying to work toward French unity General Giraud has taken a step which, with all fairness, does not appear to be above suspicion.

Article by Edwin L. James - New York Times - March 21, 1943