

RADIO: SAMUEL GRAFTON

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Dear Sam:

I can't let this great day go by
without thanking you for your Free Port pieces
and for the support you obtained for us from the
New York Post and other newspapers carrying your
column (may they multiply!).

Sincerely,

J. W. Pehle
Executive Director

Mr. Samuel Grafton,
New York Post,
75 West Street,
New York, New York.

IMWeinstein/sg 6/9/44

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BY SAMUEL GRAFTON

Last week, for a change, we had some good news on the refugee front.

The War Refugee Board of the United States, of which Mr. John W. Pehle is director, disclosed that the idea of establishing what are called free ports for refugees is being seriously considered by the administration.

It is important that we understand just what a free port is. We have long had in this country free ports for goods. There has been one on Staten Island, in New York City, for a number of years. A free port is a bit of land, a reservation, with a fence around it, into which foreign commodities may be brought without payment of customs duties. There are warehouses in a free port, and even factories, so that the foreign goods brought into the free port can be stored and even worked upon. Now if at some later time the owner of the goods decides to reship his merchandise to some foreign country, he does so, and he will never have paid any tariff or customs duty to this country. So long as the goods stay in the free-port zone they are not considered to be in the country, and this is a very handy legal fiction, because in normal times it gives a shipper a place to put his merchandise down while he makes up his mind what he wants to do with it, and it gives our own citizens storage business and factory employment they might otherwise not have had.

Now, we do not have any free ports for refugees yet. But

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the thought that we could have them is based on exactly the same legal fiction.

Those who are supporting the idea of free ports for refugees point out that we could take a few acres of land somewhere in the country, say an abandoned army camp, put a fence around it, have it constantly guarded, and permit refugees, even refugees without visas or papers of any kind, to come to that haven for temporary refuge. By exactly the same legal fiction which we use to set up free ports for goods, these refugees would not be considered to be on American soil at all. They would acquire no legal rights of any kind. Their entrance into a free port zone would not be considered legal entry into America, and their stay in a free port would not be considered legal residence in America. In other words, we would be conferring no rights whatever on these refugees, except the right to sit down; but to a family which has been hounded by the Gestapo and pursued by the Nazi murderers, that is a very precious right indeed.

A number of newspapers around the country have taken up the free-port idea. It is hard to see how there can be any objection to it. Those among us who make a political living for themselves by being anti-refugee could have the satisfaction of knowing that the refugees were not legally in the country, while those among us (and I believe it is the larger group) who are stirred by ordinary human feeling could have the satisfaction of knowing that the refugees were being cared for, and so each group could be happy, according to its kind.

Of course, it shouldn't be against the law, exactly, to give someone in a free port a glass of water, and it is even possible that some milk could be furnished to a few children with-

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out destroying the majesty of our legal structure. The important thing is that we would have a place in which to put refugees down, and that we would give up our present monstrous notion that if refugees cannot satisfy all immigration requirements there is absolutely nothing to be done except to invite them to float in the air somewhere until the war ends. But refugees cannot float in the air, and the alternative, whether we admit it to ourselves or not, is death, not self-levitation.

The refugees would not go into the free ports to live there forever. These would simply be temporary storage depots, so to speak, where they could be kept until they could be sent home. And if we look around, we will find more precedents than one for this type of rescue effort. We have, at this very moment, 130,000 Nazi prisoners of war in this country, and these Germans, Fascists almost to a man, have been taken in without reference to whether they had quota numbers or not. We don't worry about what we are going to do with these Nazis afterward; we know what we are going to do with them; we are going to send them back. And it will be a very odd thing if we cannot give our friends, the refugees, something like the same limited right of haven and refuge that we give to our enemies, these prisoners of war. It is an odd situation, really, when our friends, the refugees, have to beg and plead to be treated only as well, no better, only as well as we treat prisoners of war. They don't ask for our best; they just beg us for a little of our worst, and how can we deny them that?

It seems to me that this proposed solution, of free ports for refugees, is in harmony with the traditional ingenuity and resourcefulness of Anglo-Saxon lawmaking; we are an ingenious people when it comes to making law; we are masters of ^{constructive} ~~constructive~~ legal

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fiction; and there never was an opportunity for a more constructive one than in this field. Hitler has made millions of people stateless. Well, let us answer him, not by fine words, but by setting up free ports, a kind of temporary stateless state for stateless humanity. The great final point is that once we have established free ports for refugees, we can go to the other United Nations, and to the neutrals, and ask them to do also; and they will have to follow this example; whereas, if we don't set up free ports and ask the other countries to do so we shall be answered only with a low, leering laugh or perhaps a mocking whistle.

The free port idea is not beautiful. But it will save lives. That is its only merit, but that is a merit great enough to rouse us to action.

Actually, it ought not to be necessary for anyone to take off his hat while advocating free ports for refugees, or to scrape, flush, be embarrassed or even to say pretty please.

This is the least we can do for refugees, and if we don't do this much, we will do nothing.

I have tried to think of real, solid reasons why we should not take this step. There isn't a one.

One objection might be that free ports would constitute an evasion of the immigration laws. ^{That is not so.} We have, as I have explained, free ports for foreign merchandise. There is one on Staten Island. Goods may be brought into this free port, and stored for reshipment abroad, without payment of customs duties. That has never been considered an evasion of the tariff laws. If we were to permit refugees to live anywhere in the country, that would be an evasion of the law. But permission to live on a restriction reservation is not permission to live in the country.

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If a refugee wanted to leave the "free port" and live in the country proper, he would have to fulfill all requirements of law, exactly as if he were stepping off a ship. At that point, the immigration laws would apply, but up to that point, the immigration laws ~~are~~ are not even remotely involved, any more than they are involved in the case of the 130,000 Nazi prisoners of war who are now in the United States, not one of whom has come in under a quota number.

It might be said: "The refugees would stay here forever." Not true. Each of the United Nations has signed an agreement to take its own nationals back after the war. If we can't trust them to fulfill that agreement, then we can't trust them to fulfill any agreement, and we ought to creep into a hole and pull it in after us.

It might be asked: "Why should the United States carry this load?" The answer is that the free port system might actually reduce the ultimate burden of refugee care on this country. For if we establish one or more free ports, we place ourselves in a powerful position to ask allies and neutrals to do so, too. If we don't, they won't.

A "free port" in the United States should be viewed as merely the first in a chain of free ports around the world, the beginning of an international convention for the treatment of refugees, similar to international conventions for the treatment of prisoners of war. Or doesn't the march of civilization appeal to you?

Surely a country like ours can set aside a few acres, not much larger than a good-sized cemetery, to which the lowliest human

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being on earth might have the right of entrance; a final right, of which the harshest tyrant on earth cannot strip him. We should set aside those few acres, if only as a monument to the time when this entire country played just that role to the oppressed of all all the world; the last shrunken asylum, preserved in a park, like the last buffalo.

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SAMUEL GRAPTON

COPY

Broadcast No. 76.

COMMENTARY

WOR - Sunday, April 23, 1944 - 7:45 P.M.

Good evening! Last week, for a change, we had some good news on the refugee front.

The War Refugee Board of the United States, of which Mr. John W. Fehle is director, disclosed that the idea of establishing what are called "free ports for refugees" is being seriously considered by the administration.

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It is important that we understand just what a "free port" is. We have long had, in this country, free ports for goods. There has been one on Staten Island, in New York City, for a number of years. A free port is a bit of land, a reservation, with a fence around it, into which foreign commodities may be brought without payment of customs duties. There are warehouses in a free port, and, even, factories, so that the foreign goods brought into the free port can be stored, and even worked upon. Now if, at some later time, the owner of the goods decides to reship his merchandise to some foreign country, he does so, and he will never have paid any tariff or customs duty to this country. So long as the goods stay in the free port zone, they are not considered to be in the country, and this is a very handy legal fiction, because, in normal times, it gives a shipper a place to put his merchandise down while he makes up his mind what he wants to do with it, and it gives our own citizens storage business and factory employment they might otherwise not have had.

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Now, we do not have any free ports for refugees, as yet. But the thought that we could have them is based on exactly the same legal fiction.

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Those who are supporting the idea of free ports for refugees point out that we could take a few acres of land somewhere in the country, say an abandoned Army camp, but a fence around it, have it constantly guarded, and permit refugees, even refugees without visas or papers of any kind, to come to that haven for temporary refuge. By exactly the same legal fiction which we use to set up free ports for goods, these refugees would not be considered to be on American soil at all. They would acquire no legal rights of any kind. Their entrance into a free port zone would not be considered legal entry into America, and their stay in a free port would not be considered legal residence in America. In other words, we would be conferring no rights whatever on these refugees, except the right to sit down; but to a family which has been hounded by the Gestapo and pursued by the Nazi murderers, that is a very precious right, indeed.

* * *

A number of newspapers around the country have taken up the free port idea. It is hard to see how there can be any objection to it. Those among us who make a political living for themselves by being anti-refugee could have the satisfaction of knowing that the refugees were not legally in the country, while those among us (and I believe it is a larger group) who are stirred by ordinary human feeling could have the satisfaction of knowing

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that the refugees were being cared for, and so each group could be happy, according to its kind.

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Of course, it shouldn't be against the law, exactly, to give someone in a free port a glass of water, and it is even possible that some milk could be furnished to a few children without destroying the majesty of our legal structure. The important thing is that we would have a place in which to put refugees down, and that we would give up our present monstrous notion that if refugees cannot satisfy all immigration requirements, there is absolutely nothing to be done except to invite them to float in the air somewhere until the war ends. But refugees cannot float in the air, and the alternative, whether we admit it to ourselves, or not, is death, not self-levitation.

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The refugees would not go into the free ports to live there forever. These would simply be temporary storage depots, so to speak, where they could be kept until they could be sent home. And if we look around, we will find more precedents than one for this type of rescue effort. We have, at this very moment, 130,000 Nazi prisoners of war in this country, and these Germans, fascists almost to a man, have been taken in without reference to whether they had quota numbers or not. We don't worry about what we are going to do with these Nazis afterward; we know what we are going to do with; we are going to send them back. And it will be a very odd thing if we cannot give our friends, the refugees, something like the same limited right of haven and refuge that we

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give to our enemies, these prisoners of war. It is an odd situation, really, when our friends, the refugees, have to beg and plead to be treated only as well, no better, only as well as we treat prisoners of war. They don't ask for our best; they just beg us for a little of our worst, and how can we deny them that?

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It seems to me that this proposed solution, of free ports for refugees, is in harmony with the traditional ingenuity and resourcefulness of Anglo-Saxon law-making; we are an ingenious people when it comes to making law; we are masters of constructive legal fictions, and there never was an opportunity for a more constructive one than in this field. Hitler has made millions of people stateless. Well, let us answer him, not by fine words, but by setting up free ports, a kind of temporary stateless state for stateless humanity. The great final point is that once we have established free ports for refugees, we can go to the other United Nations, and to the neutrals, and ask them to do so also; and they will have to follow this example; whereas, if we don't set up free ports and ask the other countries to do so, we shall be answered only with a low, leering laugh or perhaps a mocking whistle.

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April 20, 1944

Mr. J. W. Pehle

J. M. Weinstein

1. Sam Grafton just called from New York with the following information:

- a. The British Press Office in New York in its weekly release, just issued, announced that Britain has a refugee camp at Richborough near Dover. It has been functioning five years. Between May, 1940 and April, 1943, 60,000 refugees have been admitted to Britain and they are now arriving at an average of 800 per month. The release quotes a statement made by Mr. Peake, Under Secretary for Home Affairs, May 19, 1943, as follows:

"No refugee who reaches Britain without a visa has been turned back. Many thousands of refugees from enemy-occupied countries have arrived and are still arriving without visas."

- b. The New York Post has an editorial today on the free port idea and has sent copies of it to the 40 other papers carrying Sam's column. With the copies went a suggestion that the editorial be re-printed and that the papers get behind the Grafton-Post campaign.
 - c. Sam has written a third column on the subject and it will appear in the New York Post on Saturday and in the other papers of his syndicate either that day or early next week.
 - d. In a telephone conversation yesterday, Sam said he would speak to Geoffrey Parsons, chief editorial writer of the New York Herald Tribune about WRB. Today, Sam reported that he made the call and that Parsons, as this morning's editorial in the Herald Tribune clearly indicates, is sympathetic toward our work and will continue to support us. I am going to ask Sam to arrange a meeting with Mr. Parsons during this visit to New York.
2. My engagement with Mrs. Harriman has been transferred back to New York. I am leaving this evening to keep the appointment.

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3. The attached translations from the Jewish Morning Journal were worked out with Arthur Jacobs, controlling share-holder of the paper, and Meckler, the editor. They are ready to do anything we ask of them. Arthur's father-in-law, Morris Weinberg, owner of the Jewish Day, will follow suit.

IMWeinstein/sg 4/20/44

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