

Programs with respect to Relief
and Rescue of Refugees: Permanent
Resettlement

In Palestine

FFC-76
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**CROSS REFERENCE ON PROGRAMS WITH RESPECT TO RELIEF AND
RESCUE OF REFUGEES: PERMANENT RESETTLEMENT
(IN PALESTINE)**

FOR:

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**SEE: COOPERATION WITH OTHER GOVERNMENTS: UNITED NATIONS (GREAT BRITIAN)
COOPERATION WITH OTHER GOVERNMENTS: UNITED NATIONS (GREAT BRITIAN)
(POLICY WITH RESPECT TO ISSUANCE OF PALESTINE CERTIFICATES FOR REFUGEES
IN NEUTRAL COUNTRIES)**

**PROGRAMS WITH RESPECT TO RELIEF AND RESCUE OF REFUGEES: EVACUATION TO
SWITZERLAND
(EVACUATION OF ABANDONED CHILDREN FROM FRANCE)**

POLICY MATTERS: BOARD POSITION ON THE PALESTINE ISSUE

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Date February 12, 1944

TO Mr. Luxford
FROM Mr. Marks

Re: Hearings on February 8 and 9, 1944 before the Committee on Foreign Affairs concerning House Resolutions Nos. 418 and 419—78th Congress, Second Session, relating to the Establishment of a Jewish National Home in Palestine.

The Resolution

House Resolution No. 418 introduced by Representative Wright of Pennsylvania reads as follows:

"Whereas the Sixty-seventh Congress of the United States on June 30, 1932, unanimously resolved that the United States of America favors the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of Christian and all other non-Jewish communities in Palestine and that the holy places and religious buildings and sites in Palestine shall be adequately protected; and

"Whereas the ruthless persecution of the Jewish people in Europe has clearly demonstrated the need for a Jewish homeland as a haven for the large numbers who have become homeless as a result of this persecution: Therefore be it

"Resolved, that the United States shall use its good offices and take appropriate measures to the end that the doors of Palestine shall be opened for free entry of Jews into that country, and that there shall be full opportunity for colonization, so that the Jewish people may ultimately reconstitute Palestine as a free and democratic Jewish commonwealth."

House Resolution No. 419, introduced by Representative Compton of Connecticut, is an identical measure.

Political and Historical Background^{1/}

October 21, 1915—Great Britain recognized and agreed to support the independence of the Arabs in certain specified areas. There is a dispute as to whether or not Palestine was included in this area.^{2/}

November 2, 1917—Mr. Balfour, Great Britain's principal Secretary of State on Foreign Affairs issued what has since come to be known as "The Balfour Declaration", promising to facilitate the establishment in Palestine of a national home for the Jewish people.^{3/} Before being transmitted to Lord Rothschild the Balfour Declaration was submitted to and approved by the British Cabinet.^{4/}

March 3, 1919, President Wilson stated:

"I am persuaded that the Allied nations, with the fullest concurrence of our Government and our people, are agreed that in Palestine shall be laid the foundation of a Jewish Commonwealth."^{5/}

June 3, 1922, a copy of the 1922 British Statement of Policy was sent by the British Colonial Office to the Zionist Organization with the request that the Zionist Organization accept the policy set forth therein. This Statement of Policy restricted Jewish immigration into Palestine to the limit of the economic absorptive capacity of the country.^{6/}

^{1/} The information contained herein was taken from a pamphlet entitled "The Jewish National Home in Palestine" which was prepared by Chairman Sol Bloom for the use of the Committee on Foreign Affairs. It should be pointed out that this pamphlet is extremely pro-Jewish in its treatment of the Palestinian question. All footnote references will be to page numbers in the above pamphlet.

^{2/} p. 3 of the pamphlet referred to supra, footnote 1.

^{3/} The Balfour Declaration reads as follows:

"His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by the Jews in any other country."

^{4/} Id. at p. 5
^{5/} Id. at p. 42
^{6/} Id. at p. 43
^{7/} Id. at p. 98

June 18, 1922--the Zionist Organization accepted the restrictions set forth in the British Statement of Policy. ^{7/} Before confirmation by the League of Nations of the subsequent British Mandate over Palestine, the communications of June 3, 1922 and June 18, 1922 were sent to the League Council for its information.^{8/}

September 21, 1922--Congress passed a joint resolution, introduced by Senator Lodge and Representative Fish, reading as follows:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that the United States of America favors the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of Christian and all other non-Jewish communities in Palestine, and that the holy places and religious buildings and sites in Palestine shall be adequately protected."^{9/}

September 29, 1923--Great Britain assumed the League of Nations' Mandate over Palestine. The preamble of this Mandate places upon the Mandatory responsibility for putting into effect the Balfour Declaration.^{10/}

^{7/} Id. at p. 98
^{8/} Id. at p. 99
^{9/} Id. at p. 5

^{10/} The relative portions of the preamble to the British Mandate over Palestine read as follows:

"Whereas the Principal Allied Powers have also agreed that the Mandatory should be responsible for putting into effect the declaration originally made on the 2nd November, 1917, by the Government of His Britannic Majesty, and adopted by the said Powers, in favour of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country; and

"Whereas recognition has thereby been given to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their national home in that country; and

"Whereas the Principal Allied Powers have selected His Britannic Majesty as the Mandatory for Palestine; * * *"

Id. at pp. 10-11

December 3, 1925—a Convention between United States and Great Britain consented to Great Britain's administration of Palestine pursuant to the League of Nations' Mandate of September 29, 1923.^{11/} Article 7 of this Convention provides that the United States shall not recognize any modifications of the terms of the Mandate, unless such modification has been consented to by the United States.^{12/}

1935-1939—Arab terrorism was rampant in Palestine.^{13/}

May, 1939—the British Parliament approved the British White Paper on Palestine, declaring that it is not the policy of the British Government that Palestine should become a Jewish State, for such a policy would be contrary to the Mandatory's obligations to the Arabs under the League of Nations' Mandate.^{14/} The British White Paper provides specifically that:

"After the period of five years no further Jewish immigration will be permitted unless the Arabs of Palestine are prepared to acquiesce in it."

The Paper provided further:

"His Majesty's Government are satisfied, that when the immigration over five years which is now contemplated has taken place, they will not be justified in facilitating, nor will they under any obligation to facilitate, the further development of the Jewish National Home by immigration regardless of the wishes of the Arab population."^{15/}

The five year period referred to in the White Paper expires in April, 1944. However, there are still approximately 30,000 Jews admissible into Palestine after that date, as the available quotas are not yet exhausted.

May, 1939—Winston Churchill,^{16/} Archibald Sinclair,^{17/}

^{11/} Article 1 of the above Convention, quoted on page 18 of the pamphlet referred to *supra*, footnote 1.

^{12/} *Id.* at p. 19

^{13/} *Id.* at p. 64

^{14/} *Id.* at p. 22

^{15/} *Id.* at p. 28

^{16/} *Id.* at pp. 76-85

^{17/} *Id.* at pp. 72-77

Herbert Morrison,^{18/} the Archbishop of Canterbury^{19/} and others in Parliament and the House of Lords expressed opposition to the British White Paper as a renunciation of international obligations and covenants solemnly assumed by Great Britain.

Hearings before the House Committee on Foreign Affairs.

February 8, 1944—Morning Session from 10.10 to 12.50.

Chairman Bloom of the House Foreign Affairs Committee announced that a similar measure which had been introduced before the Senate was approved by both the majority and minority leaders of the Senate.

Before any of the witnesses had an opportunity to testify, Mrs. Rogers of Massachusetts, and another member of the House Foreign Affairs Committee inquired of Mr. Bloom whether the Chairman had requested the view of the Department of State concerning the resolution under consideration. Mr. Bloom replied that the Committee welcomes the view of all interested persons and departments. Upon further questioning, Mr. Bloom answered that he would have no objection to having a State Department representative testify before the Committee concerning the official views of that Department on the resolution under consideration.

Representative Eaton of New Jersey stated that a number of his constituents were interested in knowing the name of the author of the resolution under consideration. Mr. Bloom did not know, but promised to obtain this information. Subsequently, while testifying during the afternoon session, Representative Harter of Massachusetts stated that he had drafted a similar resolution in September 1943 which, however, had not been introduced. Representative Harter expressed the belief that the present resolution was based on his earlier draft.

Representative McCormack of Massachusetts, majority leader of the House, Representative Martin of Massachusetts, minority leader of the House, and Representatives Rolph of California, Talbot of Connecticut and Eberharter of Pennsylvania, all testified in favor of the resolution.

Representative Celler of New York testified at some length. He asserted that passage of the resolution under consideration would be completely in accord with the spirit of the Presidential directive creating a War Refugee Board. In effect, this resolution, according to Mr. Celler, would be a request to the British Government to abrogate the MacDonald White Paper restricting Jewish immigration into Palestine. In 1937, Representative Celler pointed out, the United States Ambassador to Great Britain asserted that under the terms of the 1924 Convention between the United States and Great Britain no change in the status of

^{18/} Id. at pp. 67-71

^{19/} Id. at pp. 34-67

Palestine could take place without the consent of the United States. Inasmuch as the White Paper had never been approved by the United States Government, it violated the terms of the Convention of 1924, according to Representative Celler. Representative Celler added further that when the White Paper was subsequently submitted by the British Government to the Permanent Mandates Commission of the League of Nations, it was formally rejected. The British Government was prevented by the outbreak of the war from submitting the Paper to the higher authority of the League Council. Thus concluded Representative Celler, the White Paper is illegal and a violation of Great Britain's international obligations. Mr. Celler ended with a paraphrase of Cato's Cathargo dolenda est, stating: "The White Paper must be destroyed."

Representative Hamilton Fish affirmed his support for the resolution under consideration by the Foreign Affairs Committee. During his statement Representative Fish caused much mirth by repeatedly expressing his dissatisfaction with the pamphlet referred to supra because of its omission to mention that Mr. Fish was co-sponsor of the Congressional Resolution of 1922. Mr. Fish registered his disagreement with Zionists who believe that Palestine is the only possible future haven for the Jews. Mr. Fish adverted to his discussions with Viscount Halifax and the French Foreign Minister in 1939 concerning the possibility of establishing a Jewish homeland in sparsely inhabited parts of French or British territory. At this juncture, a member of the House Foreign Affairs Committee pointed out that the Presidential directive establishing the War Refugee Board provides that "havens", not a "haven", shall be established for the Jews.

Mr. Fish, on questioning by Mrs. Rogers, stated that he could see no objection to asking for the State Department's views concerning the resolution under consideration. One member of the Committee asserted that he had been advised that Secretary of State Hull had filed a protest with the British Government in 1939 at the time of the issuance of the British White Paper.

Representative Eaton of New Jersey asked Representative Celler of New York what the latter had in mind when he referred to the "right" of the Jews to Palestine. Representative Celler replied that this "right" was based on the Balfour Declaration, which had been approved by the British Cabinet, and later by Congress in its Joint Resolution of 1922. The "right" was further premised on the American-British Convention of 1924 and also on the British Mandate over Palestine which had been approved by 52 member nations of the League of Nations. Mr. Celler pointed out further that the British White Paper was a violation of Article 15 of the British Mandate over Palestine which provides:

"No person shall be excluded from Palestine on the sole grounds of his religious belief".

Representative Celler asserted his agreement with Prime Minister Churchill's understanding of the British commitment in Palestine that the only restriction on Jewish immigration into the Holy Land was the economic capacity of Palestine to absorb them.

Dr. Abba Hillel Silver, Chairman of the Executive Committee of the American Zionist Emergency Council, testified before the Committee for approximately an hour concerning the history of the century old movement to restore the Jews to Palestine. Dr. Silver expressed disagreement with Representative Fish's statement that there are other havens for the Jews in addition to Palestine. He stated that there has been much talk about such havens, but nothing has ever been accomplished to establish them. Palestine, Dr. Silver pointed out, has been prepared for that very purpose for the past 20 years and is ready now to absorb many homeless Jews.

February 8, 1944—Afternoon Session from 2.30 to 5

Representative Wright of Pennsylvania, co-sponsor of the resolution stated briefly that the White Paper would freeze the Jews into a minority status in a country set aside as their homeland. Representatives Klein and Barry of New York also testified in favor of the resolution.

Dr. Karl Friedrich, a professor at Harvard University, who, though not a Jew, is an expert on the Palestinian question, testified at some length. According to Dr. Friedrich, there are at present approximately 550,000 Jews and 1,100,000 Arabs in Palestine. The Arab population 25 years ago apparently amounted to 60,000.

Dr. Friedrich asserted that too often in the past nothing had been done to implement policies such as that expressed in the resolution under consideration, and that facts, not words, were important. Mrs. Bolton of Ohio inquired whether by implementing action Dr. Friedrich referred to military action. The witness replied in the negative, and suggested the following specific lines of action which this Government ought to take in support of the policy expressed in the resolution under consideration: diplomatic pressure directed toward the abolition of present restrictions on Jewish immigration into Palestine and on the purchase of land in Palestine by Jews and directed also toward removal of all restrictions on the movement of goods in and out of Palestine. Dr. Friedrich suggested further that the economic absorptive capacity of Palestine would be much expanded if the Jews were given a freer opportunity to undertake the political and economic development of the Holy Land. The confusion implicit in the British Palestinian policy, British vacillation, etc. is hampering the economic development of the country, according to Dr. Friedrich. Finally Dr. Friedrich suggested that the Palestinian Mandate be enforced, if necessary, by an international police force acting under international authority. The above, according to Dr. Friedrich, would be "appropriate measures" to carry out the policy set forth in the proposed House Resolution.

Representative Vorys of Ohio inquired whether it would be possible to favor the passing of the proposed resolution without agreeing to all of Dr. Friedrich's points. The latter replied in the affirmative, asserting that the proposed resolution was an "opening wedge". Mrs. Bolton of Ohio asked Dr. Friedrich what he meant by an "opening wedge". He replied that he was referring to the establishment of a Jewish homeland in Palestine. Both Mrs. Bolton and Mr. Vorys appeared satisfied with this answer.

Dr. Israel Goldstein, President of the Zionist Organization of America, stated that the immigration of two million Jews into Palestine would help considerably to alleviate the Jewish problem all over Europe, as two million Jews would amount to more than 40 per cent of those now remaining in Europe.^{20/} He urged further that the economic expansion of Palestine would be aided considerably if the administration of UNRRA adopted the policy of placing orders for manufactured articles in Palestine instead of importing such articles from abroad.

Mr. Lessing Rosenwald, President of the American Council for Judaism, expressed the agreement of his organization with the first part of the proposed House Resolution, but its disagreement with the part of the Resolution reading as follows:

"so that the Jewish people may ultimately reconstitute Palestine as a free and democratic Jewish Commonwealth."

The term "Jewish", according to Mr. Rosenwald, has a religious, not a national connotation, and the Jews have no desire whatsoever to be a political unit. The creation of a national Jewish State in Palestine, stated Mr. Rosenwald, would be an admission of a philosophy of defeatism. Mr. Rosenwald suggested specifically that the word "Jewish" be omitted from the quoted part of the resolution or alternatively that the second part be deleted altogether. Mr. Rosenwald's testimony obviously aroused much annoyance in the audience, which appeared to be made up in great part of Jews in sympathy with the statements of Drs. Goldstein and Silver.

February 9, 1944 - Morning Session, from 10:40 to 12:30

A representative of the American Federation of Labor, Representative Dickstein of New York and Mrs. Epstein, the President of Hadassah, all testified in favor of the resolution.

^{20/} The Palestinian experts who testified appeared to be in agreement that Palestine could absorb two million more immigrants.

It was obvious from the questions and remarks of the members of the Committee that many of them were sympathetic with the views of Mr. Lessing Rosenwald, who had testified the prior day. This was particularly true of Congressmen Vorys of Ohio, McMurray of Wisconsin, Eaton of New York, Bergin of North Carolina, Mundt of South Dakota and Congresswoman Bolton of Ohio. This sympathy was aroused somewhat by the aggressive attitude of Rabbis Silver and Goldstein in their rebuttal of Mr. Rosenwald's testimony in favor of either striking altogether or modifying the second half of the resolution. Rabbi Goldstein hinted that Mr. Rosenwald, a mere layman, had temerity to testify before a Congressional Committee on technical questions of Jewish theology. One of the members of the Committee (I believe it was Representative Mundt) remarked that the resolution under consideration related to a political rather than a theological question. He added that most Methodists like himself would not suffer ministers of their church to formulate the political opinions of the members of the church. Mrs. Bolton referred to the antithesis between a democratic state and a theocratic state such as that which seemed to be projected for Palestine by those having the views of Rabbis Goldstein and Silver. She pointed out that the form of government in the United States is premised on the cleavage between church and state. She indicated that before action is taken on the resolution under consideration, further consideration would have to be given by the Committee to this aspect of the question at hand, as minority groups in the United States ought not to demand or receive the support of the Government of the United States in problems affecting these minorities rather than the Government as a whole. Representative Vorys remarked, apparently for the edification of Rabbis Goldstein and Silver, that in the United States one is an American and nothing else. When Dr. Silver in replying to Mr. Rosenwald referred to Mrs. Bolton's "view", she cut him short rather caustically by requesting him not to attribute to her a view which she had not expressed. Representative Eaton asked Dr. Silver with some irony whether he would favor the establishment of a Jewish state in New York City. The Chairman ruled this question out as "dirty".

February 9, 1944--Afternoon Session--2.05 to 5.30

Representatives Bordoff of Wisconsin and Meyers and Weiss of Pennsylvania, Rabbi Gold, representing an orthodox religious branch of the Zionist movement, and the President of the Christian Council on Palestine all testified in favor of the resolution under consideration.

Dr. Walter Lauterilk, an expert for 30 years in the Department of Agriculture who has had an opportunity to study the problem of erosion in the Near East and many other parts of the world, warmly praised the Jewish agricultural accomplishments on the arid soil of Palestine. Representative Mundt asked Dr. Lauterilk a number of questions concerning the meaning of the term "economic absorptive capacity".

Dr. Lautermilk did not restrict the definition of this term to the number of people that a given area of land has the agricultural capacity to feed. In defining the term Dr. Lautermilk also took into consideration the possibility of industrial and other types of expansion in the area, other than agricultural. With the foreign exchange earned in other than agricultural pursuits, he pointed out, the area will be able to import food for its inhabitants, and thus support many more persons than it is agriculturally capable of feeding. Representative Mundt termed Dr. Lautermilk's definition of the term "absorptive capacity" meaningless. Representative Mundt pointed out that under Dr. Lautermilk's definition Manhattan Island would have an absorptive capacity of perhaps ten million. In other words, the "absorptive capacity" of an area is, under Dr. Lautermilk's definition, related not only to the soil, but also to the imagination and creative capacity of its inhabitants. Dr. Lautermilk pointed out that under Representative Mundt's restricted definition, England has the capacity to absorb only two-thirds of its present population.

Rabbi Wolsey of the American Council of Judaism endorsed the view of Mr. Rosenwald that Judaism is a religion and nothing more. The Rabbi recommended the striking out of the second part of the resolution under consideration, reading:

"so that the Jewish people may ultimately reconstitute Palestine as a free and democratic Jewish Commonwealth."

The members of the Committee manifested interest in Dr. Wolsey's statement. Representative Chipperfield of Illinois seemed to join the ranks of the members of the Committee who in the morning session had appeared to sympathize with Mr. Rosenwald. Chairman Bloom, who obviously favored the Goldstein, Silver viewpoint, pointed out, in order to highlight the minority view represented by Mr. Rosenwald and Dr. Wolsey, that out of the thousands of letters which the Committee had received from Jews and Jewish organizations concerning the resolution under consideration, only two had expressed opposition. Representative Vevys asked whether it was more important for Congress in its legislation to be influenced by the views of the American people as a whole, or by the views of one minority segment of the American people. In reply to questioning by Representative Mundt, Dr. Wolsey stated categorically that the language of the Balfour Declaration was not intended to include the establishment of a Jewish State in Palestine.

Rabbi James G. Heller, a son of the American Revolution and a representative of the reformed group of Rabbis, disagreed with Dr. Wolsey's interpretation of the Balfour Declaration. He pointed out that although the Declaration uses the language "national home", persons such

as Lord Cecil, Lloyd George and Winston Churchill construed this to mean a Jewish State. Dr. Heller's extremely convincing testimony appeared to mean the support of the Committee away from the views of Mr. Rosenwald and Dr. Wolsey. Rabbi Heller pointed out that only an extreme minority of the organized Jewish community has adopted the views expressed by Dr. Wolsey and Mr. Rosenwald. He emphasized further that the question whether Judaism is a race, religion or nationality is an ideological question which has caused much difference among Jewish scholars. Such a theoretical question, Dr. Heller emphasized, has nothing whatsoever to do with the resolution under consideration, which is an attempt to deal with a tragic fact, not a theory--the preservation of the Jews from the appalling fate confronting them. According to Dr. Heller, the setting up of a Jewish State in Palestine does not mean in any way that Jews in other parts of the world will be citizens of, or owe fealty to, this Jewish State.

Representative Mundt asked Dr. Heller what in his opinion was the meaning of the term "appropriate measures" as used in the resolution. Dr. Heller replied that it certainly did not refer to the protection of a Palestinian State after its creation by a police force. Representative Wright, the co-author of the resolution under consideration, Representative Mundt and Dr. Heller all agreed that the term "appropriate measures" was redundant and should therefore be stricken from the resolution.

Dr. Heller closed with the thought that many of the Jews rescued in Europe by the War Refugee Board will be transferred to Palestine, and that to this extent the Executive Order establishing the War Refugee Board and the resolution presently under consideration were related.

Conclusion

The hearings were generally attended by approximately half of the Committee membership, many of whom, as has been seen, showed keen interest in the testimony. It was my impression that the Committee members present would probably strike the words "and take appropriate measures" from the proposed resolution, but other than this slight modification, they would report the resolution out favorably.

(Init.) M.J.M.