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Haj Amin El-Husseni (Ex-Mufti of Jerusalem), 1946.

DRAFT

June 20, 1946

My dear Mr. Secretary:

1. Reference is made to letter of the State Department of March 22nd informing us that no charges against Haj Amin El-Husseini, former Mufti of Jerusalem, have been filed by any government with the United Nations War Crimes Commission.

2. The purpose of the present letter is to submit to you new facts of a different nature, which have only recently become available. Our earlier memorandum sought to show that the former Mufti played an active part in the world wide Nazi conspiracy to wage war of aggression; the facts herewith submitted would appear to establish conclusively that he has been guilty of organized mass murder and of other crimes against humanity. These crimes clearly fall within the purview of the sections of SS6(A)&6(C) of the Charter of the International Military Tribunal.

3. Among the available documents, the following statement contained in an affidavit sworn out by Dr. Endre Steiner, a leader of the Jewish community in Bratislava, represents perhaps the most direct formulation of the charges which, we submit, should be preferred against Haj Amin El-Husseini:

"The Mufti was a bitter arch-enemy of the Jews and has always been the protagonist of the idea of the annihilation of the Jews. This idea the Mufti has always advanced in his conversations with Eichmann The Mufti was also one of the initiators of the systematic extermination of European Jewry by the Germans and had been the ... advisor of Eichmann and Himmler in the execution of this plan."

4. This statement is based upon information obtained from and confirmed in his own handwriting by S.S. Hauptsturmfuehrer Dieter Wisliceny, formerly German Advisor on Jewish Affairs attached to the Slovakian Government in Bratislava. The full text of Steiner's affidavit as well as of Wisliceny's subscribed remarks both in their German text and English translation is attached hereto as Exhibit "A."

For different reasons both the statement by Steiner and its confirmation by Wisliceny must be considered trustworthy. Mr. Endre Steiner has long been prominent in Jewish communal affairs in Bratislava and is personally well known to a great number of citizens and residents of the USA who are ready to vouch for his veracity. He is a person of character and integrity, and though not a Zionist, is esteemed by Zionists and non-Zionists alike. During the tragic years of the Nazi occupation his personal bearing and courageous activities on behalf of all victims of Nazi persecution were a source of deepest admiration.

Dieter Wisliceny by contrast is an outstanding figure in the world of Nazi criminality. His official titles fail to give full account of the important role he played in the Nazi machinery of Jewish annihilation. He was one of the closest if not the closest collaborator of S.S. Obersturmbahnführer Adolf Eichmann, who was personally responsible for the execution of the Nazi anti-Jewish plan. Wisliceny, a man of surprising knowledge about all aspects of the Jewish question is held today in the Nuremberg prison at the disposal of the International Military Tribunal. He has already been one of the main witnesses of the prosecution. His competence and memory are highly regarded, the data furnished by him have hardly been disputed and a great many features of the prosecutor's case are based almost exclusively upon his testimony, which so far occupies hundreds of printed pages of the Nuremberg Transcript. His statements concerning the Mufti (Exhibit "A") is worded with obvious care and its very reservations are indicative of the meticulous attention with which he has checked, before confirming them, the basic facts contained in Steiner's affidavit.

5. Wisliceny's statements to Steiner do not represent belated conjectures by a co-conspirator turned State witness. On the contrary, they were made by Wisliceny at a time when he certainly had no reason to court the benevolence of his interlocutors.

6. A further affidavit of major importance in this connection is that of Dr. Rudolph Kasztner attached hereto as Exhibit "B."

Dr. Kasztner was for many years a leading member of the Hungarian Bar and President of the Zionist Organization of Hungary. During the war he assumed, at great personal risk, the leadership of the Jewish Rescue and Relief Committee of Budapest and in the critical period of 1941-1945 he played a truly heroic role. His word will be accepted with the greatest respect by all those who know him. In his affidavit he makes the following declarations:

"As the leader of the Jewish Rescue and Relief Committee in Budapest, I requested the competent German authorities to grant the emigration to Palestine of a group of Hungarian Jews.

In the course of these negotiations, which are the subject of my testimony deposed in the minutes of the Nuremberg Trial, the high Gestapo official, Adolf Eichmann, declared he would be willing to recommend the emigration of a group of 1681 Hungarian Jews, on condition that the group should not go to Palestine.

"They may get to any country but Palestine" - I was told by Eichmann who, as the leader of the Department IV. B. of the 'Reichssicherheitshauptamt' was personally responsible for the execution of the deportation and extermination of the European Jews. At first, his argument for his negative attitude towards the emigration to Palestine was that he did not want to rouse the Arabs against the Reich. At last he said to me literally:

'I am a personal friend of the Grand Mufti. We have promised him that no European Jew would enter Palestine anymore. Do you understand now?'

SOME DAYS LATER, SS HAUPTSTURMFUEHRER DIETER VON WISLIZENY, A CLOSE COLLABORATOR OF EICHMANN, CONFIDENTIALLY CONFIRMED TO ME THE ABOVE STATEMENT OF HIS CHIEF AND ADDED:

'ACCORDING TO MY OPINION, THE GRAND MUFTI WHO HAS BEEN IN BERLIN SINCE 1941 PLAYED A ROLE IN THE DECISION OF THE GERMAN GOVERNMENT TO EXTERMINATE THE EUROPEAN JEWS, THE IMPORTANCE OF WHICH MUST NOT BE DISREGARDED. HE HAS REPEATEDLY SUGGESTED TO THE VARIOUS AUTHORITIES WITH WHOM HE HAS BEEN IN CONTACT, ABOVE ALL BEFORE HITLER, RIBBENTROP AND HIMMLER, THE EXTERMINATION OF THE EUROPEAN JEWRY. HE CONSIDERED THIS AS A COMFORTABLE SOLUTION FOR THE PALESTINE PROBLEM. IN HIS MESSAGES BROADCAST FROM BERLIN, HE SURPASSED US IN ANTI-JEWISH ATTACKS. HE WAS ONE OF EICHMANN'S BEST FRIENDS AND HAS CONSTANTLY INCITED HIM TO ACCELERATE THE EXTERMINATION MEASURES. I HEARD SAY THAT, ACCOMPANIED BY EICHMANN, HE HAS VISITED INCOGNITO THE GAS CHAMBER IN AUSCHWITZ.'

According to my information, Wisliceny has made similar statements in 1942 before Engineer E. Steiner and M.B. Weissmandel, members of the Jewish Rescue and Relief Committee in Bratislava.

I wish to mention that Eichmann made the above statement in his office in Budapest on June 4, 1944."

7. As one example of the Mufti's broadcasts from Berlin which Wisliceny describes as "having surpassed us in anti-Jewish attacks," we quote the following, recorded in March 1944 by the United States monitoring system:

"Arabs! Rise as one and fight for your sacred rights. Kill the Jews wherever you find them. This pleases God, history and religion. This saves your honor. God is with you." (Mufti's broadcast from Berlin, U.S. official "Weekly Review" No. 118, March 4, 1944.)

The above statements concerning the role played by the Mufti in the anti-Jewish policy of the Nazis find conclusive confirmation in letters written by the Mufti himself, copies of which are hereto attached. These letters of the Mufti must be viewed in the light of the general development at the time of Nazi policy toward the Jews. The following statement from Wisliceny's testimony at the current Nuremberg trial gives a concise account of that development:

"Until the year 1940 the general policies were in Germany and in the occupied countries to settle this (the Jewish question) through planned immigration. The second phase, the concentration of Jews in Poland and the rest of the occupied territories in the East; to have them concentrated in Ghettos. This period was approximately until the beginning of 1942. And the third period, the final solution of this problem, the planned destruction of the Jewish race. This period covered the period until October 1944, until Himmler gave the order to stop this period of destruction or annihilation"

Nuremberg Transcript, pp. 2056-2057.

The historical facts as now generally known, fully support Wisliceny's description. The Nazi Regime did not aim ab initio at the physical destruction of the Jewish people. Although there have always been only too many Nazis ready to engage in mass murder, for more than a decade the official policy of the Nazis and their satellites oscillated between the alternatives of expulsion and extermination. Until 1940, despite frequent outbreaks of violence, the prevailing pattern was clearly that of expulsion, and Jewish emigration was energetically promoted by the Nazis. Between 1940 and 1942 the two conflicting approaches resulted in the ominous compromise of concentration in Poland. ^{When} /The Mufti arrived in Germany, the Nazis and particularly their satellites still hesitated between the two basic alternatives.

But the Mufti had no doubts. Unhesitatingly, he threw the weight of his influence against any possibility of emigration and in favor of what was for him the only "final" solution - extermination. On the Mufti's attitude in this regard there is the evidence of his own writings. The documentation at this time available to private organizations, despite its somewhat fragmentary character, reveals his consistent and vigilant preoccupation with the task of furthering the liquidation of European Jews.

9. The general attitude of the Mufti, an attitude of long standing, was restated by him in a letter to Herr von Ribbentrop, Reich Foreign Minister, in a letter dated July 25, 1944, the opening paragraph of which reads as follows:

"Your Excellency!

I had already before called the attention of your Excellency to the constant attempts of the Jews to emigrate from Europe in order to reach Palestine and asked your Excellency to undertake the necessary steps so as to prevent the Jews from emigrating."

The letter, to other aspects of which we shall return, then goes on to ask that the general principle advocated by the Mufti be applied also to the exchange of Jewish enemy aliens.

10. Other and earlier letters indicate, however, that his efforts were not limited to prevent Jewish emigration, but that he actively encouraged the deportation of Jews to the Polish extermination camps.

11. In a three page letter dated June 5, 1943, directed to the Foreign Minister of Bulgaria, Der Grussmufti takes strong exception to the plan of the Sofia Government to permit the emigration of 4,000 Jewish children. He is at great pains to explain that these children represent a deadly danger to Bulgaria whether they be kept in Bulgaria or permitted to depart from that country. He describes with approval the "measures of self defense" taken by the Axis powers against the Jewish danger and winds

up with the statement that by far the best solution ("sehr angebracht und zweckmassiger") is that of avoiding both their further stay in Bulgaria and their emigration by "sending" the prospective emigrants and all Bulgarian Jews to places where they are placed "unter starker Kontrolle, z.b. nach Polen," a phrase which, in a somewhat inadequate translation, means "under forceful control, as for instance in Poland." What forceful control of the Polish type meant in 1943 was an open secret both for the writer and the addressee and Der Grossmufti could well afford the innuendo of an understatement.

The Mufti was successful in his eloquent plea in which he promised Bulgaria the eternal gratitude of the Arabs. No children transport left Bulgaria after July 1943. On the contrary, between July 1943 and October 1944 at least Jews were deported to Polish death camps.

12. A few weeks later, June 28, 1943, a similar letter (Exhibit "E") was sent by the Mufti to the Foreign Minister of Romania. This concerns the proposed emigration of 1,800 Jewish children. The letter contains the usual arguments: the Jews are a great danger to Romania if permitted to stay. But the problem is not solved if they are permitted to leave; on the contrary, they are even more dangerous abroad than at home. And the only solution "indispensable et infiniment preferable" would be to subject them somewhere, "for instance in Poland," to what is now described as "active supervision" - again a euphemism for the gas chambers.

13. On the same date he writes in identical terms to the Hungarian Minister for Foreign Affairs (Exhibit "F") - this time with reference to a transport from Hungary to Palestine of 900 children and 100 adults. "The aim of the Jews is the domination of the entire world" (a name which the Jews "n'ont cessé d'avoir à savoir"), and he warns against permitting their departure; again he points to active "surveillance" in Poland as the appropriate way out.

14. In order to bring additional pressure on the Balkan countries the Mufti had a few days earlier written to the Italian Foreign Minister on the same subject (Exhibit "E"). He refers to previous correspondence and following a detailed account of the movement then underway or anticipated of various groups of emigrants from the Balkan countries to Palestine, urges the Italians to take all the necessary measures with the Governments of Bulgaria, Hungary and Romania to prevent the escape of these Jews.

15. Not only the Axis satellites but Germany itself is the object of the Mufti's attentions as the self-appointed guardian of the basic tenets of militant anti-Semitism. In the above quoted letter of July 25, 1944 to Ribbentrop (Exhibit "C") and in that of July 27, 1944 to Himmler (Exhibit "G") the Mufti complains about Ribbentrop's and Himmler's alleged leniency towards the Jews. For, despite the Mufti's written and timely protest sent to both Ribbentrop and Himmler on June 5, 1944, some Jews had in fact been permitted to depart from Germany on July 2nd. He expresses the fear that such practice may continue and that this would be "incomprehensible to Arabs and Moslems and provoke a feeling of disappointment in them." What is even worse it may "encourage the Balkan States" to permit also the emigration of their Jews - and thus interfere with his efforts in behalf of the deportation of the Balkan Jews to Poland.

16. The already available documentary evidence thus reveals clearly the existence of a consistent pattern of ideas and activities on the Mufti's part. His role in Berlin centers around the final and simple solution of the Jewish question and of the Zionist menace by the total destruction, while the war is still going on, of the Jewish race.

17. The destruction of Jews was indeed the avowed and official basis of the alliance between the Mufti and Hitler. In the Mufti's letter to Ribbentrop (Exhibit "C") and to Himmler (Exhibit "D") he says that by forbidding Jewish emigration from Europe they will "give a new practical example of the policy

of the naturally allied and friendly Germany towards the Arab Nation." In the letter to the German leaders the Mufti did not need to mention the deportation to Poland because this was at the time the automatic fate of all Jews in Germany. But in writing to the Bulgarian and Rumanian Minister the friendship of the Arab Nation was conditioned not on the mere prohibition of emigration but on the acceptance of the express request of deportation to Poland (Exhibits "D" and "E").

18. The Mufti spoke to the Arabs not less candidly than he did to his Allies: his main argument in urging Arab support of the Axis was Germany's ability and readiness to destroy Jews. On November 3, 1943, for instance, he said in a Radio Berlin Broadcast directed to Palestine:

"The Treaty of Versailles was a disaster for the Germans as well as the Arabs. But the Germans knew how to get rid of the Jews. That which brings us close to the Germans and sets us up in their camp is that up until today the Germans never harmed any Moslem, and are fighting our common enemy who persecuted the Arabs and the Moslems. But most of all they have definitely solved the Jewish problem. These ties, and especially the last one, the common war against Jews, make of our friendship with Germany not a provisional friendship dependent upon conditions but a permanent and lasting one based on mutual interests."

(Full text in Exhibit "H").

Reference has already been made in paragraph 7 above to another broadcast of his in March, 1944, calling on the Arabs to "Kill the Jews wherever you find them."

19. How well the Mufti was informed in regard to the progress of the extermination policy, he revealed, perhaps unconsciously, in another broadcast

in the Fall of 1944. The estimated number of Jews in the world at the beginning of the war was 17 millions. At the time of the Mufti's broadcast the most pessimistic estimates of Jewish losses as a result of the extermination policy, amounted to the already frightful figure of 2 millions. Haj Amin El-Husseini knew better. In a broadcast from Berlin on September 20, 1944 (Exhibit "J"), he addressed to the Arabs the rhetorical question:

"Is it not in your power to repulse the Jews whose number is not more than 11 millions?"

The Mufti was right and knew well what he was speaking. There were in fact already then no more than 11 millions of Jews left in the world. The source of his information is no mystery when it is recalled that Adolf Eichmann, close collaborator with the Mufti (Exhibit "K"), had become the Gestapo specialist in Jewish affairs, headed the so-called Jewish Referat of the Reichssicherheitshauptamt under Heinrich Himmler (Exhibit "M"), and was in direct charge of the extermination camps (Exhibit "N").

20. The Mufti was well prepared by his previous career for an active participation in the monstrous crime of mass murder. An obscure Turkish Artillery officer in World War I, he first emerged to notoriety in 1920 as the organizer of an anti-Jewish pogrom, when he was sentenced to a prison term of ten years. He left Palestine as a fugitive from justice and returned after the proclamation of an amnesty. Assassination, individual and collective, is an integral part of his political philosophy. In the 1929 riots in Palestine 133 Jews were killed and 239 wounded. The Shaw Inquiry Commission appointed by the British Government attributed a share of the responsibility to the Mufti. He played a major part in bringing about and the directing/murderous anti-Jewish riots in Palestine which began in 1936 and continued almost until the outbreak of the war. At the same time, he did not hesitate to eliminate opposition to him in Arab ranks by causing the assassination of a con-

siderable number of prominent Arabs who were not willing to accept his leadership. A detailed statement in this regard is contained in the attached Arab document (Exhibit) which specifically holds him responsible for the assassination of 24 leading Palestinian Arabs therein indicated.

Following his escape from Palestine to Syria and later to Iraq, he and his henchmen were directly responsible for the Iraq anti-Jewish pogrom in which 400 Jews lost their lives (see in this connection the Report of the Iraq Investigation Commission, Exhibit). The 1944 broadcast with its light motif "Kill the Jews wherever you find them" is in keeping with these antecedents as to his interest in the Polish gas chambers. Unfortunately, the present inaction of the United Nations in this regard offers the prospect of additional criminal chapters to the Mufti's career.

21. The significance of the Mufti's role in the extermination of the Jews must be understood in relation to the political climate in which he operated. While Nazi propaganda and brutality had created an atmosphere in which the mass murder of the people had become a possibility, official Nazi policy did not call for the precipitate annihilation of the Jews. Some Nazis indeed, to a limited extent, favored Jewish emigration and even from the point of view of the extremist there was time enough to dispose of the Jews when the war was won. Should the war be lost, on the other hand, there were good reasons against further blackening the record of the individual as well as of the nation by adding to it the charge of civilian mass extermination. It is significant that Himmler gave the order to "stop the destruction" (Exhibit) in October, 1944, as soon as the precarious position of Germany became apparent. Quite otherwise was the attitude of the Mufti. Whereas the Nazis could afford ^{to} ~~him~~ delay the destruction of the Jews he pressed for immediate action. He was determined - and particularly in the case of German defeat - that "no European Jew would enter Palestine anymore" (Affidavit of Dr. Kasztner - Exhibit "B"). This could be most conveniently secured and for all time by their extermination.

The Mufti arrived in Germany at the end of 1941 after the failure of the plot in Iraq. In April, 1942, came the decision for "the final solution of this problem, the planned destruction of the Jewish race" (Nuremberg Transcript, p.). It is clear that no single man can be made solely responsible for what is undoubtedly the greatest crime of modern civilization. But it is unnecessary to decide whether the Mufti was the prime or the main mover. It is enough to establish, as Dr. Kasztner's moderate affidavit recites and the other available evidence shows, that in the extermination of the Jews the Mufti "played a role the importance of which must not be disregarded." The statements of Wisliceny (Affidavits A and B) that he repeatedly suggested to the various authorities with whom he was in contact, above all to Hitler, Ribbentrop and Himmler, the extermination of European Jewry, are corroborated by his activities throughout the period of his stay in Germany, his venomous broadcasts and his efforts as revealed in his own letters to prevent the escape of the hunted Jews of Europe and to have them deported to the extermination centers in Poland.

The indictment of Haj Amin El-Husseini would not only serve the basic purposes of justice for which the United Nations War Crimes Commission has been created. It would also secure more than in any other case before that Commission one of the basic purposes of criminal law in general, that of incapacitation. Every member of the United Nations shares in the grave responsibility of leaving unpunished this dangerous war criminal, free to renew his murderous activities.

22. We have noted the statement contained in your letter of March 22 to the effect that it is the practice of the Government of the United States to file charges with the United Nations War Crimes Commission only in cases where there is evidence establishing the commission of crimes against American nationals.

We respectfully submit that our previous memorandum dealing with the participation of the former Mufti in the conspiracy to wage a war of aggression, as revealed by his part in the pro-Axis putsch in Iraq and his subsequent activities in Axis territory, including the organization of Moslem S.S. units, undoubtedly

amounted to the commission of crimes which directly affected the United States and have caused a non-ascertainable but undoubtedly considerable number of American war casualties.

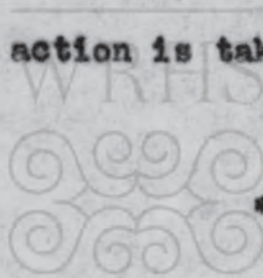
As to the crimes against humanity, the evidence of which is presented in this memorandum, it is well known that a considerable number of American citizens perished in the German gas chambers.

But we would submit, further, that there are special reasons why in regard to the facts here set out, the American Government should take the initiative in submitting charges against the Mufti before an International^{al} War Crimes Tribunal. The self-imposed limitation to take action only in respect of crimes against United States citizens can be justified only on grounds of convenience or international comity. It is clear that there is nothing in the American Constitution or in the Charter of the United Nations which should inhibit the American Government from presenting such charges. It is easy enough to understand why governments like Poland, Yugoslavia, etc., should be expected to take the initiative in prosecuting crimes committed primarily against their own citizens. In each of these cases there exists a State with the necessary State apparatus to vindicate the right of its citizenry. So far as the massacre of Jews as Jews, however, is concerned, the situation is different. The Jewish people as such is unrepresented in the councils of the nations. The Jewish Agency enjoys a limited representative status in respect of Palestine, but this in no way permits it to participate in the proceedings of the United Nations or of any of its Committees. It is unlikely that Great Britain, despite her trusteeship over Palestine, will seek to move in this matter. She has failed to take any effective action to prevent the escape of the Mufti and has been guilty of repeated breaches of faith with regard to her obligations under the Mandate.

There are, however, good reasons why the United States should undertake to act. The presence here of the largest Jewish community in the world is a cogent factor warranting our Government in taking up this issue which is of vital concern

to a large segment of its population. Moreover, the long established interest of the American Government and people, as manifested in Congressional Resolutions and innumerable other public acts, in the establishment of the Jewish National Home as well as in the relief of the plight of the Jewish people of Europe, warrants our intervention in respect of this threat both to the welfare of the National Home and to the survivors of European Jewry.

23. To sum up, we would submit then, in the circumstances, the refusal of our Government to take action would be without moral basis. What is involved here is not a crime against an individual nation, but crimes against mankind. Our Government has in the past in most vigorous terms condemned and protested the unparalleled outrage against the Jewish people. Those protests would be no more than idle words unless action is taken to secure the apprehension and trial of the Mufti.



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DEPARTMENT OF STATE
Washington

In reply refer to
Le 867N.404/7-1646

August 21, 1946

My dear Dr. Silver:

n I have received your letter of July 16, 1946 with which you and Dr. Wise transmitted a memorandum concerning the wartime activities of the Mufti of Jerusalem, and in which you urged that this Government take the initiative toward obtaining his indictment as a war criminal.

The thoughtfulness of Dr. Wise and yourself in placing this memorandum at the disposal of the Government is appreciated. You may be sure that it will be given careful consideration by the appropriate authorities charged with matters pertaining to the indictment and prosecution of war criminals.

Sincerely yours,

Dean Acheson
Acting Secretary

Dr. Abba Hillel Silver
Chairman, American Zionist Emergency Council
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C
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Address official communications to
The Secretary of State
Washington, D. C.

DEPARTMENT OF STATE
WASHINGTON

In reply refer to
867N.404/11-1146

December 13, 1946

My dear Mr. Shapiro:

The receipt is acknowledged of your letter of November 11, 1946, urging on behalf of the American Zionist Emergency Council the early publication of certain documents relating to the activities of the Mufti of Jerusalem which you understand are in the possession of the Department of State.

At the present time the numerous documents which representatives of this Government in Germany and Italy have been able to seize pertaining to the war and to activities of Nazi and Fascist leaders and collaborators are being examined, analyzed, translated and classified preparatory to presentation to the public. It is contemplated that such material relating to the Mufti, as well as to other persons who during the war cooperated with the Axis Powers, as may be found among these documents will be made public in due course.

Sincerely yours,

(Signed) DEAN ACHESON

Acting Secretary

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