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Anglo-American Committee of Inquiry, 1948 January 9.

HEARING BEFORE THE
ANGLO-AMERICAN COMMITTEE OF INQUIRY
WASHINGTON, D. C.

State Department Building

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HEARINGS BEFORE THE
ANGLO-AMERICAN COMMITTEE OF INQUIRY
WASHINGTON, D. C.

Held in Room 474 of the Department of State Bldg.

Wednesday, January 9, 1946

MORNING SESSION

APPEARANCES:

MR. ROBERT SZOLD, Representing the Zionist Organization
of America

DR. HENRY RAPHAEL GOLD, representing the Mizrahi Move-
ment and its Affiliates

DR. IRVING MILLER, Chairman of the Executive Committee
of the American-Jewish Congress

P R O C E E D I N G S

(The hearing convened at 10:10 a.m., January 9, 1945,
Judge Joseph C. Hutcheson presiding.)

JUDGE HUTCHESON: I think in a day or so I will have voice enough to question, reply, defend, or attack. For the present, you are going to be free from such bothering by me!

(Laughter)

Mr. MOOD: Mr. Robert Szold will continue with his statement for the Zionists.

STATEMENT OF MR. ROBERT SZOLD
REPRESENTING THE ZIONIST ORGANIZATION OF AMERICA

MR. SZOLD: I am to deal with the economic aspect of American-Jewish interests in Palestine--not the economic situation as a whole, but simply the American participation.

One indication of this American interest is in the sums of money which have been transmitted to Palestine by American Jewry over the years.

I have made calculations of the identifying sums that have been transmitted and classified them into two categories--the gift funds on the one hand and the investments on the other.

The gift funds total a minimum of \$110,000,000. The list of the principal organizations and the amount of each

is given on Page 1 of the memorandum which has been filed.

The three principal organizations which have transmitted contributions are the Keren Hayesod, which is the general fund; the Keren Kayemeth, which is known as the Jewish National Fund, and Hadassah.

The list of \$110,000,000 does not include contributions by lesser organizations or by individuals, and as I said, that is a minimum figure.

As to investments, I come to another minimum figure of \$45,000,000. That is a conservative figure and is based on identifiable American investments.

Representatives of an American organization went to Palestine in 1936 and canvassed what they were able to specify as American investments, and at that time, \$39,000,000 was the figure. Since that time, I can myself identify a minimum of \$6,000,000.

The categories of investments are set forth on Pages 2 and 3 of the memorandum, such as land and buildings, a certain amount; orange groves--a number of American Jews have orange groves in Palestine--the general investments; mortgages and credit institutions, a certain amount; industry, handicraft, transportation, and all businesses.

The percentages are worth a comment. You will note that the percentage of gift funds in relation to investments from America shows a much higher percentage of gift funds than

investments. That is quite the reverse of the over-all picture.

The over-all statistics show that of the well over a hundred million pounds that have gone into Palestine, 75 per cent are private capital and 20 per cent are gift funds. That is the percentage as a whole.

American contributions have been primarily gift funds, and that is a quite natural phenomenon, because when the Poles came in and when the Germans came in, they brought their private capital with them, and comparatively few Americans have gone to Palestine with their capital. So that the distinction in percentages between American contributions and investments is quite natural.

The gift funds have had a part in the economic upbuilding of Palestine. The contributions that were transmitted, especially in the earlier years, had a tendency to build the economic base. Swamplands were cleared for building, malaria was largely eliminated--the elimination of malaria was an economic asset--colonization was provided, and sanitation was provided, so that in the laying of the economic foundation, the gift funds played a part.

The investments had a certain role in the pioneering. In the beginning, Palestine had practically no economy at all.

When I was in Palestine in 1919 for several months, there was no industry at all. I believe there were only three or four automobiles in the whole country, and certainly no garage or repair shop.

MR. CRUM: What year was that?

MR. SZOLD: 1919, sir. So that our idea in the beginning was to lay the foundation, and we realized in a pioneering country the economic bases had to be laid. So we set out to establish certain credit institutions to help the small man and provide him with a little capital with which to begin. It was an American contribution that we, with American personnel and American money, fostered in the development of the cooperative movement. We established a credit bank for cooperatives that has had a long and interesting history. Loans were made for crops and chicken coops. Where individuals didn't have the credit standing, the cooperative did, and we insisted on repayment.

We developed a low-cost house, and we provided mortgages for that. We sent over American engineers to drill for water and introduced American methods of finding water, and to a small extent, in the distribution of water.

Then, in the promotion of key industries, we played a small part. Our objective was to create jobs and work opportunities and to lay the base for the economic play of forces that exist in other parts of the world.

So that when the proposal came along for the Palestine Potash Company, American money was instrumental in the initial stages and actually in the securing of the concession in 1930.

When I was in Palestine two years ago, the High Commissioner told me that the Palestine Potash Company was the biggest show. I think we employ something like 2,000 employees today--half of them Arabs. I happen to be a director of the Company, and that is one of the industries that has begun this play of economic forces.

The credit worthiness of the population has been demonstrated. These cooperatives of which I spoke have borrowed a good many millions of dollars and repaid them. The loans have been repaid and equities have been built up, so that in the investment field, American Jewry has played a certain part in the past.

This was done in reliance on the Balfour Declaration and the Mandate.

I would like to quote one sentence from the statement of Mr. Brandeis in that regard, which is on Page 136 of this document of source material which was referred to--just one sentence. Mr. Brandeis said:

"A legal obligation assumed by Great Britain is the basis for Jewish construction enterprise in Palestine." He said that in 1939. To my mind, the four paragraphs that are

given on 136 state rather clearly and succinctly the position of a great many of us.

I would like to point out that American Jewish investments in the past have not been in order to exploit the country. The approach that has been called the social economic approach has been what we have come to regard--more particularly the approach of the Palestine Economic Corporation, which is the largest American Investment Company operating in Palestine. The profit motive was subordinate to this social economic approach. We felt that Palestine was a practical matter, to be sure, and that the economic basis had to be sound, but at the same time, we were Jews, and the Jewish people are a religious people. Our religion is to provide a way of life. That is the teaching of our Rabbis, and we can't forget that we had something to do with the Ten Commandments, which are the basis of part of civilization. So in putting in this money in the past, there was an attempt to combine the practical with the ideal.

Now we feel that pioneering effort that we went through is over and that the day of experimentation is past. Palestine is a typical environment and the beginnings of an industrial growth have been laid. Colonization has been successful.

I think you will find when you look over the colonies that you will have an impression of sturdiness and solidity

among the colonies, and in industry, a feeling of competence.

Palestine, to use the words of the Royal Commission, is a going concern economically, and given political conditions, I think American Jewery is prepared to play its part.

Some of these institutions with which I am familiar already have plans for the extension of credits, for considerable house building, and for going into the chemical industry. I am familiar with a number of those plans.

But I would like to emphasize that the part which American Jewery is apt to play in the future is a much more important part, in my opinion, that would be played by private persons in private industry who are likely to transfer some of their skills and techniques as branch factors, and that will amount to a great deal more than those public institutions of which I have spoken.

I think the type of industry that has been developed in Palestine is already indicated. It isn't open-hearth furnaces where there are heavy materials and high freight rates, but it will be where skills and know-how are the important thing. I will not go into a catalog of those things, but I will incident only one, and that is the diamond industry. Cut diamonds are produced in Palestine today and are a major item of export. They go by the ounce. They are transmitted to this country by airplane, and they depend upon skill.

No one a few years ago could have possibly anticipated

that the production of diamonds in Palestine would afford the basis for several thousand people getting employment and for exports last year of some 3,300,000 pounds.

JUDGE HUTCHESON: I'm ignorant about diamonds in every way, but are they mined in Palestine?

MR. SZOLD: No, sir, they are cut.

JUDGE HUTCHESON: I didn't suppose they were mined there.

MR. SZOLD: No, it's the skill in the cutting.

MR. JUSTICE SINGLETON: They took some of the trade from Amsterdam?

MR. SZOLD: Right. In Amsterdam and in Belgium there were Jews who were expert in cutting diamonds. They were dislocated by the war and they went to Palestine. Now, as I say, that was unpredictable. It is impossible to predict what type of industry in the future there will be, because it will depend on the man.

The chief economic resource, in my opinion, that Palestine has, is the Jew.

JUDGE HUTCHESON: I wonder if I could interrupt you there. Still interested in those diamonds, could you give us your opinion as to whether the reconstruction of Holland will change the position in Palestine with regard to diamond cutting? I know you can't say it, but I would like to get your opinion about whether that industry in Palestine is a fixed one.

MR. SZOLD: Under the conditions of the question I am happy to answer it, because it can only be an opinion.

JUDGE HUTCHESON: I understand that.

MR. SZOLD: My opinion is that it will stick in Palestine. There are several reasons.

One is those people want to stay there. Another is that in the diamond cutting business, as I say, whether in Palestine or Holland or Timbuctoo, is quite immaterial. They are transported by airplane and by air mail.

Now, Holland Jewery has been gutted. ~~There~~ has been devastation there. It is only a guess, but undoubtedly there will be some resurgence of Jewish life in Holland, but I think that economic forces will tend to keep these people in Palestine, of course, if they can get diamonds.

JUDGE HUTCHESON: Those same people are not so rooted in Holland that as conditions are restored they will leave Palestine, in your opinion?

MR. SZOLD: I am clearly of the opinion they will stay. They have developed an excellent profit. Then there are hundreds of people-employed producing artificial teeth. It's another item that depends upon skill--also essential oils that are sold by the ounce--things that depend upon skills. Then there are fashion goods, leather goods--New York City has an industry of some \$2,000,000,000 dollars a year and

that's the garment industry. It could be somewhere else, but it happens that there are the people that are capable and have a flare for that sort of thing. Switzerland has an industry for watches. It could be in other places. Switzerland makes an excellent turbine. The Escher-Wyss Company and Brown-Boveri Company over the years have built a most excellent turbine.

The type of industry that is developing has already had its start. It is dependent on skills and know-how, and I think that Americans will tend to participate in this development from now on, by reason of this combination of know-how and skill and scientific training that will be part of the future.

As I said, I think the chief economic resource of Palestine is the Jew, with his ingenuity, with his modern training, with his skill, and if I may say, with his necessity. Necessity is the mother of invention, it is said...

JUDGE HUTCHESON: Is not industry?

MR. SZOLD: Not only that, sir, but in Palestine he has something which he has not anywhere else in the world, and that is a drive and a zeal there that insists on making a thing good, and that is an economic asset of no little value.

My statement is designed to indicate in the past American Jewry has participated in the economic upbuilding of Palestine,

and that the record is a token that American Jewery is prepared to play its part in the future.

JUDGE HUTCHESON: My voice is evidently coming back!

(Laughter)

I would like to ask one or two questions. The distinction that you make between the gifts and the investments-- did the investments come later?

MR. SZOLD: Right, naturally.

JUDGE HUTCHESON: And will continue? There are probably still gifts?

MR. SZOLD: The gifts have increased very largely in recent years also. For instance, of this \$110,000,000 that I identify, a large part is in recent years. I will give you two figures.

The United Jewish Appeal for America for last year was for \$35,000,000, of which Palestine was allocated 43 per cent. This year, the Appeal is for \$100,000,000.

JUDGE HUTCHESON: Those gifts do not go into the investments in any way? They are channelled and handled separately?

MR. SZOLD: The gifts are used for colonization generally, for taking care of immigrants as they come in, but I am sure you will get an allocation of just how those things come. As I have indicated, they have been part of the economic base that has been laid which, in my opinion, has

made the period of experimentation over. Palestine is today ready to go forward economically.

JUDGE HUTCHESON: Are these corporations or institutions American chartered or are they Palestine chartered?

MR. SZOLD: The Palestine Economic Corporation, the largest, is incorporated under the laws of the State of Maine. The American Palestine Trading Company, another one more recently organized, is incorporated in Delaware, but the subsidiaries are incorporated in Palestine.

JUDGE HUTCHESON: I see. I would like our economics expert, Mr. Crick, to ask about economics because he is a banker, and I know so little about it. Would you ask him a few questions about the economics?

(Laughter)

Excuse me a minute, Sir John has a question or two.

MR. JUSTICE SINGLETON: There are two matters on which I think you may be able to help me, Mr. Szold. Do the figures which you have given us relate to the Jewish side?

MR. SZOLD: Right.

MR. JUSTICE SINGLETON: Do you know where I can find a rough guide to the capital value of, say land and buildings, in the hands of the Jews and also in the hands of the Arabs? Have you seen anything where the figures are set out in any form?

MR. SZOLD: I cannot give that to you here.

MR. JUSTICE SINGLETON: If there is some way you can, I wish you would let me know.

MR. SZOLD: I will be glad to assemble it if it isn't here, and if I cannot do it while you are here, I will see that such information is available.

MR. JUSTICE SINGLETON: I will be very much obliged, but don't trouble yourself. If you find the place, I will get it.

The other matter I would ask is this: You mentioned the Potash Company. What is the full name, please.

MR. SZOLD: Palestine Potash Limited.

MR. JUSTICE SINGLETON: Which you said employed 2,000 hands, of whom half are Arabs.

MR. SZOLD: Yes.

MR. JUSTICE SINGLETON: Do those employees belong to a union?

MR. SZOLD: Oh, yes.

MR. JUSTICE SINGLETON: All the same union--both Arabs and Jews?

MR. SZOLD: That I cannot tell you. I'm sure the Jews are in the union, but I can't tell you if it's the same.

MR. JUSTICE SINGLETON: I realize that, but there are some indications which lead to the belief that a union may be a great consolidating factor among them. If they are all in the same union, I should think it is a great help towards

consolidation.

MR. SZOLD: I am inclined to think the arabs are not in the union, but my statement should not be taken, because I don't know.

MR. JUSTICE SINGLETON: Your contention is someone else may be able to tell us or to consider it. That's all I have, thank you.

MR. SZOLD: Yes.

MR. CRICK: Mr. Szold, there are a number of questions I want to ask you. Sir John Singleton has just touched upon one. You gave these figures of gift funds and investments, which I take it are purely American.

MR. SZOLD: Right.

MR. CRICK: In paragraph 9 you compare the proportions with the over-all proportions without, however, giving an over-all total, but I did notice that you mentioned in your talk a figure of 100,000,000 pounds. Was that figure of 100,000,000 pounds the over-all total of foreign investments and gifts in the development of Palestine referred to in paragraph 9?

MR. SZOLD: I think Mr. Nathan in his testimony on the first day gave a figure of the amount of Jewish money that has gone into Palestine, and my recollection is that his estimate was that of that amount which exceeded 100,000,000 pounds--I gathered as a minimum--75 per cent was private

capital and 20 per cent was gift funds and five per cent was from other categories. I think he has it in his report. I haven't seen the report, but that was what he said the other day, and that corresponds with what I understand to be the fact.

MR. CRICK: I take it those investments are nearly all fixed debts and very little capital, aren't they?

MR. SZOLD: Quite the contrary. Palestine is unique in colonization development. There is no indebtedness to speak of so far as foreign indebtedness is concerned. This money has come into Palestine and it is there. When the United States of America developed it during most of the early decades of the last century, there was an adverse balance of trade and a large part of that money was borrowed. But this money that has gone into Palestine wasn't borrowed. There is no interest to be paid to foreign countries and no loans to be repaid.

MR. CRICK: Don't mistake me, I have in mind the 110,000,000 pounds of gift funds, but I'm figuring more on the 45,000,000 described as investments.

MR. SZOLD: That is capital.

MR. CRICK: Equity capital?

MR. SZOLD: Yes, sir.

MR. CRICK: Then, coming over to a later page, you give an estimate of the capital imported by Jews over the years

which I take it is immigrant capital. That is on Page 6 near the bottom. There's one point I'm not clear about there. It's at the end of paragraph 11.

MR. SZOLD: Yes.

MR. CRICK: The capital imported by Jews over the years. Am I right to take it that that is immigrant capital?

MR. SZOLD: Right.

MR. CRICK: One hundred million pounds, and that is additional to the other figure of \$155,000,000.

MR. SZOLD: No, this over-all figure that I referred to of well over 100,000,000 pounds includes the Americans.

MR. CRICK: Oh, I see. So that you are giving in paragraph 11 a figure that represents immigrants' capital, plus gift funds, plus investments from external sources?

MR. SZOLD: That is correct.

MR. CRICK: I see. Now, you express the view on Page 7 that Palestine is on the verge of large economic extension, given favorable conditions. I wonder whether you would be kind enough to tell the Committee what those conditions are, more particularly.

MR. SZOLD: I think if the Jews were permitted to enter Palestine, that would be the principal favorable political condition.

MR. CRICK: Would you mind going on to the economic

conditions?

MR. SZOLD: Well, the principal thing is the abscolution of the White Paper, the permission of Jews to buy land and to colonize, the permission to immigrate. Now, if you get to the subordinate economic items, I could mention a number of things which to my mind are very important at the moment.

In the first place, prices are high and something should be done in that respect.

In the second place, industry needs modern machinery, modern goods and raw materials. Now, today a Palestine manufacturer can't buy anything in America. It is with the utmost difficulty that a permit is obtained, and after the import permit is obtained, then the permit to have the dollars is another difficulty.

For the moment, the necessity of modern machinery and raw materials--house building materials--are the things which are extremely urgent, and they cry out for help.

If you get to other matters that are not so immediate but also important, there is Article 18 of the Mandate, which you are familiar with. It is a difficulty, but I would pick out at once these items that I have mentioned.

MR. CRICK: Do you regard it at all necessary that you would have any measure of tariff protection during that period of development?

MR. SZOLD: Well, I'm not an expert on that. I would

prefer not to answer that.

MR. CRICK: To what extent would you like to have economic expansion dependent upon the development of markets external to Palestine?

MR. SZOLD: As I have explained and as I see it, the industrial expansion of Palestine will have markets all over the world. As I said, diamonds come to this country now; oranges go to Europe. I think only a very very small percentage of the exports today goes to nearby countries--very small.

Potash goes to India, Australia, and Great Britain. During the war the British Ministry of Supply took every ton of potash at Haifa and England. Those exports are not dependent upon nearby markets at all.

In 1939, before the war, the Near East countries, including Turkey, imported 50,000,000 pounds. There is a market there. Palestine produced a lot of shoes during the war that were sold to Turkey, so there is a nearby market.

But in my opinion, the expansion of Palestine industrially will not depend upon the nearby markets.

MR. CRICK: I see. Mr. Nathan when he was here on Monday ventured to find some estimates of capital investment that would be required in Palestine for immigration on the scale that he envisaged. I don't want to ask you whether you accept those estimates or not, but I would like

your view as to some general impression of the policy on funds that Palestine could make available within its own territory for new capital development.

MR. SZOLD: Well, sir, as I understand it, the national income of Palestine last year was 110,000,000 pounds--not all Jewish, to be sure.

In the banks in Palestine at the beginning of last year--that is a year ago--there were deposits of 71,000,000 pounds. Currency in circulation was another 41,000,000 pounds a year ago, and that is 110,000,000 pounds of currency and bank deposits. A large part of that, according to Mr. Nathan, was in England. That is not unsubstantial. There is a certain beginning there.

MR. CRICK: You are convinced that a lot of that currency is, in fact, hoarded money awaiting investment?

MR. SZOLD: It is awaiting investment, yes, sir. You will be interested to note the ratio of loans outstanding as against deposits. If those deposits simply represented loans, as they do in an ordinary bank statement in ordinary times, the ratio of loans to bank deposits would be fairly close, but the loans outstanding are very small. The money is available. Those are savings, in other words.

MR. CRICK: For the rest you would have to look to external capital?

MR. SZOLD: Yes, sir.

MR. CRICK: What sort of capital would you expect to get? Would it be different in any important respect from the funds that are being brought into the country for development purposes?

MR. SZOLD: I think if we had the favorable decision that we hope and expect, it will lead to an international loan.

MR. CRICK: From whom?

MR. SZOLD: From perhaps the Export-Import Bank of this country after the Breton Woods agreements are in effect. That would be my opinion.

MR. CRICK: You wouldn't expect, then, to get all the capital from the same sources as were furnished in the past?

MR. SZOLD: No, sir.

MR. CRICK: Is that because you think the amount required is too large or the resources are drying up?

MR. SZOLD: It is a considerable amount that would be involved as compared with the past, even if Mr. Nathan's figures are not accepted.

MR. CRICK: Had you any views on whether the bonding system is adequate for Palestine's needs?

MR. SZOLD: Yes, sir, I have views, and I believe it isn't adequate.

MR. CRICK: In what respect? would you mind expanding a little?

MR. SZOLD: I came here to simply give the record of American participation.

MR. CRICK: I hope I am not being unfair.

MR. SZOLD: I am glad to answer to the best of my ability. There is no central bank in Palestine. If one bank has difficulties, there is no reserve bank to which to go to pledge bills and get a little temporary help. Each bank must hold an extraordinary amount of cash or Government bonds on hand at all times. As I said, I think that is not a modern banking system.

MR. CRICK: You regard it as an impediment to further expansion?

MR. SZOLD: I think improvement can be made in that regard, yes, sir.

MR. CRICK: Have you any idea, Mr. Szold, of the division of the present monetary resources of Palestine between Jews and Arabs? Take the deposits and currency. Can you give any guess as to how they are divided?

MR. SZOLD: Well, of the 71,000,000 pounds of bank deposits, as of the end of '44, my memory fails me at the moment, but my recollection is that the Anglo-Palestine Bank had half as compared to the other large banks that were there. In other words, this one Jewish Bank had about half

of the deposits of the country as a whole. Now, then, the amount of money in Arab hands is large, particularly since the war.

MR. CRICK: In bank deposits or in currency?

MR. SZOLD: In currency, I think.

MR. CRICK: There is only one other question. I hope you will forgive me for pressing you like this, but you refer in your pamphlet to the benefits brought to the Jewish population by the Jewish development in Palestine, and I have no doubt you would accept the general observation that Mr. Nathan made so clearly that there are, in effect, in Palestine two distinct economies side by side.

I wonder how you feel about the prospect for the coalescence of those two economies--whether it's a thing to be recommended in the general economic interest, whether it is a thing that is likely to take place, and whether the factors which segregate the two are easy to be broken down?

MR. SZOLD: I talked to the High Commissioner in Palestine in 1943--about two years ago--and I told him I thought that a large part of the difficulties in Palestine would tend to decrease as the standard of living of the entire region were increased. There are two economies, by and large, now, but definitely the Arab sector has benefited in standard of living, in absolute wages, in wage rates, very definitely from the development of the land as a whole. Certain frictions as between

the two sections of the population arise from these differences in standard of living, so that it has been our conscious objective to try and raise the standard of living of the entire population.

I think that is a good thing for Palestine. I think it is a good thing for America and Great Britain, because as the standard of living in backward parts of the world increases, there is an increased place for consumers goods.

So that I would say that this objective which we have of raising the standard of living of that part of the country is not only good for the Jews, but it is good for the entire world and would tend to promote the peace of the world.

MR. CRICK: Very well, sir.

MR. MC DONALD: Judge, may I ask a question.

JUDGE HUTCHESON: You may.

MR. MC DONALD: We hear a good deal in the papers these days about the sterling area. Does that affect the situation in Palestine now, and will the situation in Palestine be improved if through the recent proposed loan and establishment of Breton Woods, the Sterling area basis is changed?

MR. SZOLD: In my opinion, the difficulty at the moment, and I'm speaking of the Palestine manufacturer or industrialist who wants to buy some goods here in America, his sterling is blocked. He must get a permit to get dollars. As soon as that jam is broken, it will, in my opinion, have clearly a

beneficial effect on Palestine economy.

MR. MC DONALD: Do you think the jam will be broken if the loan is approved in both countries and goes into effect?

MR. SZOLD: I hope so.

(laughter)

MAJOR MANNINGHAM-BULLER: Mr. Szold, I read last night a pamphlet called "The Population Problems of Palestine," and there was one sentence on which I should be glad to have your opinion. The sentence reads as follows:

"In short, it seems probable that a reasonable level of living can be obtained for the growing population, but it will require capital and organizing skill, and will require them on a scale that cannot be expected to be forthcoming on the basis of economic incentives. The needed economic development may be possible; it can scarcely be profitable and certainly will not be automatic. Clearly, therefore, all parties in the region have a stake in the maintenance of Jewish interest, as a means of attracting both the needed capital and skills."

I gather from what you said you don't agree with that at all, is that right?

That is on Page 349.

MR. SZOLD: I am not familiar with that document, but as I have indicated, given favorable political conditions, I think the economic aspects will not be the most formidable problem. I think they can be handled. Mr. Nathan began to

indicate some of the ways yesterday.

I wanted to emphasize that American skills and American branch factors and American private factors will play a very much larger role in the future, given these interests. That is all I attempted to indicate. The record of the past is a token of this kind of expansion in the future.

MAYOR MANNINGHAM-BULLER: You think the economic incentives will be sufficient?

MR. SZOLD: With these other items, yes, sir. I'm not here to say to you that private capital will do the whole job. I think an international loan is indicated.

JUDGE HUTCHESON: I suppose you mean that risked capital such as had been going over there, and if conditions are such as you envision, I suppose Mr. Nathan envisions with a government taking a positive attitude toward general improvement, that capital will be forthcoming in larger amounts.

MR. SZOLD: That's right.

JUDGE HUTCHESON: My father used to tell me "Son, capital is a timid creature; you must not scare it too much." In that respect I suppose you think the capital experience over there has made proof enough not to be too timid in taking it, right?

MR. SZOLD: Yes.

SIR FREDERICK: You referred to Article 18 of the Mandate as an unfavorable factor. In his book, Mr. Nathan

makes these statements, which I think you will probably agree with: He says

"With mass immigration, Palestine would be a large importer of foodstuffs and building materials. Palestine should be empowered to use this bargaining power to gain markets for its own exports if these fail to obtain markets because of preferential treatment accorded to other exporting countries."

There is a second part referring to the fact that Palestine has not been able to enjoy a favorable preference. On the export side, a favorable preference would immediately affect Palestine's export of oranges, which would then have an advantage in British markets over exports from Spain and the United States. On the import side, British textiles and metal products in the early years might seriously impair development of these industries in Palestine, unless the tariffs erected for bargaining purposes were sufficiently high.

One deducts from that that the Palestine economic experience, as it depends upon to a certain extent the export of oranges, is in a rather unstable condition, unless some bargaining power of this kind is given--a power which I gather is rather against the general trend of world discussions in regard to discrimination and non-discrimination in trade. Could you say a word on that?

MR. SZOLD: If I may, the technique of article 18 and how it is operated as against the Palestine producer and exporter, is a subject that I think would be much better to ask those in Palestine that could give it to you clearly without half-answers.

SIR FREDERICK: Thank you very much. You referred to Article 18.

MR. SZOLD: It's one of the items, but it's a technical matter, and I prefer to have it answered more clearly.

MR. CHUM: Doctor Szold, I think you said an attempt was being made this year to raise a hundred million dollars in this country.

MR. SZOLD: Yes, sir.

MR. CHUM: Has there been any allocation percentage-wise of the amount which would go to Palestine?

MR. SZOLD: Forty-three per cent.

MR. CHUM: That money I think you described as gift money.

MR. SZOLD: Right.

MR. CHUM: I believe also you said that money was utilized to aid in colonization, which we take it from what you also said that if immigration into Palestine should proceed, these funds would be utilized for the purpose of assisting the immigrants if perchance they had no capital.

MR. SZOLD: Precisely. It's part of colonization.

MR. CRUM: On what basis?

MR. SZOLD: That is a schedule that is worked out. It has certain items allocated for care of the immigrants as they come in, certain for colonization, certain for the first budget of the colony, certain for education. It's a long budget--a certain amount for the purchase of the land.

But of the \$35,000,000 which I think was raised last year, there the percentage was 43 per cent to Palestine, 57 per cent for the account of the Joint Distribution Committee.

MR. CRUM: I am thinking in terms of the individual, for example. Is there a specific sum of money set up for transportation?

MR. SZOLD: Transportation to Palestine?

MR. CRUM: Yes.

MR. SZOLD: That, as I understand it, is in the 57 per cent.

MR. CRUM: It is allocated directly to Palestine?

MR. SZOLD: Yes.

MR. CRUM: And the 57 per cent goes to the Committee?

MR. SZOLD: Yes, the Joint Distribution Committee takes care of that.

MR. MC DONALD: Some of that would be used in preparing people before they left Europe--getting them rehabilitated--so in a sense, it would be money going to Palestine, is that right?

MR. SZOLD: I think that is true, and also transportation.

DR. AYDELOTTE: Have you any average figure as to what it costs to transport a refugee, say from Central Europe to Palestine and to give him such training as he needs and such assistance, and put him in a position to be self-supporting? Of course, it would vary with different individuals, I understand, but is there any average that you have?

MR. SZOLD: I have no figure on that.

MR. CHAM: Do you know anything about German funds in the United States and other countries--whether any agreement has been reached for the use of those funds?

MR. SZOLD: If I may appeal to the Chairman, what little I know is only rumor.

JUDGE HUTCHESON: I will sustain the objection!

(Laughter)

MR. MC DONALD: Mr. Chairman, I think later on Doctor Aydelotte's question will be answered about the average cost; I am sure that data will be available from other witnesses.

JUDGE HUTCHESON: If there are no other questions, I want to say it seems when we get into economics, all of us are on an economic basis, which makes us respect economics, and we get along very well. Thank you very much for the fair and deliberate way in which you answered questions beyond

the scope of your presentation.

MR. ROOD: Rabbi H. R. Gold of the Mizrachi Organization.

STATEMENT OF DR. HENRY R. PHAEL GOLD
REPRESENTING THE MIZRACHI MOVEMENT AND ITS AFFILIATES

DR. GOLD: Mr. Chairman, I am to speak here on the religious and spiritual aspects of Zionism. It is quite a change from the preceding speaker.

It is my privilege to represent the Mizrachi Movement and its affiliates, the Mizrachi Women's Organization, and the religious labor organization known as the Hapoel Hamizrachi. This movement is an integral part of the World Zionist Organization and is chiefly concerned with the religious aspects of Zionism. It counts among its organized adherents tens of thousands of Jewish people and its sympathizers in the hundreds of thousands.

However, I am not here armed with rolls of statistics and my mission is to present the story of a simple but great faith which has made and is continuing to make history in the world. As every student of history ought to know, religion is not a mere by-product of Jewish history. It is the classic contribution of Israel to the sum total of human civilization. We see in the Zionist movement not only an economic and political solution for an oppressed and harassed people, but also a great spiritual awakening and the

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assertion of an undying faith of mankind in Divine Promise.

We feel that behind all the declarations, mandates and state papers on Palestine is the validity of the great religious document of the Bible. It is a Magna Carta which the Jewish people share in common with the great English-speaking peoples of the earth and others.

The promise of Palestine to the people of Israel has been stated with great majesty to the patriarchs, to the Redeemer. It is echoed by the major and minor prophets. It is re-echoed in the innumerable passages of the Psalms and the great tones of the Talmud. It is the theme of religious Hebrew poetry of medieval Spain and is a compelling motive behind the pilgrimages of a Sir Moses Montefiore when he goes to rescue his brethren in Damascus.

From the days of the Maccabees to the armies of Bar Kochba (on account of whom Hadrian had to recall his legions from Great Britain) to the Jewish battalion commissioned in the last world war, the Jewish people have battled continuously for the restoration of Zion.

The basis for the continuity of this devotion is to be found in the Jewish Law. The pilgrimage to Zion and the acquisition of land even as much as four cubits necessary for a burial plot is part and parcel of the Jewish religious pattern of life. For the homeless, no substitute for Palestine could therefore ever be accepted by the Jewish people.

In a moment of despair in his negotiations with the Turkish Government, Doctor Theodor Herzl, the founder of modern Zionism, was tempted to accept the offer of Uganda in Central Africa as a temporary substitute for Palestine. But the Zionist Congresses and the Jewish people have rejected it.

There were other offers: Cyrenaica, Cyprus, Mesopotamia, Portuguese Angola, parts of Canada, Australia, Siberia, the West Indies and portions of South America have been offered as substitutes for Palestine. But they were like the offerings of a marriage of convenience to one who was determined to find his beloved. Outside of his native land for which the Jew as a citizen was always willing to work and fight, Palestine was the only other land for which the Jew was willing to make continuous and heroic sacrifices. It is this uncompromising devotion which made possible the conversion of a land neglected for 1500 years into a country of gardens, fields, and growing forests.

By far a greater miracle, however, was the psychological one. It was the conversion of the scholastic but manually inept Jewish youth of the ghettos into a healthfully productive movement of agriculture and industry.

I recall one morning watching two neighbors in the Valley of Jezreel going to their tasks in the field early in the morning. One of them was carrying a heavy tome which

happened to be a philosophical treatise by Maimonides. He was a rather slim man and when he was asked why he was carrying such a heavy book with him to the field, he said that it served a double purpose. During the hot hours of the noon period, he could retire in the shade and study, and during the hours of plowing and harrowing it was additional weight to sink the teeth of the harrow and the stave of the plow in the unwilling soil. He added rather facetiously that he and Maimonides together could do a good plowing job. The episode was symbolic to me of the miraculous union of culture and agriculture in the Holy Land.

This resurrection of the Jewish people in their ancient land had far-reaching effects throughout the world. It must not be looked upon as an isolated event. It was not only the fulfillment of a promise in an obscure country; it was its fulfillment in the historic land of promise and served as an inspiration to other peoples.

I recall my pilgrimage to Palestine in '37, which took me by way of San Remo, that historic village in the Italian Riviera, where over 50 nations have given their signatures to make the Balfour Declaration a part of the law of nations. I recall sitting with a fellow passenger, a Chinese colleague. He was a passionate world traveler and also a great patriot of his own country. He told me, to my great amazement, that he had travelled around the globe six

different times around six different parallels.

And when I asked him what he was bringing back to China from this last trip that was most worth while for the guidance of his people, he told me that there was only one unique tale which he carried with him and that was the story of how seriously a people of hundreds of thousands had taken the promise of a book and therefore the promise of a government and moved mountains and created a new civilization in an abandoned land; and this was the hope he was holding out to the Chinese youth of his day.

It is really difficult to imagine what the Balfour Declaration has done to the simple-hearted, religious folk among the Jewish people. It was a veritable spiritual upheaval. They were delirious with joy. Many of them came to the rabbis and suggested that the national day of mourning for the loss of the Temple now be abolished. Alas, some of them are now coming back to the rabbis and asking that the holidays of rejoicing be abolished.

It is trusting the probity of Great Britain that tens of thousands of Jewish families uprooted themselves, gave up home and holdings, and started on that historic trek back to the land of their forefathers where one could live and practice one's faith without anxiety, without apology, and without distortions.

Perhaps some future historian might look upon this

mass movement in response to a Government promise as an expression of mass naivete. But such an idea could occur to one because of a lack of knowledge of the basic psychology of the Jewish faith.

Jewish religion has cultivated in its adherents a tremendous respect for promises. The section on vows (Nedarim) occupies a bulky volume in both the Babylonian and Jerusalem Talmuds. The two most solemn occasions in the Jewish religious calendar--the Passover and the Eve of the Day of Atonement--deal with the sanctity of vows. The Passover service begins with the pronouncement of a blessing with the Lord, the Redeemer, the Guardian of promises, and the most solemn service of the Day of Atonement is initiated by the famous pronouncement of "Kol Nidre" ("All vows.")

This emphasis on the promise of Great Britain, however, was not to be a one-sided affair. The Jewish people were determined to express their gratitude to the British people, to make the new Commonwealth worthy of the great confidence reposed in them. They have patiently accepted all the numerous charges, re-interpretations and watering down of the original Balfour Declaration. They proved steadfast allies and intrepid fighters. At times when their faith seemed to waver, they remembered the story of the Talmud, that one of the gates of the Second Temple bore the embossed emblem of the Government of Susa in eternal gratitude

to the Persian people who made possible the edict of Cyrus. A similar abiding sense of gratitude was in the heart of the Jewish people for the people of Great Britain who made possible the Balfour Declaration.

There was also a genuine desire on the part of the Jewish people to demonstrate that they have learned well the lesson of the brotherhood of man during the centuries of exile. If civilization is to be compared to a great university, then the Jews would be the seniors in the school of tolerance.

The Jewish Commonwealth was never to be a narrow, nationalistic, isolationist State. The Jewish child was brought up religiously on the idea that Adam, the man, preceded by many generations the arrival of Abraham, the Jew. It was impossible to have salvation as a Jew before he had salvation as a human being. With great solemnity the Jew repeated on every Day of Atonement the words of Leviticus, "that there be one law in the land to you both, for the stranger and the resident citizen."

Even a cursory reading of Jewish history will convince one that the redemption of Israel as a people was to be intimately bound up with the regeneration of mankind and the arrival of an era of a higher morality in the dealings between nation and nation.

The Jewish child in the Religious School grew up on a

bit of folklore which impressed it on his mind. It told of the days of the Messiah, when the people of the world have a choice of walking on two bridges, one made of bulky steel, bristling with weapons and the other made of frail parchment on which earnest promises are written; and, strangely enough, those that will walk on the iron bridge will find that it doesn't support them; it will buckle and collapse under them, while those who walk trustingly on the bridge of parchment will cross the great Abyss to the Promised Land.

Simple as this faith is, our world needs more of it. The Jewish people cannot live without it. Their souls have been bruised and shattered. The black typhoon of fascism and nazism destroyed their most cherished treasures. Gone are the great reservoirs of learnings; the libraries are burned. In the rubble of thousands of ruined synagogues there are smouldering the precious manuscripts and literary treasures for which the Bodleian libraries of Oxford would be ready to send scientific expeditions. Wherever you look in the Jewish world, there is despair and desolation. The only place where the mother of world religions can find a true revival is the land of its birth; only there can it find a full re-integration with life.

I believe I am strongly cognizant, Mr. Chairman, of the earnestness of your task, and I realize that besides paying homage to ideals, you are dealing with stern political

realities in the world. May I be permitted to say in my own life I had to recognize those two. I am a Rabbi, and I happen also to be a physician, and I had to recognize the very exacting demands of science, but I have come to the conclusion, as many of us did, that there are periods in world life and in world history where the only great reality is that intangible thing called faith.

The British people have gone through a period of crisis like that only recently at Dunkirk, and I believe the whole world is going through a crisis of this kind.

Ye who are sitting in judgment on the future of the remnants of a bleeding people might look upon Israel as an historic ship which has suffered its greatest catastrophe. Attempts at relief are being made, lifeboats are lowered, but these efforts can never succeed with the very best of intentions unless a coast is provided for the survivors to land on and unless the coast is also provided with an unfailing light tower--the light that has supported them throughout the ages. Thank you, sir.

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JUDGE HUTCHESON: I doubt if anybody on the Committee except Presbyterians are pure in heart enough to question you.

MR. McDONALD: I would like to ask one question if I might. The Rabbi early in his talk spoke of many offers, etc., etc. I am afraid that you might inadvertently leave the impression that these offers had not been accepted simply because the Jews would go only to Palestine. My question is whether or not most of these offers were merely offers or whether they held out any substantial promise.

DR. GOLD: I can see your point very clearly. Most of these offers depended upon a religious sacrificial enthusiasm on the part of the Jewish people to sustain it beyond the ordinary economic means. The Jewish people are prepared to give the only to a land of their forefathers. It wasn't only a willingness to go to those countries. They very often had to provide heroic means to remain there and to sustain themselves.

What I wanted to convey is that spiritually speaking the resurrection of the Jewish people was called Zionism. Without Zion it is as impossible as the proverbial Hamlet without a Prince of Denmark.

MR. McDONALD: My question was a little different. It was whether these so-called offers, assuming that the religious element did not enter in, were in fact realities

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or whether they were various forms of dreams and hopes. Perhaps you would prefer that that question be asked of someone else. I don't know about that.

DR. GOLD: This depended entirely, I think, on the seriousness of the government that offered them. Sometimes they were merely put out as suggestions. Very rarely did they have the full and organized support of a government, but as far as the Jewish people are concerned what I meant to say is that no other country as a mere territory could take the place of Palestine because of the fact that Palestine is so deeply rooted in the religious consciousness of the Jewish people.

MR. McDONALD: I understand.

MR. GROSSMAN: I have a question, Mr. Chairman. I was very much interested in the passage from Leviticus you referred to, the relation between the Jew in Palestine and the stranger in his midst. I wondered whether you could tell me in your study of the spiritual aspect of the philosophy of Zionism where you yourself see the solution of the Jew and Arab corporate. Do you see that as a rational state or a Jewish minority state? Where does the philosophy lead you even in relationships between Zionism and the stranger?

DR. GOLD: Ultimate solution is a predominantly Jewish commonwealth in which all other religious communities will have equal democratic rights and in which these rights will

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be guaranteed as a part of the organic law of the state and all other guarantees that one can humanly offer and provide.

MR. CROSSMAN: You stressed that all other religious rights would be guaranteed. You aren't, of course, implying the Jews are only a religious community, or are you implying the Arabs are a religious community? You do not recognize the Arab and Jewish nation in the philosophy?

DR. GOLD: Well, there are varieties of Arabs as there are of Jewish people. In speaking of it as a solution, as a solution the civil state I regard as one thing and the internal life of the various communities is quite another.

MR. CROSSMAN: So you conceive of a Jewish commonwealth which guarantees the rights of all people, individual or groups.

DR. GOLD: Both individuals and groups. The details of it, of course are something that I am not able to visualize right here. Probably a constituent assembly will be called to work out the details of such a constitution, and I am sure that the interest of all humanity, as well as the various groups will be taken into full consideration.

MR. CROSSMAN: Now the last question. Supposing a proposal was made to create a state in which there were two nations side by side on the same territory. Would you feel that that was a betrayal of the cause of Zionism?

JUDGE HUTCHESON: I would like you to answer that and I

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am going to ask you another one almost in the same way but with a different approach.

DR. GOLD: I hope you will pardon a symbolic tendency of my domain of life. I can only conceive of the Arab world as a great hotel, you see, in which Palestine is only one of the rooms, whereas to the Jewish people it is the living quarters, and to divide that I feel would be miscarrying the main purpose of history.

MR. CROSSMAN: You misunderstood me. I didn't say "divide." I say within the land of two nations, as there are in many other countries in which you have two or three national communities living together. What I want to know, would the recognition of national rights of another community be, in your belief, a betrayal of Zionism?

DR. GOLD: It would be a miscarrying of its original and historic contention.

JUDGE HUTCHESON: I would like to ask right along that line that Mr. Crossman has--I would like to begin it this way, not at all asking you to interpret for the Zionists what their particular views may be or what their views as a political organization may be, but addressing the question to you as interested in the religious and spiritual aspects of Zionism, because with as little concern as I have had with this matter in the greater part of my life--I am an Old Testament Christian--it has been with the spiritual

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aspects of Zionism. I want to ask you from our standpoint, as representing that theory, why is it necessary for the realization of the religious and spiritual aspects of Zionism that the question of preponderance of populations as between Jews and Arabs should be material? I am not talking about political aspects or economic aspects, but I am talking now about the religious and spiritual aspects of the people. Does that involve the exclusion of others from the land? That is what I want to know.

DR. GOLD: It by no means involves exclusion of other people from the land, nor does it in any way jeopardize the continuance and development of their own religious life. The prophet Isaiah said, "Let each one walk in his own way before God," and this has been the light of our people forever.

But if we are going to solve spiritually, that is, the purpose of the question, as I understand it, as I said previously, there must be some place in the world, preferably in the cradle of the Jewish faith, where a Jew will feel that he can observe his faith without being harpoed by the pressure of dominant political majorities, that he can do it without apology, without anxiety, without distortion.

JUDGE HUTCHINGS: That is the point. You feel that essential to that freedom which is necessary to real realization of religion that it is necessary that the majority

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in the particular territory be of your faith. But you don't feel that in any other countries on earth, do you?

DR. GOLD: We don't feel it in any other country on earth. We don't feel it in our own country right here because we have the greatest measure of religious freedom, but even here the complete realization of Judaism cannot always take place.

JUDGE HUTCHESON: I see.

DR. GOLD: It is a tremendous road.

MR. CHUR: May I ask a question?

JUDGE HUTCHESON: Yes.

MR. CHUR: Rabbi, as I understand your position, you envisage a commonwealth ultimately in which a majority of the persons residing there are Jewish?

DR. GOLD: That is right.

MR. CHUR: It is also your position, as I understand it, that no Arab is to be displaced either in the course of time or through the creation of such a commonwealth. Indeed, as I understood your testimony, the rights of all minority groups must be thoroughly protected. So that as I got your point, what you seek ultimately is a commonwealth in which merely the majority of the persons who reside in such state or commonwealth are Jewish, either by faith or by race. Is that correct?

DR. GOLD: Correct.

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MR. CRUEL: Would the guarantees of which you speak mean that minorities would have the rights that they have in other democratic states, including the right to vote, the right to aspire to office, and all the other rights which go along with any democratic community? Is that right?

DR. GOLD: That is right.

MR. CRUEL: That is all.

DR. GOLD: I would like to state for the sake of greater clarity that the minorities, a particular minority which at the present time is not that, the Arab minority, has the additional great comfort of knowing that they have contiguous contact with millions of their brethren uninterruptedly, and this is the kind of comfort that I think ought to outweigh any other feeling.

As I said before, to them Palestine is only one of the rooms of a great hotel in the Arab world. To the Jewish people it is the only corner, the only land which to them means security, comfort and hope in the future.

MR. BUXTON: Regardless of the difference between the two groups, as I understand it, Zionism on the one hand and non-Zionism on the other hand, regardless of those spiritual differences there is no difference among those groups in regard to the desirability of an increased immigration in Palestine? That is, Jews are almost one in

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regard to that aspect of the problem?

DR. GOLD: There is practical unanimity. You must realize that among every people there is a certain sectarian fringe. There is also the indifferent, the fatalistic, but for all practical purposes there has never been in Jewish history such nearly complete unanimity as there is on this subject.

MR. BUXTON: Thank you, sir.

JUDGE HUTCHESON: Any other questions?

Thank you very much.

MR. ROOD: The last witness that was to appear with this group is not present now and will appear tomorrow morning. Rabbi Irving Miller of the American Jewish Congress is present if you wish to go ahead with him.

JUDGE HUTCHESON: When was he scheduled to appear?

MR. ROOD: He was scheduled to appear this afternoon, but he is here now.

JUDGE HUTCHESON: Is he ready to proceed?

DR. MILLER: Yes, I am ready, sir.

JUDGE HUTCHESON: If it is agreeable to you.

STATEMENT OF DR. IRVING MILLER

REPRESENTING AMERICAN JEWISH CONGRESS

DR. MILLER: I happen to be the chairman of the Executive Committee of the American Jewish Congress, of which Dr. Stephen Wise, as you know, is the president.

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The American Jewish Congress ventures to accept your very generous invitation that it testify before these hearings, because it feels that at one of the great turning points in the life of our people the American Jewish Congress played a very significant and important role, and it is against the background of that contribution of the American Jewish Congress and subsequently against the background of all that happened after that that we should like to present what I assure you will be a very brief presentation.

It was during the first World War when the dislocation of European Jewry had assumed startling proportions, particularly the dislocation of east-European Jewry, which at that time numbered over five million, that American Jewry then possessing no overall democratic representative organization felt the urgent need of creating such an organization in order that American Jewry, the most fortunate of all the Jewries in the world, might make some contribution as the result not only of material contributions, but as the result of thought and energy and devotion and enthusiasm to the solution of the Jewish problem.

I would like you gentlemen to bear in mind that at that time there were in Europe close to nine million Jews, that at that time in Palestine there was a handful of 50,000 Jews, most of them living on charity, that at that time

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Palestine possessed a soil that was barren, that was sterile, and that gave no promise at that time, at least, of everything that was to follow afterwards. Surely many Jews in America, sincerely motivated, felt that what was needed was safeguards for the Jews of Europe.

There were nine million of them. They were to remain in Europe for a good many years. Their position had to be improved, if possible guaranteed by legal safeguards.

At that time, too, a great event took place. As your former Prime Minister put it, "No declaration ever meant so much to so many as the Balfour Declaration," which appeared in the midst of all these discussions of what is a solution to the Jewish problem. But even that Declaration, great, heartening and encouraging as it was, referred to a Palestine which had been only 50,000 Jews, whereas, I repeat, the center of gravity of Jewish life, surely from the point of view of numbers, was still to be found in Europe.

So they met in 1918 in the city of Philadelphia, a Congress of American Jews, truly, gentlemen, the most representative of all Jewish gatherings up to that time. Democratic elections had been held for that Congress. Not a city of a State was unrepresented. All shades of Jewish life from the extreme orthodox to leftist groups were represented at that Congress.

That Congress adopted a three-fold program which it

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submitted to a delegation to present to the Peace Conference at Versailles following the conclusion of the war.

That three-point program, I venture to remind you, was this:

(1) The incorporation into the peace treaties of the principle of equality of rights for Jews everywhere.

(2) The guarantee in those lands that were to be reconstituted after the war, primarily Poland and Rumania and Yugoslavia and Czechoslovakia, of minority rights or group rights.

Those countries had dense Jewish populations. Moreover, those countries had accorded minority or group rights to other groups within the population. Therefore, this American Jewish Congress asked for such minority or group rights for the Jewish elements within these countries.

The third point in that three-point program adopted by the American Jewish Congress was the request of the great powers that the Balfour Declaration be incorporated into the peace treaty, that a mandate over Palestine be given. And I remind you gentlemen this was the wish of the American Jewish Congress, that the mandate be given to Great Britain for the purpose of implementing and realizing the spirit and the letter of the Balfour Declaration.

So we had these safeguards for a population that numbered close to nine million at that time in Europe.

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It is very interesting to observe that such countries as Germany and Italy refused on the grounds that they were too civilized to accept minority rights for the Jewish population. They said, "Oh, that is all right for those countries which have not yet reached the degree of civilization that we have, Poland and Rumania and possibly Yugoslavia. But we are much too civilized for that. We shall accept the first principle of the equality of rights."

And so we tried to build this structure of Jewish security, of Jewish safety, of a solution to the Jewish problem on these three stories, equality of rights, minority rights in countries of dense Jewish population, and finally, the Balfour Declaration, looking towards the reestablishment in Palestine for a national home for the Jewish people.

I ask you gentlemen to consider what has happened in the world in the light of this edifice that we built so sincerely and with such faith. I ask you to consider what the situation would have been if we had not secured the principle of the equality of rights, let us say, in a country like Germany.

Could the situation of the Jews have been any worse than it developed? I ask you to consider what would have happened in a country like Poland or Rumania if those minority rights treaties had not been incorporated? Could the situation of the Jews have been any worse? Could they

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have been any worse?

Poland, Rumania, Hungary, they didn't have to look very far to nullify the letter and the spirit of those minority treaties. Solutions were right at hand for them. In Poland it was state monopolies that drove Jews out of business. In Hungary it was a new device, the numerous clauses that excluded the Jews from most professions, despite the rights in most constitutions. In Rumania it was the actual deprivation of citizenship that formed the available device for circumventing these treaties and for nullifying them.

Of the nine million Jews, gentlemen, whose lives and property and possessions were to be safeguarded by equality of rights, by minority rights, how many are left today? What have these rights availed where there was not the will on the part of people who administered these constitutions to enforce them, to see that they worked, and that they were really effective?

On the other hand, there was that third story in our edifice, the Balfour Declaration. At that time there was a Jewry of only 50,000 in Palestine. The result of that third story, if I may continue with this simile, in this edifice is today 600,000 Jews in Palestine, most of whom might be today among the dead if not for that third aspect

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of the threefold program. if our reliance had been placed solely on rights which peoples and governments were not disposed to respect.

So between the years 1933 and 1939, when minority rights had already broken down completely, when equality of rights was nothing more than a sham, when equality of rights was substituted by Nuremberg laws, between 1933 and 1939 the Jew of Europe had to turn his back on rights, and look for salvation and for life only to that final remaining thing, a home, a home for himself, a home, mind you, where he might be called upon to die, but a home where if he would die he would die honorably rather than be led like sheep to a crematorium.

It is the privilege of all people to die sometimes for their homes, for their land. That is a privilege that we know as patriotism, as the love of country. It is a privilege that we Jews gladly accept, whether the land be a land in which our rights as human beings are respected, as they are, thank God, in England and in America, and in a few other democracies, or in that home which the nations of the world recognize to be the national home of the Jewish people.

But of no other people is it expected that all their faith and all their hope and all their reliance shall be placed only in the good will of other peoples and not in a home of their own.

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Between 1933 and 1939 the Jews believed that their hope could safely be placed in their own national home, and then came the White Paper of 1939. It has been suggested that that White Paper was issued by Great Britain at a dark moment in its history. Gentlemen, I grant that with every fibre of my being. It was a dark moment in the history of Britain. It was just as dark a moment in the history of the Jews.

By May 1939 that whole Jewish community of Germany had already been dislocated. By May 1939 Austrian Jewry had already been destroyed. By May 1939 Germany had already overrun Czechoslovakia Jewry. Over 150,000 already knew they were in a trap. By May 1939 Hitler was already throwing his covetous glances at Poland, where resided 3,300,000 Jews. It was a dark moment for Israel also.

At that moment what the mandatory government did, gentlemen, if I may paraphrase the White Paper, was simply to say this to Jews, "Minority rights have broken down; equality of rights has broken down. We now close that door to you, the door of Palestine, the door of your own national home, because," and I grant every right to Britain to protect its own interests, "because of our own situation and because of the Arab threat. But what then? I say to you Jews of the world, take our word for it, we are going to some day destroy Hitlerism and we are going to make a

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better world for you." Again reliance on a promise; again reliance on some distant hope.

All during the war that was the theme. The theme was, "We are fighting to destroy this bad world which has ejected the Jew. We are trying to build a better world which will make room for you."

Gentlemen, why wasn't that said to the Poles? "Why should you agitate for a land and a government and a state of Europe? Why don't you have faith in this new world that we are going to build?"

Why wasn't that said to the Czechs? "Why should you agitate for a reconstructed Czechoslovakia? Have faith in the new world that we are going to build. It is going to be a world where all people, where all individuals, will be able to reside without any fear and without any worry."

Isn't it possibly strange that of no people in the world is it expected that it place its entire hope on the good will of others? Isn't it possibly strange that no people in the world have been denied a home in which it can work out its own destiny, except the Jewish people?

A great statesman said, "This is one world." It seems to me that it is one world for all the people in the world, and another world for the Jews, that what applies to all the people of the world somehow doesn't apply to the

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Jew. All other peoples of the world have the right to fight for a home of their own, no matter how small that home may be.

How big is Luxembourg altogether? How many people reside therein? But the Jews constitute or seem to live in another world where they need only rely on promises and on faith.

I submit to you gentlemen that this is an abnormal situation and one which we cannot be asked to continue to make ours, as our plight grows more and more cruel and as the need for a solution becomes more and more urgent.

Now during the war we tried to understand the position of the democracies. I should like to be permitted very humbly to suggest, particularly to you, my dear Lord Morrison, that no people in America understood the position of Great Britain from the very first moment in September 1939 than did the Jews.

The man who spoke to you yesterday, my superior in the Congress, was the first Jew in America to inaugurate--perhaps among the first citizens of America to inaugurate--a campaign for aid to Britain. And many children's homes are to be found today in Britain that bear the names of American Jews in whose honor we built these homes and with whose support we erected them.

We felt for Britain. We understood Britain very well. There will never be a page in Jewish history where the

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names of certain Englishmen will not be reverently enshrined because of what Britain has done to understand the plight of the Jew. We remember back in 1917 the abnormal position of the Jew and what Britain has tried to do to rectify that great wrong.

But at the same time Jews were being massacred, butchered. They were flesh of our flesh, blood of our blood, and I am sure that you will understand us too if we say that our hearts cried out at what was happening to a defenseless people. But the war was on.

Now that the war is over is it again presumed that Jews must turn their backs upon Palestine, which houses 600,000 Jews, where Jews live with dignity and with self-respect, and are creating a civilization of their own, and to be told again, "Wait, we are writing new constitutions, we are writing new treaties. We shall guarantee your rights; we shall take care of you."

Again I ask, of what people would that be asked? Why should it be asked only of the Jew? The Jew can only answer, "Gentlemen, we know you are well motivated, but we tried these other things for 2,000 years. They have failed."

It isn't only the story of Hitlerism in the last 10 years. We tried this for 2,000 years. Won't you give us the chance to try this other thing for a few years so that

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we can build a home of our own, so that we can bring Jews there? We want to bring them there so that we may rehabilitate them and really make them again productive and self-respecting citizens. That is really the plea that we put before you against the background of all the attempts that we made ourselves, even through the American Jewish Congress to guarantee rights, to protect the position of the Jew legally, politically and economically in other countries, and against the background of all these failures we place the hope and the reliance that Palestine constitutes for us.

Now my last word is, gentlemen, that I know you will say, "But you are asking a very difficult thing of us. Granted that you may be right that we have an obligation to you to let you try Palestine for a while, but what about the Arabs and what about our own difficulties?"

You remember when President Roosevelt came back from Yalta, in his speech before Congress he defended, I recall, the principle that this world is built on weighing one thing against the other, on compromise, if you will. Nothing is all black in this world; nothing is all white in this world. We can't have perfection. All of life is just a pair of scales, and all we do all the time is to put some things in one scale and some things in the other scale.

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Put in one scale the so-called national aspirations of the Arab people. There is something to it. I would be naive if I denied it. Put it in the scale. Does it mean life or death for the Arabs? Put in the scale the difficulties of the British position. If the British should close the doors of Palestine is that life or death for His Majesty's Government? Put in the other scale the persecutions of 2,000 years. Put in the other scale the hopes of the remaining Jews. Put in that other scale also the six million who relied on other hopes and other promises and who are no more. Put all these things in the other scale. Which outweighs the other?

For us it is a matter of life or death whether the doors of Palestine be opened or closed. It is not that matter to the Arabs. Nobody will even suggest that it is a matter of life or death to them whether the doors of Palestine be closed or open. It is not a matter of life or death for any power on the face of this earth whether the doors of Palestine be closed or open.

It is a matter of life or death for the Jews. This business of life or death reminds me, and I beg your indulgence for this moment, of one of the most poignant prayers that we Jews recite on the New Year's Day and on the Day of Atonement. It goes something like this, "On the New Year's Day it is inscribed and on the Day of Atonement the

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decree is sealed who shall live and who shall die."

Now that, of course, is an attribute that we attribute to God himself, the power of life and death. But you know, gentlemen, all of us at some time or another play God. At some time or another all of us for a moment or two have this power in our hands.

I most humbly suggest that a vast power, a great power, yes, even a power of life and death rests with you too. For it is a matter of life or death for Jews in Bergen-Elssden, for Jews in Poland, for Jews in Rumania, and in the other concentration camps whether the doors of Palestine be opened, and opened immediately, or kept shut. It is a great responsibility, but we Jews have the confidence that men of good will will live up to that responsibility.

Thank you very much.

MR. JUSTICE SINGLETON: Dr. Miller, you said in your remarks it is a matter of life or death to you whether the doors of Palestine be opened or closed. I appreciate the point which you make here, but you are not saying, I hope, it is a matter of life or death whether Palestine becomes a Jewish state or not. The two things may be different, you see.

DR. MILLER: Yes sir. I am not at all addressing myself to the political implications.

MR. JUSTICE SINGLETON: I wanted to see how it stood.

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I am not quite sure about one other matter, which I am sure, you see that we have to bear in mind. The course of action recommended by this Committee, if adopted, might lead to trouble one way or the other. Once trouble begins no one knows how far it goes. That is something we have to bear in mind whichever way we go.

DR. MILLER: May I say something to that point?

MR. JUSTICE SINGLETON: By all means. I would like your view.

DR. MILLER: As a matter of fact, sir, you touch almost upon the very point that my friend, Lord Morrison, touched yesterday. You remember, Lord Morrison, when you quoted, I think Mr. Nathan's article, about repression.

MR. JUSTICE SINGLETON: Except he was thinking of the past. I am rather seeking to bring to your mind and into everyone's mind the future. We can't shut our eyes, whatever the rights and wrongs between Jews and Arabs, to it one way or the other.

DR. MILLER: That is what I ventured to suggest. It is a question of putting these things on a scale.

MR. JUSTICE SINGLETON: It is a question one has to think of, that the next state might be worse even than things are now.

DR. MILLER: That is why you are looking into all

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the facts.

MR. JUSTICE SINGLETON: That is why we are trying to find what is best. Thank you.

DR. AYDELOTTE: Rabbi Miller, I was interested in one or two sentences in the memorandum which you presented on this, about this Commission of ours, in which you made the point we should look carefully into possibilities of immigration of Jews in other countries outside Europe. I assume you meant outside Palestine.

DR. MILLER: Where is that point made, sir?

DR. AYDELOTTE: Page 3.

DR. MILLER: I wonder if you are not reading from another memorandum.

DR. AYDELOTTE: Oh, this is not yours?

DR. MILLER: No.

DR. AYDELOTTE: I apologize.

MR. CROSSMAN: I think we are all very moved on the question of life and death. It did strike me when you were talking about it that you concentrated exclusively on the life and death of Palestine. Now it doesn't solve the whole problem. I wondered why you were excluding from your blame or criticism--take my country or your own--their immigration laws and the way in which they themselves bar from their land those who are homeless. I just wondered why that point was not made by some witnesses.

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DR. MILLER: Sir, you are answering your own question. All that you have said, the very blame you attach to the democracies, only corroborates the point I make that we can't rely on promises, that we can't appeal to merely the modern conscience, because here you yourself admit here are immigration laws and there are immigration laws. We have to look these things in the face. These are the realities of the situation, that these immigration laws do exist, and where immigration laws may not exist other unfavorable circumstances exist for the immigration of these people.

Above everything else, a Jew today comes to any other country in the world as a refugee, as a stranger, as one looked upon with suspicion. A Jew comes into Palestine as of right into his own, and immediately embarks upon the task of rehabilitating himself and of making himself part of the country.

MR. CROSSMAN: But you wouldn't suggest that the Jew comes into the United States on suspicion.

DR. MILLER: No.

MR. CROSSMAN: I thought you did say that.

DR. MILLER: No, I said into the world generally. Of course, there are exceptions to every rule. As chairman of the Executive Committee of the American Jewish Congress I hail Mr. Truman's directive that the immigration quotas be lived up to, but, sir, you knew upon the analysis of

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those quotas also what the actual facts are, that very few Jews even under these quotas will come in.

Sir, you remember how carefully couched the President's directive was, how careful the President was to point out to certain elements in this country that not a penny of public funds would be used, that they would not be a charge, that this would not happen and that would not happen. Doesn't that indicate some kind of suspicion, sir, that attaches to foreigners? The President himself found it necessary to so couch his directive as to try and remove all of these suspicions and America and England are the best of them all.

JUDGE HUTCHESON: May I attempt a dangerous performance.

DR. LILLY: It is your privilege.

JUDGE HUTCHESON: To sum up what I think you have been saying, or what I gathered from what you have been saying, that without undertaking to analyze too closely the status of a Jew from Europe who becomes a refugee from Europe who has to go somewhere and is therefore taken because he has to go, a person of that kind coming anywhere else is a refugee who has to be accepted. Whereas you think, and that is the basis of your statement, whether correctly or not, that the past history of the Palestine movement on the Declaration has created a fact, a situation in fact, where the Jew, whether refugee or not, goes to a place where he goes as a right. Now on that assumption your arguments are all based.

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DR. MILLER: Yes. You could be a witness on our side.

MR. PHILLIPS: Rabbi, in your reference to the difficulties involved, of Jews coming to this country, those regulations apply to all and are not directed against the Jews.

DR. MILLER: I am glad to make the correction, and I certainly accept it, sir.

JUDGE HUTCHESON: Further carrying out that thought, you feel assured from their history that except for the difficulty question between the Arab and the Jew, which we have to deal with, that in the main and without exception ^{who} no Jew/comes to the Jewish settlement there will be looked on as a burden and a trouble, or "Don't know why we had to take you but we will do the best we can." While we are not so clear if public sentiment could be overthrown in this country and the immigration laws could be changed and we could take some refugees in here, you are not so sure that that might not create a new problem to Jewry as a whole?

DR. MILLER: That is right.

JUDGE HUTCHESON: I thought that was what you have in mind. Is there any other question?

LORD MORRISON: There is only one question, Dr. Miller. You were good enough to refer very sympathetically to something I said yesterday. May I try again to make it clear what my anxiety is.

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In the event of a Jewish commonwealth being formed very soon, as quickly as possible, because of the urgency, it might be very dangerous to leave such a commonwealth in a state of defenselessness in other circumstances. What I am anxious to know is whether your organization has given any thought as to who would be responsible for defending such a commonwealth. Would it be the Jews inside it? Would it be the British? Would it be the United States? Or would it be a combination of all three? Or would it be a task that might be undertaken by the new United Nations Organization?

You see there is a direction in which my mind is moving so that if such a proposal were to be brought into force as a Jewish commonwealth in Palestine I think you would agree it would be essential that no further risks should be taken of a nearly breakdown of it from the point of view of being defenseless and surrounded by people perhaps not of good will.

DR. MILLER: Sir, we ask for no greater privileges than those which a united nations organization now cognizant of the fact that it either must stand together or fall apart together, will grant to any other small people in the world. Either there will be security for all or there will be security for none. Albania falls within the same category; Luxembourg falls within the same category, and so

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does every small people on the face of this earth.

JUDGE HUTCHESON: Lebanon, I suppose.

DR. MILLER: Lebanon or Syria, for that matter. Thank you, sir. We say if the nations of the world are firmly convinced that the establishment of a Jewish commonwealth is a matter of simple elementary justice, then the nations of the world will also consider it to be a matter of justice to see that such a commonwealth shall be as protected as every other small people on the face of this earth.

JUDGE HUTCHESON: I think I have voice enough to make an announcement. We have been so greatly helped by the preparation of these persons who have come to talk to us, and particularly I may say by the feeling that behind their oral utterances are the documents they have filed and will file, that we have done better in this proceeding than in any court proceeding that I have ever tried to organize and push through, and I have had a great many in Texas where we have lots of oil litigation.

MR. McDONADD: But aren't they particularly cantankerous in Texas?

DR. MILLER: Some would say that of Jews, too, sir.

JUDGE HUTCHESON: The advance at this time has been better than you usually find. Maybe Rabbi Wise is right in saying everybody knows this business anyway. At any rate, we have been moving along so fast we have to apologize.

We have no witnesses, nobody to move on with. So at this time we will adjourn until 3 o'clock.

(The meeting adjourned at 12:30 p.m.)



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AFTERNOON SESSION

3:00 p. m.

Mr. Rood: Judge Joseph Proskauer, representing the
American Jewish Committee.

Judge Hutcheson: You may proceed.

STATEMENT OF THE HONORABLE JOSEPH M. PROSKAUER,
PRESIDENT, AMERICAN JEWISH COMMITTEE.

Mr. Proskauer: Gentlemen of the committee, I speak for
the American Jewish Committee. The American Jewish Committee
was created two score years ago. Its declared objective is
to protect the rights of the Jews anywhere in the world. And
I emphasize to the committee that its objective is to protect
rights and not to procure privileges, and we ask no special
privilege. The rights we ask are only those which are in-
herent in humanity and the personality of every person created
in God's image. I have never known our objective to be better
stated than in the phrase of Secretary Hull when he said that
this world had to be recreated as a place where Jews, as all
others, could live in peace and in honor.

Our objective here today is to aid you by testimony and
such advice as we feel we may give you to make yourself a
potent factor in the realization of this ideal.

In contemplating the task which this committee has
assumed, it has occurred to me that perhaps it would be helpful
for me to stress the timing of those things which you are called
upon to do. As I see this picture, there are three timing

stages, which call for very different kinds of approach, in my submission, from this committee.

The first is the immediate approach. I shall discuss that first.

When the house is burning down, you don't stop to argue what kind of house you want to put in its place, and there is a house burning down. It will be my endeavor to make a cold, dispassionate, and unemotional statement of fact here and an argument appealing to light rather than to heat as the source of its power; but no one can forget that there remains in Germany and Austria today the scattered remnants of a people that were once upstanding, loyal citizens of their countries and that were stricken down not in the thousands but in the millions. There has been no such holocaust since our forefathers wept by the waters of Babylon, and I may add, not even then. The greatest exhibition of tyranny and brutality that I am able to find in my constant reading of the history of the world. And there remains in Germany and Austria the wreckage of that group -- 100,000 souls.

How are they living? I have with me in this room a member of the staff of my committee, who has just come back from Germany, and we have a staff that has been inspecting the situation in every country on the continent. I don't want to try to wring people's heart-strings. I am not criticizing the administration of the camps or finding fault with those

set in authority over us there who have been unable, perhaps, and certainly who have not remedied to the full, the awful conditions that there persist. But I say to you that the evidence which we have is that these hundred thousand people are living under conditions to which we would not wish to subject our pet animals. They are in crowded quarters, in concentration camps, they have nothing to engage themselves. They go to get their one square meal a day; then in the evening to get some bread and cheese, as I am informed, which is their evening meal and their breakfast for the following morning. And they are people of substance in the old world. They are people of sensibility. They are people, if I may be so bold to suggest it, like you and me, gentlemen of the committee.

And your immediate task, as I see it, is not to wait while you are determining what shall happen in Palestine in the ultimate; not to stand by until you complete the investigation of other, more obscure and difficult questions that will present themselves to you, but to do the thing that we were never able to get done during the war -- grasp the metal and take these human beings immediately out of the misery in which they find themselves.

Now, how are you going to do that? I am sure, is the question that occurs to many of you as I speak. We haven't time to wait on this immediate phase of the problem until you conduct negotiations as to whether these poor people can go

into Australia or Canada or the United States or Great Britain. I submit that it is a prime fact that the only place those people can go immediately is to Palestine, where they will receive welcome, where there is already created the basis of a life in which they can make themselves an integral part, and where they are assured of that fraternity and that welcome which to them today would be like water to one dying of thirst in the desert.

And what about that? And I measure my words when I address any argument to the British members of the committee. I had the distinguished honor of presenting to Lord Halifax personally this paper, a memorandum on the 1939 White Paper, and I am appealing to you as I did to him immediately to modify that White Paper. I am not one of those who speak in this connection of "perfidious Albion." I am rather one of those who recognize that under the British Mandate 600,000 Jews have now been made welcome in Palestine. I am one of those who remember that Great Britain was the first great nation in Europe to remove the civil disabilities of the Jews, that it was the land where Macaulay made his speech on the removal of Jewish disabilities, which, to my mind, is the greatest defense of human liberties that ever fell from the lips of man. I think of Great Britain as the land which has made Jews bone of its bone and flesh of its flesh. And it is to that Great Britain that I am appealing.

When I handed this memorandum to Lord Halifax, he was kind enough, and I do not mean for a moment to suggest that he expressed acquiescence in its views -- he was an Ambassador and a diplomat -- but I do mean to say to you gentlemen that he expressed -- and I think I violate no confidence in saying this -- a very sincere appreciation for the approach to the problem.

I have handed this memorandum in to the secretary as one of the documents that I wish to have the committee consider, and I shall not commit that offense with which I know Judge Hutcheson is most familiar, of getting up and reading things that you have already in writing to read, but I do want to make a brief reference to it. I won't read the whole opinion, Judge Hutcheson, but just the salient extracts from it.

Judge Hutcheson: Read some of it; that is all right.

Mr. Proskauer: What is the Palestine to which we ask that these people be allowed to return? Let's take that not in the testimony of Jewish witnesses, let's take it in the testimony of Malcolm MacDonald, the Secretary for the Colonies:

'The result of their return has indeed been something of a miracle. There are places where they have turned the desert into spacious orange groves. Where there was a bare seashore, they made a city. They have advanced the frontier of settlement into waste and plague-ridden spaces. Wherever they bought up land,

they made it produce its fruits more abundantly and they have started in Palestine a score of thriving industries."

I am speaking to you as the head of an organization not identified with the Zionist movement. I am much more deeply interested, in fact, in accomplishing the salvation of human lives than I am in controversy over ideologies, and I shall indulge in no ideological controversies in what I have to say, but I do say to you gentlemen -- and again I am appealing to the British members of this committee -- here is a land prepared to receive these people. How can Great Britain, with its traditions, irrespective of mandate, irrespective of the Balfour Declaration, if you please, say that we won't let these hundred thousand human souls go into Palestine?

Now, if I add to that what the Mandate and the Balfour Declaration have to say, this is the picture I get. What does the Mandate say? No discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, language, or religion, and, more important, no person shall be excluded from Palestine on the ground of religious belief.

Those are plain words. That was the obligation Great Britain assumed when it took the Mandate.

What did the Mandates Commission of the League of Nations say about the 1939 White Paper? It unanimously decided that

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the policy of the White Paper was not in accordance with the interpretation which had been placed upon the Palestinian Mandate by the Commission.

So I have the two-fold bases of appeal on this immediate problem. The humanitarian one and the one that flows from my deep respect for the Anglo-Saxon traditions and the specific one which comes from the obligation which Great Britain assumed when it took the Mandate and made the Balfour Declaration.

Now, what stops Great Britain from immediately permitting this handful of Jews, this mere hundred thousand to go into Palestine? And I interpolate at this point that I am now talking about saving men and women and children who are threatened with death and something worse than death. The clinic will say, "Well, what great nation was ever stopped by its pledges from doing or refraining from doing those things on which it believes the national existence and safety depends," and Great Britain has an Arab problem. I know that Great Britain has an Arab problem but it isn't inherent in this part of the picture.

There are today roughly speaking 1,200,000 Arabs in Palestine and roughly 600,000 Jews. Reading Mr. Bevens' statement made at the time of the announcement of the creation of this distinguished Committee, he said that he had been in conference with the Arabs, the Arabs are meeting me very well, and I thank them for it.

What has any Arab to fear from the immediate immigration into Palestine of these 100,000 Jews? It makes practically no difference in the numerical relationship between the two peoples in Palestine. You have heard testimony already I know from reading the record, that shows beyond peradventure of a doubt that the infiltration of Jews into Palestine has been of an inestimable benefit to the Arabs themselves. And when I speak of immigration, gentlemen, of course there goes with it the right to own land, and not as all of the problem but as part of it, I emphasize that one of the great vices in that White Paper was not that it forbade immigration into Palestine or land acquisition; it forbade Jewish immigration and land acquisition. That, gentlemen, is inadmissible.

But I am more concerned, again, with the immediacy of this problem, than I am with that kind of ideological discussion of the White Paper. I believe I have made a case for the abolition of the White Paper for good and all but whether I have or not, speaking in Judge Hutcheson's language, I want a dissolution of the temporary injunction. That is the crying necessity to which I advert. It is the immediate problem.

Now, what is the picture as to the rest of Europe? There are 70,000 Jews still in Poland and 150,000 Jews in Russia who seem fated to be returned to Poland. They represent the factors in a problem which I refer to as the

intermediate stage.

I read yesterday in the testimony of Dr. Stephen Wise, I read today in his testimony of yesterday, that remarkable statement from a distinguished Pole that the Poles had been, the Jews had been citizens of Poland for a thousand years and they wished to recreate their lives there.

What is it that creates the problem there? Recently I had a discussion in New York with a gentleman, whose name always troubles me, the Foreign Minister of Poland, it begins with "Rz" and I don't find it on my notes --

A Spectator: Raimosky.

Mr. Proskauer: Thank you very much. Mr. Raimosky.

I violate no confidence in repeating what he said, that his Government was not anti-Semitic, that they desired to give those Jews a chance to recreate their lives there, but that the infiltration of the Nazi Doctrine into Poland had created an anti-Semitism which his Government had been powerless to overcome.

What should you do about that? Two things, I take it. You should make it possible for those of that group of 220,000 Jews who wish to go into Palestine to go there.

Judge Hutcheson: Where do you get the figure of 220,000?

Mr. Proskauer: Those are the 70,000, Judge, who are still in Poland and the estimated 150,000 Polish Jews in Russia.

Judge Hutcheson: I see.

Mr. Proskauer: Who are slated to be returned to Poland.

I go further than that. I am asking, as part of the intermediate step, not the immediate one, I have progressed to my second stage, to get into collaboration with the UNO, and for what?

I had the honor of serving at San Francisco as one of the 42 consultants to the American Delegation. My colleague and friend, Mr. Monsky, representing another group, was there with me. We had a great and glorious enterprise there. That was the fight to insert into the Charter of the United Nations the provisions for human rights and the creation of a Commission to implement those rights.

Now, here again the clinic will say, "Why, you can get nowhere with that, look at the minority clauses in the treaties that followed the first World War." True those clauses came to grief because they had no teeth in them and no sanction. And true these clauses will come to grief unless teeth are put into them and they are given sanctions. Your job and mine, gentlemen, as citizens of a world that lives under Hebraic-Christian civilization is to see to it that UNO now puts teeth into those provisions and a machinery for implementing them.

When we were arguing for those things, Judge Hutcheson, you may be interested or amused to know that a very distinguished

international lawyer who was advising the State Department interrupted me to say that my concept of international law would make the old international lawyers turn in their graves and my answer to him was, "What is the harm in that?" And there is no harm in it. We have come to a new concept of international law. The day is gone when any nation under plea of sovereignty can either itself persecute any minority group of its own population or throw up its hands in helplessness and say, "We can't prevent our people from persecuting a group."

And I make the specific request of you that with respect to this Polish segment both in Poland and in Russia you do these two things: Let them go into Palestine if they want to go there and if they want to stay of the country where their forebears have lived for a thousand years make it your business to see to it that the United Nations Organization hasten the day when again in Secretary Hull's words Jews may live there as everywhere else in peace and in honor.

If I may continue my geographical presentation for Jews a moment I would like to give you the information we get as to other countries of Europe. I don't guarantee its correctness. You will test that, unquestionably, when you get to Europe; but during the week I have had the privilege of talking to Mr. Renzo Levi, the head of the great Jewish organization in Italy. He states that there is no Jewish

problem in Italy as such, that the Jews have received their rights back in the most part in Italy and the only reason why Jews cannot infiltrate into Italy he tells us is that the economic situation is so bad that nobody can infiltrate there.

Our reports from Holland and Belgium indicate that there is no immediate problem.

As to France we have had with us in the last week Captain Ganston who was a distinguished member of the French Underground, and when he came to us, in his French uniform, the typical Frenchman, I realized that we Jews have demonstrated on the battlefield and in the armies of Great Britain and France and our own beloved country, and of every country of the world, that we know how to become, in my phrase, bone of the bone and flesh of the flesh of our own countries.

They have had a bad time in France. Curiously enough he reported that, as some of our weaker brethren, they were doing what we call passing. They were trying to get outward conversion, some form of Christianity. But that related only to a weaker part. The great segment of them, he assured us, was upstanding, courageous and hopeful, and he believed that while it was true they were passing through a difficult period in France that nonetheless they would come through and be able to recreate their shattered lives and the country to which they owe allegiance.

Now, that leaves us the most troublesome sector for my intermediate timing period with which you have to deal and that is roughly Rumania and Latvia and Bulgaria and that section of Eastern Europe. Our estimate is that there are 500,000 Jews there. They live under exceedingly bad conditions. And there again I wish to create through this Committee and yourselves, at least I wish to have this Committee of yours create, a situation where those inhabitants of those Near Eastern countries, who despair of the recreation of their lives, may be permitted to go to other lands, and that includes Palestine.

What should you do as to the remainder of them? I am commending to your notice this document which I have filed to you. And the first request we have to make, our point heading, Judge Hutcheson, is that you ask the government of various countries of potential immigration to receive substantial numbers of displaced persons and thus share in the responsibility for their resettlement. That doesn't relate to my immediate period. There is no time for that. But with respect to the intermediate period we strongly urge that specific course of conduct on the Committee. And by this time I think you gentlemen will have realized that I am trying to be specific and not general.

Secondly we urge the Committee to recommend to the governments of the countries of refuge to permit as many

refugees and alien Jews as possible to stay and eventually acquire citizenship.

I have departed from my logical order for just a moment in reading that to you because that does not relate, of course, to these Near Eastern countries, but it does relate rather to the situation that you have here. There are groups of refugees in many countries. In Great Britain there are refugees. And what I am saying for refugee Jews, what I ask for refugee Jews I ask also for all kinds of refugees.

What a slight thing it is to ask these countries, particularly those in the Anglo-Saxon tradition, to let this handful of people stay there and make anew their lives.

Following my point, and I am coming back to my Near Eastern situation, we urge the Committee in each of the East European countries to study the situation so as to make a report on detail, which I confess frankly I don't think any of us now have sufficient background or information to make. I have indicated the broad outline of it and I think it is for this Committee to fill in that outline with fuller information.

And our next request relates more directly to this Near Eastern situation. The countries are enemy countries. We are about to negotiate treaties with them. I would ask this Committee to use its great, enormous and potent influence to see to it that in those peace treaties are put clauses

with teeth in them that will protect not only the Jewish minorities but all the minority groups. That relates to all these Near Eastern countries and with the exception of my statement that it was an enemy country it also relates to an amazing situation in Turkey to which I wish to call your attention.

A few years ago the Turks devised a system of taxation known as the Varlik. Briefly stated Moslems were appointed to assess the property of everybody and to levy a tax on it. They didn't even have such right as we have in this country, Judge Hutcheson, when the income tax people get through with us, to go to the Circuit Court. After that tax was levied it had to be paid. An investigation which we have made shows that it was levied in amounts usually of about 200 or 300 per cent of the entire worth of the taxpayer if he was a Christian, an Armenian, or a Jew. And my appeal here is for the Armenian just as much as for the Jews. The penalty for not paying that tax of 200 or 300 per cent of all you were worth in the world was what you had was confiscated and you were sent to a labor camp. And that has been happening. It has been abolished now. But the abolition is subsequent to the time when there wasn't more juice in the lemon to squeeze out. It is all gone. And people have been wrecked there. Armenians as well as Jews.

And I ask you again with respect to that situation to take cognizance of it and to be in touch with the United

Nations Organization to see to it that these human rights provisions which have been inserted in this Charter shall be made to function there.

What is the next thing we ask of you? We ask the protection of the stateless by the United Nations Organization through the creation of something parallel with the old Nansen passport. We have frightful situations of statelessness. Where a man doesn't know what country he belongs to any more. That is a mechanical detail, it is very true, but one of very great importance.

Parallel with that we ask what we have already received from our own Government an assurance that we are going to get, the facilitation of presently legalized immigration into America by the recreation of Consulates and the smoothing of the way for the granting of visas for immigration into America. We would ask our British friends to take similar action for such immigration as is possible to come into Great Britain.

Then we ask that the UNRA be directed to or requested -- I don't know where the authority will ultimately lie, in the feeding and support of people who may be resident in former enemy countries and who are now otherwise eligible for UNRA relief. There is a technical situation there which is disclosed in our brief which I won't labor on oral argument that I think is preventing UNRA from reaching the full climax

of the good that it could do.

And lastly on this phase of what I have to say to you gentlemen, millions of dollars have been extorted from Jews individually and as communities. Millions of dollars have been taken from Jewish communities as such, quasi-corporations, in Germany. When we speak of reparations, what is going to happen to those people who have the doubtful and terrible honor of being the chief victims of Nazi brigandage? Are they to be left completely high and dry without redress because they happen to be German Nationals at a time before Hitler reduced Germany to the level of savagery?

And, therefore, we are asking you, as part of your function, and I have examined and believe it comes within the purview of your terms of reference, to urge on the duly constituted authorities that there shall from these reparations be set aside fair percentages which may be turned over to properly appointed trustees under UNO for distribution to these dispoiled people. They can get but a pittance back in comparison with what they have lost but that pittance means life, means hope, means the possibility of recreation for the future.

And now we come to the ultimate picture. We have asked the immediate creation, probably under the UNO, of a trusteeship for Palestine. We believe that that is not a controversial matter. No matter what the ultimate determination may be as

to the form of government that in Palestine there must be an interregnum period and that interregnum period should be under the trusteeship system of the United Nations Organization, in our belief. A reason fundamental to our belief is this: It is the business of the world and not the business of any one nation, and when I say that believe me, gentlemen, I am not saying anything hostile to or invidious to Great Britain, a trustee must not only act disinterestedly, he must be disinterested, and in the administration temporarily of the affairs of this country, the country of the Holy Places of Jew and Moslem and of Christian, the country which represents the origin of all the religions that today pervades America and Europe, the administration of a trusteeship of that country should be free from the possibility of conflicting interests.

No country should have placed upon it, and if I were the staunchest Britain I would say this, no country should have placed on it the terrible of administering as a trustee a country whose administration involves considerations foreign to that trusteeship and inherent in the political position of the country of trusteeship. That is why we ask that that trusteeship be international and under the administration of the United Nations Organization.

Now, what is that trusteeship for? Certainly it should be for the protection of the existing Jewish

settlement in Palestine. Whether you belong to the Zionist organization or as I am do not belong to it, all of us have poured in our support, financial and spiritual, to the upbuilding of the Jewish settlement in Palestine. We have done it in fair reliance on the Balfour Declaration and on the Mandates. And there must be no encroachment upon the safety of the Jewish community thus created, in the words of the Balfour Declaration, as a national homeland in Palestine.

Second, that trusteeship must protect the rights of Jewish immigration into Palestine. That is implicit in the Mandate. I correct that. That is explicit in the Mandate and in the Balfour Declaration. And in the language clearly used by Mr. Churchill back in 1922, when he was the Minister of the Colonies, even in that White Paper in which he drew the distinction between a Jewish homeland, a national homeland in Palestine, a Jewish Palestine, even there he accentuated that the rights of the Jew to enter Palestine were sacrosanct.

I do not believe that we need to concern ourselves very much if we really study the matter with a race between Arabs and the Jews for a majority in Palestine. Certainly not for many, many years to come.

You heard the testimony of Mr. Nathan here the other day. A number of us, both Zionists and non-Zionists, supported and created the mission of Mr. Nathan because we had

great confidence in him as an economist and a scholar and a skilled investigator, and while I have no art of my own which permits me to put the acid test to his conclusions, my knowledge of the man and of his record is such as to cause me to commend his findings to you as worthy of the most serious consideration.

And he speaks of an infiltration of Jews into Palestine, as I remember the figures, and this is subject to correction, I read it but hastily, somewhere between 1,000,000 and 1,500,000 Jews over a period --

Judge Hutcheson: A million seven hundred thousand to a million two hundred thousand.

Mr. Proskauer: 1,700,000 to 1,200,000, over a period of ten years.

The Arabs aren't going to stand still in that period. Instead I understand that they are fruitful and multiply.

And even on Mr. Nathan's figures there is no great disparity to be created by having that trusteeship fulfill the pledges of the Mandate and the Balfour Declaration.

And, lastly, it should be the duty of that trusteeship to prepare this country for ultimate democratic self-government under a bill of rights that will protect and make equal every living human being in that land whether he be Arab or Jew.

Now, I am not voicing any Jewish heresy here in the

discussions which have occurred where one uses such phrases as "Jewish State", "Jewish Commonwealth", and in the controversies which have arisen over the use of those phrases, with all good will, I believe that sometimes we have been indulging in discussion on Semetics. For what is the fact?

As I said, I am not a part of the Zionist organization. I have studied the pronouncements from time to time of many of their great leaders. I do not purport to say that these statements are the statements of the Zionist organization because I would not take on myself the responsibility of stating their position where they have stated it for themselves but I would like to call your attention to a few of the things which have been said. I am going to put them chronologically to you.

In 1921 the Zionist Congress voted:

"Our determination to live with the Arab people on terms of concord and mutual respect, and together with them to make the common home a flourishing commonwealth, the upbuilding of which may assure to each of its people an undisturbed national development."

I go to 1929 where Professor Salig Brodetsky, now the head of the Jewish Board of Deputies in Great Britain, I believe, used these words:

"They (the Jews) wanted peace, but based upon the right of immigration and the right of not being reduced

to a minority. They stood for the principle of non-domination by Arabs of Jews or by Jews of Arabs, and they desired real fraternal cooperation between the two peoples."

I go to 1931. The Council for the Jewish Agency passed this resolution:

"****The Council instructs the Executive to continue its work for the establishment under the Mandate, of harmonious relations between Jews and Arabs, based on the acceptance by both parties of the principle that neither is to dominate or to be dominated by the other."

I go to 1936, where the distinguished leader of the Zionist world, Zionist work of the Jewish Agency, Dr. Weizsman, in my judgment, although I have not always seen eye to eye with him, one of the greater human beings it has been my privilege to meet, said:

"I do believe in a future cooperation of Jews and Arabs, whatever may be happening today; and I do believe that a time will come when both Jews and Arabs will understand that they can live as, for instance, the different races live in Switzerland -- French and German -- and they work together for a common end, for a common fatherland, which they call Switzerland. History tells us that Jews and Arabs have worked for the upbuilding of a country in which each has a great part to play. There is one

indispensable condition, and this applies equally to both sides -- to Jews and Arabs. That neither should dominate and neither be dominated by the other, irrespective of their numbers."

... I go to 1937, where the Council for the Jewish Agency said:

"The General Council reiterates the Declaration of the seventeenth Zionist Congress -- that the Zionist movement is willing to take the political, social and economic steps necessary to bring about a rapprochement between the Jews and Arabs of Palestine on the basis of the principle that, whatever be the numerical relationship between the two peoples, neither people shall dominate or be dominated by the other."

And when we come to the resolutions that have been referred to that were passed recently by the Committees of our National Legislature, it ends with these words:

"So that they may freely proceed with the upbuilding of Palestine as the Jewish national home and in association with all elements of the population establish Palestine as a democratic commonwealth in which all men regardless of race or creed shall have equal rights."

A democratic commonwealth where all men irrespective of race or creed and irrespective of numbers shall have equal rights, that is an ideal to fill one's imagination. Don't

let the cinics say that it can't be done.

I was reading the other day the biography of a very great Zionist, Henrietta Szole, an American woman of great culture and learning, who gave her life to Palestine and toward the end of her life she wrote this letter -- I am going to ask my British friends to bear with me for a moment in a criticism of them:

"We who have been close to the situation in Palestine can say that the British Administration has deliberately thwarted every effort made by the Jews to find a method of conciliation between Jews and Arabs. Here lies my attitude. We must have another five years..."--that was 1937--"...of sympathetic trial to solve the Arab-Jewish problem. I believe there is a solution and if we cannot find it then I consider that Zionism has failed."

Now, I do not desire to try that indictment against the British. Whether they have thwarted good relations between the Arabs and the Jews in the past is to me immaterial in the present. What is material to me in the present is that those good relationships which are necessary as the basis for the creation, for such a state, should be fostered by this Committee. I cannot forecast what the ultimate political form of Palestine in government will be. There will never be peace there, there will never be prosperity, there will never be good living if those two groups are in warring controversy

with one another. There never will be peace if a little country is created there into a government, no matter what the form of government is, unless there are good relations cultivated between men of good will in those camps.

And I am urging on this Committee that its duty, paramount almost to every other responsibility which you have assumed, is to start on that basis which Mr. Bevin referred to when he said he was getting cooperation from the Arabs and create the machinery by which the extremists on both sides can stand aside and the men of good will on both sides can under your guidance, your tutelage, and your amelioration, sit about a table and decide to create this ideal country, a country where Jews can live in peace and honor, where the Arabs will live with them as fellow citizens, where the democratic fundamental of society shall prevail, and where nobody dominates anybody else.

I emphasize above all other things that your Committee set its hand to that specific task and if you can achieve that result, gentlemen, you have done your share and more to bring about a world where all men, Jews and Christians and Arabs, can live in peace and honor, where there can be preserved in the country where the ardent feeling of some Jews want it to be, under free democratic conditions, imposing its will on nobody, a cultural life, where the Hebrew University can flourish, where all the scientific organizations that have

been created for Jewry can take root and flourish, where there can be recreated anew the dynamic formulation of those great fundamental principles which it has been the mission of Jewry to advocate through its long, its tortuous and its persecuted history.

What are they? To you British I will say that Matthew Arnold put greatly when he said that the great contribution of the Jews to civilization had been the concept of a flood of rashness and the attributes of right conduct. That is what we want to flourish again in Palestine.

And so I raise my voice here not chauvinistically, not for any kind of state in which any group dominates any other group, but for a democratic nation where all men shall live in peace and in harmony, and where we Jews can revivify and rearm ourselves for making our great contribution to the history of civilization on its long road from savagery to the realization that we are all human being created in the image of an Almighty God.

Judge Hutcheson: I should like to ask you a question or two, Judge.

Mr. Proskauer: Yes, sir.

Judge Hutcheson: I would like to say that your approach is familiar and pleasant to me because it is the approach and the attitude of what I call judicial. It is practical. It is definite. In your paper you have many things that are

well gotten together and things about which we have been troubled. There are one or two questions that I would like to ask you about some of the definite suggestions you have made.

Mr. Proskauer: Would you direct my attention to the page, Judge?

Judge Hutcheson: This is more or less general. You say that there are 100,000 Jews who should now go to Palestine. I would like to ask you how, in view of the information that we have, that a good many of the temporarily repatriated Jews into Poland and other places are coming back again, how are we going to get in touch with the particular 100,000?

Mr. Proskauer: I am going to ask my associate, who just came back from there, if you will permit me, to answer that question. I am not avoiding the question and I know the answer but I think perhaps you would get it better if Mr. Neikrug would answer that.

The question is, Mr. Neikrug, in using the phrase 100,000, how do you make up that 100,000?

Mr. Neikrug: There were, as of December 1st, practically 70,000 Jews in the occupied zones of Germany and Austria. There were some 10,000 in the British zone, 2,000 in the French zone, and some 58,000 in the American zone. That period was in the very midst of the infiltration from Poland. At the time the figure estimated within Poland was some 70,000

to 80,000.

Mr. McDonald: What about the Russian zone in Germany?

Mr. Neikrug: I think Judge Proskauer covered that when he spoke of the 150,000 that would come along afterward.

Mr. Proskauer: He means the Russian zone.

Mr. Neikrug: There has been no way of arriving at any figures. I don't think there are many other than the 150,000. We don't have any figures for the Russian zone. There are no figures available.

Judge Hutcheson: We will ask our questions of Judge Proskauer in order that we do not get confused.

Mr. Proskauer: Yes, sir.

Judge Hutcheson: You say you have no figures on the Russian zone of occupation. You say there are 70,000 in Austria, Germany and Austria, France, American, British zones. Where do we get the other 30,000?

Mr. Neikrug: The other 30,000 represent estimated infiltrates during the winter from December 1st out of these 70,000 in Poland, as of December 1st.

Judge Hutcheson: You think there is still about 100,000?

Mr. Neikrug: Yes, sir. I think the figure today is within the 100,000 mark.

Judge Hutcheson: All right. That answers that question.

Now, there are several questions that occur but I will try to ask only those that I can get a fairly definite answer to.

You said there was no Jewish problem in Italy except the economic situation. That involves the conclusion that the Committee would have no real function there.

Mr. Proskauer: I must qualify your repetition of my answer in that way, Judge. I said that we had the testimony of Mr. Renss Levi, who is a distinguished Italian Jew, that that was the situation in Italy.

Judge Hutcheson: I see. Your organization has not verified that?

Mr. Proskauer: We have not verified it to the extent of guaranteeing it. We believe it to be true; and we think you should test the ultimate validity of it.

Judge Hutcheson: Now, the last thing that occurs to me is this, and it presents an inquiry that I want to phrase very carefully, and I want you to answer very carefully, as I do not want to be a catalytic agent to precipitating any confusion here.

Am I correct in saying that it is your opinion, and that of the group you represent, insistent as you are on opening Palestine and for free immigration, it is not for the purpose that at the end we shall have what might be called a Jewish state as opposed to a democratic state? You don't want an Arab state, you don't want a Jewish state, you want a democratic state to which Jews can freely come, and Arabs also?

Mr. Proskauer: I cannot answer your question categorically

but I shall try to show that I am not evading the answer to it.

We have believed that no human being has a right to predict what is going to be necessary or happen 10, 15 or 25 years from now. It is obvious that any determination as to the ultimate form of government in Palestine must relate in its realization to a period many years ahead. I do not know what the conditions in Europe are going to be then. Possibly there might be Hitlerism running riot.

Judge Parker, the head of our Court of Appeals, once said in an opinion that testators ought not to try to run the world from heaven. And so we have suggested all throughout this period the postponement of an ultimate decision as long as it could be rationally and fairly postponed while we were doing those things which all people agree ought to be done presently.

Now, you use the phrase "Jewish state" in your question.

Judge Hutcheson: It has been used so often. Or "Jewish commonwealth".

Mr. Proskauer: Or Jewish commonwealth, which is immaterial.

I have never myself been able to avoid the confusion in the use of that phrase. I read you the definitions given by great Zionists of what they wanted, which was a state in which neither Arabs nor Jews should dominate the other. I know that there are members of the Zionist groups who do

not agree with that and who believe in a more -- I am seeking for a word that has no evil implication -- a more essentially Jewish --

Judge Hutcheson: More definite?

Mr. Proskauer: More definitive. I won't say a theocracy but something approaching that.

I have given you what we regard as the ideal. It is my prayer that a necessity will not arise which will require a return to the identification of a state with a religion. It is my prayer and my hope that as this situation develops the real objective will be attained when you get full immigration into Palestine, full opportunity to build up that spiritual life which is, after all, the essence of the Jewish ethos, rather than a political ethos, and wherein an atmosphere of good will that essential can be maintained under the democratic form of government which I have expressed as my ideal.

Judge Hutcheson: As one lawyer to another in construing a program, in determining a program, or construing a paper, of course, everything inside the paper must be read so as to make the paper as a whole speak. The same with a program. You are not opposed to a Jewish state, you are not opposed to an Arab state, I suppose, but is the result of what you are talking about this, that if immigration is permitted, if common growth of the two peoples are permitted, why try to label the resulting enterprise either a Jewish or Arab by name,

is that your point?

Mr. Proskauer: Rather than answer categorically I would like to rephrase it without the implication that I have accepted as my position your restatement of it in any aspect.

I see no point in announcing a Jewish state today in a country where the Arabs outnumber the Jews almost two-to-one. I see every point in the creation in the kind of state that Dr. Weizmann described in this document of his I read.

If I seem to be very meticulous in my answer to you, Judge Hutcheson, it is because the use of these phrases has caused great conflict, great confusion, great hard feeling among groups of Jews themselves and I am trying studiously to avoid the slightest atmosphere of hostility or friction or controversy where it can fairly be avoided, as here I think it can.

Therefore, continuing my statement from that point of view, everybody, I would take it, would concede you can't have a theocratic or Jewish state today.

Mr. McDonald: Has anything such as that been suggested?

Mr. Proskauer: I think not. That is why I read what Dr. Weizmann has said, because I think the true interpretation of the phrase "Jewish state", as they have used it, is not a theocratic state, and far from misrepresenting it my emphasis has been that I believe that the area of conflict between various groups of Jewry is very much narrower than it appears

to be on the surface, because I agree with the intimation of Mr. McDonald's statement that there was no intention of using the phrase "Jewish state" to have a theocratic state.

Therefore, what does it come down to? We use the phrase indiscriminately "Jewish state". If it is not a state identified with a religion or a theocratic state what it comes down to is a state where the Jews have a right to come in, have a right, if fortune wills it, not to have a majority or a minority, but there to have a state where, as Dr. Weizmann put it, neither will dominate the other.

Dr. Aydelotte: Judge, do you think it is possible for the Jewish people in Palestine to avoid the evils which they associate with the term "minority status" even though they should not have an actual majority of people in Palestine? A great many people have said to us the Jewish people would like to get away from what is called a minority status. Now, is it possible to have a state in which all will be free and still it will be a matter of indifference or the situation won't change if the Jews have a majority or the absence of a majority of the actual people?

Mr. Proskauer: As nearly as I can understand your question, and I am not quite clear about it, I think the kind of minority status that was inherent in the old treaties have been perfectly worthless. And I think that the intermediate creation of this trusteeship is going to require

negotiations. I don't know where the majority is going to be five years from now or ten years from now.

But what you are really asking me to do is to prejudge the determination which this trusteeship will make in the ultimate. My belief is that that trusteeship, decently administered, can work out a situation where if the Jews become a majority it will still be the kind of government, not at all theocratic, but democratic where, as Dr. Weizmann said, all should have equal rights.

If on the other hand the infiltration of Jews due to any of the unknowns that enter into this problem the Jew should still be a minority, I still believe that under the wise guidance of this trusteeship a government similar to the Swiss form of government can be worked out where there will be safety to Arabs and safety to Jews.

Dr. Aydelotte: So that the Jewish national home can be a success properly managed under this trusteeship even though the Jews were not in the actual majority of people of Palestine?

Mr. Proskauer: That is my hope and prayer, but I do not want by that answer to be understood as saying that I would advocate any form of restriction which would prevent the Jews in the normal course from being a majority.

Dr. Aydelotte: I quite understand.

Mr. Justice Singleton: Mr. Proskauer, I am afraid I

must ask you a few questions.

I hope you will remain seated, because it makes me feel uncomfortable if you are standing and I am seated, and I don't want to stand.

Mr. Proskauer: Then I will remain seated.

Mr. Justice Singleton: First of all you divide the subject into three heads, the subject which we have to approach, and they are most useful heads.

One thing, as to the 100,000 of which you spoke, we have had evidence about those people already, and I am sure each one of us realizes the urgency of the problem which you put before us, and desire that so far as can be something be done and done quickly.

There is just this consideration. You said the only place they could go to immediately was Palestine. You said later that there was no time for arrangements to be made for them to go somewhere else. That is, that 100,000.

Mr. Proskauer: That is right.

Mr. Justice Singleton: Now, I remember something of 1914 when arrangements were made very quickly to receive large numbers of Belgians in a good many countries, when Belgium was overrun in August and September.

I can't quite see the impossibility of arrangements being made in other countries and I am not specifying any particular country for the reception of some.

Mr. Proskauer: Let me say this to you, sir. If you can make it possible and your Committee can discharge its function that way and I am wrong in saying that it is impossible which is, after all, an opinion and not a fact, God be with you in that accomplishment. With one exception. I do not believe that the world can force these people to go where they do not want to go and where they would be strangers in a strange land.

Mr. Justice Singleton: There I am completely with you. I would not for anyone.

Mr. Proskauer: Therefore I say that where we know, as we do from the reports we have just received, that a large proportion of this hundred thousand have a burning desire to go to Palestine, where they, as I said in my original remarks, they would find brothers, it is a great urge on you, I think, to help them go there, rather than to help them to go to some strange land.

Mr. Justice Singleton: I am not seeking to cast any doubt upon that, but what I wanted to raise with you was as to the remark which you made that there wasn't time. There has been some months already, if the arrangements were possible or desirable, and I couldn't see why the civilized world couldn't do something if the people were ready and willing to go to those places.

Mr. Proskauer: I do not see why the civilized world

shouldn't take them, but I do see a very grave doubt as to whether the civilized world with its present state of civilization can be made to move so quickly as to absorb a substantial number of these people during their lifetime.

Now, the question between you and me turns really on the use of my phrase "impossible".

Mr. Justice Singleton: Yes, it does, really.

Mr. Proskauer: I advance that as an opinion. I believe it to be right. The evidence I have to sustain that belief is my long experience in the slowness with which governments act. If I happen to be wrong in that then you are even more skillful than I believe you to be, and I believe you to be exceedingly skillful.

Mr. Justice Singleton: You don't mean me personally; you mean the Committee, I take it.

Mr. Proskauer: I mean the whole Committee, of course. And if you can actuate State Departments and Undersecretaries into speedier action, go and do it, that is your job, not mine, and put some of these people there if they are willing to go there. But if the poor devils who have already suffered the tortures of hell say we don't want to go to Canada or Australia or New Zealand, say, or some place else like that, where we don't know a soul, we don't want to go there, we want to go to Palestine where we have brothers and cousins and uncles and aunts, I am saying to you that it is your duty

to help them go there.

Mr. Justice Singleton: I appreciate it the way you put it now but you put it differently originally, I think. I think it is clear now what you mean.

I come to a second point. Your committee published this book?

Mr. Proskauer: Yes, sir.

Would you permit me to interrupt long enough to say that I strongly urge the consideration of this volume on the attention of the committee. If you will look, of course there is a great deal in it which is outside the purview of your committee.

Mr. Justice Singleton: You need not encourage the Committee on this.

Mr. Proskauer: It is the work of one of the most distinguished groups of scholars that I have ever seen assembled.

Mr. Justice Singleton: I found that it was most useful matter from our point of view.

Early in the book, on page 1, in the recommendations, the second heading is "Abrogation of Racial Legislation". You come back to that at page 25, Section II. Do you have it?

Mr. Proskauer: Yes, sir, I have that.

Mr. Justice Singleton: (Reading)

"In the Rumanian, Bulgarian and Hungarian Armistice Agreements, the Governments of the United States of

America, of the United Kingdom of Great Britain and North Ireland and of the Union of Soviet Socialist Republics have dealt with the abrogation of Nazi legislation and discrimination against the Jews in a way which the American Jewish Committee applauds as just.

"The pertinent clause from the most recent of these agreements, that with Hungary, signed on behalf of the aforementioned Governments by Marshall K. E. Voroshiloff reads as follows:"

That is a step to avoid as far as possible in the future any discrimination against Jews or any other race within those countries. That is a stage on the way.

Mr. Proskauer: Yes.

Mr. Justice Singleton: Whether it is followed I don't know. Has it been negative, do you know?

Mr. Proskauer: We haven't had time to find out yet. All I can say to you is that that fits in, mortises in with what I had to say about the human right sections of the UNO Charter.

Mr. Justice Singleton: Yes.

Mr. Proskauer: And I am sure that our delegation, I mean the American Delegation at San Francisco, is heartily in favor.

Mr. Justice Singleton: Would you say that notwithstanding there are large numbers who wish to leave these countries, Rumania and other countries, conditions there have been somewhat improved, efforts made to improve conditions?

Mr. Proskauer: Your question to me is whether despite these provisions in the Hungarian Treaty there are still Jews who wish to leave Hungary?

Mr. Justice Singleton: What I would like to know is has there been any result from that effort?

Mr. Proskauer: I cannot answer that question of my knowledge. My associate here, who has just come from Hungary, says there has been no implementation of it and that nothing has happened as a result of it as yet. I want to make it clear that I am not a 100 per cent expert on every phase of this complicated matter.

Mr. Justice Singleton: The real question is what can be done through the United Nations Organization in the long run.

Mr. Proskauer: That is right. This is a fine start to put in the treaties with the defeated enemy countries.

Mr. Justice Singleton: I hadn't realized until I read this book, of that move. So far as you know there is none as yet?

Mr. Proskauer: No, but I shall be very glad to have our staff note this question and if I might write you a letter we shall tell you all we have to say about it. The particular man who was in charge of this section of this brief is a very distinguished university professor.

Mr. Justice Singleton: I shall be most grateful for help

on that. I will tell you what I have in mind, if I may. You mentioned later in your evidence that we ought to devise clauses to protect all minorities.

Mr. Proskauer: Yes.

Mr. Justice Singleton: It is a matter involving great difficulty, the drafting of clauses. I venture to put this to you because of your position in the law as well as your knowledge of all these matters. I should very much like it if you would, assuming you have the time, let us have some ideas on those clauses.

Mr. Proskauer: We will write you a short brief answering your question.

Mr. Justice Singleton: I shall be very glad to have it.

Mr. Proskauer: We shall be delighted to do so.

Mr. Justice Singleton: Thank you very much.

You dealt with the question of stateless people and I notice that is referred to pages 89 to 99 in this book of yours.

Mr. Proskauer: Yes.

Mr. Justice Singleton: Now, your third heading you suggested the trusteeship for Palestine under the United Nations Organization. Article 821 of the United Nations Charter deals with that possibility -- "The administering authority may be one or more states or the organization itself."

There is one consideration which I would like to bring

to your mind upon the suggestion of the trusteeship. I am not criticizing. You may have a trusteeship of one state or of more states than one or of the organization. You referred a moment ago to the difficulty of getting a state to do anything. For "getting a move on", in other words.

Mr. Proskauer: You are becoming Americanized.

Mr. Justice Singleton: I have seen a little of this country. This isn't the first time I have visited it.

But wouldn't that difficulty be the greater if you had a number of states?

Mr. Proskauer: My own preference would be to have the United Nations Organization as such take the trusteeship, for the very reason you suggest. Let me put the other consideration to you.

Suppose we put the trusteeship under Great Britain, which now has the Mandate. Talking quite frankly with each other. There is great embarrassment to Great Britain, I believe, in the holding of that Mandate, of that trusteeship. It puts on Great Britain the sole responsibility of making decisions for which it may be held accountable by other nations. I won't name them for fear of saying something invidious. It is a terrible strain, I take it.

Mr. Justice Singleton: There is no doubt it is a great burden and I am not certain it is always realized. There may be the advantages to which you refer, I don't know, but

it is a burden.

Mr. Proskauer: I am not going to debate the advantages with you.

Mr. Justice Singleton: I didn't intend you to, but you rather led me on.

Mr. Proskauer: I didn't mean to lead you into temptation.

Mr. Justice Singleton: Better say no more about that.

(Laughter)

Why not, if one nation is bad, or if any nation you could consider has interests there of one kind or another, why not two nations? Every nation, I suppose, is interested in some way in Palestine. If you had the whole lot of the United Nations Organization as administering the trust, someone would always say someone else is interested, and they could pull it both ways, with the danger of no decision being arrived at.

Mr. Proskauer: Your point comes down to this, that nothing in God's world is perfect.

Mr. Justice Singleton: I have never found anything yet.

Mr. Proskauer: There is no doubt that that is true.

May I take your copy of the Charter for a moment?

Mr. Justice Singleton: Yes. 821 was the one I read.

Mr. Proskauer: I mean the part which tells who may be a trustee.

"May be one or more of the states or the organization

itself."

Why not the organization?

Mr. Justice Singleton: I am not saying one way or the other.

Mr. Proskauer: Neither am I. I am asking.

Mr. Justice Singleton: I should have thought you would know from your own experience that the witnesses are not to ask questions.

(Laughter)

Mr. Justice Singleton: But I don't mind being asked.

Mr. Proskauer: This is an exceptional case, where the witness has a right to ask, and for this reason: You raise a question as to which is better, one nation, two nations, or the organization, and you raise a question that it is your responsibility to answer, not mine. I can only give you a view and such reasons as I have for that view.

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My firm belief is that even taking into account your perfectly wise suggestion that two nations might be even slower than one, if that were possible, that the advantage of not having one nation solely responsible would still outweigh that. But my firm belief is that when the U. N. O. is as speedily organized as it appears now it is going to be, that if the Organization itself took the trusteeship, the world itself would be responsible.

Mr. Justice Singleton: I hope you are right in that.

Mr. Proskauer: I hope so.

Mr. Justice Singleton: Let me assure you, when you say my point is so and so, I am looking at all these matters for information.

Mr. Proskauer: Yes.

Mr. Justice Singleton: Because I don't know. I am seeking to find out which may be preferable if something of this kind has to be done.

Mr. Proskauer: I ought to say this. I was talking one day with a very distinguished Zionist leader, who is in this room, and I said to him, "If we go into this parley, what is your view as a Zionist leader, would you rather have Great Britain or an international trusteeship?" and he said, "I would rather have Great Britain because at least we got 600,000 Jews into Palestine under the British Mandate."

Despite that, I think that the considerations which led

to the promulgation of the White Paper make it perfectly clear that Great Britain ought to be relieved of that headache, and Palestine ought to be relieved of the dangers of that headache. That is my own personal view, and I am speaking not as a witness but as your lawyer.

Mr. Justice Singleton: I want to come to something further, if you will allow me, sir. To my mind it is of some importance.

You read a letter from someone who is now dead, who apologized for criticism of Great Britain, but the letter which you read may give the impression, and does indeed if it is taken in its full force, that British officials have at some time sought to stifle cooperation between Jew and Arab.

Let me make this clear for all time. I believe that if that could be shown in regard to any British official, that he is not worthy of the name of "British." That is my belief on the matter.

Mr. Proskauer: You will remember, sir, I said I was not going into that phase of it because I had not the slightest knowledge or information.

Mr. Justice Singleton: But don't you see the danger, then, of reading something of that kind?

Mr. Proskauer: I had to read it because it was a part of what followed next, and if I gave the slightest offense by

reading it, why, I would palliate that offense by saying that I emphasize what I said as I read it, that I do not pass judgment on that charge and do not think it important to go into that charge.

Mr. Justice Singleton: I am quite sure that if there were any such case brought to light, the individual wouldn't remain in British officialdom.

Mr. Proskauer: I think that is a very heartening assurance, sir.

Mr. Justice Singleton: Almost at the end of your book I found a passage -- it is on page 77 -- when you were dealing with the question of partition. It is on page 75, the heading, "Partition."

Mr. Proskauer: Yes, sir. Of our green book.

Mr. Justice Singleton: Yes. Then going over to page 77, toward the bottom of page 77, you will find this:

'In summary, the American Jewish Committee's objections to the partition plan were based on the ground that no solution of the Palestine problem is possible without peace between the two sections of the population.' That is the view today of the Jewish Committee?

Mr. Proskauer: Yes, sir. That view was stated by my predecessor president, Mr. Solomon Strong, who was a very distinguished lawyer in New York, who devised this principle which I announced today and which I have inherited from him.

Mr. Justice Singleton: It is the view of the committee?

Mr. Proskauer: Yes.

Mr. Justice Singleton: That partition is an impossibility, I gather?

Mr. Proskauer: It is our view that partition will get nobody anything. It is like dividing a sandwich into a great many microscopic portions, nobody gets enough to eat.

Mr. Justice Singleton: (Reading)

" * * * on the ground that no solution of the Palestine problem is possible without peace between the two sections of the population."

A good understanding is of absolute importance, that is your view?

Mr. Proskauer: Yes, sir.

Mr. Justice Singleton: And if I may be allowed to say so, it is mine, too.

I wondered about one or two things you said about the other side, which we have to hear, but I will say no more about that.

Later you said--

Mr. Proskauer: If I had known you were going to question me about this book, I would have read it. I haven't read it in many months.

Mr. Justice Singleton: Still, you know the subject-matter.

Mr. Proskauer: Some of it.

Mr. Justice Singleton: You said in the course of your evidence there will never be peace if Jews and Arabs do not agree. Extremists on both sides should stand aside.

14 Mr. Proskauer: Yes.

Mr. Justice Singleton: I can't help thinking that if that could be arranged, the task of our committee would be easier.

Mr. Proskauer: I can't help thinking, sir, that that is the task of your committee.

Mr. Justice Singleton: To make the extremists stand aside?

Mr. Proskauer: No, to call together the men of good will on both sides. You have it in your power to decide whom you are going to call. You can investigate the constitution of the Arab groups and of the Jewish groups in Palestine, with all the authority that adheres in your great position; you can call conferences.

Mr. Justice Singleton: I don't know how you can during that time keep those you describe as extremists quiet.

Mr. Proskauer: I do not suggest that you keep them quiet. I said you could make them stand aside.

Mr. Justice Singleton: Where would you put them?

Mr. Proskauer: I wouldn't put them anywhere. I would let them go where they pleased so long as they didn't come in

the conference room.

Mr. Justice Singleton: Now, sir, in answer to the Chairman you said that there was no point, it seemed to you, in announcing a Jewish state today. I gather that your view is that, in any event, this must be a considerable period, there must be a considerable period of years looking for conciliation before a state is created?

Mr. Froskauer: That is my view and, as I read, I think it is the view of very substantial people in the Zionist movement itself. I do not think that, in that respect, I am in antagonism at all with important Zionist leaders.

Mr. Justice Singleton: I wish above all that this committee can succeed in doing something towards conciliation. I believe it is so important for the future peace of the world.

I don't know that there is anything else I wish to ask you.

Mr. Froskauer: I am beginning to have a little sympathy for the witnesses I have cross-examined.

Mr. Justice Singleton: There is one other question that I want to put to you.

Who was it who said testators ought not to try to run the world from Heaven?

Mr. Froskauer: Judge Parker of our Court of Appeals in New York.

Mr. Justice Singleton: Much obliged to you. This is the first time that I have had an opportunity of asking questions of a witness who has sat in the appellate division of the Supreme Court of New York, and I suppose it will be the last.

Mr. Proskauer: I hope not, sir.

Mr. Justice Singleton: But I should like, if I may, to thank you.

Mr. Crum: May I ask a question, Mr. Chairman?

Judge Hutcheson: Yes.

Mr. Crum: Judge Proskauer, as I understand your statement, in your opinion 100,000 persons should be admitted to Palestine almost at once?

Mr. Proskauer: Right; it is just that.

Mr. Crum: Had your committee considered frictions which existed in Palestine?

Mr. Proskauer: Yes, sir.

Mr. Crum: Whatever risks might be involved?

Mr. Proskauer: Yes.

Mr. Crum: Nevertheless, it is still your opinion?

Mr. Proskauer: Yes, sir. I think it is your first function so to handle the Arabs when you get in contact with them, and I assume you are going to do it between here and England, and try to put to them the reasonableness of this proposal, that it doesn't change the numerical ratio

materially, that it does them no possible harm, and that it is not tied up with the pre-judgment as to the ultimate.

Mr. Crum: Supposing they do not agree with that argument?

Mr. Proskauer: Well, then, it becomes a question of whether Great Britain is going to be dictated to by the Arabs or not in respect of the White Paper. I have enough confidence in Great Britain to believe they won't be so dictated to. I don't like to use that kind of language because it seems to go a little contrary to my peace-making spirit.

Mr. Crum: Do you have a time element in mind, Judge?

Mr. Proskauer: You mean whether it is a week or a month?

Mr. Crum: The time.

Mr. Proskauer: Just about as quickly as you can get them there. If you gentlemen, after this session is over, would informally talk to my associate here who has just come from those camps, you will get a picture of why I say "just about as quickly as you can act."

Major Manningham-Buller: Following up Mr. Crum's questions, I take it it is your view that if these 100,000 are admitted forthwith, the duty of Great Britain would be to provide British forces to maintain law and order?

Mr. Proskauer: Yes. I think the Mandatory has that duty.

Major Manningham-Buller: No matter what hostility there

may be, that duty will remain?

Mr. Proskauer: I think the duty remains, but I am not unmindful of what is implicit in your question, that if I am all wrong about the ability of Great Britain to persuade the Arabs or to at least get some reasonable compromise out of it, that it is a British headache -- that I agree to. I can't answer questions as though I had the power of second-sight and was foretelling what was going to happen. My function, I believe, is most respectfully to suggest the things that I think are of immediate importance. The consequences of them this committee has to weigh.

Major Manningham-Buller: I wanted to ask you. You said the trusteeship should be international for the protection of existing Jewish settlements. You meant, I take it, until there was a trusteeship by the Organization or by two or more states, Great Britain would have to carry on the burden of preserving law and order?

Mr. Proskauer: Yes, I think that is the mandatory duty.

Major Manningham-Buller: You think that is the position?

Mr. Proskauer: Oh, yes.

Major Manningham-Buller: And the extent of that burden might or might not be increased by unlimited immigration?

Mr. Proskauer: Yes, it might or might not be increased by unlimited immigration, but there again I think you are

forgetting my timing element. When I conceived the notion of suggesting that you divide your subject-matter chronologically, it was with just that in mind. If you come out today and announce that the White Paper is forever lifted, I could conceive that you would have a very difficult immediate problem on your hands. If, on the other hand, you came out today and said to the Arabs, "Forget the future for a while, until we get a chance to talk it over, and acquiesce in our decision to let this 100,000 go into Palestine immediately, and then we will sit around the table and talk," then I think you have a very different situation, and it is just what is implicit in your question, your mind, that I took the liberty of suggesting to the committee that it use this chronological approach to this problem.

Major Manningham-Buller: You say the trusteeship must protect the right of Jewish immigrants into Palestine. Do you mean the right of immigration so long as there are any Jews outside of Palestine who want to get in, no ceiling on the number to go in?

Mr. Proskauer: Now, there, again, you are talking of one of the subsequent phases of it.

Major Manningham-Buller: Yes, I am.

Mr. Proskauer: I believe that under the Mandate and the Balfour Declaration -- to use the exact phrase, as I recall it, although I may vary a word or two, it is, "can go into

Palestine as a right." Now, if you go into Palestine as a right, that doesn't mean that you are going in there only if the Arabs say you may go in. The Declaration also refers to the rights of other inhabitants and the condition of the country. I think, under a proper trusteeship, which would be utterly fair and impartial, there would be no artificial restriction of Jewish immigration. There might be a slowing up of it due to economic conditions which were temporary or to other conditions which made a regulation of it from time to time necessary.

Major Manningham-Buller: That was really the point I was coming to. I was dealing with the long-term position for the moment. I am not trying to seek to get your interpretation of the Mandate or the Balfour Declaration but as to your view of what should be under this trusteeship. Would you include in that trusteeship, then, a power of limiting immigration depending upon the economic situation within the country?

Mr. Proskauer: I would like to read it to you in the formal words that my committee adopted it:

"To safeguard the Jewish settlement and to guarantee adequate scope for the future growth and development of Palestine to the fullest extent of the economic absorptive capacity of the country."

That follows after the word "Immigration".

That is the view we have taken. We think it is a fair

view and one that is consistent with a reasonable interpretation of the declaration in the Mandate.

Major Manningham-Buller: If the trusteeship were carried out by the United Nations Organization, would it be your view that there should be an international force in Palestine to maintain law and order?

Mr. Proskauer: I think they would have the obligation to maintain law and order, and if it required an international force to do it, it certainly ought to be there, but I can't determine, from my inadequate knowledge of the present conditions, just how much or what force should be there. Surely the country would have to be policed.

Mr. Phillips: Mr. Proskauer, assuming that the 100,000 can be transported, that means the rapid arrival in a small country of a large population, who would have no means of livelihood except that of relief for the time being. I was wondering, are the relief funds sufficient to care for a hundred thousand refugees?

Mr. Proskauer: Mr. Phillips, I can only give you this answer, which is not to be intended as a guaranty. I believe that the money can be raised to take care of these people. I have no doubt of it.

Judge Hutcheson: I would like to ask you one question, following what Major Manningham-Buller has asked you. I have had for a long time experience with immigration laws, holding

court in a border district, up and down the Mexican border, and I know something about immigration laws. I have understood all the time in this talk about unrestricted immigration that no one has suggested that Palestine, under whatever government is running it, should not have some proper laws regulating immigration into it and putting limits and conditions on it, but that they should not be made to react against Jews as such. The laws should be drawn with reference to the welfare of the country so that people can't come in unless they comply with the laws. You are not saying there should be no immigration laws there at all, are you?



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Mr. Proskauer: No; I am not saying either, Judge Hutcheson, that there isn't a special right, and I am not now talking of a privilege, as to Jewish immigration in Palestine. That is right, and I am leaving all extra-legal sanctions aside, because I am sure some of my friends who testified yesterday have spoken of that, that right arises from the declaration, the Mandate, and the various Treaties that followed it, which I am sure you will find have been fully briefed in the documents before you, and they provide in substance that Jews shall be allowed to enter Palestine and own lands as a matter of right, and not as a matter of suffrage.

Judge Hutcheson: Let me say this: There isn't any contention that Palestine, the state, whatever it is, trusteeship, shall not have the right to protect itself against a flood of immigration which it cannot handle, merely because there is a tremendous body of Jews that want to come in there?

Mr. Proskauer: No, not that. But there is a middle ground between that and what you first put to me, Judge Hutcheson.

Judge Hutcheson: I see.

Mr. Proskauer: And the distinction is exceedingly important. After Palestine becomes a sovereign nation I suppose it can make its own law.

Judge Hutcheson: Suppose it was going on a trusteeship and

was trying to build the country up?

Mr. Proskauer: I am not trying to avoid that. Under the trusteeship surely Mandatory or Trustee would have the right to take into account the economic absorptive capacity of the country and those things which would make immigration a disaster to those already there.

Judge Hutcheson: That is my point.

Mr. Proskauer: But it would not have a right arbitrarily to reduce or forfeit Jewish immigration, and I am emphasizing in that connection the point the Jewish immigration into Palestine stands on a different legal and historic basis from general immigration into Palestine.

Judge Hutcheson: The reason I ask you that, the New Palestine comes to my desk all the time, and I read it, and have read something about some kind of an organization, maybe two or three, in Palestine that take the position that the right of a Jew to go into Palestine cannot be regulated by law, and anybody can come in anyway, so long as he is a Jew. That doesn't seem to be consistent with sovereignty.

Mr. Proskauer: Mr. Chairman, so far as the American-Jewish Committee is concerned, we oppose illegal conduct wherever it is committed and by whomever committed. Let me make that indubitably clear.

Judge Hutcheson: I see. There is no claim that the legal right to do an illegal thing exists, or that merely

because a person is a Jew he can go to Palestine. That isn't contended by you?

Mr. Proskauer: No, sir. Let me read it in this phrase from the document we submitted to you.

"No arbitrary limit should be set to the immigration of Jews or their right to buy land; the only criterion should be the economic absorptive capacity of Palestine. The fullest opportunity should be afforded to the Jewish settlers to develop the economic resources of the country."

I hope I have made it clear to you, sir, that nothing I have said I give aid or comfort to any movement for breaking the law.

Judge Hutcheson: Well, if there are no other questions we will adjourn.

We have reached the adjourning time. Thank you very much.

(Thereupon, at 5:10 o'clock p. m. an adjournment was taken until 10:00 o'clock a. m., Thursday, January 10, 1946.)
