

AIR MAIL

הסוכנות היהודית לארץ ישראל

THE JEWISH AGENCY FOR PALESTINE.

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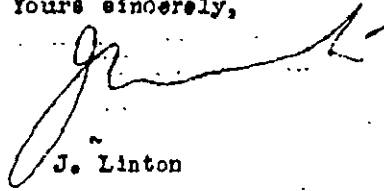
Mrs. Golda Meyerson,
Jewish Agency for Palestine,
P.O.B. 92,
JERUSALEM.

Dear Golda Meyerson,

Agronsky is leaving tomorrow morning, and I am taking this opportunity of sending you the Minutes of the last meeting at the Colonial Office which took place on the 18th October. The Minutes of the previous meetings you have no doubt received from Kaplan and Rabbi Fishman.

2. You may perhaps remember that the Executive decided in Paris that a Memorandum should be drawn up about the deportations to Cyprus, etc. I made the first draft when I got back to London, but subsequent events drove the matter out of our minds. When Kaplan was in Paris the last time, Ben-Gurion asked what had happened to the Memorandum, and I then sent him the draft, a copy of which I enclose herewith. I have asked B.G. for his comments and whether he still wishes to use the Memorandum and in what way. I do not know whether he will reply before he leaves for America. In any case, I should be very glad to receive your comments on it.

With kindest regards,
Yours sincerely,



J. Linton

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On August 13th, H.M.G. issued a statement setting out their intentions with regard to so-called Jewish "illegal" immigrants to Palestine. The steps announced were:

- (a) Instructions to the Palestine authorities not to receive any more such immigrants;
- (b) Representations to the Governments from whose territories the emigrants "are despatched" that the traffic should be stopped at the source;
- (c) The transportation of immigrants arriving after 13th August, 1946, to camps in Cyprus or elsewhere, until a decision should be reached regarding their future.

The reasons given for this action were that the quota of 75,000 Jewish immigrants permitted to enter Palestine under the White Paper of 1939 was exhausted, and that the flow of immigrants without immigration certificates was greater than the quota of 1500 certificates a month which H.M.G. had authorized pending a decision on the future of Palestine.

2. To see this action in proper perspective, it is necessary to examine the immigration policy of the Mandatory Power during the preceding years. Until February 1946, when the Mandatory Power authorized the issue of immigration certificates to cover three months from 15th December, 1945, at the rate of 1,500 a month, immigration policy was governed by the White Paper of May, 1939, which authorized the immigration of 10,000 Jews per annum for a period of five years, with an additional 25,000 Jewish refugees. The attitude of the Jewish Agency towards the 1939 White Paper was made clear from the outset. In a letter to the then High Commissioner for Palestine, Mr. Ben-Gurion, Chairman of the Executive of the Jewish Agency, wrote:

"In the submission of the Jewish Agency the policy of the White Paper is thus devoid of any legal or moral authority."

3. The Jewish Agency was not alone in condemning the White Paper. The League of Nations Permanent Mandates Commission, in June 1939, unanimously decided that the policy set out in the White Paper was "not in accordance with the interpretation which, in agreement with the Mandatory Power and the Jewish Agency, had been given to the White Paper."

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League, the Commission had always placed on the Palestine Mandate." It was described in the strongest terms as a breach of international pledges by the opponents of the Government's Palestine policy in the Parliamentary Debate in May, 1939. Amongst those who spoke in this sense were Mr. Herbert Morrison, Mr. Tom Williams and Mr. Noel Baker, all members of the present Labour Government, as well as Mr. Winston Churchill.

The Annual Conference of the Labour Party, held in Southport in June, 1939, declared that "the White Paper, by imposing minority status on the Jews, by departing from the principle of economic absorptive capacity governing Jewish immigration, by making Jewish entry dependent on Arab consent, and by restricting Jewish land settlement, violates the solemn pledges contained in the Balfour Declaration and the Mandate."

The view of the American Government, which, though not a member of the League of Nations, had recognised the Palestine Mandate in a special Treaty with Great Britain in 1924, was given by President Roosevelt in an authorized statement issued on March 9th, 1944, that "the American Government has never given approval to the White Paper of 1939."

4. The White Paper was issued at a time when the Jewish refugee problem had already assumed substantial dimensions as a result of Nazi persecution. Nazism had by then all but destroyed the Jewish communities of Germany and Austria. It is true that in May 1939 Nazi diplomats were still being received in the chancelleries of civilised nations, and that Hitler found it more profitable to restrict his campaign against the Jews, whom he had vowed to destroy, to economic and administrative practices which made it impossible for them to continue their existence in the countries under Nazi domination. Starvation, forced labour and gas chambers were yet to come. But just as the clouds of war were slowly gathering, so the shadow of extermination was already creeping over the Jews of Europe.

After the outbreak of war, one of the first acts of the Mandatory Power in the spirit of the White Paper, was to issue in October 1939, an order completely stopping Jewish immigration during the six months ending March, 1940, and allowing only non-Jews to enter Palestine. This, despite the fact that the White Paper had set aside 25,000 immigration certificates for Jewish refugees, in addition to the regular quota of 10,000 per annum.

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5. The White Paper was often administered rigidly and harshly during the early years of the war, when possibilities still existed of saving large numbers of Jews who stood in the path of the advancing Nazi armies, and sometimes with a lack of humanity and imagination which gave rise to such tragic incidents as the loss of hundreds of lives in the foundering of the "Struma" in the Black Sea, the sinking of the "Patria" in the Haifa Harbour, and the deportation from Haifa to Mauritius, of some 1,500 men, women and children, who had escaped from Czechoslovakia, Austria and other parts of Europe. At a later stage of the war, when the truth about the catastrophe which had overwhelmed the Jews of Europe was gradually filtering through to the West and a more humane and helpful attitude was shown, the White Paper still stood as a barrier, and administrative practice often lagged behind public declarations of sympathy. It was hardly possible to avoid the suspicion that there was a desire toeke out the balance of the 75,000 Immigration Certificates as long as possible and so to defer the need for any action when the quota was exhausted. The remnants of the quota were doled out at the rate of 1500 a month.

6. When the White Paper quota was finally exhausted on the 15th December, 1945, some time elapsed during which no immigration certificates were authorised. Before that, however, the world had become aware that about six million Jews had been exterminated, than tens of thousands were living in circumstances of indescribable horror in the concentration camps of Germany and Occupied Europe, and that the need for Jewish emigration from these camps and from Europe generally was greater than at any time before or since the Balfour Declaration. In June, 1945, the Jewish Agency had submitted a request for 100,000 immigration certificates. In September, President Truman, after having received a report from his special envoy, Mr. Karl Harrison, made a similar request to H.M. Government. These requests were not granted, but on 12th February, 1946, the Mandatory Power declared that immigration would continue as from 15th December, 1945, at the rate of 1500 a month. This arbitrary figure had relation neither to the absorptive capacity of the country - there was indeed a serious shortage of labour in Palestine - nor to the terrible needs of the Jews. It was the same figure as the monthly "dole" which had served to eke out the White Paper quota.

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7. It could have come as no surprise to the present Government that the implementation of the White Paper, with its artificial restriction of Jewish immigration, would lead to "illegal" Jewish immigration. They knew it well when they were in opposition. They themselves warned the Chamberlain Government in unequivocal terms. Mr. Noel Baker, speaking in the House of Commons on May 22nd, 1939, said:

"If the Secretary of State's policy is now adopted, the illegal immigration of these tortured peoplewill enormously increase. The Jews of Palestine will go by the tens of thousands down to the beach to welcome them and to cover and protect their landings. The only way to stop them is to tell those kindly British soldiers to shoot them down. Does the Secretary of State believe that he could give that order? Does the Secretary of State believe that he could give that order? He knows that he could not. For that, if for no other reason, this policy is bound to fail. It will fail because, in the most tragic hour of Jewish history, the British people will not deny them their Promised Land.

And again on the 20th July, 1939:

"Of course the White Paper has increased illegal immigration. We told him it was going to do so, and his present stoppage of legal immigration will only make it worse. He hopes by this new method to enforce the White Paper policy. He is utterly mistaken. It will only be another milestone in the failure of the policy of the White Paper."

The present Government had opportunity as well as authority to act on these warnings. The Labour Party had given notice through Mr. Herbert Morrison, that the Chamberlain Government "must not expect that this (the White Paper) is going to be automatically binding on their successors." The President of the United States had requested the allocation of 100,000 immigration certificates for Jewish refugees - a request later repeated in the unanimous recommendations of the Anglo-American Committee of Enquiry on Palestine. The House of Commons, in an unforgettable and unprecedented act, had risen in silent homage to the millions of murdered Jews, and in sympathy with the surviving remnants. The way was open, legally and morally, for an adequate grant of immigration Certificates; but instead, the Mandatory Power decided to permit only 1500 a month. Even this monthly allocation was not entirely available for distribution by the Jewish Agency. Certificates were deducted for returning Jewish soldiers who had voluntarily enlisted in the British Forces, after having entered Palestine without certificates, and for their wives and children, although the Palestine Government had authority under its own laws to admit these classes of persons outside the regular schedule.

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8. The Prime Minister, Mr. Attlee, stated in the House of Commons on July 1st, 1946:

"This Government has never stood for the White Paper policy," and again in the same speech,

"It is quite wrong to say that we are carrying on the White Paper policy." These statements are quite explicit, and can only mean that the Mandatory Power had reverted to the status quo ante; that is to the policy of the Mandate. Indeed, there can be no other policy for the Mandatory Power to pursue, until the Mandate is replaced by a new international agreement. This is in accordance with Article 80 of the United Nations Charter:

"Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79 and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any States or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties."

The Mandate placed upon the Mandatory Power the positive obligation to facilitate Jewish immigration. In 1922, the Mandatory Power, with a view to allaying Arab fears, itself defined what it understood the term "facilitate immigration" to mean, by laying down the principle of economic absorptive capacity. This principle was endorsed by the Council of the League of Nations in 1930, and reaffirmed by the Mandatory Power in the then Prime Minister's letter of February 1931. In 1937, the Permanent Mandates Commission once more affirmed that this principle had been sanctioned by the League Council. It is clear beyond all shadow of doubt that the League of Nations, the Mandatory Power, as well as the Jewish Agency, were in agreement as to the principles which should govern immigration policy, pursued by the Mandatory Power. If, therefore, His Majesty's Government, as the Prime Minister has declared, is not carrying out the White Paper policy, and if the Mandatory Power cannot, in the words of Mr. Bevin (House of Commons speech, November 30th, 1945) "divest itself of its duties and responsibilities under the Mandate while the Mandate continues", it is clearly "a departure from the principles sanctioned by the League Council" to restrict immigration to 1500 a month, even though this restriction was made "pending a final decision on a future policy for Palestine." (Statement issued from 10 Downing Street, August 13th, 1946).

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9. The action of the Mandatory Power in preventing Jewish refugees from proceeding to Palestine, or in deporting them after their arrival, is a direct consequence of the policy of the White Paper, and of the restrictions on immigration introduced after the White Paper quota was exhausted. It is therefore the result of a violation of the Mandate and of a departure from the principles governing immigration into Palestine laid down by the Mandatory itself and endorsed by the League of Nations. In asking other Governments to prevent Jews from leaving or traversing their territories with a view to reaching Palestine, the Mandatory Power is prompting these Governments to condone and assist in a policy which is contrary to the Mandate, an international instrument to which some of them were parties in virtue of their membership of the League of Nations, and to Article 80 of the United Nations Charter, already quoted, which has the effect of maintaining in full the Palestine Mandate for the time being. Furthermore, His Majesty's Government must have known the difficulty of determining the final destination of a refugee on his way, and that their request, if fulfilled, by any of the Governments addressed, could not but result in discriminatory action against Jews as a whole in the countries affected. Quite apart from purely legal arguments, there is a moral aspect: the Mandatory Power is taking upon itself a very grave responsibility in preventing, or asking others to prevent, Jews from leaving countries where danger threatens them. The existence of this danger was plainly recognised by the Mandatory Power in its statement of August 15th, 1946:

"His Majesty's Government have been distressed to receive reports of persecution and pogroms against Jews in Eastern and South-Eastern Europe. It is a tragic situation, that in countries which have been liberated by Allied - including British - arms and sacrifice, the very anti-semitism against which we fought should raise its ugly head."

10. Step by step, from the illegality of the White Paper, to the departure from the Mandate by the arbitrary restriction on Jewish immigration, the Mandatory Power has been forced into the position of gaoler to Jewish refugees fleeing from Europe. Whatever the conditions in the camps in Cyprus and elsewhere - be they good or bad - the fact is that the victims of this policy are detained in camps, behind barbed wire, deprived of freedom and barred from the only hope which has sustained them - the hope of reaching their National Home, and of beginning a new life there among their own kith and kin. It is not by the use of camps, tear-gas, and military force that this problem will be solved. The path is clear: it is that of legality. The Mandatory Power must carry out the terms of the Mandate,

London, 22.10.46.
Draft.