

PALESTINE

INSTRUCTIONS REGARDING THE EXERCISE BY AMERICAN CONSULAR OFFICERS IN PALESTINE OF JUDICIAL AND ADMINISTRATIVE FUNCTIONS

867N.043/11

The Secretary of State to the Consul General at Jerusalem (Morris)

WASHINGTON, May 11, 1936.

SIR: Reference is made to your letter of March 14, 1936,¹ addressed to Mr. Wallace Murray, the Chief of the Division of Near Eastern Affairs, regarding the question of the exercise by American consular officers in Palestine of judicial functions.

It appears that the judicial functions authorized by the regulations made under Article 67 of the Palestine Order in Council, 1922,² concerning the powers of consuls in relation to personal status of nationals of their State, are limited to non-contentious cases of personal status and that such limited power is rendered potentially nugatory by the extensive authority reserved to the Palestine Courts to intervene in Consular Court cases. Accordingly the Department is of the opinion that American consular officers in Palestine should refrain from exercising any of the judicial functions authorized by the above-mentioned regulations.

Furthermore, it is the opinion of the Department that American consular officers in Palestine should limit their administrative functions in connection with the estates of Americans dying in Palestine to those authorized in paragraph 3 of the Palestine regulations in question, which reads as follows:

"If a national of a foreign State dies in Palestine or elsewhere leaving property in Palestine or if there is no known heir, executor, or other person present in Palestine entitled and willing to administer the estate, or if the heirs or legatees or some of them are minors or subject to incapacity and are not duly represented, the Consul may either personally or by his nominee, take possession of the papers and movable effects of the deceased or cause his seals to be placed thereon; make an inventory of the estate, recover the debts, sell the movable property, pay the funeral expenses, arrears of wages and other urgent debts, grant provisional allowances for the support of the deceased's

¹ Not printed.

² For text of regulations, see *Legislation of Palestine, 1918-1925*, vol. II, p. 66.

dependents; and in general take measures of a provisional, conservatory or urgent character in regard to the estate.

"If the national of one of the aforesaid States having property in Palestine is absent and has no representative in Palestine, the Consul may take similar measures to those specified above in regard to his property."

Such administrative functions should be exercised only in non-contentious cases, all other cases being referred to the local authorities for appropriate action.

Very truly yours,

For the Secretary of State:
WILBUR J. CARR

**ATTITUDE OF THE DEPARTMENT OF STATE CONCERNING PROBLEMS
ARISING FROM CONFLICTING INTERESTS OF ARABS AND JEWS
IN PALESTINE**

867N.00/283

The Consul General at Jerusalem (Morris) to the Secretary of State

No. 62

JERUSALEM, April 25, 1936.
[Received May 9.]

SIR: I have the honor to refer to the Consulate General's telegrams of April 18, 4 p.m., April 19, 6 p.m., April 20, 6 p.m., and April 21, 5 [6] p.m.,³ relative to the disturbances which have taken place in and around Jaffa, and to submit the following report in connection therewith.

To understand the atmosphere which prevailed in Palestine immediately prior to April 17 when it appeared that a disturbance of the local peace was imminent, the Consulate General believes it wise to refer to its despatch No. 691 of November 25, 1935,⁴ which was submitted subsequent to the events which succeeded the discovery of an important arms importation at the port of Jaffa and which described a situation closely related to that existing at the present moment. At that time, it will be remembered, tension was high and the fear existed that an open break between Arabs and Jews would occur at any time. The situation was further involved by the activities of Sheikh Izz-Ed-Din Kassem who organized bands of political highwaymen and, in effect, challenged the police to maintain security on the roads of north Palestine. His actions were said to constitute his contribution to the organized Arab protests that the local Government was unable to discover the importers or even to put a stop to the traffic in arms. Sheikh Izz-Ed-Din's activities resulted in the

³ None printed.

⁴ Not printed.

death of one British constable, the wounding of another, and in the death of four members of his organization (if such it may be called) and the capture of five others. Political brigandage thereafter disappeared in Palestine until during the week of April 5, when it reappeared and helped to precipitate the present disorders.

It will likewise be remembered that the tension which existed during October and November was dissipated only after the High Commissioner⁵ advanced his proposals for a Legislative Council. These proposals successfully broke down the united front which had been established by the five Arab parties in circumstances which they described as a "national emergency", by causing a renaissance of the political and personal jealousies which had hitherto characterized Arab politics in Palestine. As negotiations between the Arab leaders on the one hand, and between the leaders and the personnel of their respective parties on the other, continued, the breaking down of the united front became more apparent and all thought of united Arab action in regard to the Legislative Council was abandoned. Whether or not present events will restore the united front still remains to be seen, for the struggle between Husseini⁶ and Nashashibi⁷ is more severe at the present moment than ever before.

The Jewish attitude on the other hand became more unified. Organized opposition to the Legislative Council was crystallized not only in Palestine but throughout the world and particularly in Great Britain, where continual and urgent representations against the Council were carried on. An important by-product of the solidarity which the Jews exhibited, which was first mentioned in the Consulate General's despatch No. 691, became more and more noticeable during the period between November and April: an attitude which began as one of smugness and cocksureness and which gradually evolved, as mentioned in the Consulate General's despatch of April 18,⁸ into one of open derogation of the local authorities and even of the High Commissioner. Several noteworthy incidents illustrating the new attitude occurred during that time: Jewish individuals, apparently spontaneously and not in accordance with any preconceived plan or design, began indulging in acts of an anti-Arab nature which, although of no particular importance in themselves, were significant when taken together. Stones were thrown at passing Arabs, shop windows were broken, tills robbed and finally, early in March on the occasion

⁵ Lt. Gen. Sir Arthur Wauchope.

⁶ Jamal Efendi al-Husseini, leader of the Palestine Arab Party and a close associate of the Grand Mufti of Jerusalem, Haj Amin Efendi al-Husseini, who was also President of the Supreme Muslim Council.

⁷ Raghib Bey au-Nashashibi, ex-Mayor of Jerusalem and leader of the National Defense Party.

⁸ Not found in Department files.

of the opening of the Dizengoff Museum in Tel Aviv, a large crowd of Jews openly hissed the High Commissioner when he arrived at the building in which the museum is housed. Never before had such an occurrence taken place. During the same time, also, the feeling was prevalent that relations between the High Commissioner and Jewish leaders were becoming strained because of his ardent desire to establish a legislative council, and the equally ardent desire on the part of the Jews to prevent its institution. The Jewish attitude thus became definitely anti-Mandatory.

The above background will perhaps make more understandable the series of events which occurred during the middle of this month. As reported by telegram on April 18, the first factor contributing to the occurrence of the disturbances was the recrudescence of political highway robbery by bands of Arabs. Although Sheikh Izz-ed-Din had been captured and executed by the police, his spirit was reinvoked to inspire the Arabs to begin again their annoying practices on the highways. There was, however, a difference in the *modus operandi* of these bands as compared with those which operated under Sheikh Izz-ed-Din. The latter worked merely to annoy the Government, whereas the former operate on what can only be described as anti-Jewish lines. On one occasion busses were stopped on the Tulkarm-Nablus Road and all the passengers were forced to alight. The only three Jews in the busses were then segregated from their fellow passengers and placed in the cab of a truck at the head of the stopped column of cars. The door of the cab was closed and the Jews were fired upon at point-blank range. Of the three, one was killed outright, one died later of wounds, and the third was severely wounded. This incident was followed the next night by a revenge killing of two Arabs by Jews in a small hut on the Petah Tikva-Ranaana Road. It is reported by the police in this respect that at 10 p.m. on April 16 a car stopped before the hut and one of its occupants knocked on the door. In response to the knock the door was opened and two persons believed by the police to be Jews entered and, finding two Arabs within, shot them both dead on sight. One was shot six times with a Browning automatic and the other five with a Parabellum. The car with its occupants then disappeared.

When these facts became known the following morning tension between Arabs and Jews reached a crucial point. The situation was rendered acute later in the morning when the Jew who had been murdered by the "terrorists" two days before was buried as a martyr in the cemetery on the outskirts of Tel Aviv. The cortege following the body worked itself into a frenzy of righteous indignation and became disorderly. The efforts of the Jewish police of Tel Aviv to restore order and control the course of the procession were unavailing.

A clash ensued and the Jewish police were routed. Reserves of British police were immediately called and likewise were attacked. By this time the excitement had spread to the occupants of nearby houses who joined the fray by throwing flower pots, cement building blocks and even iron bedsteads upon the heads of the police below. At one moment it seemed as though the British police would likewise be routed and troops were ordered to stand by from the encampment at Sarafand. Fortunately, however, order was at length restored, but not until after the police had been forced to fire into the crowd and many casualties had occurred both among the police and the rioters. The authorities were particularly apprehensive during the course of these disturbances because at Ramleh, no more than ten miles away, crowds of excited Arabs were celebrating the local feast of Nebi Saleh, and had word of the riots in Tel Aviv reached them a most serious situation would almost certainly have developed.

The following day, Saturday, passed without incident, but in an atmosphere of extreme tension. The police and the military authorities prepared for serious trouble.

On Sunday their fears were justified. A large crowd of Arabs gathered in the morning before the offices of the District Commissioner in Jaffa to protest against the murder of the two Arabs killed on the 16th, and as they were milling about in the square and working themselves into a condition of frenzy two Jews appeared and were immediately set upon. The crowd of Arabs then went berserk and pursued every Jew they saw. Fortunately, not many were at hand. The crowd then turned its attention to the main Jaffa-Jerusalem highway, stopping all cars and inspecting them for Jewish passengers. Many cars were wrecked and many casualties took place, among them an official of the Public Works Department, the son of the honorary Swedish Consul, the son of a well-known British contractor and a member of the Royal Air Force. When order was finally restored at 3:30 in the afternoon total casualties amounted to

7 Jews killed;	2 Arabs killed;
15 Arabs wounded;	39 Jews wounded.

Monday morning dawned on a Palestine prepared for disturbances of the most serious sort. All shops were closed and traffic was at a minimum on the roads. At about 9 a. m. the police received word of fresh outbreaks in Jaffa and, as a result traffic ceased on the Jerusalem-Jaffa road and was convoyed on the Jerusalem-Nazareth road. The disturbances remained localized in the no-man's-land between Jaffa and Tel Aviv, where a platoon of the Cameron Highlanders had been stationed the day before, but a few minor incidents of stoning automobiles occurred in the Northern District near Jenin. To combat

this development the Air Officer Commanding despatched detachments of armored cars to Nablus, Tulkarm and Jenin and likewise ordered detachments of troops to support the police at Tulkarm in case of a clash between the Arabs of that district and the Jews of the neighboring colonies. Casualties in Jaffa on April 20 were as follows: 5 Jews killed and 26 wounded; 2 Arabs killed and 32 wounded; on that day also 2 Jews died of injuries received on the previous day.

Outside of the fracas in Jaffa the only important items to note on April 20 are two incidents which occurred on the Jerusalem-Nazareth road: a convoy of cars carrying visiting French officers back to Syria was stoned near Jenin and windshields and windows were broken; the French Consul General abandoned his car near Nablus because of a demonstration then in progress and returned to Jerusalem by train. Also on that day Consuls Lynch and Scott journeyed to Tel Aviv and back to Jerusalem after learning that no American individuals or property had been involved in the disturbances, and Consul Brent returned from Haifa—all without incident.

On April 21 the situation was reported as being "easier". Nineteen persons were wounded, 14 Arabs and 5 Jews, in "isolated assaults"; a Jewish lumber yard and other buildings were fired in Jaffa; traffic was resumed under convoy on the Jerusalem-Jaffa road; a crowd of Arabs bent on invading an outlying quarter of Tel Aviv were repulsed by the police; a general strike, which in effect has been only partial, was begun by Arab shopkeepers and still continues on April 25. This strike, which is supposed to have been inspired by that of the Damascene merchants some weeks ago and which is scheduled to last "until Arab demands are met", is a most half-hearted affair unsupported by the Nashashibi element. (As far as can be determined the Arab "demands" are the traditional ones: cessation of Jewish immigration and termination of land sales to Jews.)

The most significant events of April 21 were the orations delivered by the Messrs. Rokach and Dizengoff, Vice-Mayor and Mayor of Tel Aviv respectively, before a crowd estimated at 10,000 persons who had gathered when Tel Aviv buried its dead of the day before. In the course of his oration Mr. Rokach said: "These victims have not shed their blood for nothing. This incident will open the eyes of the Jews to the necessity of joining together with renewed energy and strength . . ." ^{8a} Mr. Dizengoff's remarks were perhaps more pointed: "Some have fallen and the living must take their places . . . Many before you have made the same sacrifice. All of us are ready to make it . . . You have fallen not as wrongdoers but as a

^{8a} Omissions indicated in the original despatch.

sacrifice to our weakness and powerlessness . . . We failed to secure enough power to keep at bay the danger which pursues us outside Palestine. Thousands have died before and thousands will yet die . . . No savage force, no murders, no attacks will move us from our position which we have gained here . . . You were the victims of our optimism . . . This silence bears witness to the strength of our people, to the power of our answer, to your determination . . .”

April 22 and 23 passed under circumstances officially described as “quiet but tense”. No incident of importance occurred. A few burnings were reported, traffic moved under convoy and rumors were rife. It is hard to describe the variety, extent and seriousness of these rumors. They included everything: Arabs were attacking Jewish colonies, serious riots had occurred in Hebron, the Jewish village of Talpioth had been destroyed by the Arabs of Bethlehem, Haifa was a bloody battlefield, the Mufti had been arrested and deported, troops had arrived from Egypt. All of these tales were eventually, and with maddening loss of time, proved false.

Two events which occurred during these two days are, however, worthy of mention. Both are important when considering the altered Jewish attitude. During the night of April 22 a police patrol was fired upon by Jews in the Tel Aviv district; the police returned the fire and a Jew was wounded. This fact was first circulated as rumor but was later confirmed and embodied in an official communiqué to which the Jewish Agency took formal exception on the ground that the report was unfounded and the Government was therefore culpable of disseminating untruths calculated to redound to the discredit of the Jews.

The second event occurred on April 23. It was a speech made by Dr. Weizmann when opening the World Congress of Jewish Physicians, at Tel Aviv. The essence of Dr. Weizmann’s remarks is contained in the following words: “This Congress is a symbol of our answer to the attacks of the last few days . . . On one side the forces of destruction, the forces of the desert have arisen, and on the other stand firm the forces of civilization—but we will not be stopped.” These words are worth considering. They contain Weizmann’s opinion of the Arabs and his challenge to the Mandatory; both apparently honestly expressed.

April 24 was awaited with more apprehension than any preceding day. As there had been three days of relative calm and as it was also Friday, the Moslem day of rest and, from sunset, also the Jewish Sabbath, it was presumed that if anything was to happen it would happen on that day, and probably in Jerusalem where are situated the Dome of the Rock and the Wailing Wall. But nothing happened.

The day finally dragged tensely to a close, but with the immediate outlook unchanged. Several theories are advanced to explain the absence of disturbances on April 24. The most likely in the Consulate General's view is that the Arab leaders had never been behind the Jaffa outbreaks, which were participated in principally by irresponsible Haurani workers⁹ in the port, and had not been more than half-hearted in their advocacy of the general strike. Nashashibi, in fact, had urged on several occasions and particularly on April 23 that the leaders make a statement disavowing the present unrest, that they call off the strike and depart for London where they have been invited to express their views on the Legislative Council. Whether or not this advice will prevail will not be known until too late for inclusion in this despatch, as the meeting of leaders to determine present Arab policy is now in session and will not have ended before the mail closes. But it is believed that the fellaheen and townsmen, although perhaps in the mood for demonstrations on April 24, were not sufficiently affected by recent events to brave of their own accord the rifles and batons of the military and the police who were in riot mood.

In brief summary: the disturbances appear to have been begun by Jews entering a square in Jaffa which was packed by irresponsible Arabs gathered to demand the punishment of the alleged Jews who had murdered two Arabs two days previously; the district of unrest was localized in Jaffa-Tel Aviv for two days, when it spread without serious effect to the Arab nationalist centers in the north; the lukewarm attitude of the Arab leaders in general and of Nashashibi in particular appears to have prevented the spread of the disturbances and to have maintained quiet in Jerusalem (for riots would probably have occurred regardless of the careful preparations and presence in large numbers of both the police and the military had incitement been sufficient); the Arabs may use the present situation as a fulcrum for their demands (as was done with success in Egypt and Syria); and, finally, the situation has adduced considerable evidence to demonstrate that a significant alteration of attitude has occurred among the Jews, both individuals and officials—an attitude which implies the pushing ahead of Zionist designs in the face of all resistance, whether offered by Arab or Mandatory. In this respect the most significant fact, and one that has thus far not been mentioned in this despatch, is that the Jewish defense organization Haganah, once guarded in the utmost secrecy, is now openly boasted of as a sort of Zionist army, trained, disciplined and armed.

Respectfully yours,

LELAND B. MORRIS

⁹ A poor type of labor employed in the ports for handling of cargo ashore.

867N.00/287

The Consul General at Jerusalem (Morris) to the Secretary of State

[Extract]

No. 69

JERUSALEM, May 6, 1936.

[Received May 21.]

SIR: I have the honor to refer to the Consulate General's despatch No. 62 of April 25, 1936, concerning the present disturbances, and to supplement that despatch with the following comments on the situation as it has developed from April 25 until the present date.

When despatch No. 62 was submitted the situation was briefly as follows: the Arabs were conducting a general strike which did not have the whole-hearted support of all the Arab leaders, the internal situation of the country, although relatively quiet, was rendered tense by isolated instances of arson, stabbing, sniping at night, minor disturbances in most of the towns and cities containing an appreciable Arab population, and by such forms of agricultural sabotage as the burning of crops, the despoliation of groves and the uprooting of trees. The Arab leaders had not then decided exactly what their policy would be. The Jewish attitude was one of watchful waiting.

With the exception of the policy of the Arab leaders the situation has undergone no notable change since April 25. The description contained in the above paragraph applies perfectly well to the present situation, although it must be recognized that the most trifling of incidents, whether accidental or of design, could precipitate disorders of a most serious nature. Such disorders would almost certainly involve a spirited armed defense by the Jews, if they considered themselves attacked, and would consequently be considerably more grave than any that have yet occurred in Palestine. The possibility of such Jewish action is not discounted by the authorities, who state that if the Haganah becomes active it will be "considered as an organization of rebels and treated as such".

It will be remembered that on April 25 the Arab leaders held a meeting to determine their line of policy. As far as can be learned the meeting was of a stormy nature and no agreement was reached until late in the afternoon. Nashashibi urged that the strike be abandoned and that the delegation proceed to London. The Mufti argued for a continuance of the strike and a unanimous Arab attitude. At length Nashashibi saw that he was outnumbered and consented, for the sake of solidarity, to lend his support to the strike. This he did wholeheartedly. His newspaper, *Falastin*, carried editorials supporting the Arab program and urging that every shop owner and chauffeur join the strike which, from that moment, became general and worthy of serious consideration.

Respectfully yours,

LELAND B. MORRIS

867N.00/285 : Telegram

The Consul General at Jerusalem (Morris) to the Secretary of State

JERUSALEM, May 18, 1936—noon.

[Received May 18—10:10 a.m.]

The center of unrest now definitely includes Jerusalem where a general curfew was imposed yesterday noon. I have identified to the local government the quarters inhabited by about 1100 Jewish Americans and have requested adequate protection. Visited the Jewish quarters and arranged for flying flag over an American Jewish headquarters and for immediate notification to the Consulate General in case of imminent danger.

Three Polish Jews killed leaving cinema by unidentified and uncaptured gunman on Saturday and one Austrian Christian wearing fez shot dead on street this morning. Considerable sporadic firing by civilians yesterday and today, no Americans thus far molested in Jerusalem.

MORRIS

867N.00/290 : Telegram

The Consul General at Jerusalem (Morris) to the Secretary of State

JERUSALEM, May 22, 1936—6 p.m.

[Received May 22—4 p.m.]

The internal situation is becoming more acute daily. Recent developments include repeated efforts to sever telegraph and telephone communications, an attack by armed Arabs on a convoy near Haifa and most significant an attack by Arabs on a detachment of Cameron Highlanders during which one of the latter was wounded when the Arabs were being dispersed after ambushing a convoy of buses and wounding two Jews near Jerusalem, in addition to the usual agricultural sabotage, arson, sniping and throwing of crude bombs.

Military establishment further reenforced by the arrival today of a battalion of Seaforth Highlanders from Cairo and a company of Royal Engineers from Egypt. The latter will assure functioning of railway.

MORRIS

367N.11/72a : Telegram

The Acting Secretary of State to the Consul General at Jerusalem (Morris)

WASHINGTON, May 23, 1936—3 p.m.

Department approves measures you have taken, as reported in your May 18, noon, with view to protection of American nationals.

You are, of course, aware of the widespread interest in Jewish circles in this country in the Palestine situation; the files of the Consulate General will indicate the care and attention which the Department has given to this problem in previous instances in which disturbances have arisen. In view of these considerations and bearing in mind the growing tenseness of the situation, as reported in your May 22, 6 p.m., I wish to impress upon you the great importance which we attach to your acting vigorously and promptly with the local authorities in requesting adequate protection for American nationals in any situation which may arise. We have full confidence that you will act accordingly in seeing that such protection is afforded.

CARR

367N.11/73a : Telegram

*The Secretary of State to the Ambassador in the United Kingdom
(Bingham)*

WASHINGTON, May 28, 1936—noon.

184. The Consul General at Jerusalem, in reporting on the Palestine disturbances, states that he has identified to the local government the quarters occupied by 1100 American nationals and has requested adequate protection for them. He emphasizes that the local authorities have given notably prompt attention to his requests for protection of American nationals and property.

Please express to the Foreign Office the Department's appreciation for the cooperative attitude of the Palestine authorities in this matter. Unless you perceive some objection also state that in view of the large number of American nationals in Palestine and the extent of American interests there, the Department would be gratified to receive from time to time such information as may appropriately be furnished concerning current developments in that country, with particular reference to the safety and protection of American nationals.

HULL

867N.00/317 : Telegram

The Consul General at Jerusalem (Morris) to the Secretary of State

JERUSALEM, July 1, 1936—5 p. m.

[Received July 1—3:17 p.m.]

More drastic measures by the military and the arrival of a battalion of the mechanized Eighth Hussars, thus providing a ninth battalion to participate in the intensive campaign now being carried on against terrorism, have apparently had some effect on the Arabs and the situation has been definitely easier for the past week. The strike has also

been weakened in the last few days and it is being broken by many individuals, although stores and offices are still closed. It is possible the turning point is approaching unless Arabs should be seriously provoked or receive greater encouragement from the inhabitants of a neighboring country. Rumors are current that Abdullah ¹⁰ is experiencing difficulty in restraining Trans-Jordan Arabs but only confirmation comes from newspaper correspondents recently returned from that country. Additional troops are expected shortly.

Consul Brent has just returned from a 2-day trip through the southern Jewish settlements and reports that Americans are satisfied with protective measures taken. Damage to American property in the south has thus far been slight and some groves have been insured against damage by riot.

MORRIS

867N.00/334 : Telegram

*The Secretary of State to the Ambassador in the United Kingdom
(Bingham)*

WASHINGTON, July 27, 1936—5 p.m.

285. Personal and confidential for the Ambassador.

It has been brought to the attention of the President by influential Jewish groups in this country that the British Government is contemplating the suspension of Jewish immigration into Palestine. American Jewish leaders fear that such suspension may close the only avenue of escape of German and Polish Jews and that it may prove difficult to revoke.

Unless you perceive serious objection I should like to have you mention this matter to Mr. Eden ¹¹ entirely personally and unofficially, stressing the fact that you are not speaking on behalf of your Government. In this connection you could say that you do not of course presume to interfere in any way with the policy which Great Britain may adopt with respect to Palestine or to offer any advice thereon since the administration of that country is entirely a British responsibility. You could add, however, that you believed that the Foreign Minister would wish to know that influential Jewish circles in the United States are deeply concerned at the possible consequences of suspending Jewish immigration into Palestine and that in a personal capacity you are bringing this fact to his attention for such consideration as it may merit.

Please telegraph the results of such informal conversation as you may have, marking your reply as personal to me.

HULL

¹⁰ Amir Abdullah Ibn Hussein of Trans-Jordan.

¹¹ Anthony Eden, British Secretary of State for Foreign Affairs.

867N.00/335 : Telegram

The Ambassador in the United Kingdom (Bingham) to the Secretary of State

LONDON, July 28, 1936—5 p.m.
[Received July 28—2:20 p.m.]

377. Personal and confidential for the Secretary. Your 285, July 27, 5 p.m., arrived just as I was going to keep an appointment with Eden. I brought the matter up in an entirely personal way on the ground that I thought he would like to have the information. He thanked me for the information but gave no indication as to what the policy of his Government would be.

BINGHAM

867N.00/340

The Ambassador in the United Kingdom (Bingham) to the Secretary of State

No. 2404

LONDON, July 31, 1936.
[Received August 8.]

SIR: I have the honor to report that on July 29th, the Secretary of State for the Colonies¹² announced in the House of Commons that the King had approved the appointment of the following to serve on the Palestine Royal Commission:

The Right Honorable Earl Peel, G.C.S.I., C.B.E.; Chairman;
The Right Honorable Sir Horace Rumbold, Baronet, G.C.B.,
G.C.M.G., M.V.O.; Vice Chairman;
Sir Laurie Hammond, K.C.S.I., C.B.E.;
Sir Morris Carter, C.B.E.;
Sir Harold Morris, M.B.E., K.C.;
Professor Reginald Coupland, C.I.E.

Mr. Ormsby-Gore said that Mr. J. M. Martin of the Colonial Office would be Secretary, and that the terms of reference of the Royal Commission will be as follows:

"To ascertain the underlying causes of the disturbances which broke out in Palestine in the middle of April; to inquire into the manner in which the Mandate for Palestine is being implemented in relation to the obligations of the Mandatory towards the Arabs and the Jews respectively; and to ascertain whether, upon a proper construction of the terms of the Mandate, either the Arabs or the Jews have any legitimate grievances upon account of the way in which the Mandate has been, or is being implemented; and if the commission is satisfied that any such grievances are well founded, to make recommendations for their removal and for the prevention of their recurrence."

¹² William Ormsby-Gore.

Mr. Ormsby-Gore also said that it was not yet possible to state on what date the Commission will leave for Palestine, but it was not proposed that the Commission should begin its work in Palestine until order has been restored there.

A clipping from Hansard of July 29th, containing the above-mentioned announcement and the subsequent debate is attached hereto.¹³

Respectfully yours,

For the Ambassador:
HERSCHEL V. JOHNSON
First Secretary of Embassy

867N.00/335 : Telegram

*The Secretary of State to the Ambassador in the United Kingdom
(Bingham)*

WASHINGTON, August 1, 1936—noon.

293. Your 377, July 28, 5 p.m. Personal and Confidential for the Ambassador.

Are we correct in assuming that the recent announcement of the membership and terms of reference of the Royal Commission of Inquiry indicates that the British Government has abandoned, for the time being at least, any plans it may have had to suspend temporarily Jewish immigration into Palestine? Any information you can obtain discreetly as to the present status of this matter would be most helpful.

HULL

867N.00/358 : Telegram

The Consul at Jerusalem (Wadsworth) to the Secretary of State

JERUSALEM, August 22, 1936—11 a.m.

[Received August 22—9:40 a.m.]

I learned 3 days ago that Senators Copeland,¹⁴ Austin¹⁵ and Hastings,¹⁶ accompanied by their wives, a female secretary, and Isaac Don Levine as publicity agent, will arrive Haifa Sunday morning on 2 weeks visit to investigate Palestine situation. Local inquiries elicited information that preceding day President Magnes, Hebrew University, received telegram requesting him reserve hotel accommodations and inform head Political Department, Jewish Agency; also

¹³ Not reprinted.

¹⁴ Royal S. Copeland, Senator from New York.

¹⁵ Warren R. Austin, Senator from Vermont.

¹⁶ Daniel O. Hastings, Senator from Delaware.

that Hadassah, New York, has telegraphed suggesting that Dr. Copeland would wish to visit Zionist hospitals and health centers.

A local committee of five representative Americans (leading Zionists) has been formed to meet party on arrival and has planned propaganda visits to Jewish colonies before proceeding Jerusalem. Meanwhile, I asked Consul General at Alexandria where party arrived yesterday to keep me in touch with developments. Today Legation Cairo telegraphed party has been organized and financed by Hearst.¹⁷ This is confirmed by *New York Times* correspondent Levy who suggests junket designed to appeal to Jewish vote in coming Presidential elections through pro-Jewish propaganda and neutralization former Hearst Nazi-philias.

This afternoon Chief Secretary of the Palestine Government expressed surprise that neither he, through issuing British visa office, nor I had heard from our Governments. He is reporting matter to London and requests that I inform the Department. He takes position on grounds of safety alone that the party cannot be permitted to tour country. With this I fully concur, particularly in view of present recrudescence of terrorism and especially as Zionists are sponsoring tour.

WADSWORTH

867N.00/358 : Telegram

The Acting Secretary of State to the Consul at Jerusalem
(Wadsworth)

WASHINGTON, August 22, 1936—3 p.m.

Your August 22, 11 a.m. While the Department was informed of Senator Copeland's proposed visit to Palestine, it had no previous information regarding the visit of Senators Austin and Hastings nor of any intention to investigate the Palestine situation.

If, as you report, the Chief Secretary of the Palestine Government considers that, on grounds of safety, the party cannot be permitted to tour the country, the Department assumes that the senators in question would not desire to do so. If in your opinion, and on the basis of the knowledge at your disposal, you regard such a tour as unsafe you will of course add your views to those of the above-mentioned British official, while at the same time endeavoring to obtain for the senators every courtesy and facility that may be possible and proper under the circumstances.

PHILLIPS

¹⁷ William Randolph Hearst, newspaper publisher.

867N.00/364 : Telegram

The Secretary of State to the Consul at Jerusalem (Wadsworth)

WASHINGTON, August 27, 1936—6 p.m.

Following is text of telegram of August 27 from American Ambassador at London :

"Foreign Office states that the High Commissioner in Palestine has been instructed to extend to the American Senators every practicable courtesy but that the question of their freedom to travel in the country is one entirely in the discretion of the High Commissioner himself."

In this connection, and with particular reference to the final sentence of the Department's August 22, 3 p.m., you will, of course, appreciate that the Department has expressed neither approval nor disapproval of the unofficial mission on which the Senators are engaged.

HULL

867N.00/377 : Telegram

The Ambassador in the United Kingdom (Bingham) to the Secretary of State

LONDON, September 4, 1936—5 p.m.

[Received September 4—12:55 p.m.]

420. A letter from Mr. Ormsby-Gore, the Colonial Secretary, to Dr. Weizmann, President of the Jewish Agency and the World Zionist Organization, was published today, in which the Colonial Secretary denies reports current in Palestine that terms of settlement accepted by the Higher Arab Committee, have received the approval either of the British Government or the High Commissioner. The letter says:

"No such terms have been agreed to either by the High Commissioner or by His Majesty's Government. Moreover, there is no foundation for the suggestion which is referred to in the letter addressed on August 31st by the Jewish Agency to the High Commissioner that the High Commissioner has authorized Nuri Pasha¹⁸ to give assurances regarding the measures, including the suspension of immigration, to be taken after the cessation of the disturbances. . . .^{18a} No promises have been made to Nuri Pasha by the High Commissioner or by His Majesty's Government as regards . . . the suspension of immigration."

This letter has been interpreted in the press as meaning that the Government has decided not to suspend Jewish immigration to Palestine pending the restoration of order. The Colonial Office this after-

¹⁸ Nuri Pasha As-Said, Foreign Minister of Iraq, who was in Jerusalem attempting to arrange a settlement. See British Cmd. 5479 (1937) : *Palestine Royal Commission Report*, p. 100.

^{18a} Omissions indicated in the original telegram.

noon stated informally to the Embassy that this interpretation is erroneous and in their opinion not justified by the terms of the letter. It was stated that no decision has yet been made one way or the other regarding the suspension of immigration to Palestine.

The War Office has announced that the despatch of military reinforcements to Palestine is under consideration.

BINGHAM

867N.00/380 : Telegram

The Consul at Jerusalem (Wadsworth) to the Secretary of State

JERUSALEM, September 7, 1936—10 a.m.

[Received 5:34 p.m.]

Referring to my telegram of August 27, 2 p.m.¹⁹ Since publication last Friday British Colonial Secretary's letter to Weizmann, British and Arab circles here have lost hope of settlement along lines Nuri proposals.

Ranking senior army officer, Palestine has informed me:

(1) Under decision British Government martial law will be proclaimed Palestine probably this week;

(2) Major part First Army Division (probably some 15,000 troops) will sail almost at once from England thus practically doubling forces here;

(3) Lieutenant General Dill, recently War Office, will proceed Palestine immediately to become commander-in-chief, present air officer commander being transferred and early retirement High Commissioner bruited.

Immediate British aim seems clearly to be that enunciated Saturday by Defense Minister "to bring violence in Palestine to an end without further parley."

Under martial law we may anticipate arrest or close surveillance Arab leaders, strict press censorship, strong emphasis on endeavor disarm population and summary enforcement death penalty for offenses already specially proscribed and probably for unauthorized possession of arms.

I gather impression military is confident it can reestablish order after relatively brief campaign following which Royal Commission will begin inquiry *in situ*.

High Commission, reliably reported continuing disapproval proclamation martial law, visited Emir Abdullah Saturday and induced him support final appeal to Arab Higher Committee call off strike and terrorism to avoid disastrous results enforcement martial law.

WADSWORTH

¹⁹ Not printed.

867N.00/393

*Memorandum by the Chief of the Division of Near Eastern Affairs
(Murray)*

[WASHINGTON,] September 22, 1936.

Senator Copeland of New York called on the Secretary of State yesterday afternoon for the purpose, so he stated, of reporting to the Secretary the results of the observations he had made during the course of a recent visit to Palestine, accompanied by Senator Hastings of Delaware and Senator Austin of Vermont.

Senator Copeland stated that he had not sought or desired to be a member of the party making an unofficial investigation of conditions in Palestine, but had agreed to participate upon the understanding that he was to be free to express his views on the situation without any obligation to Mr. Hearst, who, so it appears, financed the trip. The Senator stated that he made this clear to Mr. Hearst himself, who accompanied the party as far as Naples, and that Mr. Hearst "naturally" acceded to Senator Copeland's wishes in the matter.

After expressing his praise of the various Foreign Service officers in the Near East with whom he came in contact, the Senator recounted his experiences with British officials, including the High Commissioner in Palestine, who, according to the Senator's own statement, granted him every facility for the purpose of making his investigations, even to the extent of furnishing armed troops on trains proceeding to various points in Palestine.

The Senator pointed out that he had conferred not only with Jewish circles in Palestine but also with representatives of various Arab groups. He expressed the view that the Arabs in Palestine had profited by Jewish immigration and by the introduction of foreign capital in the country, but he was emphatic in his view that the British authorities had been remiss in the execution of the terms of the Mandate and in having failed to effect a conciliation between the Jewish and Arab populations. He expressed the opinion that Great Britain, instead of devoting herself to her obligations under the Mandate, was using Palestine as a political football for her imperial purposes. He revealed, during the course of his conversation, that he intended to make public statements in the above sense.

In reply, the Secretary pointed out that our Consul General in Jerusalem is a thoroughly experienced Near Eastern officer who has served in the Division of Near Eastern Affairs and had charge of Palestine there, and that we had kept ourselves constantly informed of all phases of the present situation. The Secretary furthermore expressed his confidence that the British Government was fully aware of the views entertained in Jewish circles in this country respecting

the Palestine problem. He mentioned the fact that recent British reinforcements in Palestine have brought the number of British troops there to about 32,000. He pointed out to the Senator that, although there are in Palestine more than 10,000 American citizens, not one of them has as yet been injured and that all requests made by the American Consul General at Jerusalem for the protection of American nationals and interests in the country had been promptly accorded by the British authorities. He intimated to the Senator that, while keeping constantly on the alert in this matter, it might be delicate to make any demands upon the British Government as to the specific manner in which it should carry out its obligations under the Mandate. In this connection Mr. Hull referred to the debates in the House of Representatives at the time the Joint Resolution was passed in 1922 favoring the establishment in Palestine of the National Home for the Jews.²⁰ He referred to the fact that the Resolution as originally drafted stated that this Government "pledges its support" to the establishment of such a home and that, at the instance of Mr. Hughes, then Secretary of State, the above expression was struck out and the Resolution was made to read that the United States "favors" the above-mentioned project.

Mr. Hull further reminded the Senator that any intervention on the part of this Government might bring forth a suggestion from the British Government that we assume responsibilities for the execution of the Palestine Mandate and recalled that at one time it had even been suggested that this Government accept the Mandate for Palestine. The Senator replied that he felt sure we would run no risk today of having the Mandate offered to us again, in view of the present weakness of the British Government as a result of the Ethiopian fiasco and the recent Anglo-Egyptian Treaty²¹ and the increased importance which Palestine had assumed in the defense of British imperial interests.

At the conclusion of his conversation with the Secretary, the Senator emphasized that he had only come to make a friendly visit upon the Secretary and to report on his visit to Palestine and stated that he was not requesting the Secretary to take any action in the matter. He did, however, feel that the Secretary would be justified, in view of present conditions in Palestine and in view of our Treaty with Great Britain respecting Palestine,²² in reminding the British Government of its responsibilities under the Mandate. He did not, however, ask the Secretary to take such action.

WALLACE MURRAY

²⁰ See *Congressional Record*, vol. 62, pt. 10, pp. 9799 ff.

²¹ Signed at London, August 26, 1936; for text, see British Treaty Series No. 6 (1937): *Treaty of Alliance, etc.*

²² Signed December 3, 1924, *Foreign Relations*, 1924, vol. II, p. 212.

867N.00/401 : Telegram

The Consul at Jerusalem (Wadsworth) to the Secretary of State

JERUSALEM, October 12, 1936—noon.

[Received 4:28 p.m.]

Local reaction to Arab Higher Committee's publication night before last of Arab rulers' ²³ appeal and consequent "call upon the noble Arab community to end the strike and the unrest" is one of general relief, thankfulness.

Arab circles are jubilant, arguing that while no concrete British promises have been obtainable their 6 months' protest has not only brought Palestine question before bar of world opinion but has also made of it an Arab question in the solution of which Great Britain will lend sympathetic ear to representations of neighboring Arab rulers.

Jewish circles approve settlement because they too have lost economically from strike but disapprove strongly circumstances of termination fearing precedent created for interventions by these Arab rulers.

While British military circles regret loss of opportunity to administer much needed lesson, civilian officials believing ultimate solution must be based on conciliation and compromise are relieved that repression through martial law has become unnecessary.

This morning, after early prayers in mosques and churches, Arab shops opened and normal life of city was resumed in atmosphere almost festive.

Most observers believe that next fortnight will see end of sabotage and violence and gradual dispersing of provincial terrorist bands, that Royal Commission will arrive end of this month for minimum 3 months' inquiry, that local situation can best be described as armed truce pending action upon Commission's findings and that as it was this situation which furnished pretext for establishing extra division of British troops in southeastern Mediterranean majority of forces now here will be retained pending clarification European situation.

WADSWORTH

867N.00/410 : Telegram

The Ambassador in the United Kingdom (Bingham) to the Secretary of State

LONDON, November 6, 1936—noon.

[Received November 6—9:10 a.m.]

513. Embassy's despatch 2404, July 31. Palestine Royal Commission left yesterday due Jerusalem November 11.

²³ Amir Abdullah of Trans-Jordan, King Ibn Saud of Saudi Arabia, and King Ghazi of Iraq.

In the House of Commons yesterday the Colonial Secretary rejected, as unjustifiable on economic grounds and as likely to prejudice the work of the Royal Commission, the view that immigration should be suspended. But in view of conditions in Palestine the High Commissioner had been asked to take a conservative view for the immediate future of the absorptive capacity of the country. The British Government accepted his recommendation that the 6 months quota should be reduced from about 8,000 to 1,850 including 300 German Jews already in Palestine who had been unable to obtain transfer of their capital from Germany and must technically rank as immigrants. Full text by pouch.

BINGHAM

867N.00/412

*The Assistant Chief of the Division of Near Eastern Affairs (Alling)
to the Assistant Secretary of State (Moore)*

[WASHINGTON,] November 6, 1936.

DEAR JUDGE MOORE: Jewish circles will undoubtedly be severely disappointed at the action of the British Government, reported in the attached telegram,²⁴ in reducing the labor immigration schedule into Palestine to 1,850. It is important to point out, however, that the labor schedule includes only a portion of the Jewish immigration into the country since other categories, including persons with a specified capital, members of liberal professions, skilled artisans, etc., enter without regard to quotas.

The labor schedule, which is issued twice yearly, covers the period from April 1 to September 30 and from October 1 to March 31. During recent years the schedule has been as follows:

<i>Schedule period</i>	<i>Immigrants</i>
April-September, 1933-----	5, 500
October, 1933-March, 1934-----	5, 500
April-September, 1934-----	6, 200
October, 1934-March, 1935-----	7, 500
April-September, 1935-----	8, 000
October, 1935-March, 1936-----	3, 250
April-September, 1936-----	4, 500

It is important, likewise, to note that dependents of persons entering under the labor schedule are not included in the above-mentioned quota. According to official statistics of the Palestine Government, 61,854 Jews entered the country in 1935. Of this number only 14,653 came in under the labor schedule. Dependents of this latter group numbered 13,076. In other words, persons included in the labor schedule and their dependents accounted for an immigration of 27,000

²⁴ *Supra.*

while the remaining 44,000 entered comparatively freely under other categories such as those mentioned in the first paragraph. Under the action now taken by the British Government it is apparent that persons in these other categories will be permitted to enter as usual. Accordingly immigration into Palestine has not been reduced to anywhere near the extent which is indicated by the bare facts included in this telegram.

It is not at all unlikely that Jewish organizations in this country will press us to take some action vis-à-vis the British Government and to urge the latter to rescind its decision and to increase the labor schedule. You are already familiar with the difficult situation in which the British Government is placed because of the hostility manifested toward its Palestine policy by Moslems in various parts of the British Empire. It is apparent that the action which the British Government has now taken is intended as a compromise which will reassure the Arabs and Moslems to some extent and yet at the same time not seriously reduce Jewish immigration. Doubtless some conciliatory move toward the Arabs was considered necessary in order that their cooperation might be obtained in connection with the investigations which the Palestine Royal Commission intends to carry out during its forthcoming trip of inspection.

Under the circumstances it would seem desirable for us to refrain from intervening in any way in this question, particularly since it is now about to receive the attention of the Royal Commission of Inquiry. Moreover, since we ourselves strictly limit our own immigration we are scarcely in a strong position to insist that other countries adjust their immigration laws and regulations to suit the desires of ourselves or a portion of our population.

PAUL H. ALLING

867N.00/412 : Telegram

The Consul at Jerusalem (Wadsworth) to the Secretary of State

JERUSALEM, November 10, 1936—2 p.m.

[Received November 10—11:20 a.m.]

Palestine situation has been seriously complicated by the British Colonial Secretary's announcement November 5 that Jewish immigration while restricted on grounds of lessened economic absorptive capacity as to number of authorized labor immigrants, is to be permitted to continue on the same basis as before termination of Arab [general strike].

Jewish circles here and abroad while denying existence any basis for reduction of labor schedule view developments as "important victory in principle". Arab circles while recognizing no contrary

assurances were given unanimously charge British Government with bad faith and yielding to Jewish presumption. Country-wide support is given to Higher Committee decision November 6 "not to co-operate with the Royal Commission" due to arrive Palestine tomorrow morning.

Local British circles are inclined privately to consider publication of labor's schedule at this juncture as politically inept and while regretting Arab decision view it as logically consistent with past action and pronouncements.

While events of past month have borne out prognostications my telegram of October 12, noon, regarding gradual cessation of violence and dispersal Arab bands, present developments lead well informed observers to fear recurrence of disorders unless Royal Commission recommends conciliatory gesture.

Fostered by former district strike committee, anti-Jewish boycott is gaining strength. While Jewish economists scout its effectiveness other observers sense strong potential danger in the possibilities for trouble-making of this country-wide organization. There seems to be no doubt, however, that the military are now in a position to deal expeditiously with any situation which may arise although unable to prevent isolated acts of terrorism.

WADSWORTH

867N.01/727 $\frac{1}{2}$

The Chief of the Division of Near Eastern Affairs (Murray) to the Assistant Secretary of State (Moore)

[WASHINGTON,] November 18, 1936.

DEAR JUDGE MOORE: It seems clear that it would not be proper to transmit to the British Government through our Ambassador in London the document which Rabbi Wise refers to in the attached letter.²⁸ An examination of precedents for many years indicates that we have constantly declined to act as a channel of transmission for private organizations of resolutions and petitions destined for foreign governments. We have not only declined to transmit such petitions to local representatives of foreign Powers, but have also refused to transmit documents through our own representatives abroad.

In this connection you will recall that during the latter part of August and early September we had numerous letters from Jewish organizations in this country regarding the question of Jewish immigration into Palestine. Nearly all of these letters requested us to

²⁸ Not printed.

submit petitions and resolutions of protest either to the British Government or to the British Ambassador in Washington. At that time you and the Secretary agreed upon the following statement to be used in reply to such requests:

"With respect to your request to forward notice of your resolution of protest to the British Government, I must inform you that well established international practice does not permit a government to make itself a vehicle for transmission to other governments of communications from private individuals and organizations."

This statement was included in at least sixteen letters to important Jewish organizations in the United States, including the Zionist organization itself.

In the case of the document which the Zionist organization now wishes to have transmitted to the British Government it is clear that under the terms of the Palestine Mandate the Zionist organization has a well established channel of transmission. Thus, Article 4 of the Mandate, to the terms of which we consented subject to the provisions of our convention with Great Britain, reads as follows:

"An appropriate Jewish agency shall be recognised as a public body for the purpose of advising and co-operating with the Administration of Palestine in such economic, social and other matters as may affect the establishment of the Jewish national home and the interests of the Jewish population in Palestine, and, subject always to the control of the Administration, to assist and take part in the development of the country.

"The Zionist organisation, so long as its organisation and constitution are in the opinion of the Mandatory appropriate, shall be recognised as such agency. It shall take steps in consultation with His Britannic Majesty's Government to secure the co-operation of all Jews who are willing to assist in the establishment of the Jewish national home."

In accordance with the provisions of this Article the Zionist organization for some years acted as the Jewish agency. About six years ago, however, an agreement was entered into between the Zionists and non-Zionists providing for cooperation between the two on the Jewish agency. Thus both Zionists and non-Zionists, of whom there are many among the Jews of the world, each have an opportunity to present their views to the British Government and to the League of Nations through the established and recognized channel of the Jewish agency. Unless otherwise decided by a three-fourths vote of the Council of the Jewish agency, the President of the Zionist organization is *ipso facto* President of the agency. As a matter of fact, Dr. Chaim Weizmann is now President of both organizations. It is perfectly clear, therefore, that the Zionist organization of America and the Zionist organizations of other countries have a well established channel of approach to the British Government. This channel is

established by the terms of the Mandate to which we have consented, and it might even be considered that it would be contrary to the provisions of the Mandate for us to act as a channel of communication with the British Government when such a channel has already been established through the Jewish agency. That the agency is most active in offering advice not only to the Palestine administration but to the British Government itself is clear from the various reports of the British Government on the administration of the Mandate.

With respect to immigration Article 6 of the Mandate provides for close cooperation between the Jewish agency and the Palestine Government. The Article in question reads as follows:

"The Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions and shall encourage in co-operation with the Jewish agency referred to in Article 4, close settlement by Jews on the land, including State lands and waste lands not required for public purposes."

Since Rabbi Wise's proposed communication to the British Government undoubtedly has to do largely with immigration, it is clear that here again the Zionist organization of America has a legal and established channel of approach through the Jewish agency.

Furthermore, you will recall that a Royal Commission of Inquiry composed of distinguished British statesmen is now in Palestine to investigate and report upon the situation in that country. That Commission is in close touch with the Zionist agency in Palestine. While this whole question is *sub judice* it would seem altogether inappropriate for this Government to intervene in the matter by acting as a channel of transmission for the views of the Zionist organization in the United States. It might well be held by the British Government that such action would constitute undue interference in this most delicate problem and would tend to prejudice the case in the eyes of the Commission of Inquiry.

In connection with the whole question of the relations between this Government and the Zionist organization it is perhaps pertinent to quote from a conversation which Secretary of State Kellogg had with Dr. Weizmann, now and then President of the Zionist organization, on December 1, 1926. Dr. Weizmann had called to request the approval of the Secretary of State with respect to the formation of a committee to further the Zionist movement in Palestine. Dr. Weizmann had mentioned that he had seen the President who had told him that he would try to find some way to aid him. In reply to Dr. Weizmann's request Secretary Kellogg records his conversation as follows:

"I said of course I did not know what the President had said but the Zionist Movement was a private enterprise only requiring the

consent of the British Government; that the British Government controlled Palestine under a mandate and all we had to do with it was to stipulate in our treaty that American citizens should enjoy the same rights as the nationals of countries members of the League of Nations party to the mandate. He said of course that was true."

In other words, as long as ten years ago it is clear that the Secretary of State held to the view that the sole purpose of our Mandate Convention was to obtain for our citizens in Palestine the same rights as those enjoyed by nationals of countries members of the League of Nations who are party to the Mandate. I believe it can be established to be equally clear that it was not the intention of this Mandate Convention to entangle us in any other way in the most delicate problem of Palestine.

WALLACE MURRAY

867N.00/420

Memorandum by the Acting Secretary of State

[WASHINGTON,] December 2, 1936.

This morning Rabbi Stephen S. Wise and Robert Szold, a lawyer who is acting with him in connection with questions pertaining to Palestine, came to my office by appointment and, as I anticipated, brought to my attention certain printed statements which I found to be addressed to the British Commission now functioning in Palestine.

When they signified their desire that these statements should be brought to the attention of the British Government, I reminded them that Secretary Hull some time ago, in considering a request that we should diplomatically bring certain petitions and resolutions pertaining to the Palestine situation to the attention of the British Government, had replied as follows:

"With respect to your request to forward notice of your resolution of protest to the British Government, I must inform you that well established international practice does not permit a government to make itself a vehicle for transmission to other governments of communications from private individuals and organizations."

Rabbi Wise immediately said that he recognizes the reasonableness of this rule and that without it our Government might make itself a sort of post office department for the transmission of all sorts of documents to the British Government. In addition to what was said on the point just mentioned, I reminded Rabbi Wise that the provisions of Article 4 of the Mandate established the Zionist Organization as an Agency authorized to consult with the British Government and suggested that there is thus already a usable vehicle of communication and to this he assented.

The upshot of the conversation was there were left with us, simply for our own information, copies of the printed statements and that I said, in answer to a question, that we, of course, cannot object to any organization or citizen communicating in any way it may desire with Ambassador Bingham, but that I would inform the Ambassador that we are not instigating any such communication and, of course, are not expecting or desiring him to violate the rule and practice heretofore indicated by Secretary Hull.

Finally Mr. Szold said that, in the event the British Commission should limit Jewish immigration to Palestine not for economic reasons, but for political reasons, in his judgment, there would arise under the treaty a legal question which would require action by our Government. He and Rabbi Wise were quite satisfied when I told them that, in advance of knowing what the Commission may determine, it was premature to talk about any possible legal question in which our Government might or might not be interested.

R. W[ALTON] M[OORE]