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STATE DEPT. MUM ON CHARGES IT OPPOSES PUNISHMENT OF GERMANS FOR CRIMES AGAINST JEWS

NEW YORK, Jan. 28. (JTA) -- The State Department refused yesterday, when queried by the Jewish Telegraphic Agency, to make any comment on the charge by Herbert C. Pell, American representative on the United Nations War Crimes Commission, that he has been prevented from continuing his work on the Commission because of the fact that some officials in Washington were dissatisfied with his demand that the Germans be punished for their crimes against German Jews.

Interviewed here today by the JTA, Mr. Pell indicated that there are forces in the State Department who oppose the United States government taking responsibility for punishing Nazi crimes against the Jews of Germany.

"I have advocated serious punishment of large numbers of persons responsible for atrocities," he stated, "I have been dropped from the Commission manifestly, because somewhere there was dissatisfaction with my work. The thing I worked at most was the prosecution of these who persecuted people in Germany on grounds of race and religion. In spite of international law, I believe this persecution to be a crime against humanity. I believe it should be punished for a great many reasons, one of which is that the persecution of minorities is the easiest method of founding a tyrannical and lawless government."

Mr. Pell said he had opposed the Ku-Klux-Klan in 1924 with conspicuous vigor, and in 1936 joined in the effort to prevent the United States from taking part in the Olympic games in Nazi Germany.

American Jewish Conference Urges Pell Be Retained

The American Jewish Conference, in a telegram sent today to the State Department, demanded that Pell be enabled to return to London as American representative on the War Crimes Commission as soon as possible. It praised Mr. Pell's work on the Commission. At the same time, the Hebrew Committee of National Liberation issued a statement declaring that it has learned with "regret" that Mr. Pell is not returning to London and urging "that the government of the United States issue a declaration proclaiming that crimes committed against Hebrews in Europe, irrespective of the territory on which the crime is committed or the citizenship or lack of citizenship of the victim at the time of death, be considered as war crimes and punished as such."

Mr. Pell, according to an announcement last Thursday by the State Department, will be replaced by Lt. Col. Joseph V. Hodgson of the U.S. Army. The announcement said that Pell will not return to London to continue his work on the War Crimes Commission because Congress refused to appropriate the necessary funds. It was emphasized that Lt. Col. Hodgson's expenses will be covered by the Army and need no approval by Congress.

Commenting on the announcement of the State Department, on Friday, Mr. Pell said: "It is just damned nonsense that the reason for not returning me to London is

lack of money. I have offered to serve for nothing, but have been told that it was illegal to accept gratuitous services."

Mr. Fell emphasized that he had had great difficulties in attempting to get the War Crimes Commission to agree to take jurisdiction over crimes committed by the Germans against their Jewish nationals. That, he declared, "aroused great dissatisfaction among officials who contend that such a course is contrary to international law - that is, that what a country does to its people is its own business. I don't think it is the Germans' own business. I am certain that the President does not think so. And I know that a great many Americans don't feel that way. Technical students of international law may feel that way, but that's all."

Speaking of Lt. Col. Hodgson, former Attorney General in Hawaii, Mr. Fell said, "I think Hodgson would support the same policies that I have. He has been a tower of strength in supporting the things we have sought on the commission. He was not directly involved in the Jewish question, however, having come to London only in the middle of last year."

BRIG. GEN. O'DWYER NEW HEAD OF WAR REFUGEE BOARD; PEHLE RETURNS TO TREASURY POST

WASHINGTON, Jan. 28. (JTA) -- The War Refugee Board announced last night that Brig. Gen. William O'Dwyer has been appointed executive director of the body to succeed John W. Pehle. The announcement said that Mr. Pehle has resigned to resume his post as assistant to the Secretary of the Treasury.

Brig. Gen. O'Dwyer recently returned here from Italy where he was a member of the Allied Control Commission with the personal rank of Minister. He left his post as District Attorney of Brooklyn to join the Army.

WEIZMANN RECEIVES "FRESH ASSURANCES" OF POSSIBILITIES FOR LARGE JEWISH SETTLEMENT

LONDON, Jan. 28. (JTA) -- Dr. Chaim Weizmann, president of the Jewish Agency for Palestine, today revealed that he has received "fresh first-hand assurances of great possibilities existing, under suitable political and economic conditions, of settling on land, in industry and in trade of a large number of our people."

At the same time, Dr. Weizmann emphasized that "to achieve statehood and enable the Jewish people to live a life of freedom in their ancient home, we shall need united efforts of the Jews in Palestine and of Zionists the world-over."

Dr. Weizmann's statement was sent from Jerusalem to the annual conference of the Zionist Federation of Britain which opened here last night in the presence of 526 delegates and several hundred guests. Messages to the conference were received from Zionist leaders in the United States, Canada and Palestine.

ZIONIST CONFERENCE IN FRANCE WANTS JEWISH AGENCY TO BECOME PROVISIONAL GOVERNMENT

PARIS, Jan. 28. (JTA) -- A demand for the immediate establishment of a Jewish State within the historic boundaries of Palestine was adopted at the Sixth Congress of the General Zionist party of France, which concluded here today.

The meeting also adopted a resolution demanding that the Jewish Agency be transformed into a Provisional Jewish Government. Other resolutions asked for the formation of a Jewish National Army in Palestine, the immediate opening of Palestine for Jewish mass-immigration under the sole control of the Provisional Jewish Government which is to be recognized as the sole representative of the Jewish people at the peace conference. The delegates voted to appeal to the governments of the United States, Britain, France and the USSR asking them to support Jewish claims.

JEWS IN FRANCE SEEKING RESTORATION OF PROPERTY MAY FACE GREAT LEGAL DIFFICULTIES

PARIS, Jan. 28. (JTA) -- Jews and other despoiled victims of Vichy legislation, who have been hopefully expecting the French government to act in restoring property taken from them, will face a long, hard and costly legal battle before they can enjoy repossession, if the government decides to proceed on the basis of the draft of an ordinance which legal experts are now studying, the Jewish Telegraphic Agency learned today.

The text of the proposed measure was drafted in the Finance Ministry, and it reverses the policy, with respect to restitution, enunciated in the past by the France Combatant movement and by the French National Committee. The declarations made at that time established the principal of restitution for the victims of Vichy, and refused to recognize any rights by those who had acquired property from the stripped victims of the collaborationist government. The acquirers of those properties were warned that their titles would be voided, and that they would be held responsible for the return of the properties.

But according to officials with whom the J.T.A. correspondent has talked, the draft now under study makes it necessary for each despoiled person to bring individual legal action to claim repossession of his property. The present draft, they say, seems to be as much concerned with the protection of those who acquired property under the Vichy discriminatory laws, or who served as provisional administrators, as with establishing any basis of restitution. As now worded, the draft gives tacit legality to the status of the Vichy acquirers of certain rights, and to their protection.

For example, they are entitled to keep the profits gained in the years that they held such property. The original owners, on regaining these properties, must repay the last owners for any improvements made. And their "acts of administration," which may cover a multitude of financial and other changes in these various enterprises, remain valid. As one section of the draft now stands, it is quite possible that the present owners, upon return of the properties to the original holders, could claim damages incurred as a result of the workings of the ordinance.

When and if this draft ordinance is enacted, those who were despoiled "without their permission" by acts beyond common law, will be enabled to initiate legislation to have the sales voided and thus to secure the return of their properties. The draft specifies that these suits will be considered as priority cases on court dockets, but at present there is so much litigation with priority rating that any case is bound to drag a long time, specially if the defendant is trying to stall.

Recovery of Jewish Property Will Be Expensive Proposition

As a further concession, the usual stamp fees are waived, and court fees are halved. But the claimant will still have lawyers' fees and many other charges in connection with the case, so that in any event the recovery of his property will be an expensive proposition. It must be remembered that in most cases no great fortunes are involved, and that most of the enterprises are small businesses. The costs involved -- which many won't be able to raise -- may bar many presently destitute Jews from recovering property that is rightfully theirs and which would enable them to reestablish themselves.

Those despoiled victims who gave their consent to acts of sale, or signed other authorizations will, according to this draft, be able to demand invalidation and return of their property only if they can prove, to the satisfaction of the courts,

that their consent was given under fear of the application to them of other Vichy laws or Nazi measures.

The draft does not specify the nature of the proof required and is presumably left to the courts, and will vary from case to case. There are thousands of cases where property transfers were arranged to forestall the greed of Vichy's Commissariat of Jewish Affairs. Presumably, again, the victims in these cases will have no recourse. Here the text of the draft is in flagrant contradiction with the previous declarations of the government. The French National Committee signed the United Nations declaration of Jan. 5, 1943, which included as acts of pillage "transactions of apparent legality even when presented as having been effected with the consent of the victims."

Disappointment Awaits Jews, If Proposed Measure Is Not Modified

One very substantial category of Vichy victims is excluded from the benefits of the proposed legislation -- the owners of negotiable securities which were sold, after seizure, on the Bourse or through banks. The only exception is in cases where the securities were "titres nominatif" -- that is, certificates bearing the names of the owners and not transferable without re-registration.

Another important category similarly excluded are the owners of property expropriated, requisitioned or acquired by the State under its rights of preemption or priority. The draft promises that the claimants in these two categories would receive indemnities to be fixed by a subsequent decree.

According to sources familiar with the details of the proposed legislation, as it stands today it is so far from what the government has promised to do in obtaining restitution for the victims of Vichy as to be almost a travesty. The measure, if enacted without considerable modification, will come as a deep disappointment to thousands of Jews and others who were penalized by Vichy for their patriotic activities and who have been waiting five months for the government to make good its promises.

The Justice Commission of the Consultative Assembly has requested the government to submit the proposed restitution legislation to the assembly before asking its enactment. In view of the interest in this question that is manifest in all quarters of the Assembly, the measure in its present form would have a difficult time, while the modifications which would be demanded would prolong the delay in its promulgation. Meanwhile, the amount of property which the original owners will be able to reclaim dwindles daily.

POST-WAR PROGRAM OF AMERICAN JEWISH COMMITTEE WILL BE PRESENTED AT NEW YORK MEETING

NEW YORK, Jan. 28. (JTA) -- The peace and postwar program of the American Jewish Committee will be announced next Sunday at the meeting of the executive committee of the American Jewish Committee, to be held at the Hotel Waldorf-Astoria in place of the Committee's thirty-eighth annual meeting, it was announced here today.

The report, to be presented by Judge Joseph M. Proskauer, chairman of the Committee on Peace Problems, will be the result of a three-day conference of the Peace Problems Committee. It will represent the thinking of four subcommittees: The subcommittee on Restoration of Rights headed by Judge Jacob J. Kaplan of Boston, the subcommittee on Repatriation and Migration headed by Professor Louis Wirth of the Dept. of Sociology of the University of Chicago, the subcommittee on Protection of Human Rights headed by Professor Hans Kohn of the Dept. of History of Smith College, and the subcommittee on Palestine headed by Judge Horace Stern of Philadelphia.

U.S. PROCLAIMS 1945 BUDGET OF \$35,300,000; BACKS PLAN FOR 1,000,000 IMMIGRANTS

NEW YORK, Jan. 28. (JTA) -- A resolution calling upon the Jews of America to support the plan of the Jewish Agency for Palestine for the postwar settlement in Palestine of 1,000,000 Jewish refugees - beginning with 20,000 war orphans from Europe - within a period of two years was adopted today by 2,000 delegates attending the Annual Conference for Palestine sponsored by the United Palestine Appeal at the Hotel Biltmore. It was emphasized that in order to achieve this goal it would be essential to obtain freedom of Jewish immigration into Palestine from any country, material and financial assistance by the United Nations, and the powers of government for the Jewish community in Palestine.

The United Palestine Appeal and its agencies, the Palestine Foundation Fund and the Jewish National Fund, will require \$35,300,000 in 1945, it was stated at the conference. During the past year these agencies expended a total of \$25,800,000. Of this sum \$10,800,000 was spent by the Jewish National Fund and \$14,900,000 was spent by the Jewish Agency and the Palestine Foundation Fund. The expansion of every aspect of the program of upbuilding to meet the need for rescue, immigration and re-settlement makes it imperative that greater financial resources be mobilized, it was pointed out. In the current year the Jewish Agency and Palestine Foundation Fund will require \$17,700,000; the Jewish National Fund \$16,600,000.

The importance of Palestine as the "primary hope for the solution of the problem of Jewish refugees" was stressed by James G. McDonald, Chairman of President Roosevelt's Advisory Committee on Political Refugees and former League of Nations High Commissioner for Refugees coming from Germany, addressing the closing session of the conference. Mr. McDonald declared on the basis of a comprehensive study of the refugee problem during the past twenty-five years that it is essential that the Great Powers "be made to understand that the tragedy of the refugees constitutes a major problem in the planning and preparation for permanent peace."

Other speakers at the dinner included Arthur Creech Jones, British Laborite Member of Parliament who is now visiting this country; Ira A. Hirschmann, special representative of the War Refugee Board in Turkey; Hon. Nathaniel I. Goldstein, Attorney General of the State of New York; Rudolf G. Sonneborn, Chairman of the National Council of the United Palestine Appeal, and Sylvan Gotshal, President of the United Jewish Appeal of Greater New York who was chairman of the dinner committee and presided at the session. The afternoon session which preceded the dinner was addressed by Dr. Stephen S. Wise, Dr. Nahum Goldmann, Judge Morris Rothenberg, Judge Bernard A. Rosenblatt, Dr. Israel Goldstein, and others.

CHARLES MAURRAS, VICHY ANTI-SEMITES, SENTENCED TO LIFE IMPRISONMENT IN LYON

LYON, France, Jan. 28. (JTA) -- Charles Maurras, 76-year-old editor of "Action Francaise," and long-time anti-semitic and royalist, was sentenced yesterday to solitary confinement for life. Maurras, who was a prominent spokesman for the Vichy Government, was convicted of betraying members of the resistance movement to the Gestapo and of collaborating with enemies of France. The court also stripped him of all civil rights and ordered confiscation of his property.

DR. SILVER APPEALS TO KING OF EGYPT FOR CLEMENCY FOR CONDEMNED PALESTINE JEWISH YOUTHS

NEW YORK, Jan. 28. (JTA) -- Rabbi Abba Hillel Silver, Zionist leader, today sent a cable to the King of Egypt asking for clemency for the two Jewish youths who have been sentenced to death for the assassination of Lord Moyne. Pointing out that no just man can condone "their terrible deed," he added that "no merciful man can fail to take into account the despair and hopelessness of their people's plight which drove these youths to their reckless and tragic acts."