

most responsive to the various Zionist drives. They formed a closely knit unit, maintaining their own club, known as *Kunst*. There were smaller Jewish groups in Hankow, Peking and Tsingtao. Mukden, in the war zone, had been practically deserted by its Jewish inhabitants. According to sporadic news reports from Harbin, the Jews left in that city, though deprived of their businesses and possessions, were unharmed during recent events.

There were practically no Jews remaining in Kobe, Japan, which had a small but fairly active community before the war. The Jews of Manila, in the Philippines, suffered terribly during the war, co-operated during the American reoccupation campaign, and now enjoyed full citizenship and received fair treatment.

DISPLACED PERSONS

By Abraham S. Hyman

FOR THE JEWISH DISPLACED PERSONS the first year of their liberation (1945-1946) was a period of physical recovery and of frantic search for family; the second (1946-1947) saw their numbers greatly augmented as a result of the mass flight from Poland and witnessed the crystallization of the DP pattern of life; the third (1947-1948) saw a stabilization of their numbers and brought them some hope of an early end to their homelessness.

Rumanian Influx

In the spring of 1947, when it appeared that the number of the Jewish displaced persons had reached its peak, a mass

migration from Rumania developed which threatened to equal the 1946 exodus from Poland. Between April, 1947 and February, 1948, when the Rumanian-Hungarian border was formally sealed, 19,434 impoverished Rumanian Jews poured through Hungary into the United States sector of Vienna. In the main they were people who had abandoned Russian-annexed Bukowina and Bessarabia and who had failed to become integrated into the economic life of Rumania proper. They joined in this spontaneous flight to escape the anti-Semitism inherent in Rumania's postwar economy; to avoid the consequences of the penetration of communism and the inevitable liquidation of the middle class to which a large number of them belonged; and to improve their chances for emigration to Palestine and to other countries before egress from Rumania would be forbidden.

The United States Army's directive of April 21, 1947, closing all camps for displaced persons to those who entered the zones of occupation after that date, caused the total burden for the care and maintenance of these people to fall upon the Joint Distribution Committee. This responsibility continued until August 17, 1947, when the Austrian government assumed the responsibility for the basic ration, with supplementary rations supplied by JDC. In due time the Army authorities permitted the gradual transfer of these people from the unspeakably congested reception centers in Vienna to refugee camps in the United States zone in Austria. Several thousands of this group succeeded in reaching the United States zone in Germany. There the registered residents of the Jewish camps absorbed them and shared with them their meager rations and overcrowded quarters. Later, in a zone-wide redocumentation program, these newcomers were ruled ineligible for maintenance by the Preparatory Commission of the International Refugee Organization (PCIRO) and were forced into the German economy via German refugee centers.

The political changes in Czechoslovakia in February, 1948, also precipitated a substantial flow of refugees into the United States zone of Germany. Of the estimated 8,500 who entered on the crest of this wave, about 1,100 were Jews. Eight

hundred of this group were promptly directed to an Italian port for passage to Palestine.

Population—Size and Distribution

As of May 31, 1948, the Jewish DPs, with an estimated population of 180,000, constituted approximately 27 per cent of the total number of DPs. The following chart indicates the geographical dispersion of the Jews who were established in Army-supported camps, UNRRA or PCIRO assembly centers, or in communities regarded as camp annexes during the period covered by this survey.

TABLE 1

Area	1947 April 30	1947 August 31	1947 Dec. 31	1948 May 31
Germany				
U.S. Zone . . .	125,110	114,596	109,522	92,863
British Zone.	11,000 (approx.)	10,428	9,033*	7,417*
French Zone.	1,800	1,850	1,850	300 (approx.)
Austria				
U.S. Zone . . .	20,463	19,214	20,133	16,347
British Zone.	2,156	1,641	973	800 (approx.)
French Zone.	0	0	0	0
Italy	15,705	18,686	18,579	18,000 (approx.)
Totals . . .	176,224	166,415	160,090	135,727

*These population figures do not include the DPs who were returned from the *Exodus*. PCIRO never assumed responsibility for their care. In September, 1947, they numbered 4,200. On May 31, 1948, there were 2,000 people in the *Exodus* camps.

A substantial number of Jewish DPs either preferred or, having arrived in the occupation zones after April 21, 1947, were forced to live within the German, Austrian and Italian economies. Munich, with its population of 8,562 on April 30, 1948, contained the largest single concentration of so-called "free-living" Jews and was recognized as the nerve center of Jewish DP life. The following was the approximate population of this element as of May 31, 1948:

TABLE 2

Area	Pop.
Germany, United States Zone.....	20,000
British Zone	4,500
French Zone.....	900
Austria, United States Zone.....	600
Vienna	2,000
French Zone.....	500
Italy.....	4,000
Total.....	32,500

In addition to the foregoing, on May 31, 1948 there were approximately 10,000 Jewish refugees maintained by PCIRO in France, Belgium, the Netherlands, Portugal, Spain and the Middle East.

Russia remained firm in its policy of ignoring the existence of a DP problem within its sphere of influence. The estimated 1,400 Jews in the Russian zone of Germany, and the handful of Jews in the Russian zone of Austria, lived in the economies of these zones.

The urge to reconstitute family life was irrepressible. In the United States zone of Germany, there was an average of 665 births per month, representing a birth rate of 50.2 per 1,000. This rate, one of the highest in the world, reached its peak in the fall of 1947. A JDC survey made in December, 1947, showed that in the United States zone of Germany, there were 9,098 Jewish infants under the age of one year and that, of the 37,527 women in the child-bearing age group, 12,240 either had new babies or were expectant mothers.

Care and Maintenance

The transition from UNRRA to PCIRO on July 1, 1947 was accomplished without any perceptible hardship to the DPs. Even before the change took effect, the differential of 200 calories which the Jewish DPs enjoyed exclusively in the United States zone of Germany, had been abolished. In general, PCIRO provided for a diet that had the same caloric

value as that provided by the occupation authorities under UNRRA's administration. The following chart reflects the PCIRO rations (in calories) for each of the zones of occupation and for Italy, as of May 31, 1948:

TABLE 3

	Germany			Austria			Italy
	U.S. Zone	Br. Zone	Fr. Zone	U.S. Zone	Br. Zone	Fr. Zone	
Normal Consumer	2,015	1,715	1,809	1,637	1,588	1,602	2,114
Workers	3,201	1,905	—	1,912	1,912	1,912	—
Moderate	—	2,400	2,095	2,898	2,898	2,898	2,822
Heavy	—	3,155	2,800	3,146	3,146	3,146	3,284
Pregnant and Lactating Women	2,777	2,422	2,308	2,602	2,602	2,602	2,910
Infants (varying with age groups)	1,151- 2,675	1,200- 2,085	1,363- 1,895	1,160- 1,660	1,160- 1,660	1,160- 1,660	1,157- 2,977
Hospitals	—	—	—	—	—	—	2,610
General	3,201	—	—	—	—	—	—
Tubercular	3,623	—	—	—	—	—	—

Because of its limited budget and because of the technical arrangement in drawing upon local stocks as the source of its food supply, PCIRO was forced to distribute a ration in which starch foods predominated. The DPs soon accommodated themselves to this situation. They balanced their diet by bartering a portion of their rations and a part of their JDC amenities for the fats and proteins in which their rations were deficient. Irrespective of the prevailing standards in the different zones, the PCIRO ration and the JDC supplementation for the various categories were sufficient to insure all the Jewish DPs a relatively adequate diet. Due to the institutional medical program provided by PCIRO and JDC, the standard of medical services was, in many instances, higher than in the communities from which the DPs stemmed. Allowing for the irreparable damage to their bodies during the

war years, repeated tests indicated that the Jewish DPs were in a good state of health.

The one conspicuous change under PCIRO was the conversion of the camps into self-administering centers. Virtually every post, including that of camp director, was filled by the camp residents. At first this presented no problem to the Jewish DPs. However, toward the summer of 1948 there were signs that the *giyus* (mobilization for Israel) was seriously weakening the camp administrations by drawing off the most qualified camp leaders, doctors, nurses and teachers. The Central Committee of Liberated Jews took cognizance of this development and encouraged those occupying key positions to defer their migration until adequate replacements could be found for them.

As the population decreased during 1947 and 1948, the housing accommodations improved. The people continued to live under crowded conditions but, as a rule, each family unit lived in a room of its own.

Assistance Rendered by Organizations

The Jewish DPs remained one of the chief centers of interest of the world Jewish community. The Joint Distribution Committee, the Jewish Relief Unit, the Jewish Agency for Palestine, the Hebrew Immigrant Aid Society, the World Jewish Congress, the Organization for Rehabilitation and Training (ORT) and the Vaad Hatzala made significant contributions towards promoting the health and sustaining the morale of the DPs, in supplementing their food and clothing rations, in rendering them legal aid, in preparing them for life in Palestine, in sponsoring and aiding them in their migration to Palestine and to other countries, in offering them means for developing vocational skills, in providing a comprehensive educational program of both religious and secular character and in ministering to their religious needs.

The Advisers on Jewish Affairs, posts occupied successively by Judge Simon H. Rifkind, Rabbi Philip S. Bernstein, Judge

Louis E. Levinthal, and Dr. William Haber, in the United States occupation zones and by Colonel Robert Solomon in the British zones, helped in shaping official army policy affecting the Jewish DPs.

A group of seven chaplains voluntarily returned to the service with the United States forces in Germany and Austria to aid as intermediaries between the Army and the Jewish DPs.

The Central Committee of Liberated Jews and its subordinate Regional and Camp Committees served as spokesmen for the Jewish DPs, cemented them into a cohesive group with a unified ideology, and assisted PCIRO and the voluntary agencies in the administration of the camps.

Employment

The DPs continued to live in an economy within an economy. Except in petty bartering and in isolated cases where Jewish DPs engaged in business in the communities or served apprenticeships in indigenous factories, the DPs and local economies were mutually exclusive.

One of the most demoralizing aspects of DP life was the prevailing idleness in the camp communities. The causes were partly deliberate and partly beyond the control of the DPs. First, there was their psychological aversion to any labor that would directly or indirectly benefit the German or Austrian economies; second, under the postwar inflationary conditions prevailing in Germany, the local wage scale had virtually no purchasing power, except in relation to rationed commodities, which, in turn, were not available to in-camp DPs; third, many of the camps were established in former military camps that were far removed from places where work opportunities existed; and, finally, the premise that the solution of the DP problem through repatriation or resettlement was imminent resulted in improvised planning on the part of the voluntary agencies and a particular reluctance on their part to develop a work program within the local economy, or to discourage

the resistance on the part of the DPs to the acceptance of employment wherever it was presented.

Despite their ability to get along on the gratuitous food, clothing and shelter provided in the aggregate by the Army, UNRRA, PCIRO and JDC, many Jewish DPs responded to the inner compulsion to work. Most of the people who were employed performed services in connection with the administration of the camps and communities. As of May 31, 1948, there were about 10,400 students enrolled in ORT vocational courses and 4,700 men and women employed in JDC work projects in Germany, Austria, and Italy. The principal item produced in the workshops was clothes for DP consumption.

In January, 1948, the Jewish DPs in Austria became subject to the Austrian compulsory work law, from which they had been previously exempt. Contemporaneously, the U. S. military authorities gave assurances that this law would be judiciously applied, in that Jewish DPs would not be required to perform demeaning labor or to work in the repair of war damages. The Jewish DPs registered for employment. However, bearing out the suspicion that the integration of the Jewish DPs in the German and Austrian economies would be coldly received by the native labor and government circles, Austria made no demand upon this labor reservoir.

The readiness of the Jewish DPs to accept employment when presented with reasonable labor incentives and with an opportunity to work in an atmosphere that presented no psychological barriers was illustrated in the rapid formation of an all-Jewish DP construction company in the United States zone of Germany, in May, 1948. This company, consisting of 225 men and representing the major building skills, was assigned to repair and construction work on United States military installations.

On March 31, 1948, PCIRO completed a survey of the occupation skills among the DPs receiving PCIRO care in the United States zone of Germany. The following is a tabulation of the skills found among the Jewish DPs who were canvassed in this study:

TABLE 4

Administration	3,993
Agriculture and Forestry	3,099
Chemistry	113
Communications and Transportation	1,165
Engineering	136
Food and Food Handling	2,469
Health and Sanitation	901
Medical and Dental	707
Metal Trades	950
Mining	6
Professions and Arts	1,152
Public Safety and Welfare	197
Skilled Laborers	22,805
Unskilled Laborers	19,881
Total	<u>57,574</u>

Emigration

Beyond the unauthorized migration to Palestine, very little was accomplished in the resettlement of the Jewish DPs during the period covered by this survey. At PCIRO's invitation a number of resettlement missions visited Germany, Austria and Italy, with the view of selecting DPs for permanent resettlement in the countries they represented. However, either because the Jewish DPs lacked the particular skills solicited, such as mining and logging, or because the countries involved pursued a discriminatory immigration policy, Jewish DPs were not affected by these resettlement schemes. In the past two years, only 3,000 Jewish DPs migrated to countries other than the United States and Palestine.

The following chart reflects the implementation of the Truman directive of December 22, 1945 in Germany and Austria:

TABLE 5

Sponsoring Agency	German Petitioners Sponsored by US Citizens	Church World Service and National Catholic Welfare	AJDC and HIAS	U. S. Committee (Jewish & Non-Jewish Children)	International Rescue & Relief Committee (Jewish & non-Jewish)	Quakers	Total
1946-1947 May 10 incl. . .	6844	1951	7604	822	300		17,521
1947-1948 May 10 incl. . .	6994	3692	4495	510	162	2	15,855
Totals	13838	5643	12099	1332	462	2	33,376

There were two reasons for the disproportionate number of visas that were issued to the Jewish DPs during the first year of this directive. First, the Jewish DPs were virtually the only people who could qualify for the quotas of ex-enemy countries and, second, during the major part of this period, the JDC and HIAS were the only agencies that were organizationally prepared to render assistance in the form of corporate affidavits and on-the-spot immigration guidance to prospective immigrants. In the second period the non-Jewish sponsoring agencies went into full-scale operation, with the result that the ratio of the Jewish to the total number of immigrants admitted under the directive was more balanced.

At the conclusion of the war it was regarded almost axiomatic that the only country in the world that was in the position to absorb more than a token number of DPs was the United States. However, because of strong anti-DP sentiment on the part of influential and articulate elements, nothing was done until June 20, 1948, when the United States Congress adopted a compromise measure which administered a serious blow to the aspirations of many Jewish DPs who wished to migrate to the United States. This law, providing for the admission of 205,000 DPs during a period of two years, gave preference to

farmers and to Baltic DPs and provided that only those who entered Germany, Austria, or Italy, between September 1, 1939 and December 22, 1945 and who were in the western zones of occupation, in the western sectors of Berlin or Vienna, or in Italy on January 1, 1948 were eligible for immigration. A survey made by PCIRO showed that, of the 113,000 Jewish DPs in the U. S. zone in Germany, on May 31, 1948, only 34,654 either had entered or were born to those who entered Germany prior to December 22, 1945.

Relationship between DPs and Native Population

The three years following their liberation witnessed no appreciable reconciliation between the Jewish DPs on the one hand, and the Germans and the Austrians on the other. Even the DPs who lived in the communities identified themselves completely with the people in the camps. Only a small percentage of those who found their way into the communities had any intention of settling permanently in Germany. There were isolated instances of intermarriage involving Jewish DPs and German and Austrian women, and fraternization was not uncommon. However, in general, there was no disposition on the part of the Jewish DPs to forgive the native population for its active or passive complicity in the crimes against the Jewish people. As far as possible, the Jewish DPs lived an insular existence within the German and Austrian milieu. They regarded themselves as transients, living not as guests of Germany and Austria but as the wards of the occupation forces. When, in the course of the rededication of a synagogue in Munich on May 20, 1947, General Lucius D. Clay expressed the hope that the event would signalize the beginning of a new understanding between the German and the Jewish elements, the DP leaders responded by comparing the synagogue to the temporary ark their forebears had carried with them in their odyssey to the Promised Land. They were firm in their view that it was a sin for a Jew to sink roots in the German soil.

On the other hand, the Germans and the Austrians con-

tinued to manifest their implacable hatred of the Jew. A survey made by the United States Army in May, 1948 showed that the racial doctrines of the Nazis continued to hold a firm grip on the German people. In a number of instances in Austria, native groups protested and then marched en masse on Jewish DP installations, demanding the surrender of vital foodstuffs which they falsely claimed Jewish DPs were hoarding. The Germans and the Austrians begrudged the Jewish DPs their limited rations and congested quarters. Although the economies of these countries made only an insignificant contribution towards the support of the DPs, the average native was led to believe that the total burden for the DPs' support was borne by the local population. As the Passover of 1948 was approaching, a number of blood libel rumors became current and during the past year, desecration of Jewish cemeteries in Germany became widespread. In Bavaria, highly placed German spokesmen, though aware of the culpability of the local farmers and manufacturers who diverted a substantial percentage of what was intended for the rationed economy into the black market, inflamed the people by fixing the blame for food shortages upon the Jewish DPs.

The American Jewish Committee tried to encourage the democratic elements in Germany to include the fight against anti-Semitism in their democratization program. The Committee helped to organize groups of intellectuals and community leaders into Lessing Clubs, as well as sending its own representatives abroad to work with them. Under normal circumstances, the task of freeing the Germans from Hitler's legacy would have been a staggering one. The position of the genuinely democratic forces in Germany and Austria was rendered infinitely more difficult by the presence of the Jewish DPs, who were a perpetual source of irritation to the native population.

Attitude of the Occupation Authorities and of Italy

Although there was a growing impatience among the occupation authorities with the persistent DP problem, this

impatience was not reflected in any decision that affected the lives of the DPs.

Within their limited means, Italy, England, and France were generous in their treatment of the DPs. France and Italy not only pursued a humanitarian policy toward their permanent DP population, but were signally liberal in extending to transient Jewish DPs permission to cross their borders and to use their port facilities in their migration to Palestine.¹

The major burden for the supervision and protection of the DPs fell upon the United States forces, and Generals Lucius D. Clay and Geoffrey Keyes and their staffs consistently discharged this difficult task with sympathy and understanding. Even after April 21, 1947, when the DP camps in the American zone were closed to new arrivals, the United States zones of Occupation remained open as havens of refuge for unorganized movements of persecutees. The American generals repeatedly assured the Jewish DPs of their safety as long as the armies of occupation remained in Germany and Austria. There were indications that in the event of the formation of Western Germany, the DPs would not be placed under German control. The policy of camp consolidation was not pursued vigorously with respect to Jewish camps. Notwithstanding the steady pressure from German sources, German police were not used in Jewish DP camps. When in May 1948, PCIRO suspended the sponsorship of immigration to Israel because of "the absence of a regime in Palestine which had general recognition of the United Nations" and because the resettlement of DPs in an area of strife was alleged to be repugnant to the spirit of the IRO constitution, the Army stepped into the breach and provided the necessary transportation and other facilities to allow the migration to Israel to continue. At the time of this writing, it was fairly certain that the check and search operations on DP camps described below were soon to be abandoned in favor of the normal methods

¹ In Italy the IRO established special camps for Jewish refugees, in recognition of the fact that they could not share camps with such other refugees as deserters from the German army. The DPs benefited from the greater freedom and sympathetic administration of the camps.

of law enforcement sanctioned by the Anglo-American tradition. In addition to the foregoing, on November 10, 1947, General Clay took the initiative in promulgating a restitution law, after all efforts to have the German authorities adopt such legislation had failed.

Cultural Life

While marking time, the Jewish DPs endeavored to have their camps resemble the normal Jewish community as far as possible. They particularly concentrated on the education of their children. Virtually every child between the ages of five and seventeen attended a kindergarten, a secular school, heder or yeshivah, established within the DP camps or communities. The teachers, partly recruited from the camps and partly from Palestine, were subsidized by JDC. In the American zones of Germany and Austria, the Board of Education and Culture, composed of representatives from the Central Committee of Liberated Jews, JDC and the Jewish Agency, developed standard methods of instruction, prescribed the curricula, and sponsored teachers' seminars. While the problem was not completely solved, remarkable progress was made in correlating the subjects taught with the stage of mental and emotional development of the adolescent children who had had no schooling during the war years.

A substantial number of young men and women whose schooling was interrupted by the war was alert to the opportunities for higher learning in Germany, Austria, and Italy, and enrolled in the local universities. As of May 31, 1948, there were about 763 such students in Germany, 180 in Austria and 150 in Italy. The interests of the students varied. Most of them pursued studies in the field of medicine. In 1946 the Hillel Foundation established special scholarships in American universities for gifted Jewish DPs. Under this program thirty-seven students succeeded in entering the United States between January 15, 1947 and May 31, 1948.

On the adult level, efforts were made to relieve the monotony of camp life. The Jewish DPs published nineteen

newspapers and magazines, with an aggregate circulation of 43,500 in the American zone alone. The ORT introduced courses in adult education, JDC provided movies through its Mobile Film Units, and both JDC and the Jewish Agency for Palestine sponsored tours of artists to entertain the camp population. Notable were the tours featuring Herman Yablokoff, the American actor and radio singer, and Paula Padani, the Palestinian dancer. When artists of international fame, such as Yehudi Menuhin, the violin virtuoso, and Leonard Bernstein, the American conductor-composer, came to Europe for general appearances, they used the occasion to appear before exclusively Jewish DP audiences. Bernstein left a profound impression upon the people when he conducted and accompanied the Jewish DP symphony orchestra before two DP camp audiences. A popular diversion was the competitive sports, particularly boxing and soccer, in which the youth engaged. The DPs themselves organized theatrical troupes which toured the camps. Of these groups, the MIT (Munich Yiddish Theater) received wide acclaim.

Law and Order

The record of the Jewish DPs for law and order continued to be impressive. Crimes of violence and those involving moral turpitude were very rare among the Jewish DPs. The scarcity of consumers' goods made Germany and Austria fertile soil for the black market. Most Jewish DPs, in common with the native population, bartered commodities they could dispense with for the minimal necessities of life. Although only a small fraction of the Jewish DPs engaged in the black market for profit, Germans, Austrians and some of the occupation personnel held all the Jewish DPs collectively responsible as the principal black market offenders. This reputation made the Jewish camps the logical target for check and search operations in areas where the black market flourished.¹

¹ Of nine such raids conducted by the Army in the American zone of Germany, from January 1, to May 31, 1948, eight were directed against Jewish camps. Practically none of these mass searches substantiated the reports that prompted the Army to conduct them. — ED.

Attitude Towards Palestine

The Jewish DPs constituted one of the most highly integrated Jewish communities in the world. Not only their background of common suffering, but a single purpose fused them together. That purpose was to end their homeless existence by joining the Yishuv in Palestine. As individuals, they had lost their loved ones; as a group, they had lost their faith in Europe. They wanted to go to a land where they would be wanted and not merely tolerated. They were determined to sever all connections with their past, taking with them only the lessons they had learned at a cost of six million lives. The only experience from their past which they cherished and commemorated was the revolt of the Warsaw Ghetto.

The Jewish DP camps had an exclusively Zionist orientation. The political life of the DPs, their schools, newspapers, posters, forums, kibbutzim (collectives), children's centers, and their hachsharot (training camps) reflected only the Zionist ideology. The ORT sought to gear its vocational training program to the Palestinian economy. While there were undoubtedly non-Zionists among the Jewish DPs, the views of this element never assumed articulate form. To the DPs the establishment of a homeland in Palestine was an unquestioned imperative, and any minority which would question this premise would be completely submerged in the protest that would follow.

Every political party in Palestine had its followers among the DPs. Often the loyalties to the several parties acted as a divisive force and complicated the administration of the camps. The Central Committee of Liberated Jews and the Regional and Camp Committees were selected on a basis of proportional representation, as determined by the showing the parties made at the annual elections. The following are the results of the elections held in the American zone of Germany, in March, 1948:

TABLE 6

Organization	Votes received	Per cent
Mizrachi.....	5,773	9
General Zionists.....	5,921	10
Agudath Israel.....	6,176	10
Revisionists.....	12,999	21
Mapai.....	11,891	20
Labor coalition.....	18,655	30
Totals.....	61,415	100

The DPs indicated their readiness to subordinate their comfort to the needs of Palestine. They conducted vigorous fund-raising campaigns for Haganah and, at the Third Congress of Liberated Jews, held in Bad Reichenhall on March 30, 1948, enthusiastically applauded Joseph Schwartz, European Director of JDC, when he announced that the JDC relief program for DPs would have to be curtailed in favor of the expansion of outlays for the defense and development of the Jewish state in Palestine.

The greatest single event in the life of the Jewish DPs was the emergence of Israel as a Jewish state. The immediate recognition of that state by the United States convinced the people that, despite the menacing threats of the Arab world, this embryo state would live. Above the din of all the spontaneous celebrations that broke out in the camps, rang the sentiment that they were no longer DPs, but citizens of a free state.

Even before Israel came into being, the DPs felt that they had a legitimate right to go to Palestine and that the White Paper of 1939 had no validity. Since liberation, an estimated 40,000 DPs have passed through the American zone of Germany, in a steady effort to reach Palestine. This migration, known as *Aliyah Bet*, involved the clandestine departure from zones of occupation, avoidance of border patrols, travel on foot over hazardous mountain routes, funneling through the Brenner Pass, and embarkation from French and Italian ports. The most celebrated incident that dramatized this form of migration and the passion of the DPs to reach Palestine was the *Exodus* episode, reported in the article on Palestine.

In February, 1948, when it became probable that a Jewish state would come into being at the conclusion of the British mandate and that this state would have to defend itself from the moment of its birth, the Jewish DP leadership issued a mobilization order to all single men and women and to childless couples between the ages of seventeen and thirty-five. All activities were forthwith subordinated to the single preoccupation of insuring that the Shaerit ha-Peletah (the surviving remnant) would be well represented in Israel's fighting forces. Of approximately 9,000 in the American zone of Germany who could be integrated into the Haganah, approximately 5,000 had left by June, 1948. Fifteen hundred from the American zone of Austria also volunteered.

Summary of Problem

The adoption of the recent United States immigration law made it clear that Israel was the only real hope for the early resettlement of the Jewish DPs. There was no prospect that they would be induced to return to Poland. The DPs conceded the integrity of the Polish government's motives on the Jewish issue but had no faith in the Polish people. The most optimistic calculation was that a maximum of 20,000 Jewish DPs would be admitted under the American immigration law during the forthcoming two years. It will be the task of Israel to absorb most of the remainder.

Everyone who made even the most superficial study of the DP problem recognized the urgency of dissolving the DP camps. While the Jewish DPs made an amazing adjustment to their pattern of living, there was nothing to commend it as a way of life. The sustained idleness, the lack of privacy, the communal living that reinforced the memory of a tragic past, were not conducive to the rehabilitation of a distressed group.

The prospects for the immediate mass resettlement of the DPs in Israel were not too bright. Questions were being raised about the absorptive capacity of Israel, about a selective immigration in terms of Israel's present needs, and about the imperative necessity for evacuating the Jews from the Moslem

countries to save them from annihilation. In view of these factors, it was estimated that a maximum of 60,000 Jewish DPs would be resettled in Israel during the twelve-month period following the establishment of peace. Barring unforeseen circumstances, such as a succession of truces or guerrilla warfare, it was acknowledged that the summer of 1949 would still find about 90,000 Jewish DPs vegetating in the DP camps of Europe.

The extent to which the civilized world manifests an interest in the early solution of the Jewish DP problem will be the measure of the quality of its justice towards the group which, more than any other, absorbed the full impact of Hitler's blows.

The Jewish DPs were the argument célèbre in the bid for a Jewish state. To a great degree, it was their homelessness that influenced the historic partition decision made at Lake Success on November 29, 1947. To keep faith with those who want to make Israel their homeland, the world Jewish community must at the earliest moment replace their DP cards with visas to Israel.

INTERNATIONAL REFUGEE ORGANIZATION

By Abba P. Schwartz

Founding: Preparatory Commission

THE PROBLEM OF international care for refugees and displaced persons which faced the Allies upon the cessation of hostilities remained unsolved. Prior to July 1, 1947, in addition to the military authorities in Germany, Austria and

Italy, two organizations, United Nations Relief and Rehabilitation Administration (UNRRA) and the Intergovernmental Committee on Refugees (IGCR), cared for the refugees and displaced persons. UNRRA concerned itself mainly with their care, maintenance and repatriation, while the Intergovernmental Committee extended legal and political protection and was responsible for their resettlement. The liquidation of these two organizations on June 30, 1947, required the establishment of a new agency to deal with the problem of refugees.

On February 12, 1946, the General Assembly of the United Nations at its first session unanimously adopted a resolution in which it was recognized "that the problem of the refugees and displaced persons of all categories is one of immediate urgency," and that "this problem is international in scope and nature." A year later, on February 11, 1947, the Preparatory Commission for the International Refugee Organization met in Geneva.

The protracted discussions which preceded the action of the General Assembly in February, 1946, are recorded in the Report of the Economic and Social Council to the General Assembly, and in the Report of the General Assembly's Third Committee. The Council recommended, and on December 15, 1946, the General Assembly approved by a vote of thirty to five, with eighteen abstentions, the establishment of a specialized agency of nonpermanent character, to be known as the International Refugee Organization (IRO).

At the same time that it approved the constitution of the IRO, the General Assembly approved an "Agreement on Interim Measures to be taken in respect of Refugees and Displaced Persons." The constitution of the IRO provided that it would come into being upon acceptance and ratification by fifteen governments and when 75 per cent of its budget would be assured. To avoid the gap between the liquidation of IGCR and UNRRA and the coming into being of IRO, the Preparatory Commission for the IRO (PCIRO) was established pursuant to paragraph 9 of the Agreement on Interim Measures, and was to function until such time as the

constitution of the IRO came into effect, under the following mandate:

2. The Commission shall:

(a) take all necessary and practicable measures for the purpose of bringing the Organization into effective operation as soon as possible:

(b) arrange for the convening of the General Council in its first session at the earliest practicable date following the entry into force of the Constitution of the Organization:

(c) prepare the provisional agenda for this session as well as documents and recommendations relating thereto:

(d) suggest plans, in consultation with existing organizations and the control authorities, for the program for the first year of the Organization:

(e) prepare draft financial and staff regulations, and draft rules of procedure for the General Council and Executive Committee.

3. The Commission may, in its discretion and after agreement with existing organizations dealing with refugees and displaced persons, take over any of the functions, activities, assets and personnel of such organizations, provided that the Commission is satisfied that this is essential in order to accomplish the orderly transfer to the International Refugee Organization of such functions or activities.

In its first year of operations, which ended June 30, 1948, the Preparatory Commission received \$136,500,000 from member governments, which exceeded the minimum requirement of 75 per cent of its budget; but only the following fourteen members had accepted and ratified the constitution: Argentina, Australia, Belgium, Canada, China, Dominican Republic, France, Guatemala, Iceland, Netherlands, New Zealand, Norway, United Kingdom and the United States. It will probably be in a position to hand over its functions to the IRO in August, 1948, upon acceptance and ratification of the constitution by a fifteenth government.

Of the millions of uprooted and homeless people who fell to the care of the Allied governments at the end of the war, on July 1, 1947, when PCIRO began its active functions, there remained approximately 700,000 displaced persons in camps in need of care, maintenance and political and legal protection. In spite of the difficulties which PCIRO faced in assuming the functions of UNRRA and the military in caring for, maintaining and repatriating refugees and DPs, and the

functions of IGCR in arranging for their resettlement — all of which were accentuated by the lack of interest displayed by the postwar world in the refugee problem — the number of DPs receiving PCIRO care and maintenance was reduced by July 1, 1948, to 580,000.

Of these people under PCIRO care, it is expected that 57,000 will be repatriated between July 1, 1948 and July 1, 1949; and 250,000 resettled under PCIRO auspices.

Jewish DPs constituted 25 per cent of all DPs under PCIRO care on July 1, 1947. Reduction of their numbers by resettlement did not progress as speedily, or in the same manner as resettlement of other DPs, since the problem of Jewish DPs differed in many respects from the overall problem. Practically all of the non-Jewish displaced persons from Eastern and Southeastern Europe constituted a political problem, since only their disagreement with the political developments in their countries of origin prevented them from returning to their former homes. Their presence in the occupied countries relatively near to the frontiers of their former homes provided constant political friction with the newly established governments of Eastern and Southeastern Europe; and their acceptance for resettlement elsewhere had political implications for the governments of Eastern Europe.

The Jewish DPs differed in that their countries of origin, while not discouraging their return, did not insist upon their repatriation; it was universally agreed that the small percentage of Jews who survived in Europe required special consideration. They could not return to the countries which are the graveyards of their families, nor could they remain in Germany, Austria or Italy, where the hostility of the local population grew noticeably and where they were regarded as a hindrance to economic recovery. Their problem could be solved only by emigration.

With respect to the immigration possibilities of Jewish DPs, it is noteworthy that the Jewish DPs themselves had lost all feeling of security and were afraid to live again as strangers in countries which, if not hostile towards them, were at the same time not eager to receive them; the great majority

was determined to go to Palestine, believing that only there could they rebuild anew their broken lives. Finally, no other offer had been made by any country which might substantially contribute to the solution of the Jewish DP problem.

World Jewry recognized that the social problems created by the existence of several hundred thousand Jews in DP camps in Germany, Austria and Italy could not be solved by the basic care and facilities which PCIRO extended. There remained the pressing need for supplementary food allotments; for educational and religious facilities and activities; for professional and technical training and retraining; and for adequate medical relief. The desire of world Jewry to assist materially brought a number of Jewish voluntary agencies into close contact with PCIRO. The activities of these agencies were based upon agreements between PCIRO and the American Jewish Joint Distribution Committee (JDC), the Jewish Agency for Palestine, Hebrew Immigrant Aid Society, (HIAS), World ORT Union and Vaad Hatzala Rescue Committee. Of a total of 1,300 voluntary agency relief workers who work with and assist PCIRO in the field, 50 per cent were furnished by the Jewish voluntary agencies.

JDC participated in almost every aspect of PCIRO field activities, supplementing basic rations, extending additional medical care, providing educational and religious facilities and sharing with PCIRO the financing of individual migration. JDC was also called upon to furnish full care, maintenance, and many required facilities for about 35,000 DPs who, though eligible for assistance under the IRO constitution, were excluded as a result of PCIRO's "Freeze Order." This order, claiming serious financial limitations, excluded from care and maintenance, except in cases of extreme hardship, refugees who were not in PCIRO camps on July 2, 1947. This resulted in the exclusion of 35,000 Jewish DPs from a total of 300,000 who were otherwise eligible.

Through the joint financing of the individual migration of eligible Jewish displaced persons from July, 1947 through June, 1948, PCIRO reimbursed JDC to the extent of \$1,400,000. Of this sum, \$600,000 covered PCIRO's contribution toward

the transport of 6,000 Jewish DPs to Australia, South America and South Africa; and the balance was partial reimbursement for the transport of 6,000 Jewish DPs who entered Palestine with certificates of Great Britain, as the mandatory power.

During the same period PCIRO paid HIAS \$300,000 as its contribution towards resettlement of 2,500 Jewish DPs.

Under its exclusive sponsorship, without contributions from voluntary agencies, PCIRO transported 3,000 Jewish DPs to South America and other countries, as well as several hundred orphans, 300 close relatives and 900 garment workers to Canada.

The result of the political difficulties regarding Palestine during the past year was that only a fraction of the Jewish DPs reached the shores of Palestine. Eighteen thousand entered Palestine with British certificates, and PCIRO sponsored and paid for the transportation of one-third of this group who were eligible for PCIRO assistance.

In June, 1948, PCIRO announced its policy on migration to Palestine after the termination of the British Mandate on May 15, 1948. It stated that it could not move refugees to any area in which there were hostilities or to countries participating in such hostilities, and therefore decided to withdraw sponsorship and all financial participation in the movement of Jewish DPs to Palestine until the situation was clarified.

The Executive Secretary of PCIRO expressed his hope in June, 1948, that a peaceful settlement would result from the four-week truce arranged by the United Nations Mediator, in which case PCIRO would undertake to participate in resettlement in Palestine to the full extent of the opportunities presented; and to that end funds were allocated in the 1948-49 budget to finance the movement of 50,000 Jewish DPs to Palestine. PCIRO undertook to reimburse the voluntary agencies for the movement of eligible DPs to Palestine retroactively from the date of the beginning of the truce, if the truce should lead to a peaceful settlement.

In addition to the basic care, maintenance and facilities which PCIRO made available to Jewish and all other DPs, and the joint sponsorship with JDC and HIAS of individual

migration, PCIRO also acted as trustee for the administration of funds under the reparations program for assistance to non-repatriable victims of Nazi persecution. This program had been formulated by the eighteen allied governments in Article 8 of Part I of the Final Act of the Paris Conference on Reparation of December, 1945, and implemented by the Five Power Agreement of June 15, 1946. The urgent need for assistance to victims of Nazi persecution through rehabilitation and resettlement was recognized, and since Jewish victims had no government representing them which received reparations from Germany, the reparations program aimed to assist in the resettlement of Jewish DPs through funds made available to JDC and the Jewish Agency for Palestine. These two voluntary Jewish organizations were designated as the appropriate field organizations to receive reparation funds for application to approved schemes for rehabilitation and resettlement of Jewish victims. Under the treaties, 90 per cent of a \$25,000,000 fund to be obtained from the liquidation of German assets in neutral countries and from the liquidation of unidentifiable looted personal property (nonmonetary gold) discovered by the allied armies in Germany, and 95 per cent of assets in neutral countries of Nazi victims who died without heirs, were allocated for the rehabilitation and resettlement of Jewish victims of Nazi action. The balance of 10 per cent of the first two sources and 5 per cent of the "heirless assets" was set aside for the assistance of non-Jewish German and Austrian persecutees, who also had no government representing them to receive reparations from Germany.

During the period under review, PCIRO received 50,000,-000 Swedish kronor from the Swedish government under allied agreements, constituting half of the \$25,000,000 fund, in addition to a substantial portion of unidentifiable looted diamonds, jewelry, silverware and other valuables, transferred to it by the United States military authorities in its zones of occupation in Germany and Austria. Despite currency exchange restrictions, PCIRO succeeded in making payments from the 50,000,000 Swedish kronor and the proceeds of the liquidation of nonmonetary gold to the Jewish Agency for Palestine in the

amounts of £1,500,000 and \$700,000; and payments in various currencies totaling \$3,000,000 to JDC.

The United States was most active in pressing for the speedy implementation of the reparations program. While both France and the United Kingdom also undertook to make nonmonetary gold available from their occupation zones, only the United States made transfers to PCIRO in the past year.

The liquidation of nonmonetary gold was handled for PCIRO by a voluntary Merchandising Advisory Committee in New York. It was estimated that about \$2,500,000 will be made available in the coming year for payment to the Jewish Agency and JDC from the proceeds of nonmonetary gold which PCIRO had on hand at the close of its fiscal year in 1948.

Since assistance to Jewish DPs through reparation funds was intended by the allied governments as a grant to Jewish victims over and above that which any organization or government might be in a position to offer, the right of Jewish DPs for assistance from PCIRO remained unaffected by the allocations from reparation funds.

STATISTICAL SUPPLEMENT¹

A total of 256,000 refugees and displaced persons were returned to their countries of origin or resettled in countries of adoption during the first year of operations of the International Refugee Organization (July 1, 1947—June 30, 1948).

A twelve-month statistical summary, published by the IRO, reveals that 51,000 persons returned to their countries of origin, and 205,000 others were re-established as immigrants in the countries of Western Europe and overseas.

In the same period, the numbers of refugees receiving care and maintenance from IRO in Germany, Austria, Italy, the Middle East and Western Europe decreased from 704,000 on July 1, 1947, to 598,445 on June 30, 1948. The care and

¹ This section is adapted from a PCIRO document, Prep. Com. No. 507, August 24, 1948. (Information Center, UN Office at Geneva.)

maintenance load failed to decrease in proportion to the total numbers re-established, because many of those persons repatriated and resettled did not come from the IRO camps, because there was a substantial excess of births over deaths and because many "hardship" cases were admitted to the camps during the year.

No world-wide census of all persons potentially eligible for IRO services of one kind or another had been possible at the time of writing; but progress was made through the registration of 880,000 such persons. Of this total, 598,000 were receiving care and 108,000 were receiving IRO services such as legal protection or assistance in repatriation or resettlement. The balance consisted largely of those who already had been repatriated or resettled.

Of the 51,439 eligible refugees repatriated during the twelve-month period, 29,746, or nearly three-fifths, returned to Poland. Next largest groups of repatriants were the 6,265 overseas Chinese, returned to their homes in Burma, the Malay Peninsula and Indonesia, whence they had fled into China during the war, and 4,526 Yugoslav nationals who returned home. Smaller numbers of refugees of more than fifty-five other nationalities also elected to return home during the year.

Seventy-three countries on five continents received a total of 204,577 refugee-immigrants, but 77 per cent went to only six countries. The United Kingdom received 69,788; Canada, 25,244; Belgium, 19,147; the United States, 16,836; France, 16,216 and the Argentine, 12,163.

Significant numbers of refugees also went to Palestine, 6,741; Venezuela, 5,666; Australia, 5,632; Brazil, 3,491; the Netherlands, 3,488; Paraguay, 2,892; Sweden, 1,943; Chile, 1,473; and Peru, 1,282. Twenty countries received fewer than 1,000 refugees each—Morocco, Turkey, Bolivia, Uruguay, Syria, Tunisia, Cuba, Switzerland, Mexico, Union of South Africa, Colombia, Guatemala, Egypt, Ecuador, Dominican Republic, Costa Rica, Italy, Panama, Southern Rhodesia and New Zealand.

The refugees moved in resettlement included 74,644 Poles; 28,574 Ukrainians; 20,158 Yugoslavs; 12,359 Latvians; 9,594

Lithuanians; 7,792 Germans, almost all Jews or other German nationals persecuted under the Nazi regime; 7,984 Soviet Russians; 7,837 Hungarians, and 6,029 Estonians plus smaller numbers of persons of fifteen other nationalities and those who were stateless, or of undetermined nationality or in Nansen status.

In its resettlement program, IRO received assistance directly from governments and from numerous voluntary agencies. IRO participated directly in the movement of 138,247 refugees. The greatest part of the non-IRO sponsored resettlement was conducted by the United Kingdom, which moved 50,311 refugees from occupation zones and other areas under its control without financial assistance from IRO. France moved 8,344 persons, the Argentine 3,921 under similar arrangements.

Resettlement took two principal forms—mass resettlement under organized programs conducted by governments and IRO, and individual resettlement, whereby IRO, in consultation with voluntary agencies, arranged movements for individuals and small groups of refugees. Mass resettlement accounted for 156,925 of the total refugees moved, while 47,652 persons were moved under individual arrangements.

Of the refugees remaining in care and maintenance at the end of June, 146,001 were Poles, 134,482 were from the three Baltic States—71,826 Latvians, 42,362 Lithuanians and 20,294 Estonians—142,936 were Jews from all countries, 90,946 were Ukrainians, 26,572 were Yugoslavs and 57,508 were of fifty-five other nationalities, stateless, undetermined or in Nansen status.

Geographically, they were distributed most heavily in Germany—507,949 total, 292,880 in the U. S. Zone, 174,214 in the U. K. Zone and 40,855 in the French Zone. In Austria, there were 25,873 in the U. S. Zone, 6,949 in the U. K. Zone and 4,359 in the French Zone. There were 24,540 in Italy, 9,785 in the Middle East and 18,989 in all other areas.

[When it commenced its operations on July 1, 1947, the PCIRO aimed at the goal of repatriating 109,000 and reset-

ting 262,000 refugees and DPs. Its actual achievement fell short by 58,000 in repatriation and 57,000 in resettlement.

Among the reasons for the failure to reach these goals were the housing shortages in some of the receiving countries and the general shipping shortage that prevailed during the year. In the case of the Jewish refugees, the PCIRO officially acknowledged that, without openly so declaring, the various election missions usually turned down Jews who came before them. Although in some cases there were practical reasons given for this—namely, that the Jews were not equipped for strenuous manual labor in mines or factories—in many cases Jews were turned down on a purely discriminatory basis. PCIRO's conclusion at the end of its first year of operations was that unless the governments could be prevailed upon to open their doors, the immigration of Jewish DPs to countries other than Palestine was likely to continue to be a trickle.]

HUMAN RIGHTS

By Geraldine Rosenfield

WHEN ON AUGUST 28, 1948 the Economic and Social Council closed its seventh session in Geneva, it was generally conceded that the great failure of that session lay in the domain of human rights. Of the six major items on its agenda in this field, only the status of women and one of three conventions on freedom of information were thoroughly discussed. The declaration of human rights and the genocide issue were dismissed with general statements of position and a resolution passing them on to the Assembly without action. It remained to be seen what the General Assembly of the United Nations would accomplish on both scores.

Commission on Human Rights

The United Nations Commission on Human Rights met twice in full session during the period under review: in December, 1947, and in May, 1948. These second and third sessions of the Commission were devoted for the most part to planning for and working on the project of an international bill of human rights.

An international bill of rights could consist of a statement of general principles, such as the French Declaration of the Rights and Duties of Man. Or it could take the form of a document having legally binding force—an international equivalent of the United States Bill of Rights. The Commission on Human Rights decided at its second session in Geneva that both a statement of principle and a treaty were necessary; it defined the term “international bill of human rights” as including both a declaration (i.e., statement of principles), and a covenant (i.e., treaty), as well as measures of implementation. The Commission produced a draft declaration and a draft covenant; it examined, but neither approved nor disapproved, the report of a working group on implementation.

The substantive work of the Commission at its third session, held from May 24 to June 18, consisted of the completion of a declaration of human rights. Definitive work on a covenant and measures of implementation must await the fourth session of the Commission to be held early in 1949.

International Declaration of Human Rights

From the first it was agreed by Commission members that the declaration should specify both civil rights, known to such countries as the United States for over 150 years, and social and economic rights, which have been recognized as a development of the twentieth century. It was the length and effect of the declaration which was the subject of controversy.

The first draft of the declaration, an outline prepared by the United Nations Secretariat, consisted of forty-eight articles. The second session of the Commission reduced the draft to thirty-three articles. This was generally referred to as the Geneva draft. The United States and China pressed in successive sessions for a document which would be drastically shortened. The Commission's final draft contained twenty-eight articles, and its content was substantially reduced.

The declaration was approved on June 19 by a vote of 12 to 0, with four abstentions: Russia, Byelorussia, the Ukraine and Yugoslavia. The Soviet spokesman who expressed the "minority views" described the declaration as "weak and ineffective," consisting mainly of a general definition of rights which "150 years ago were substantial moves on the road to human progress." Speaking for the majority, Mrs. Franklin D. Roosevelt, chairman of the Commission and United States Representative, called the completion of the declaration after two years' work "an event of high importance to the world."

The substantive rights covered in the final declaration were as follows:

I. Civil Rights

Article 3: Right to life, liberty and the security of person;

Article 4: Freedom from slavery, torture, inhuman treatment or punishment;

Article 5: Recognition as a person before the law;

Article 6: Right to equality before the law;

Article 7: Freedom from arbitrary arrest;

Article 8: Right to a fair hearing by an independent and impartial tribunal;

Article 9: (a) Presumption of innocence and right to public trial, with all guarantees necessary for defense, in criminal cases;

(b) Freedom from *ex post facto* laws;

- Article 10: Freedom from interference with privacy;
Article 11: (a) Freedom of movement and residence within a state;
(b) Right to leave any country;
Article 12: Right of asylum;
Article 13: Rights concerning nationality;
Article 14: Right to marriage and to protection of the family;
Article 15: Right to own property;
Article 16: Freedom of religion;
Article 17: Freedom of information;
Article 18: Freedom of assembly and association;
Article 19: Right to participate in government;

II. Social and Economic Rights

- Article 20: Right to social security;
Article 21: Right to work;
Article 22: Right to health and security;
Article 23: Right to education;
Article 24: Right to rest and leisure;
Article 25: Right to participate in cultural life.

The declaration represented "a common standard of achievement for all peoples and all nations," who may thus be considered to have assumed a moral, but not a legal, obligation to strive progressively to secure universal and effective recognition and observance of the rights and freedoms set forth in it. The preamble to the declaration stressed that: "Member states have pledged themselves to achieve, in co-operation with the Organization, the promotion of universal respect for and observance of human rights and fundamental freedoms," and proclaimed the declaration to be a "common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this declaration constantly in mind, shall strive by teaching and education to promote respect

for these rights and freedoms, and by progressive measures, national and international, to secure their effective recognition and observance.”

Covenant on Human Rights

The covenant on human rights did not get beyond the second session of the Human Rights Commission in December, 1947. The problems involved in its execution proved to be too difficult and diffuse for solution in the time allotted.

As drafted by the Commission at its second session in Geneva, the covenant included most of the basic civil rights set forth in the declaration. Notable exceptions were the right to marriage, the right to property, the right to participate in government and freedom from searches and seizures. The Geneva covenant included none of the social and economic rights.

One of the factors preventing agreement on the covenant was the question of implementation. Three recommendations for action in the event of a violation of the covenant were discussed. The Australian delegation advocated that any violation of the covenant should be considered by a new six-member international court of human rights whose decisions should be complied with by the covenanting states. Individual complaints as well as complaints by states should be dealt with by this international court.

The French recommended that violations should be considered by a Commission empowered to make recommendations to parties concerned. Individual complaints as well as complaints by states should be dealt with by this Commission. China and the United States advocated that violations not settled by direct negotiation should be referred to a committee empowered to make a recommendation to the state or states concerned. The China-United States proposal recognized that certain cases arising under the covenant might be considered by the International Court of Justice. Compulsory jurisdiction, however, was not expressly provided.

Recommendations of Jewish Groups

During December, while the second session of the Commission was meeting and the discussion still centered on a complete bill of rights, including declaration and covenant, several Jewish groups submitted proposals deemed essential to an effective guarantee of human rights.

The Coordinating Board of Jewish Organizations,¹ World Jewish Congress and Agudas Israel requested inclusion in the proposed International Bill of human rights clauses stipulating that there be "no regulation prohibiting or interfering with the free exercise of religious worship and observance and no discrimination in law or practice against any creed or religion." The Consultative Council of Jewish Organizations² recommended the inclusion of a provision obliging the signatory nations to co-operate to facilitate immigration and resettlement of persons forced to leave their native lands because of persecution. This group also asked for the expansion of the functions allotted to international organizations granted consultative status by the Commission, and the establishment of an International Court of Human Rights to try violations of the Bill of Rights.

As the second session advanced and it became apparent that no agreement could be reached on the content of a covenant, some Jewish groups concluded that a declaration of intent would be all that could be expected at that time. The Coordinating Board of Jewish Organizations then submitted a memorandum to the Human Rights Commission proposing that that body immediately formulate a simple declaration of human rights to "provide a much needed guide" in international conduct. The memorandum pointed out that the Commission's drafting group which had met the previous June had reached sufficient agreement on basic principles to prepare a declaration in time for presentation at the 1948 General Assembly.

¹ American Jewish Conference, Board of Deputies of British Jews, South African Jewish Board of Deputies.

² American Jewish Committee, Alliance Israélite, Anglo-Jewish Association.

Prior to and during the meeting of the third session of the Commission, the World Jewish Congress submitted further proposals designed to clarify and "strengthen" certain of the more general clauses being discussed by the Commission. Their proposals urged: a stronger stand on the right of asylum; and "no deprivation of life without due process of law, no torture, slavery, compulsory labor, expulsion of loyal aliens, restriction of liberty without fair trial, or retroactive criminal laws; freedom of religion and conscience and protection from national, racial or religious discrimination." Other recommendations of Jewish groups having consultative status at the United Nations included clauses granting everyone an equal opportunity to engage in public employment and hold public office in a state of which he is a citizen or national; granting every person the right to "take an effective part" in the government of his country; and safeguarding groups and communities against incitement and violence because of their race or religion.

The declaration containing twenty-eight articles which was finally adopted on June 18, 1948, was a disappointment to representatives of Jewish organizations on the whole. They would have preferred a longer, more detailed declaration, such as the earlier Geneva draft, or, better still, a covenant which would legally bind countries to its provisions, thus providing a surer safeguard for the observance of fundamental human rights.

Human Rights Year Book

An accomplishment of the Human Rights Division of the Department of Social Affairs of the United Nations which should be noted here was the publication on August 24, 1948, of *The Year Book on Human Rights for 1946*. This was the first master compilation of laws on human rights; it reported all those in force at the end of 1946 in seventy-three countries of the world. The volume included national constitutions, bills of rights, and provincial, cantonal and state declarations.

GENOCIDE

The provisions included in the International Declaration of Human Rights were intended to influence the attitude of states toward their inhabitants. States act, however, through the medium of human beings. If discrimination against minorities was to be forbidden to states, individuals acting in behalf of states would also have to refrain from indulging in discriminatory practices. This idea played a decisive role in the Nuremberg trials and led to the punishment of the major war criminals and criminal organizations.

The UN General Assembly, proceeding even further in its prohibitive attitude toward "crimes against humanity," on December 11, 1946, unanimously adopted a resolution reading in part:

Genocide is a denial of the right of existence of entire human groups . . . ; such denial is contrary to moral law and to the spirit and aims of the United Nations . . . The punishment of the crime of genocide is a matter of international concern. The General Assembly, therefore,

Affirms that genocide is a crime under international law . . . and for the commission of which principals and accomplices—whether private individuals, public officials, or statesmen, and whether the crime is committed on religious, racial, political, or any other grounds—are punishable;

Invites the member states to enact the necessary legislation for the prevention and punishment of this crime;

Requests the Economic and Social Council to undertake the necessary studies, with a view to drawing up a draft convention on the crime of genocide to be submitted to the next regular session of the General Assembly.

Draft Convention on Genocide

The Economic and Social Council upheld the Assembly's recommendation and on March 15, 1947, agreed unanimously

on the need for an international convention outlawing genocide. The work of drafting a convention was turned over to the UN Secretariat staff and three international law experts, who on June 10, 1947, completed the first draft convention outlawing mass destruction.

The convention established three different categories of genocide, all of which would be considered international crimes. Under the first heading of physical genocide the convention condemned not only mass killings but also the placing of persons in such a condition of health that their death became imminent. This group would include persons who were willfully starved or maltreated in concentration camps, or used for medical experiments.

The second classification, biological genocide, outlawed the sterilization of groups and the forced separation of families. Cultural genocide, the third category, was the deliberate obliteration of the spiritual or cultural life of a people. As an example the convention cited the kidnaping of children for the purposes of indoctrinating them in a cultural pattern different from that of their parents.

The convention also declared that public propaganda that seeks to justify genocide was a crime, and public officials and individuals alike were held responsible for committing such offences. The draft included provisions for enforcing the convention and punishing violators. Copies of the draft were sent to member governments for comments and criticism.

In the ensuing months it became apparent that the various governments were undecided on how to outlaw genocide, although they were unanimous in declaring it to be a crime. The crux of the problem seemed to be that no UN agency existed which had the power to enforce any ruling on genocide. Therefore, on October 7, 1947, the General Assembly Legal Committee voted to refer the genocide resolution to a subcommittee for study and a decision on future procedure.

This decision was reversed by a vote of the General Assembly on November 21, 1947, which adopted a resolution instructing the Economic and Social Council to draw up a

draft convention on genocide. The resolution implemented the Assembly's earlier decision of December 11, 1946. Acting under the Assembly's instructions, the Economic and Social Council appointed an Ad Hoc Committee to prepare a draft convention on genocide for submission to the following session of the Council in July.

A proposed solution of the question of enforcing rulings on genocide was contained in a ten-point Soviet proposal placed before the Ad Hoc Committee. The proposal recommended that when an international genocide convention was agreed upon, all member states would notify the Security Council of all cases of genocide. Upon notification, the Council would take steps under chapter VI of the UN Charter to bring about a peaceful settlement of disputes. In addition to the action of the Council, the Soviet Union proposed that punishment of violators who committed genocide should be undertaken by domestic courts in the countries where the crime was committed. It proposed that individuals or groups who employed propagandist measures, including press, radio and the cinema, to provoke racial hatred should also be punished.

The Committee agreed to accept the Russian proposal "in principle" and to consider it during the general discussion of principles of genocide. The basic text from which the committee intended to draft the convention however was the detailed draft compiled by the UN Secretariat and completed the previous June (1947).

During April, 1948, the seven-nation committee was able to come to agreement on several articles to be included in the new draft convention outlawing genocide. These included: the decision that punishment should be left to the domestic courts of the country in which the crime is committed; the decision that heads of states should be punished for committing acts of genocide; the decision that parties to the pact would enact domestic laws making group murder a crime; and a first article reading, "Genocide is a crime under international law regardless of whether committed in time of war or time of peace."

The committee was not able to surmount the controversial issue of the establishment of an international tribunal which could legally punish crimes of genocide on an international basis. It could merely stipulate that if an international court were to be established, and if such a court were to find that the state concerned had failed to punish the crime, such a court might ultimately try the genocide case.

The amended draft convention was then submitted by the Ad Hoc Committee to the Economic and Social Council, which passed it on to the forthcoming General Assembly session. The implementation remained very much in the future.

Recommendations of Interested Groups

Organizations concerned with the protection and expansion of international human rights presented several proposals to the various UN bodies dealing with genocide. Included in the draft convention up for consideration by the General Assembly at the time of writing were recommendations submitted by the Consultative Council of Jewish Organizations, the World Jewish Congress, the International Council of Christians and Jews and the American Jewish Conference.

In June of this year (1948) a United States Committee for a UN Genocide Convention was set up in New York City. It was composed of clerical and lay leaders of the Catholic, Protestant and Jewish faiths who would work for the adoption by all countries of legislation to prevent and punish genocide. The committee regarded its function to be primarily educational.

WAR CRIMES TRIALS

By Maurice J. Goldbloom

ALTHOUGH ALL the war crimes trials originated as four-power decisions, only the first Nuremberg trial of top Nazi leaders was actually conducted on a four-power basis. Other trials were conducted either by the states within whose territories the various war crimes had been committed or, in cases where the crimes had taken place in Germany or were international in scope, by the various occupation powers within Germany itself. Crimes in the latter category continued to be tried at Nuremberg, but the tribunal there was now completely American in composition. The judges in the various cases were, for the most part, drawn from American state courts, since the Supreme Court had ruled that the crowded condition of federal court dockets would not permit the detachment of any federal judges for this type of work.

It was not always clear whether these courts were acting as international agencies, or whether they were agencies of the United States, either civil or military. The fact that the Secretary of the Army had, and from time to time exercised, powers of clemency, seemed to argue in favor of the latter alternative. But the rulings in the various cases were not altogether consistent on this point, and in view of the refusal of the United States Supreme Court to consider any of the appeals which were brought before it, no definitive ruling was ever obtained.

The trial of Erhard von Milch, referred to in last year's volume of the *American Jewish Year Book*, was followed by

that of twenty physicians and three laymen accused of responsibility for the use of concentration camp inmates and prisoners of war as subjects for "experiments" which resulted in the suffering and death of thousands. Fifteen of the accused, including Hitler's personal physician Dr. Karl Brandt, were convicted. On August 19, 1947, death sentences were imposed on Brandt, three other physicians, and three laymen — Viktor Brack, administrative chief of Hitler's Chancellery; Rudolf Brandt, secretary to Heinrich Himmler; and Wolfram Sievers, business manager of the Ahnenerbe Society, which raised the funds to finance the experiments. Five other physicians were sentenced to life imprisonment, while three others received shorter terms. An attempt was made to appeal this case to the United States Supreme Court, but that tribunal refused, by a vote of five to three, to hear argument on it.

The trial of a number of officers of the SS (Elite Guard) for crimes committed by that organization led, on November 3, 1947, to the imposition of death sentences on four defendants. Eleven received prison sentences of various lengths, while three were acquitted. This trial was notable for the court's decision that, although the SS had been adjudged a criminal organization in the first Nuremberg trial, an individual could not be convicted of participation in its crimes unless he had knowledge of its criminal purposes.

The first group of Nazi government officials to face trial, aside from the top leadership, consisted of a number of judges and other officials of the Ministry of Justice. These were accused of perverting the courts into an instrument of Nazi terror, and abrogating the rights of defendants. Four of the defendants were sentenced to life imprisonment, and six others to prison terms of various lengths.

Much attention had been centered on the trials of German industrialists, who were accused of participating in the Nazi conspiracy to wage aggressive warfare, as well as in war crimes and crimes against humanity. The first group of industrialists to come to trial was headed by the steel magnate, Friedrich Flick. The charges against Flick and his co-de-

defendants dealt mainly with the use and abuse of slave labor, and with their financial contributions in support of the Nazi party and its affiliated organizations. Flick and two of his associates were acquitted of crimes against humanity, but were convicted on the other counts, while three of the defendants were acquitted altogether. The court found numerous mitigating circumstances in the cases of those convicted, holding that they had risked conflict with their government in order to ameliorate the condition of slave laborers in the Flick enterprises, and that any resistance greater than they displayed would have been both futile and dangerous. It also noted that Flick had had prior knowledge of the July 20 conspiracy to assassinate Hitler, and had subsequently shielded one of the conspirators. Taking these points into consideration, it sentenced Flick on December 22, 1947, to the comparatively short term of seven years, while the penalties imposed on his associates were even lighter.

On February 19, 1948, Field Marshal Wilhelm List was condemned to life imprisonment and six other officers received shorter terms for crimes committed in the Balkans. In this case, the court—basing its decision on principles laid down in the United States Army Manual—held that the defendants had been within their rights in shooting partisans taken prisoner, since partisans did not themselves adhere to the laws of warfare. It also cited the same source as justifying the taking of hostages. The court held, however, that hostages executed in reprisal for a crime must have some connection with the crime, whereas the defendants had been responsible for blind and indiscriminate slaughter of the civilian population in retaliation for the acts of partisans. Another feature of this case which attracted considerable attention was the fact that the court in its judgment criticized the absence of a truly international tribunal. The presiding judge, Charles F. Wennerstrum of Iowa, subsequently added in a newspaper interview his opinion that the prosecution had been improperly vindictive, that the trials had taught the Germans nothing except that they had been beaten by tough con-

querors, and that the absence of appeal rendered the entire procedure unfair. Judge Wennerstrum's statement drew an angry reply from the chief prosecutor, General Telford Taylor, who branded it as subversive and declared that it would help the worst elements in Germany against the best. General Taylor himself, however, seemed not altogether satisfied with the character of the Nuremberg tribunal, since in his subsequent report to Secretary of the Army Kenneth Royall he urged the establishment of a permanent international war crimes court under United Nations auspices.

A trial of particular interest to Jews was that of a number of leaders of what the SS termed its campaign for racial purity. This centered on the Nazi program of eliminating "inferior" races by such methods as their "resettlement" in concentration camps, forced abortions and the kidnapping of children to be raised as Germans. This trial led, on March 10, 1948, to the sentencing of one defendant to life imprisonment and seven to shorter terms. Another trial of SS officers, for crimes committed in the invasion of the Soviet Union, resulted on April 10 in fourteen death sentences, two of life imprisonment and five shorter prison terms.

Perhaps the most important cases completed at Nuremberg in the past year were those of the heads of the I. G. Farben and Krupp combines. Both were marked from the beginning by sharp conflicts over procedure. Efforts of the defendants to secure the services of American counsel were blocked by military government and the court. Several conflicts between the German counsel for the defense and the court also occurred. On the other hand, the court found itself compelled in the I. G. Farben case to condemn the prosecution for illegal search of a defense attorney's home and for intimidation of prospective witnesses.

In the Krupp case, the court early in April, 1948, dismissed the charge of planning and participating in aggressive warfare without even hearing the defense, on the ground that the prosecution had failed to make a *prima facie* case. Alfred Krupp von Bohlen und Halbach, head of the firm since 1943, and ten of his associates were, however, con-

victed of the war crimes of having looted conquered countries and exploited slave labor. Only one of the group was acquitted altogether. On July 31, 1948, Krupp and two others were sentenced to twelve years imprisonment and the remaining defendants to shorter terms. All Krupp's property was also ordered confiscated. The precise meaning of this last provision was not altogether clear, since Krupp was under Nazi law—but not otherwise—the sole owner of the entire enterprise. Moreover, it was somewhat doubtful who would be the beneficiary of the confiscation, since it was ordered by an American court operating under a four-power charter, while the properties were mostly in the British Zone. It seemed probable, however, that the plants would eventually become the property of the new West German government.

In the I. G. Farben case, all the defendants were acquitted on counts of participation in aggressive warfare. Here, the court specifically held that the planning and conduct of aggressive warfare were the sole responsibility of the political and military leaders of the Third Reich, and that the role of the industrialists was merely that of followers. Thirteen company officials were, however, convicted of looting conquered countries or exploiting slave labor, while ten were acquitted altogether. Although the trial had brought out testimony which showed that I. G. Farben's maltreatment of slave laborers had been so gross as to cause protests not only by the German Army but even by the SS, the sentences which the court imposed on July 30 were extremely light, ranging from eighteen months to a maximum of eight years.

At this writing the only cases remaining to be decided at Nuremberg were those affecting officials of the German Foreign Office and several other ministries. It was unlikely that they would seriously alter the pattern established by the previous trials—namely, that defendants active in the SS and the Army were, in most cases, convicted and received fairly severe sentences, while those drawn from industry and the civil service were acquitted or received light penalties. This distinction was, of course, foreshadowed

by the Schacht and von Papen acquittals in the first Nuremberg trial, as well as by the relatively light sentence imposed on Baron von Neurath in the same trial.

Elsewhere in Germany, trials of guards at various concentration camps continued. In the American occupation zone, a series of mass trials took place at Dachau, at which the defendants had to answer for crimes committed at Dachau, Buchenwald, Mühldorf, Mauthausen and other camps in territory either currently or initially occupied by the American forces. When these trials ended, on December 30, 1947, 1,668 defendants had faced the court. The death sentence had been imposed on 425, while 989 had received prison terms and the rest had been acquitted.

In the Soviet zone, the first war crimes trial was concluded on October 31, 1947, with the conviction of sixteen guards at the Sachsenhausen concentration camp. Unlike the British and Americans in their zones, the Russian prosecutor did not ask for the imposition of the death penalty. Fourteen of them were sentenced to life terms and two to fifteen years in prison. However, failure to seek the death penalty did not seem to be a consistent policy in the Soviet zone, since three executions for war crimes were reported from Dresden on March 25, 1948. The relatively small number of prosecutions in the Russian zone was perhaps partly due to the rumored execution of a number of individuals without trial.

Elsewhere in Europe, sporadic trials of war criminals also took place in the course of the year. At Cracow, Poland, on December 22, 1947, twenty-one persons were sentenced to death and eighteen to prison for crimes committed at the Oswiecim extermination camp. Others executed in Poland included the former Danzig Gauleiter, Albert Foerster, and Hans Biebow, commander of the Lodz ghetto. In Austria, the People's Court condemned four Nazi leaders to death for the murder of Hungarian Jews during the war. In France, Xavier Vallat was sentenced to ten years for his activities as the Vichy government's Commissioner for Jewish Affairs, and his successor in that post, Darquier de Pellepoix, was condemned to death. In Greece, Generals F. W. Muller