

**REPORT**  
OF THE  
**Commission on the Palestine  
Disturbances of August, 1929.**

*Presented by the Secretary of State for the Colonies  
to Parliament by Command of His Majesty  
March, 1930.*

**LONDON:**

**PRINTED AND PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE.**

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:  
Astrakhan House, Kingway, London, W.C.2; 120, George Street, Edinburgh;  
York Street, Manchester; 1, St Andrew's Crescent, Cardiff;  
15, Donegall Square West, Belfast;  
or through any Bookseller.

**1930.**

Price 4s. 0d. Net

**Cmd. 3530.**

# REPORT OF THE COMMISSION ON THE PALESTINE DISTURBANCES OF AUGUST, 1929.

## Personnel of the Commission:—

- Sir WALTER SHAW (*Chairman*).  
 Sir HENRY BETTERTON, Bart., C.B.E., M.P.  
 Mr. R. HOPKIN MORRIS, M.P.  
 Mr. H. SNELL, M.P.  
 Mr. T. I. K. LLOYD, Colonial Office (*Secretary*).  
 Miss H. PAINTING, M.B.E., Treasury. } (*Official*  
 Mr. W. G. BARTLE, Treasury. } *Reporters*).

## TABLE OF CONTENTS

|  | Page.   |
|--|---|
| CHAPTER I.   | Introduction... .. 3  |
| CHAPTER II.  | Descriptive—Geographical and Historical ... 6   |
| CHAPTER III.   | Detailed narrative of recent events ... 26  |
| CHAPTER IV.  | The complaints made by the Palestine Zionist Executive against the Mufti of Jerusalem and against the Palestine Arab Executive ... 70 |
| CHAPTER V.   | The complaints made by the Palestine Zionist Executive against the Palestine Government ... 83  |
| CHAPTER VI.  | Bearing of earlier events on the outbreak of August, 1929 ... .. 96   |
| CHAPTER VII.   | Immigration... .. 97  |
| CHAPTER VIII.  | The Land Problem ... .. 113   |
| CHAPTER IX.  | Arab Constitutional Grievances ... .. 124   |
| CHAPTER X.   | Minor Arab Grievances ... .. 132  |
| CHAPTER XI.  | Difficulties inherent in the Mandate ... .. 136   |
| CHAPTER XII.   | Defence and Security ... .. 145   |
| CHAPTER XIII.  | Analysis of the causes of the outbreak of August, 1929 ... .. 150   |
| CHAPTER XIV.   | Summary of findings and recommendations ... 157   |
| CHAPTER XV.  | Conclusion ... .. 168   |
| Note of Reservations by Mr. Snell  | ... .. 172  |
|  |   |
| APPENDIX I.  | Warrant of appointment under the Palestine Commissions of Inquiry Ordinance, 1921 ... 184   |
| APPENDIX II.   | Itinerary ... .. 184  |
| APPENDIX III.  | List of Meetings and Witnesses ... .. 185   |
| APPENDIX IV.   | List of Exhibits ... .. 189   |
| APPENDIX V.  | Statement of British Policy in Palestine issued by Mr. Churchill in June, 1922 ... .. 196   |
| APPENDIX VI.   | Valadictory Message to the People of Palestine and Correspondence with the Palestine Government ... .. 199                            |
|  |   |
| MAPS:—   |   |
| General Map of Palestine   | ... .. ( <i>Frontispiece</i> .)   |
| Map of Palestine showing the Distribution and Classification of Jewish Settlements | ... .. ( <i>Facing page 8.</i> )  |
| Map of Jerusalem   | ... .. ( <i>Facing page 26.</i> )   |
| Map of Palestine indicating Distribution and Size of Jewish Land Holdings          | ... .. ( <i>Facing page 114.</i> )  |
| Four Graphs showing the Growth of Population in Palestine on Certain Assumptions   | ( <i>Following page 202.</i> )  |

**To the Right Honourable the Lord Passfield,  
Secretary of State for the Colonies.**

## CHAPTER I.

### INTRODUCTION.

We were appointed by you on the 13th of September, 1929, to "enquire into the immediate causes which led to the recent outbreak in Palestine and to make recommendations as to the steps necessary to avoid a recurrence."

After consideration of the question of the procedure to be adopted in the conduct of our enquiry we decided to seek powers enabling us to require evidence to be given on oath or declaration and to compel the attendance of witnesses and the production of documents. It was found that this end could most easily be attained by the appointment of the Commission as a Commission of Enquiry under an Ordinance in force in Palestine. The warrant of appointment issued by the High Commissioner for Palestine is reproduced in Appendix I to this report.

Though the enquiry which we were commissioned to make was not in any sense a public judicial proceeding we felt that the object of our mission would be furthered by the appointment of persons to represent before us the interests of the parties principally concerned in the enquiry. From the beginning it was clear that a very large number of people would wish to give evidence and that, unless the interests of the parties principally concerned were entrusted to individuals who could collect, marshal, and present the evidence, our task might be unduly prolonged. We therefore decided to agree to the appointment of representatives of the three parties principally concerned in our enquiry, namely, the Palestine Government, the Palestine Arab Executive, and the Palestine Zionist Executive. At the request of the two Executives, made after our arrival in Palestine, the maximum number of representatives allowed for each party was increased to six. Mr. KENELM FREEDY and Mr. R. H. DRAYTON, the Solicitor-General in Palestine, appeared for the Government of Palestine; Mr. W. H. STOKER, K.C., Mr. REGINALD SILLEY, AUNI BEY ABDUL HADI, and Mr. MOGHANAM appeared for the Palestine Arab Executive; and Sir BOYD MERRIMAN, K.C., M.P., Viscount ERLEIGH, K.C., Mr. S. HOBOWITZ, Mr. W. A. DAVIES, Mr. S. E. KARMINSKI, and Mr. L. J. STEIN appeared for the Palestine Zionist Executive and the Zionist Organization, of which the Executive are the representatives in Palestine.

In order to test the reliability of evidence laid before us, the representatives of the parties concerned were allowed to ask questions of witnesses presented by other parties to the enquiry and, as a convenience to the Commissioners, those representatives were invited to indicate at an early stage of the enquiry

the matters to which they specially desired to direct attention and were permitted to address the Commission after all the evidence in open session had been heard.

Before our departure from England we were furnished with copies of despatches and with memoranda bearing on matters connected with the subject of our mission and we were able to study the various Papers dealing with Palestine affairs which have been laid before Parliament during recent years.

At the time when the notice of our appointment was issued by the Colonial Office to the Press on the 14th of September, 1929, it was hoped that we should sail for Palestine early in the following month and in the first instance we had intended to leave England on the 3rd of October. After we had formulated the procedure which we proposed to adopt, as recorded above, we decided to postpone our departure in order to give all the parties concerned ample time in which to make adequate arrangements for the representation of their interests during the course of our enquiry. Some of us left England on the 12th of October, 1929, and the others joined us at Toulon on the 18th of that month; we arrived in Palestine on the 24th of October and remained there until the 29th of December. We arrived back in England on the 4th of January. The details of our itinerary are given in Appendix II to this report.

While we were in Palestine we held 47 sittings in open session and 11 in camera. With the exception of our first meeting and of three sittings held at the offices of the Supreme Moslem Council in the Old City of Jerusalem, all these sittings were held at the offices of the Commission which were established at premises provided by the Government of Palestine in Suleiman Road, Jerusalem. We heard the evidence of one witness in London after our return there.

Of the 47 sittings in open session 43 were devoted to the hearing of evidence and three to the closing speeches by the representatives of the three parties principally concerned in our enquiry, while the first meeting, after which Commission adjourned for four days, was occupied by a short explanation of the principles that would govern us in the course of our enquiry and the procedure that would be followed in the presentation of the evidence laid before us.

During the sittings in open session we heard the evidence of 110 witnesses and during the sessions in camera we heard the evidence of 20 witnesses of whom seven had previously given evidence in open session. Of the 110 witnesses heard in open session, 26 were officers called by the Palestine Government, 47 were called by or at the request of the Palestine Arab Executive, and 37 by or at the request of the Palestine Zionist Executive. Of the 20 witnesses heard in camera, two were officers in the service of His Majesty's Government, 12 were officers in the service of the Palestine Government, and the remaining

six were individuals resident in Palestine, of whom three were Arabs and three were Jews. A list of meetings and of the witnesses whose evidence we heard is given in Appendix III to this report.

Representatives of the Press and a number of the public were admitted to our first meeting which was held in a room provided by the Palestine Government at the Law Courts. The very limited character of the accommodation available at the offices of the Commission prevented the grant of similar facilities for the remainder of the public sessions, but arrangements were made for the admission to those sessions of four representatives of the Press and, in view of the wide public interest taken in the closing speeches, a few members of the public were admitted to the last three open sessions at which those speeches were delivered. Admission to the sessions held in camera was restricted to the Commissioners, their staff, and the witness whose evidence was being heard.

During the proceedings held in open session 137 documents or collections of documents were proved before us and put in as exhibits. A list of these documents is given in Appendix IV. to this report. We have also taken into account 19 other documents of which four were put in by witnesses heard in camera, two were memoranda which were accepted in lieu of oral evidence, and the remainder were memoranda furnished by the Palestine Government at our request.

We have recommended that the evidence which we heard in open session should be printed and published together with a selection from the documents put in as exhibits during those sessions and we understand that this recommendation has been accepted by His Majesty's Government. We have already informed you that the publication of the evidence heard during sessions held in camera appears to us to be open to the objection that some of the witnesses who appeared before us during those sessions gave their evidence under the impression that it would not be published. We recommend, however, that the evidence heard in camera, together with a number of the 19 documents to which we have referred above, should be reproduced for the confidential use of the Colonial Office.

Though our proceedings in Palestine were throughout conducted in Jerusalem, we visited many parts of that country and Trans-Jordan. From the brief record of our travels contained in Appendix II. to this report, it will be seen that in addition to Hebron and Safed, where the most violent outbreaks occurred, we visited almost all the principal towns of Palestine and traversed most of the main roads of that country. Everywhere we have listened to the views of the people whom we met, including many demonstrations both organized and spontaneous; everywhere we were received with kindly welcome and, where time and opportunity permitted, with hospitality. Though much

of the time which we spent on these visits was occupied by matters not directly concerned with our enquiry, we feel that the knowledge of the problems of Palestine which we obtained from contact with its people has been of the greatest value to us in the preparation of our report.

## CHAPTER II.

### DESCRIPTIVE—GEOGRAPHICAL AND HISTORICAL.

Palestine is bounded on the north by Syria, which is administered under a mandate entrusted to the President of the French Republic, on the east by Trans-Jordan which also is mandated territory where an independent Government under His Highness the Emir Abdullah has recently been established, on the south-west by the Peninsula of Sinai, which forms part of Egypt, and on the west by the Mediterranean. To the south-east, separated from Palestine by only a narrow strip of Trans-Jordan territory, lies the independent Arab State of Nejd. A map of Palestine is attached to this report.

Viewed in the light of the history of at least the last six centuries, Palestine is an artificial conception. Under the Ottoman regime it formed part only of an administrative unit, the remainder of which consisted of areas now coming within the jurisdiction of the Governments of other neighbouring mandated territories. Its frontiers, too, are largely artificial. In many parts they are frequented by nomad tribes who by inter-governmental agreement are allowed unhindered passage across these frontiers for the purpose of exercising rights of grazing which they have acquired by long usage. In Turkish times the members of all these tribes were Ottoman subjects; to-day some are technically of Palestinian, some of Trans-Jordanian, and some of Syrian nationality, but it is at least doubtful whether they themselves recognize distinctions of this character.

Palestine is a small country. Its average length from north to south is about 160 miles and its extreme width from east to west is less than 70 miles. Its area is less than 10,000 square miles. In size it is therefore comparable to Wales or Belgium. Though small in area Palestine has a variety of geographical detail, of soil and of climate wider than that of countries many times its size. In the south and south-west there are wide expanses of sand dunes and desert. The remainder of the country falls naturally into three longitudinal strips—the maritime plain, the mountainous regions, and the Jordan Valley.

Along the greater part of the western seaboard lies a stretch of fertile plain of sand and sandy loam soil. In the south this plain has an average width of about 20 miles, but it gradually narrows to the north until at Mount Carmel, near Haifa, the

hills approach to within a few hundred yards of the sea. Beyond Carmel the plain widens again, but in this area it is marshy and malarial.

The second strip consists of two distinct mountainous regions divided sharply by the Plain of Esdraelon. To the north of that Plain are the mountains of Galilee, extending beyond the Syrian frontier and rising at Jebel Jermak to a height of 3,934 feet above sea-level; to the south are the mountains of Samaria and Judea which in places reach heights little less than those of Galilee. Most of this second strip of country is desolate and stony, but at irregular intervals there occur stretches of fertile land capable of deep tillage.

The Plain of Esdraelon, which cuts so sharply through the mountain system of Palestine, is roughly triangular in shape. Though the soil is here of a heavier and more clayey texture than that of the coastal plain, Esdraelon is proverbially fertile and is especially suitable for cereal production.

The third and eastern strip of country is the Jordan Valley—a natural depression which, starting from sea-level in the extreme north of the country, falls gradually to a depth of 1,300 feet below that level at the Dead Sea about 100 miles to the south.

This valley is the third large block of fertile land in Palestine; the others being the Plain of Esdraelon and the maritime plain. But climate naturally varies with altitude and, whereas the plains are sub-tropical and humid and the mountainous region is drier and more temperate, much of the Jordan Valley is at times oppressively hot, the rainfall is slight, and it seems doubtful whether the fertile tracts within it can support a large agricultural population.

In addition to Jerusalem, which is situated in the midst of the hills of Judea, the principal towns of Palestine are Haifa, a port in the north at the entrance to the Plain of Esdraelon, Jaffa, another port which lies some 40 miles west-north-west of Jerusalem, and Tel Aviv which is contiguous to Jaffa. Of these, Jerusalem has now a small majority of Jewish inhabitants, in Haifa the people are predominantly Arab though there is a large Jewish population, Tel Aviv is entirely a Jewish township now containing nearly 40,000 inhabitants almost all of whom have entered the country since the war. In Jaffa a large majority of the people are Arabs.

Other important towns where the population consists of both Arabs and Jews are Hebron, 20 miles to the south of Jerusalem, Tiberias, on the western shore of the Sea of Galilee, and Safed, a remote town in mountainous country in the extreme north of Palestine. Nablus which is situated in the hills of Samaria, 40 miles due north from Jerusalem, is an exclusively Arab town.

The Jewish agricultural settlements are an important feature of the country. These number 135 with a total population of approximately 35,000. The population of individual settlements ranges from nearly 6,000 (at Petach Tikvah) to, in some cases, as few as ten. The settlements are widely distributed but roughly they may be grouped as follows—19 lie in the maritime plain to the south of Jaffa and 22 to the north of Jaffa; 8 are near Jerusalem; 17 are situated in the Plain of Sharon, the name given to the coastal strip stretching from Haifa southwards nearly to Jaffa; 37 are in the Plain of Esdraelon, 21 in Lower Galilee, and 11 in Upper Galilee. The distribution and classification of these settlements are shown by a map which we annex to this report.

When a census of Palestine was taken on the 23rd of October, 1922, the total population was 757,182 of whom 590,890 were Moslems, 83,794 were Jews, and 73,024 were Christians. The most recent demographic statistics which we have seen relate to the middle of 1928. At that time the population in round figures was estimated at 898,000 of whom 660,000 were Moslems, 150,000 were Jews, and 79,000 were Christians. A large majority of the Christians are of Arab origin.

### History.

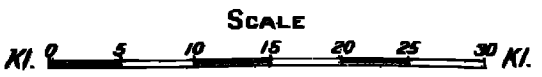
Palestine has played a part in history certainly not less important than that played by any other country of the world. A narrative of that history would be a story of repeated conquests of the country and of a succession of civilizations. Standing as it does practically at the junction of two continents and athwart the trade routes of ages now long forgotten, at times barring the way between rival civilizations, Palestine has for 4,000 years at least been the prey of the strongest of its neighbours. Many campaigns have taken place and battles have been fought within its confines. From time to time independent governments have ruled in Jerusalem, but during by far the greater part of recorded history the country now known as Palestine has formed a mere adjunct of some neighbouring Empire.

The changes of control are too numerous and too complicated to be traced here. It must suffice to say that by the year 1516, when the country was by conquest absorbed into the dominion of the Turks, the effect of successive invasions was to leave in Palestine a people of whom the vast majority were of mixed blood caused by an intermingling of the indigenous races with those who, after each change of supremacy, had settled in the land. Though it is customary to apply the term "Arab" to the Moslem section and to a large part of the Christian section of the people of Palestine, it is doubtful whether the true Arab element in the population to-day includes much more than the

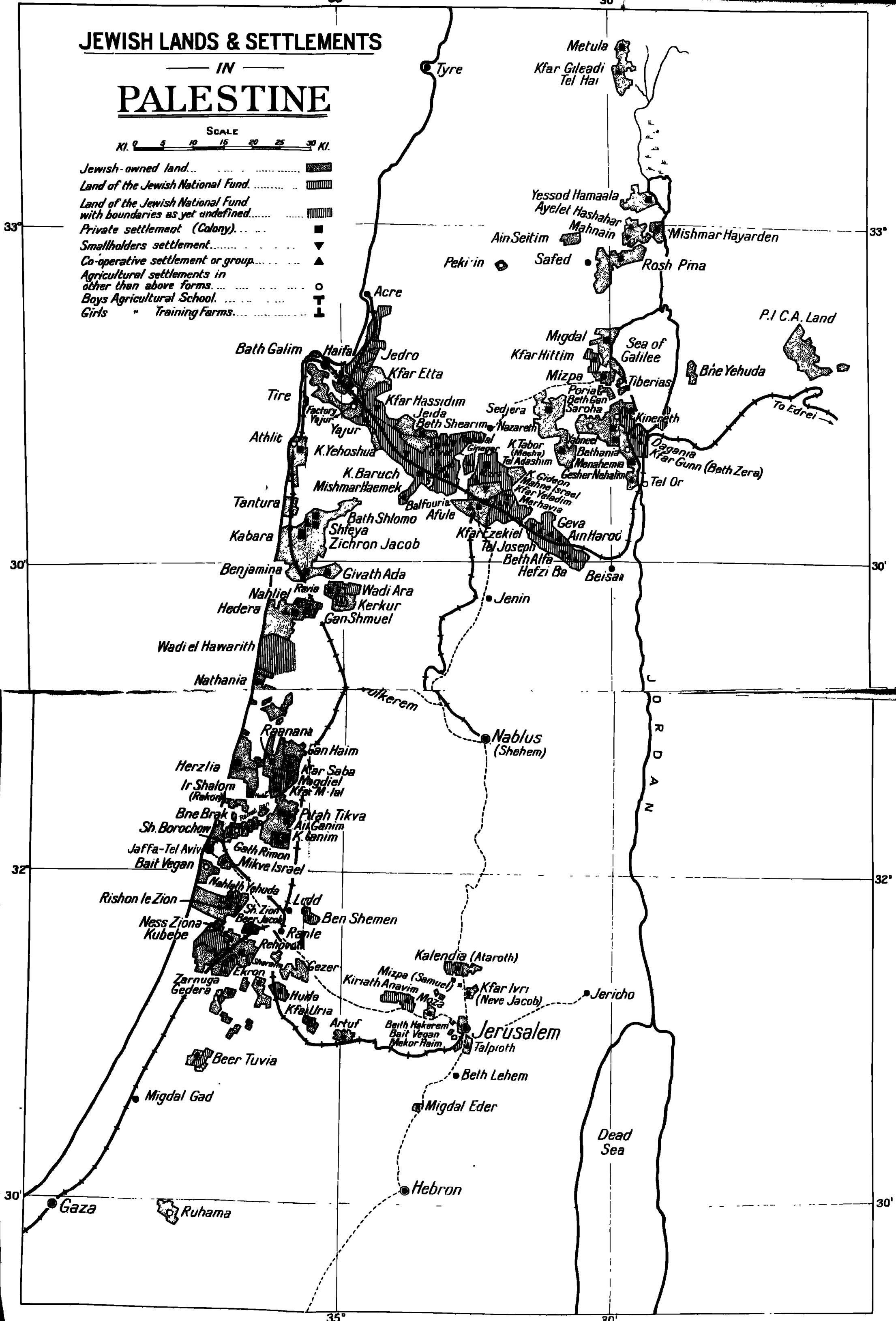


# JEWISH LANDS & SETTLEMENTS

## IN PALESTINE



- Jewish-owned land...
- Land of the Jewish National Fund...
- Land of the Jewish National Fund with boundaries as yet undefined...
- Private settlement (Colony)...
- Smallholders settlement...
- Co-operative settlement or group...
- Agricultural settlements in other than above forms...
- Boys Agricultural School...
- Girls " Training Farms...



small landed aristocracy and the leading families through whom for the most part the Ottoman Government ruled the country.

The Turkish dominion over Palestine, which began in the year 1516, suffered little interruption, save from risings by individuals who had assumed some local importance, until 1831, when the forces of Mehemet Ali, the Governor of Egypt, conquered the country. The Egyptian occupation lasted only until 1840 when, with the assistance of other countries including England, the Turks regained Palestine and those parts of their old Empire to the north of Palestine which they had temporarily lost nine years before.

From the time of the reconquest the Ottoman Government took steps to reduce the powers of the local Sheikhs and to fill the more important administrative appointments by their own nominees. In consequence, the state of public security improved and European powers took a greater direct interest in the country, establishing representatives there during the latter part of the nineteenth century. At this stage it is probable that there were in Palestine only a very small number of Jews congregated for the most part in those towns in Palestine which are particularly sacred to orthodox Jewry. During the forty years immediately before the Great War various causes operated to bring about a considerable Jewish immigration to Palestine and the settlement of Jews in agricultural colonies there. It would be out of place for us to attempt to analyse the causes of this increase, nor does it seem necessary for us to trace its development. Suffice it to say that on the one hand the creation and growth of the Zionist movement and on the other the assistance of philanthropic enterprises, such as those established by Baron Edmond de Rothschild, led to a steady increase in the number of Jews living in Palestine, until at the outbreak of the War the total Jewish population of the country amounted to at least 60,000. This increase was achieved in the face of opposition from some sections of Turkish opinion which, on occasion, was ventilated in the Central Government at Constantinople and was usually placated by a promise—never effectively fulfilled—that some check would be placed on the progress of this new movement.

The first few years of the present century were a period of disturbance in Turkish politics culminating in the revolution of 1908 and the grant of the Constitution of that year. These events were not without their repercussion in Palestine, as is shown by the following passage quoted from a report which the Committee on Local Government in Palestine made to the High Commissioner on the 2nd of June, 1924:—

“The Ottoman Constitution of 1908 had awakened new hopes among the subject races of the Empire. In various provinces, and in Syria and Palestine in particular, a widespread movement took place in favour of decentralization which had in 1912 assumed such

proportions as to threaten to become a dangerous separatist movement. The Turkish Government thought it wise to pass the Provisional Vilayet Law, which was received with peculiar satisfaction and pride. To the people of Syria and Palestine it came, not as a favour granted by a benevolent Government, but rather as a just recognition of their rights and aspirations; and we think that, in considering the Turkish system of 1913, due attention should be paid to the circumstances which brought about its establishment as well as to the satisfaction with which it was received."

The Provisional Vilayet Law, to which reference is made in the passage quoted above, was modified by a further Ottoman Law of the 16th of April, 1914, and the effect of the legislation, as amended, was to confer on the provinces of the Ottoman Empire powers of local government involving real autonomy.

The next event of major importance in the history of Palestine is the Great War of 1914-18 in which Palestine formed one of the most important theatres of campaign. From this point onwards the story assumes some importance for the purposes of our enquiry and in consequence must be told in greater detail.

In the early stages of the War the Arab peoples within the Ottoman Empire were not in any marked degree openly opposed to the Turkish cause. The change in their attitude, of which all the world has been made aware from accounts of the exploits of Colonel Lawrence and the troops which he raised, was almost entirely due to the arrangement effected between Great Britain and the Sherif Hussein of Mecca. This arrangement is embodied in an exchange of letters known as the McMahon correspondence, from the name of Sir Henry McMahon, then High Commissioner for Egypt, who conducted the negotiations on behalf of His Majesty's Government.

No useful purpose would be served by entering upon a discussion of the terms of this correspondence. Its effect on the Arab mind, both at the time when it was published and subsequently, is considered in a later Chapter of our report; for the purpose of the present Chapter it is sufficient to say that, as a result of the *rapprochement* effected with the Sherif Hussein, large sections of the Arab peoples within the Ottoman Empire, including Palestine, became favourable to the cause of the British Empire and her Allies in the Great War.

Early in 1917 the Allied troops entered Palestine and after a check in front of Gaza, which lasted for some six months, the first of General (now Field Marshal Lord) Allenby's two brilliant series of victories resulted in the occupation by British troops of the southern part of Palestine up to a line running east and west approximately ten miles north of the Jaffa-Jerusalem road.

During this phase of General Allenby's campaign there was issued on the 2nd of November, 1917, the Declaration, which has since come to be known as the Balfour Declaration after the

name of Lord Balfour who made it on behalf of His Majesty's Government. This Declaration is in the following terms :—

"His Majesty's Government view with favour the establishment in Palestine of a National Home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine or the rights and political status enjoyed by Jews in any other country."

During the past twelve years this Declaration—in the words of Sir Herbert Samuel—"has dominated the situation in Palestine." The Declaration was endorsed by several of the Allied Governments and was re-affirmed at the Conference of San Remo in 1920; it was subsequently embodied in the preamble of the Mandate for Palestine, approved by the Council of the League of Nations on the 24th of July, 1922, and each of His Majesty's Governments in this country since the War has followed in Palestine a policy based upon the Declaration.

As this Chapter of our report is intended only as an historical narrative, we here leave the Balfour Declaration, but it will later be necessary again to refer to its terms in conjunction with those of the Mandate for Palestine and of the statement of policy contained in the White Paper of 1922.\* One important immediate result of the Declaration must, however, be recorded. Following on the enthusiasm which it evoked throughout Jewry, some thousands of Jews were enlisted in special battalions of the Royal Fusiliers which fought in the later stages of the Palestine campaign.

During the summer of 1918, while warfare on the Palestine front was practically at a standstill, progress was made with the work of organizing an administration in the occupied areas which comprised about one-third of the inhabited parts of the country. The administration as instituted was naturally of a military character and was known as Occupied Enemy Territory Administration (South). Alongside this administration there was operating a Zionist Commission which, with the approval of His Majesty's Government, had been sent to Palestine for the purpose of organizing measures to give effect to the policy contained in the Balfour Declaration.

In the middle of September, 1918, General Allenby initiated his final campaign which resulted in the utter defeat of the Turkish army and a rapid advance by British troops. Within a few days the remainder of the area which now forms Palestine was liberated from Turkish control.

Though the rapid advance of General Allenby's forces, involving as it did the institution of some form of administration in huge tracts of newly-occupied territory, was bound to tax the resources of the military administration, a beginning was

\* Cmd. 1700.

rapidly made with the organization of government in Samaria and Galilee. Throughout 1919 and up to the 1st of July, 1920, the administration was a military one; the Zionist Commission continued to operate and extended its activities up to the limits of Palestine.

The military administration was marred by one untoward event. In April, 1920, there occurred a serious outbreak in the streets of Jerusalem, Arabs making attacks on Jews in the course of which and of the following operations by the military nine persons were killed, 22 were dangerously and some 200 seriously wounded. It is noteworthy that the presence of a large number of troops in Palestine failed to prevent these riots; it was, however, possible to confine the disturbance to Jerusalem and it was quickly suppressed. A Military Court, composed of Major-General Palin, Brigadier-General Wildblood, Lieutenant-Colonel Vaughan-Edwards, with Mr. McBarnet as Legal Adviser, was appointed to hold an enquiry with the following terms of reference:—

“ To record the evidence as to the circumstances which gave rise to the disturbance which took place at and near Jerusalem on the occasion of the Nebi Musa Pilgrimage on the 4th April and following days and as to the extent and causes of racial feelings that at present exist in Palestine.”

Reference to the report of this Court of Enquiry was made in the course of our proceedings in Palestine. The report was not produced before us in evidence since it has been regarded as a confidential document and in consequence has not been published. We have, however, been furnished with copies of it and we shall have occasion to refer to some of its contents at a later stage of this report.

On the 1st of July, 1920, military control in Palestine was superseded by a civil administration and Sir Herbert Samuel assumed office as the first High Commissioner. The majority of the officers of the civil Government were selected from persons who either had served in the campaign in the Palestine theatre of war or had participated in the military administration of that country. From time to time officers with experience in other parts of the non-self-governing Dependencies have been added to the staff either to fill new appointments or to replace wastage.

At this point it will be convenient to break away from a consecutive narrative and to deal—in each case chronologically—with the more important events of the period of civil Government which bear upon the mission with which you entrusted us.

#### MILITARY AND SECURITY FORCES IN PALESTINE.

At the time of the establishment of Civil Administration Sir Herbert Samuel found the country “ still disturbed by the ground-swell that followed the storms of the war ”. One of the

first duties undertaken by the High Commissioner was the re-organization of the security forces of the country. A principal object of the re-organization was the reduction of expenditure on the garrison of Palestine and Trans-Jordan, which for the year 1921-22 was estimated at £3,500,000 and actually proved to be slightly over £3,000,000. During the time of the Military Administration a police force drawn from the local population and commanded by British officers had been organized in Palestine, but this force had had very little experience, and for a time Sir Herbert Samuel found that it was necessary to retain a considerable garrison. Public order was, on the whole, well maintained during the transition stage from Military to Civil government and up to May, 1921. In that month serious riots occurred in Jaffa and its neighbourhood. These, like the disturbances of 1920, were for the most part attacks by Arabs on Jews. In the course of the riots and of the subsequent military operations 95 persons were killed and 219 were so seriously wounded as to need admission to hospital. The Report of the Commission appointed by the Palestine Government to enquire into the Jaffa disturbances was published in England as Command Paper 1540.

It is worth notice that at the time of the riots in 1921 the garrison in Palestine and Trans-Jordan consisted of three infantry battalions, three cavalry regiments, with artillery and attached troops, having a total ration strength of over 13,000 and a combatant strength of 4,000 rifles. Nevertheless, the High Commissioner found it necessary to call on the Navy for assistance, and destroyers were sent to Haifa and Jaffa.

Early in 1922 military control in Palestine and Trans-Jordan was transferred from the War Office to the Air Ministry. The policy underlying this change had as its ultimate aim that Palestine should become self-supporting in the matter of public security. The military garrison was to be reduced as rapidly as circumstances permitted, the rate of reduction being in a large measure dependent on the progress made with the training of the local gendarmerie and police, who were intended to replace the military in the work of maintaining public order and security.

In 1921 a unit of mounted Palestine Gendarmerie had been raised, consisting of 500 rank and file, locally recruited, with British officers. In 1922 a battalion of British Gendarmerie was enlisted, mostly from ex-members of the Royal Irish Constabulary. In consequence of these measures, and of the improved state of public order, the garrison was reduced by progressive stages until at the beginning of 1925 it consisted of a regiment of cavalry, a squadron of aeroplanes, a company of armoured cars, and the British Gendarmerie, which by that time had been reduced from their original complement of 762 to a strength of about 500.

At a conference held in Jerusalem in April, 1925, an agreement was reached between the Secretaries of State for Air and the Colonies and the High Commissioner to the effect that the Palestine Gendarmerie should have an establishment of 500 (with a possible increase later), that the British Gendarmerie should be reduced to 200 and absorbed in the Civil Police, and that the cavalry regiment should be withdrawn, leaving one squadron of the Royal Air Force and two Armoured Car Companies as the British garrison in Palestine and Trans-Jordan.

A few weeks afterwards it was, however, decided that the scheme of re-organization outlined above should not be put into force until Lord Plumer, the new High Commissioner, had reviewed the situation, and had formed an opinion as to the defence requirements of Palestine and Trans-Jordan. In September, 1925, Lord Plumer proposed the following scheme of re-organization :—

(1) Both the Palestine and the British Gendarmeries and the Arab Legion (a unit of similar type employed in Trans-Jordan) were to be abolished ;

(2) Part of the Palestine Gendarmerie was to be absorbed in the Palestine Police, the remainder to be organized in three detachments and a Camel Company to form the nucleus of a new regiment to which later was given the title of the Trans-Jordan Frontier Force ;

(3) 5 officers and 212 other ranks of the British Gendarmerie were to be absorbed in the Palestine Police Force ; and

(4) Selected officers and men from the Arab Legion were to form a Police Force in Trans-Jordan, personnel not required for the Police being eligible for enlistment in the Frontier Force.

In submitting this scheme of re-organization, Lord Plumer recorded the opinion that the establishment of the Royal Air Force in Palestine and Trans-Jordan ought to be increased. Later, however, he agreed that it would be sufficient if arrangements were made which would enable him in case of emergency to receive reinforcements from Egypt at short notice.

The above scheme of re-organization was approved by His Majesty's Government. Apart from minor modifications, the arrangements made under the scheme remained in force from April, 1926, when it was introduced, up to the outbreak of the disturbances of August last. During that period of three and a-half years there was no serious disturbance of public order in Palestine, although for a large part of the time the neighbouring territory of the Jebel Druze was the scene of guerilla warfare of a character likely to inflame the more susceptible elements among the population of Palestine.

### SELF-GOVERNING INSTITUTIONS.

Another matter to which Sir Herbert Samuel turned his attention as soon as he had assumed office as High Commissioner for Palestine was the association of the leaders of public opinion in the administration of the country. In October, 1920, he established an Advisory Council composed in equal parts of official and nominated unofficial members. Of the ten unofficial members, four were Moslems, three Christians, and three Jews. At the inauguration of this Council it was stated that its establishment was no more than a first step in the development of self-governing institutions, and on the 3rd of June, 1921, it was announced that His Majesty's Government were giving the closest attention to the question of ensuring in Palestine a free and authoritative expression of public opinion. Accordingly, steps were taken to frame a constitution for the country to which effect could be given by an Order in Council as soon as the Mandate for Palestine had been issued. The leaders of the various sections of the people were consulted as to the terms of the draft Order in Council, but it quickly became apparent that those provisions in the draft which related to the composition and election of the Legislative Council were not acceptable to the Arab politicians in the country. A Palestine Arab Delegation accordingly proceeded to England to discuss with Mr. Winston Churchill, then Secretary of State for the Colonies, the terms of the draft Order in Council. The correspondence which passed between the Colonial Office and the Delegation is printed in Command Paper No. 1700 of June, 1922, which also contains correspondence between the Colonial Office and the Zionist Organization.

In addition to its value as a record of correspondence on constitutional questions between His Majesty's Government and the bodies representative of the two races in Palestine, this Paper is of the highest importance since it contains (pages 17-21) a statement of British policy in Palestine which was intended to determine the lines along which the Palestine Administration should proceed. This statement of policy was drawn up and issued at the instance of Sir Herbert Samuel who—to quote from a report which he addressed to the Secretary of State for the Colonies at the end of his tenure of office—felt that:—

“It was imperative that all these doubts should be removed and the situation cleared. The Zionists, the Arabs, the Jews throughout the world, were entitled to know exactly where they stood. The case could be met in only one way, by a formal and authoritative statement of policy on the part of the British Government.”

A later Chapter of our report is devoted to the consideration of—among other documents—the statement of policy contained in the White Paper of 1922.\* At this point it will suffice to quote

\* Cmd. 1700.



from the statement the passage which refers to the development of self-governing institutions in Palestine. The passage in question reads as follows :—

“ Nevertheless it is the intention of His Majesty's Government to foster the establishment of a full measure of self-government in Palestine. But they are of opinion that, in the special circumstances of that country, this should be accomplished by gradual stages and not suddenly. The first step was taken when, on the institution of a civil Administration, the nominated Advisory Council, which now exists, was established. It was said at the time by the High Commissioner that this was the first step in the development of self-governing institutions, and it is now proposed to take a second step by the establishment of a Legislative Council containing a large proportion of members elected on a wide franchise. . . . The Legislative Council would consist of the High Commissioner as President and twelve elected and ten official members. The Secretary of State is of opinion that before a further measure of self-government is extended to Palestine and the Assembly placed in control over the Executive, it would be wise to allow some time to elapse. . . . After a few years the situation will be again reviewed, and if the experience of the working of the constitution now to be established so warranted, a larger share of authority would then be extended to the elected representatives of the people.”

The statement of policy was communicated to the Palestine Arab Delegation and to the Zionist Organization. The latter body accepted it and assured His Majesty's Government “ that the activities of the Zionist Organization will be conducted in conformity with the policy.” The Palestine Arab Delegation, on the other hand, did not accept the statement and on the 17th of June, 1922, returned a detailed reply, the following passage from which is relevant to the question that we are now considering :—

“ We therefore here once again repeat that nothing will safeguard Arab interests in Palestine but the immediate creation of a National Government which shall be responsible to a Parliament all of whose members are elected by the people of the country—Moslems, Christians, and Jews.”

The next development occurred on the 24th of July, 1922, when the Council of the League of Nations approved the Mandate for Palestine. On the 1st of September, 1922, the Palestine Order in Council was issued, setting up a Government in Palestine under the Foreign Jurisdiction Act. Part III of the Order in Council directed the establishment in Palestine of a Legislative Council which, as indicated in the statement of policy, would be composed of the High Commissioner as President, of 10 official and 12 elected non-official members.

In the Legislative Council Order in Council, 1922, it was laid down that the non-official members were to be chosen by secondary electors, themselves to be elected by primary electors as under the Turkish system. The secondary electors were to be formed into 12 electoral colleges, of which each would elect one member of the Legislative Council. These colleges

were divided between the Moslem, Christian, and Jewish communities, electors not belonging to any of these three communities being allowed to opt for any electoral college in their area. The number of colleges to be allotted to each of the three communities was by the Order left to be determined by the High Commissioner, having regard to the number of secondary electors belonging to the several communities, but it was provided that there should be not less than two Christian and two Jewish colleges.

In February and March, 1923, an attempt was made to hold elections in pursuance of the provisions summarized above. The result is shown by the following quotation from an announcement which Sir Herbert Samuel published in Palestine on the 29th of May, 1923 :—

“ The declared policy of His Majesty's Government contemplates the gradual development in Palestine of self-governing institutions. Accordingly, an Order in Council was promulgated in September last providing for the establishment of a Legislative Council consisting of twelve elected and eleven official members. In due course nominations for secondary electorate were invited in accordance with the Turkish system of election to which the people had been accustomed. In two out of the four districts into which Palestine is divided the Arab population abstained, however, almost entirely from submitting nominations and in the two other districts there was a partial abstention. This was due partly to voluntary action amongst certain sections and partly to exercise of strong pressure by the organization opposing the election. In consequence, the people not having fully availed themselves of the opportunity offered to participate in the government of the country through elected representatives, His Majesty's Government have decided to suspend, for the time being, such part of the proposed constitution as relates to the establishment of a Legislative Council, and to authorize the High Commissioner to act in the meantime in consultation with an Advisory Council as before. An amending Order in Council has accordingly been issued.”

Two further opportunities were given to representative Arab leaders in Palestine to co-operate with the Administration in the government of the country, first by the re-constitution of a nominated Advisory Council, but with a membership conforming to that proposed for the Legislative Council, and, secondly, by a proposal for the formation of an Arab Agency (see in this connection the correspondence printed in Command Paper 1989 of November, 1923). It was intended that this Agency should have functions analogous to those entrusted to the Jewish Agency by Article 4 of the Palestine Mandate which is reproduced later in this Chapter of our report. Neither of these opportunities was accepted and accordingly in December, 1923, an Advisory Council was set up consisting only of official members.

This position still continues; the Amending Order in Council of 1923 remains in force, and the only change is that the Advisory Council has been enlarged by the addition of more official members as the Administration developed.

Apart from resolutions passed annually by Arab political organizations in Palestine and from their occasional appeals to the Secretary of State for the Colonies and to the League of Nations for the grant of independence or of a wide measure of self-government, the question of constitutional development in Palestine was seldom active between 1924 and 1927. This state of quiescence may in a large measure have been due to the knowledge that Lord Plumer (High Commissioner for Palestine from August, 1925, to July, 1928), firmly held the view that attempts to introduce any form of representative government in Palestine should be deferred until the local representatives of the people had, through participation in the management of municipal affairs, obtained practical experience of administrative methods and the business of government, and until the people themselves had learnt discrimination in the selection of their representatives. With the object of so training the people and their representatives, Lord Plumer, with the approval of the Secretary of State for the Colonies, introduced a wider measure of local self-government than had previously obtained under the British regime.

Towards the end of Lord Plumer's tenure of the appointment of High Commissioner, the question of constitutional development once more became a live one, but consideration of it was left until his successor (Sir John Chancellor) assumed office in December, 1928. Sir John Chancellor consulted representatives of various local interests and, after a careful examination of the position, put forward certain proposals in June last. We have no intention in this report of examining the proposals, which were of a confidential character. These proposals were still under your consideration in August last when the disturbances began. In consequence of those disturbances all discussion of the question has now been suspended. This was made known in Palestine by the following announcement issued by Sir John Chancellor on the 1st of September, a few days after he had returned to that country:—

“In accordance with an undertaking which I gave to the Committee of the Arab Executive before I left Palestine in June, I initiated discussions with the Secretary of State when in England on the subject of constitutional changes in Palestine. In view of recent events, I shall suspend these discussions with His Majesty's Government.”

#### FINANCE.

A third important problem which has been the subject of much concern to successive High Commissioners for Palestine is that of the establishment and development of a sound system of public finance. The question of finance is relevant to our enquiry inasmuch as it has been alleged before us by the Arabs that the system of administration is expensive and that a high rate of taxation is due to the presence of the Jews, who, on the other hand, contend that they have brought important financial

benefits to the country. We shall examine these matters in detail later; this section of our report will be confined to the shortest summary that it is possible to make of the principal activities of the Government of Palestine in the sphere of finance.

Sir Herbert Samuel set himself the objective of establishing "an honest and efficient organization for the collection of revenue and the control of expenditure" to take the place of a system under which corruption among officials "had been traditional in the country." There can be little doubt that this objective, without which no financial system can operate in a satisfactory manner, has now been secured. This at least is a benefit to all in Palestine save only those who have thus been deprived of an illicit means of increasing their income.

Many vexatious taxes have been abolished or modified; the tithe is now in general a commuted payment. The most important source of revenue is the collection of import duties, of which the majority are imposed for revenue purposes only, the remainder being designed as measures of protection to infant industries. Second in importance comes the item of revenue described in the financial returns as "licences and taxes," a heading which covers a wide variety of taxation. These two headings during the last four years have accounted for a sum of approximately £1,600,000 per annum out of a total average revenue during the same period of £2,465,000 per annum, excluding any grant-in-aid. Figures supplied at our request by the Treasurer of the Government of Palestine showed that in 1928 taxation (which was taken to include Customs duties, licences, taxes, and tax fees) amounted to 37s. 2d. per head of the population.

Ignoring adjustments between ordinary expenditure and loan funds and omitting extraordinary and non-recurrent items of expenditure, such as the cost of redeeming the share of the Ottoman Public Debt allocated to Palestine and the repayment of certain sums due to His Majesty's Government, the expenditure of the Palestine Government during the period 1925-28 averaged £2,275,000 per annum. By far the heaviest item of expenditure is that incurred on military and security forces, the charge for which (including prisons) amounted in 1928 to £536,713.

The financial record of the Government of Palestine is one of which any administration would have good reason to be proud. In the early years of the Administration, revenue barely balanced expenditure, although at that time the whole of the cost of the maintenance of military units in Palestine was defrayed by His Majesty's Government and—between 1922 and 1926—the cost of the British Gendarmerie was borne from a grant-in-aid provided by His Majesty's Government. In more recent years the Palestine Government accumulated large surplus

funds, the greater part of which they have utilized for extinguishing by purchase the share of the Ottoman Public Debt allocated to the country by the Treaty of Lausanne. They have repaid to His Majesty's Government—partly out of loan funds and partly out of revenue—sums approaching a total of £1,500,000, they have defrayed five-sixths of the cost of the Trans-Jordan Frontier Force, a military unit raised locally and intended for the common defence of Palestine and Trans-Jordan, and since the 1st of April, 1927, they have repaid to His Majesty's Government the amounts by which the cost of the British forces stationed in Palestine and Trans-Jordan have exceeded the cost of those forces when stationed in Great Britain.

For the first few years of the British Administration, Palestine was a burden on the British Exchequer in the same manner and to much the same degree as almost every country newly brought under British rule has at first been a burden. But Palestine has now repaid her debts to His Majesty's Government on a scale which at least compares favourably with that obtained from any other debtor country and she now meets from her revenue all the current charges that can fairly be made against her by His Majesty's Government.

Notwithstanding the strain which has been placed on the financial resources of Palestine through the policy of defraying from revenue charges largely of a capital nature, it has been possible by wise expenditure to effect great and far-reaching improvements in the country itself. It is unnecessary for us to recount those improvements, but a comparison between Palestine as we saw it and the Palestine of which one can read in books written by persons who visited the country before the War is in itself sufficient to demonstrate that all sections of the people of the country have gained material benefit under the British Administration from—to mention no other services—improved public health and sanitation and a modern system of main roads and railways.

### THE JEWISH NATIONAL HOME.

We have already set out the terms of the Balfour Declaration and have stated that it has been embodied in the Mandate for Palestine. At this point it seems to be convenient to recite those provisions in the Mandate which bear directly upon the establishment of a Jewish National Home in Palestine. These provisions are as follows:—

#### *Article 2.*

"The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion.

*Article 4.*

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

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

*Article 6.*

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

*Article 7.*

"The Administration of Palestine shall be responsible for enacting a nationality law. There shall be included in this law provisions framed so as to facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in Palestine.

*Article 11.*

(Paragraph 2.)

"The Administration may arrange with the Jewish Agency mentioned in Article 4 to construct or operate, upon fair and equitable terms, any public works, services and utilities, and to develop any of the natural resources of the country in so far as these matters are not directly undertaken by the Administration. Any such arrangement shall provide that no profits distributed by such Agency, directly or indirectly, shall exceed a reasonable rate of interest on the capital, and any further profits shall be utilized by it for the benefit of the country in a manner approved by the Administration.

*Article 22.*

"English, Arabic and Hebrew shall be the official languages of Palestine. Any statement or inscription in Arabic on stamps or money in Palestine shall be repeated in Hebrew, and any statement or inscription in Hebrew shall be repeated in Arabic.

*Article 23.*

"The Administration of Palestine shall recognize the Holy Days of the respective communities in Palestine as legal days of rest for the members of such communities."

It will be seen that by the foregoing provisions several obligations of a positive character were placed upon His Majesty's Government or upon the Palestine Administration. It can be stated without fear of contradiction that full effect has been given to the provisions of Articles 22 and 23 of the Mandate, that the Zionist Organization has been recognized as the Jewish Agency and that immigration and nationality laws have been enacted in Palestine which either specifically or in effect make

special provision for Jewish interests. Whether the special immigration provisions give adequate effect to the first part of Article 6 of the Mandate, whether the advice and co-operation of the Zionist Organization has been sought in all matters that can be brought within the terms of Article 4 of the Mandate, and—the most difficult question of all—whether His Majesty's Government have fully discharged the duty laid upon them by the first part of Article 2 of the Mandate, are questions which concern us only to the extent necessary to enable us to reach a decision in regard to the complaint which was put forward to us that there has been an imperfect sympathy with the policy of the Balfour Declaration as laid down in the Mandate for Palestine. We reserve the investigation of that complaint for a later Chapter. Here our only intention is to summarize the story of the development of the Jewish National Home.

(1) *Immigration*.—At the end of 1918 the Jewish population of Palestine was estimated at, in round figures, 55,000. During the period from 1918 to 1928 inclusive 101,400 Jews entered Palestine as immigrants and 26,007 Jews emigrated, the net immigration being thus 75,393. In 1925 there were 33,801 Jewish immigrants to Palestine. This is easily a record number for a single year; immigration on a comparable scale continued in the early part of 1926, but later in that year, owing in a large measure to trade depression and Jewish unemployment, there was a considerable movement to emigrate with the result that for the whole year the net Jewish immigration was only 5,716. In 1927 the trade depression with its consequent unemployment continued and Jewish emigration substantially exceeded Jewish immigration; in 1928 immigration almost exactly replaced the wastage of Jewish population from emigration; in the first nine months of 1929 immigration once again exceeded emigration.

Though the progress of the movement to immigrate has thus fluctuated widely, the net result has been that during the past decade the Jewish population of Palestine has shown an average annual increase from all causes of approximately 9,000. Comment on this result is reserved for a later Chapter.

Of the new-comers approximately one-quarter have been settled on the land, another quarter have settled in large towns, such as Jerusalem and Haifa, where there was previously a large Jewish section among the population, and more than 40 per cent. have settled in the new Jewish town of Tel Aviv, the population of which is now nearly 40,000.

(ii) *Land Settlement*.—It is freely admitted by the Government of Palestine that, except in the case of the Kabbara concession and in a few areas of minor importance, no State land has been provided for the purpose of close settlement by the Jews. Nevertheless, individual Jews or Jewish organizations,

including co-operative bodies, are now in possession of more than 1,000,000 dunoms (nearly 400 square miles) of land in Palestine, the greater part of which falls within the maritime plain or the Plain of Esdraelon. More than half of this area has been acquired since the war by purchase, frequently at a very high price. This factor, among others, has raised to a high level the cost of settling a Jewish family on the minimum area of land necessary for their support.

(ii) *Development of Jewish Industry.*—Though factories in the sense in which that term is used in England are practically unknown in Palestine, Jewish enterprise has succeeded in establishing at Tel Aviv, Haifa, and elsewhere new industries on what, in the present circumstances of Palestine, must be regarded as a large scale. In many cases these infant industries have been assisted by the Palestine Government either through the imposition of a protective tariff or through the reduction or abolition of import duty on materials required for these industries. Partly as the result of these measures some of the industries are now establishing themselves firmly in the home market and may in time succeed in exporting their surplus produce at a price which will enable them to dispose of it in neighbouring countries.

(iv) *Cultural Development.*—The adoption of Hebrew as one of the official languages of Palestine was designed to give a common tongue to, and in consequence to form a community from, persons who on their arrival in Palestine speak most languages in common usage in Europe to-day. Hebrew is now the language of tuition in almost all Jewish schools in Palestine; in it the Jewish newspapers of the country are published, and it is in daily use in the Courts of Palestine and in other Government institutions. Its general use has no doubt given to the cultural development of the Jewish people in Palestine that impetus without which progress must have been retarded perhaps to a point at which it became negligible. In the result it has been found possible to proceed with the organization of the Jewish community on a cultural basis and, though this is not yet complete, regulations to that end were issued by the High Commissioner in 1928.

(v) *Joint Survey Commission and the enlarged Jewish Agency.*—The second paragraph of Article 4 of the Mandate for Palestine provides that the Zionist Organization should take steps, in consultation with His Majesty's Government, to secure the co-operation of all Jews who are willing to assist in the establishment of the Jewish National Home. Ever since the Mandate became operative the Zionist Organization have been actively engaged in steps to this end. Their principal efforts have been directed towards securing that American non-Zionist Jews should participate in the work of the Jewish Agency. The



negotiations with Mr. Louis Marshall, the President of the American Jewish Committee, were protracted; the first incident in them which is of importance to our enquiry is the setting-up of a Joint Survey Commission by the Zionist Organization in conjunction with the leaders of non-Zionist Jews in America. In 1927 a Committee of experts appointed by the Survey Commission visited Palestine, charged with the duty of advising on various aspects of the problem of Jewish settlement in that country. The gentlemen comprising this Committee submitted a series of instructive and interesting reports, copies of which the Zionist Organization have supplied to us.

Upon the reports of the experts the Joint Survey Commission founded its own report, which was designed to provide a basis for co-operation between Zionists and non-Zionists in the development of the Jewish National Home in Palestine. The report of the Commission with some modification was accepted by the Greater Actions Committee of the Zionist Organization in 1928, and in the following year the protracted negotiations with Mr. Marshall at last bore fruit when the scheme for the creation of the enlarged Jewish Agency was adopted at the 16th Zionist Congress which was held at Zurich in July and August last. The scheme, while it gave non-Zionists, and particularly American non-Zionists, a voice in the councils of the enlarged Jewish Agency, ensured that effective control over the affairs of that body should not pass from Zionist hands.

#### OTHER EVENTS OF 1920-1928.

The last four sub-sections of this Chapter have been devoted to the recent history of questions which must assume a certain prominence in subsequent Chapters of our report. Other events in Palestine during the period from 1920 to 1928, in so far as they bear upon our enquiry, can be taken quite briefly.

In 1921 the control of Moslem religious endowments (known as Waqfs) and of the Moslem Religious Courts was delegated by the Government of Palestine to a Moslem Supreme Council. This body was elected by the Moslem population under the provisions of regulations which were framed by Moslems and subsequently issued by the High Commissioner; its President is Haj Amin el Husseini, of whom in following Chapters frequent mention will be made under the title of the Mufti of Jerusalem.

Except in regard to constitutional matters, with which we have already dealt, the years 1922 and 1923 call for no special comment, save that the period generally was one of economic depression from which there was, however, a marked recovery in 1924. In August of the latter year the international status of Palestine was regularized by the Treaty of Lausanne, the nationality provisions of which governed generally the terms of the Palestinian Citizenship Order in Council.

The year 1925 was noteworthy for the considerable Jewish immigration which we have already mentioned, for an increase in prosperity which was reflected in Government revenue and generally as a period of consolidation.

In 1926 Palestine suffered from an economic setback. There was an extensive outbreak of cattle plague and the beginning occurred of a period of severe unemployment from which the country is only now fully recovering. The public security forces were re-organized and the last remaining British regiment was withdrawn. There was enacted a Municipal Franchise Ordinance the effect of which was to put municipal councils on an elective basis. The period of economic and financial stress, which continued in 1927 with an attendant increase in unemployment, was aggravated by a severe earthquake which occurred in July of that year. Government funds up to a maximum limit of £100,000 were made available in the form of loans granted for the purpose of rebuilding. The system of commuted tithes was introduced in the first instance as an experimental measure in selected areas and a beginning was made with the work of land settlement with a view to the reform of the existing system of land taxation. On the 1st of November, 1927, Egyptian currency ceased to be legal tender in Palestine and was replaced by a Palestinian currency, the supply of which is controlled by a Currency Board established in London. The standard of this currency is the Palestine £ which is equal in value to the English £.

In 1928 agriculture in Palestine again suffered—this time from a serious drought and from an invasion of locusts. This, however, was checked before it assumed anything like the proportions which similar invasions had attained in years before the establishment of the present regime. By the grant of loans in cash or kind and by the remission of tithes the Palestine Government afforded some relief to those of the agricultural population whose losses from the drought had been serious. A Railway Board, a Harbour Board, and the Standing Committee for Commerce and Industry, all of which were set up in 1928, are official bodies to which any section of the population can represent its views in regard to the development of important public services and its interests in financial and trade matters.

We have now reached a stage at which we can commence to trace the series of events which culminated in the riots of August, 1929. This, therefore, is a convenient point at which to conclude this part of the narrative.

## CHAPTER III.

**DETAILED NARRATIVE OF RECENT EVENTS.**

On the map of Jerusalem, which we annex to this report, we have indicated all the places in that city to which frequent reference is made in this Chapter.

We quote below the two Articles in the Mandate for Palestine of which the provisions relate to the Holy Places :—

*Article 13.*

" All responsibility in connection with the Holy Places and religious buildings or sites in Palestine, including that of preserving existing rights and of securing free access to the Holy Places, religious buildings and sites and the free exercise of worship, while ensuring the requirements of public order and decorum, is assumed by the Mandatory, who shall be responsible solely to the League of Nations in all matters connected herewith, provided that nothing in this article shall prevent the Mandatory from entering into such arrangements as he may deem reasonable with the Administration for the purpose of carrying the provisions of this article into effect; and provided also that nothing in this mandate shall be construed as conferring upon the Mandatory authority to interfere with the fabric or the management of purely Moslem sacred shrines, the immunities of which are guaranteed.

*Article 14.*

" A special Commission shall be appointed by the Mandatory to study, define and determine the rights and claims in connection with the Holy Places and the rights and claims relating to the different religious communities in Palestine. The method of nomination, the composition and the functions of this Commission shall be submitted to the Council of the League for its approval, and the Commission shall not be appointed or enter upon its functions without the approval of the Council."

In 1922 His Majesty's Government prepared and, in accordance with Article 14 of the Mandate, presented to the Council of the League of Nations for its approval a scheme for the constitution of the Holy Places Commission for which that Article provides. As it proved impossible to reach a general agreement with regard to the scheme, it was withdrawn, His Majesty's Government intimating that they would be prepared to consider any alternative plan which the other Powers represented on the Council were able to agree among themselves. No such plan was formulated and in consequence the Holy Places Commission has not yet been appointed. In 1924, however, His Majesty issued an Order in Council the effect of which was to withdraw from the Courts of Palestine any " cause or matter in connection with the Holy Places or religious buildings or sites in Palestine or the rights or claims relating to the different religious communities in Palestine."

In the absence of the Commission for which Article 14 of the Mandate provides, there has devolved on the Government of Palestine—acting on occasion under the direction of His Majesty's Government—the duty of giving rulings in regard to

# JERUSALEM

SCALE 1:10,000



**NOTE** The altitudes are in metres above the level of the Mediterranean Sea.  
Contours are of 20 metres interval

**REFERENCES**

- | OLD CITY           | NEW CITY                                  |
|--------------------|---|
| 1 Haram Area       | 10 Government Offices                     |
| 2 Mosque of Aqsa   | 11 Mea Shearim Quarter                    |
| 3 Dome of the Rock | 12 Lemel School                           |
| 4 Mughrabi Gate    | 14 Post Office                            |
| 5 Wailing Wall     | 15 Offices of Palestine Zionist Executive |
| 6 Damascus Gate    | 16 Old Montefiore Quarter                 |
| 7 Police Barracks  |   |
| 8 David Street     |   |
| 9 Jaffa Gate       |   |
| 13 Abu Madian Waqf |   |

The Jaffa Road is marked with a continuous red line

**REFERENCES**

- |                      |                              |
|----------------------|------------------------------|
| Triangulation Points | △ Trees                      |
| Bench Marks          | ▲ Municipal Boundary         |
| Contours             | --- Main Roads               |
| Buildings            | ■ Sheikh's Tombs             |
| Public Buildings     | ■ Minarets                   |
| Cropping Rock        | --- Undeveloped Land         |
| Spot Heights         | 207 Bridle Roads & Footpaths |



questions of rights and claims which have from time to time arisen in connection with the Holy Places in Palestine. Having regard to the terms of Article 13 of the Mandate, both His Majesty's Government and the Palestine Government in the determination of such rulings have been guided by the principle that they are bound to maintain the *status quo*.

One of the Holy Places in connection with which it has not infrequently been necessary to give rulings of the character indicated above is the Western or Wailing Wall in Jerusalem. This Wall forms part of the western exterior of the ancient Jewish Temple; being the last remaining vestige of that sacred place it is regarded with the greatest reverence by religious Jews, whose custom of praying there extended back to at least the Middle Ages. On the Fast of Tisha B'Av, when the destruction of the last Jewish Temple by Herod is commemorated, it is the custom of many among even non-orthodox Jews to make a visit to the Wall out of respect for the ancient Temple, if they are in or sufficiently near to Jerusalem to be able to do so. The Wall is also part of the Haram-esh-Sherif, which is an Islamic place of great sanctity, being reckoned next to the sacred cities of Mecca and Medina as an object of veneration to Moslems. Legally, the Wall is the absolute property of the Moslem community and the strip of pavement facing it, on which the Jews stand when making their devotions at the Wall, is Waqf property as is shown by documents preserved by the Guardian of the Waqf. Within the Haram area, of which the Wall forms the western boundary, lie the Dome of the Rock, commonly but incorrectly known as the Mosque of Omar, and the Mosque of Aqsa. The former covers a rock which is reputed to be the altar upon which Abraham proposed to offer up his son Isaac in sacrifice; it is also said to be the spot from which the Prophet Mohammed ascended to Heaven on the occasion of his celestial journey. Expenditure has been lavished upon it until to-day it is one of the most beautiful buildings in the world. The Mosque of Aqsa is a building of almost equal antiquity and of great beauty. If we except the time of the Latin Kingdom, when the Haram area and these buildings were in the possession of the Crusaders, they have been in Moslem ownership for the past thirteen centuries and not unnaturally are regarded as among the most treasured possessions of the Moslem world.

That part of the Wall in front of which the Jews are accustomed to stand when lamenting and praying has a special significance for the Moslems in that, partly within the thickness of the Wall, with an entrance on the Haram side of it, there lies a chamber within which, so the tradition runs, Mohammed's horse, whose name was Burak, was stabled when the Prophet made his celestial journey from the Rock. It is for this reason that the Wall is known to Moslems as the Burak.

The Haram area is at a much higher level than that of the pavement in front of the Wailing Wall. Some few yards to the

south of that part of the Wall which faces the pavement there is a gateway—known as the Mughrabi Gate—leading from the Haram area into a lane which also at its eastern end is at a much higher level than the pavement. This lane proceeds in a westerly direction into the Old City of Jerusalem. At the time to which the early part of the narrative in this Chapter relates, there was no direct access from the Mughrabi Gate to the pavement in front of the Wall; the shortest route between these two points at that time ran along the lane and thence bearing right-handed for some 200 yards to a narrow alley which enters the pavement in front of the Wall at its northern end. On the left-hand side of this alley there is a wall behind which, at the northern end of the pavement, there lie a courtyard and the enclosed garden of a house. The pavement itself is about 11 feet in width; its total area is about 120 square yards. Around it, on all but the eastern side, are a number of poor houses inhabited by Mughrabis or Moroccan families. Among the houses at the southern end of the pavement is the building which, as will be recounted later, the Moslem authorities converted into a Zawiyah. Until June of last year, the only way of approach to the dwellings at the southern end of the pavement and to the Zawiyah lay across the pavement in front of the Wall; a flight of stone steps, which leads from the dwellings upwards in the direction of the Mughrabi Gate, was at that time incomplete and in a state of disrepair.

The pavement in front of the wall, the courtyard and dwellings which we have mentioned and much of the surrounding property all form part of the Abu Madian Waqf, a Moslem religious and charitable trust which is said to have been founded in the time of Saladin for the benefit of a sect of Moslems of Moroccan origin known as the Mughrabis.

This completes a short description of the geography of the district in the neighbourhood of the Wailing Wall. As we have already indicated, the Jews, through the practice of centuries, have established a right of access to the Wall for the purposes of their devotions; from time to time, both under the Turkish regime and since the institution of the British civil administration in Palestine, questions have arisen as to the right of the Jewish worshippers to bring to the Wall and there to make use of certain appurtenances of worship and such articles as chairs, benches, and screens. The Wall is, so far as we were informed, the only Holy Place in Jerusalem in which both Moslems and Jews have a direct concern. In consequence, it is at all times a potential element of friction between, on the one hand, the Sheikhs of the Haram and the officials of the Mughrabi Waqf and, on the other, those who conduct Jewish devotional services at the Wall. The Turkish authorities in pre-War times gave a number of rulings governing the rights of the Jews to bring appurtenances of worship to the Wall, but these rulings were

not exhaustive nor were they necessarily accepted by either party as being finally binding on the present Administration. In the absence of the appointment of the Holy Places Commission which alone could finally determine rights and claims in connection with the Wall and in the atmosphere of uncertainty which in consequence prevailed, disputes were bound to arise on occasion as to the rights of Jewish worshippers at the Wall. Under the present regime serious incidents have fortunately been few in number; only two seem to call for special mention here.

As the result of the first one, which occurred in September, 1925, a ruling was given which forbade the bringing by Jews of seats and benches to the Wall even though these were intended for the support of worshippers who were aged and infirm. This ruling may seem to have been a harsh one but, in accordance with the guiding principle which, as we have explained, is adopted in such matters, it was based on the practice previously obtaining.

The second incident occurred on the 24th of September, 1928, —the Jewish Day of Atonement. The full story of the unfortunate events of that day is set out in Command Paper No. 3229 of November, 1928, and need not be recounted here. For our purposes the incidents which then occurred at the Wall are of less importance than the train of circumstances which followed them.

In Command Paper No. 3229 His Majesty's Government in effect endorsed the action which an officer of the Palestine Government took on the Jewish Day of Atonement when, finding that an order given overnight had not been obeyed, he effected through the police the removal of a screen, the introduction of which on to the pavement in front of the Wall had given rise to complaints by the Moslems that there had been an innovation of practice.

The forcible removal of the screen led to immediate complaints by the Jewish authorities of which some were addressed to His Majesty's Government, while others were set out in petitions submitted to the League of Nations by the Zionist Organization and Chief Rabbis Kook and Meir. These petitions were considered by the Permanent Mandates Commission of the League at its 14th Session held in the autumn of 1928. The conclusion of the Commission on these petitions was as follows :—

“ The Permanent Mandates Commission, while regretting the incidents that have taken place, has noted with great satisfaction that the Palestine Government has already approached both parties with a view to facilitating an agreement. It hopes that the Mandatory Power will thus succeed in allaying public feeling and that neither party will, through unreasonable demands or intolerant refusals, assume the responsibility of provoking public disturbances.”

This conclusion was approved by the Council of the League of Nations and accordingly was communicated to the petitioners. Unfortunately, the hope expressed towards the end of the Commission's conclusion was not realized. In the words of the White Paper of November, 1928, "public opinion had definitely removed the matter from the purely religious orbit and had made of it a political and racial question."

In official Jewish circles an attempt was made to allay the apprehensions which had been aroused in Moslem minds by the incidents of the Day of Atonement, and more particularly by the interpretation which in some quarters had been placed on those incidents. Thus the Zionist Organization in their petition to the League of Nations, which we have already mentioned, said :—

"The Executive wish emphatically to repudiate as false and libellous the rumours which are circulated that it is the intention of the Jewish people to menace the inviolability of the Moslem Holy Place which encloses the Mosque of Aqsa and the Mosque of Omar."

And the Va'ad Leumi (the National Council of Jews in Palestine) in November, 1928, published an open letter to the Moslem community in Palestine from which the following are extracts :—

"We herewith declare emphatically and sincerely that no Jew has ever thought of encroaching upon the rights of Moslems over their own Holy Places, but our Arab brethren should also recognize the rights of Jews in regard to the places in Palestine which are holy to them. . . .

"The Kothel Maaravi (the Wailing Wall) which is sacred to the Jews throughout generations has in practice been a place of worship and pilgrimage, free from all restriction or interference. It is clear that the Jewish people are not ready to make any concession in respect of this right, sanctified for generations, and that any attempt to abolish or restrict this right and to interfere in the established arrangements for the conduct of prayers will be regarded as a serious offence and a grave insult against the Jewish Nation. It is also clear that if the desire of the Jews to pray at that place peacefully, honourably and without any restriction be misrepresented as the establishment of a strategic platform for an attack against the Moslem Mosques within the Haram area, this can only be the fruit of false imagination or wilful calumny. The effect of such calumny is to disturb and trouble the minds of the people, and to stir up enmity and dispute between two sister nations. This can only bring misfortune upon both sides, and can profit neither.

"Our sincere desire to build up and restore our country in harmony with our Arab brethren impels us to proclaim the truth, that we are engaged in no fight against our neighbours, nor in designs upon Moslem Holy Places, but are pressing a natural demand that Jewish rights should be respected.

"We call upon our Arab brethren in general and their responsible leaders in particular to disperse the poisonous clouds of the false rumours which have recently been circulated, and to create possibilities for constructive co-operation for the benefit of the country and all its inhabitants, in the place of hostility and dispute."



Prior to the date of the above disclaimers, the Moslem authorities in Palestine, either from a genuine fear of Jewish intentions in regard to the Wailing Wall or from a desire to accentuate the political feelings which the incidents on the Day of Atonement had aroused, were protesting to the Government of Palestine and had even telegraphed to His Majesty the King alleging that there were repeated encroachments by Jews at the Wall. On the 8th of October, 1928, the Mufti of Jerusalem, during an interview with Mr. Luke, at that time the Officer Administering the Government of Palestine, submitted to him a memorandum from which the following are extracts :—

"The Moslem Supreme Council meet you to-day concerning a very serious matter to which, it hopes, you will pay the greatest attention in consideration for its grave consequences over the present and future conditions of the country. The matter in question is the agitation and the active wide-spread propaganda undertaken by the Jews with a view to influencing the London Government and other Powers, as well as the League of Nations in order to take possession of the Western Wall of the Mosque of Aqsa, called Al-Burak, or to raise claims over that place. . . .

"Having realized by bitter experience the unlimited greedy aspirations of the Jews in this respect, Moslems believe that the Jews' aim is to take possession of the Mosque of Al-Aqsa gradually on the pretence that it is the Temple, by starting with the Western Wall of this place, which is an inseparable part of the Mosque of Al-Aqsa. . . .

In the name of all Moslems we draw Your Excellency's attention to the following facts :—

"1. Nobody is ignorant of the World Moslems' great faith and attachment to the Mosque of Al-Aqsa which is one of the three Mosques having a special importance in the Moslem religion, and that its Western Wall is an inseparable part of it and is subject of the same rule.

"2. This Western Wall has been called Al-Burak in relation to the Burak (legendary animal ridden by Mohammed—Translator) of the Prophet in the night of his travelling.

"3. The place where the Jews and other persons who visit Al-Burak stand is a private alleyway through which the inhabitants of the quarter pass to go to their houses, and the Jews' right over it does not go beyond a mere favour granted at the time by the inhabitants of the quarter to visitors of all communities and creeds. . . .

"5. Since the occupation and prior to the establishment of this Council, Moslems had protested to the Government against the Jews' attempts upon Al-Burak. A similar protest was several times expressed by the Moslem Supreme Council and by the authorities which managed the Moroccan Waqf containing this place prior to its establishment. This Council has submitted protests at the following dates on each incident in order to prevent the Jews from exploiting it as a precedent. 8th Shawal 1342; 19th February, 1922; 16th April, 1922; 28th January, 1923; 23rd September, 1923; 7th June, 1926; 2nd July, 1926; 4th August, 1926; 7th December, 1926; 3rd April, 1928; 24th September, 1928. To these should be added its numerous verbal and telephonic protests and communications. . . .

"7. We call the Government's attention to the strength of religious feelings in this country, so that it advises the Jews, notably their responsible leaders, to stop this hostile propaganda which

will naturally engender a parallel action in the whole Moslem world, the responsibility for which will rest with the Jews, who will have been the cause owing to their competition with the Moslems for the Holy Burak, the Western Wall of the Mosque Al-Aqsa. We request the Government to assert to the responsible Jewish authorities that the Moslems, who are earnestly anxious to safeguard their rights, are resolutely determined to stand like a strong wall against any person coveting their Mosque or any of its walls, or their Waqfs and Holy Places, and that they will not draw back even for one inch before any enemy or before the introduction of any change in this respect. . . ."

On the 1st of November, 1928, there was convened a meeting, known as the General Moslem Conference, which sat under the presidency of the Mufti of Jerusalem. This Conference passed, among others, the following resolutions, of which copies were sent to the League of Nations :—

" (a) To strongly protest against any action or attempt which aims at the establishment of any right to the Jews in the Holy Burak area and to deprecate any such action or attempt. The Conference further protest against any leniency, disregard or vacillation which the Government may show in this respect.

" (b) To ask the Government immediately and perpetually to prevent the Jews from placing under any circumstances whether temporary or permanent any objects in the area, such as seats, lamps, objects of worship or reading, and to prevent them also from raising their voices or making any speeches, in such a manner as would not compel the Moslems to take such measures themselves, in order to defend at any cost this holy Moslem place and to safeguard their established rights therein which they have exercised for the last thirteen centuries.

" (c) To hold Government responsible for any consequences of any measures which the Moslems may adopt for the purpose of defending the Holy Burak themselves in the event of the failure of the Government which are entrusted with the maintenance of public security and the safeguarding of the Moslem Holy Places to prevent any such intrusion on the part of the Jews."

The Conference also resolved on the creation of an organization known as " The Society for the Protection of the Moslem Holy Places." It would, however, seem that another society of a similar character had come into being prior to the convening of the Conference since, according to a newspaper extract which was put before us in evidence, an organization known as " The Committee for the Defence of the Buraq-el-Sharif " had before the 1st of November, 1928, submitted to the General Moslem Conference a statement from which the following is a quotation :—

" Whereas we, the population of the Holy Land, have been entrusted by God with the custody of this House and His Temple, we deem it our duty to submit to all our Moslem brethren in the East and West a statement of the danger which threatens this Mosque owing to the ambitions of the Jews to expropriate it from the hands of Moslems, God forbid, as was shown clearly by their present attempts to encroach upon it and establish for themselves rights over it and its surroundings by their various efforts displayed in different manners with a view to influencing the British and other Governments and the League of Nations, to support their designs and to materialize their ambitions."

About this time the Palestine Zionist Executive (the body which in Palestine represents and acts for the Zionist Organization) addressed a protest to the Palestine Government in regard to building operations by Moslems which were in progress on the northern end of the Wailing Wall. The building in question lay within the Haram area, but one side of it rested upon the top of the Wailing Wall—not above the pavement to which the Jewish community have the right of access for the purpose of their devotions but above a garden which, as was explained in our description of this neighbourhood, lies to the north of the pavement. The Palestine Zionist Executive represented that the building, though about 55 feet above and some little distance to the north of the pavement, constituted an infraction of the *status quo* and they therefore submitted—

“(i) that the construction of the building in question, impinging upon the Western Wall was illegal, and as such should never have been undertaken,

“(ii) that on the matter being brought to the notice of the authorities, work on the construction should have been immediately suspended;

“(iii) that the structure should not be allowed to stand and that orders for its demolition within a certain time limit should be given.”

The Moslems, on the other hand, contended that they had an absolutely free hand in the execution of buildings within the Haram area. They explained that the work which had led to the protest was merely the completion of building operations which had been begun some time before. Those operations consisted of the erection of a building adjoining the Moslem Religious Courts to be used as a habitation for the officials of the Courts. Part of the top of the Wailing Wall was intended as a balcony for the use of persons dwelling in the house; the new construction was a wall of a height of about four feet designed to screen from the public gaze women walking on this balcony.

The incident no doubt further excited public opinion which already was susceptible to the slightest influence. The Palestine Government referred the matter to His Majesty's Government for instructions and there for the moment we must leave it.

Further innovations which occurred about this time on Moslem property in the neighbourhood of the Wall were the conversion of a house in the Abu Madian Waqf into a hospice, and a calling to prayer, five times on each day according to Moslem practice, by a muezzin who was stationed on the roof of the house which later became a Zawiyah. All these incidents, it should be noted, occurred before the publication of Command Paper No. 3229, which, as we have already stated, dealt with the incidents which occurred on the Jewish Day of Atonement. That document, on its publication in Palestine, was received with great satisfaction by the Moslem community and on the

27th December, 1928, the Mufti of Jerusalem, in his capacity as President of the Moslem Supreme Council, addressed the Deputy District Commissioner of the Jerusalem Division in the following terms :—

"The Supreme Moslem Council has seen the White Paper issued by the Secretary of State for the Colonies in November, 1928, and which was published in the Official Gazette, concerning the question of the Burak (the Western Wall of the Mosque of Al-Aqsa) and finds in it that care and insight and justice without partiality which has clearly and plainly dispelled any doubts under which the widespread and false propaganda has attempted to hide and conceal the *status quo* and its clear position. The Council therefore offers (I thank for the) impartial attitude which the British Government has taken in this respect. It also thanks you and the Government of Palestine as you were the direct cause in explaining the facts which have elicited this just decision.

"The Supreme Moslem Council hopes that the Government will actually and as early as possible apply the terms of the White Paper that the *status quo* in force during the Turkish rule should be observed."

As stated in the White Paper (Cmd. No. 3229) the Palestine Government had suggested "both to the Palestine Zionist Executive and to the Supreme Moslem Council that it would be a convenience to all the parties concerned if a protocol could be mutually agreed upon between the Moslem and Jewish authorities regulating the conduct of the services at the Wall without prejudice to the legal rights of the Moslem owners and in such a way as to satisfy normal liturgical requirements and decency in matters of public worship." Early in 1929, when it had become clear beyond question that there was no practical prospect of reaching a settlement of the Wailing Wall controversy by mutual agreement, the Palestine Government decided to proceed to a closer determination of the principal question in dispute—namely, the rights of the Jewish worshippers to bring appurtenances to the Wall. As will be realized, the powers of the Government in the determination of this matter were so proscribed by the Mandate that any ruling that they might give would of necessity have to be based on the practice of past years. Accordingly, both the Supreme Moslem Council and the Chief Rabbinate were asked to produce documentary evidence of rulings given under the Turkish regime in regard to the bringing of various appurtenances of worship to the Wall. Both parties were also asked to put forward any other evidence with which they might wish to support any documents that they found it possible to adduce. The Supreme Moslem Council returned an early reply to this request and in part supported their statement of the case by documents deriving from the time of the Turkish regime. On the other hand, repeated reminders to the Chief Rabbinate failed to elicit any response to the request which had been made to them by the Government. When he appeared before us as a witness and was questioned as to the reasons for this delay, Chief Rabbi Kook

explained that the whole body of the Rabbinate held several meetings at which they discussed the alternatives whether they should bring forward all the documentary evidence available or should reply briefly pointing out that the Jews had unquestioned rights of long standing in connection with the Wailing Wall. The Rabbinate finally decided that the production of documentary evidence "might even weaken the well-known truth" that the Jewish community had the right of access to and worship at the Wall. It appears that, owing to some unfortunate misunderstanding on the part of the Rabbinate of the correspondence which they had with the Palestine Government, they were under the impression that even their rights of access and worship were being called in question.

A further reason for the dilatory attitude of the Rabbinate may have been, as was suggested before us in evidence by Mr. Sacher, that the Jewish authorities objected to the theory, which to them seemed to underlie the Government's request for evidence, that only those practices would be permitted which were supported by documentary legal authority. The Jewish point of view, as explained by Mr. Sacher, was that any ruling given by the Government ought to permit the continuance of practices which, though they had no legal or documentary sanction, had not in fact been specifically prohibited during the Turkish regime.

After a considerable period had elapsed without the receipt of any reply from the Chief Rabbinate, Mr. Sacher—who, it should be explained, was then a member and is now the Chairman of the Palestine Zionist Executive—chanced to state to the High Commissioner orally his views of the legal position in connection with the Wailing Wall question. He was invited to submit those views in writing, and he did so in a letter of the 27th of May, 1929, in which, on behalf of the Palestine Zionist Executive, he denied that any doctrine of the *status quo* based on Articles 13 and 14 of the Mandate limits the rights of Jewish worship at the Wailing Wall and argued, as he did later in evidence before us, that the question was governed by Articles 15 and 16 of the Mandate also. The argument in his letter as to the legal position concluded thus:—

"As the rights of access to the Wailing Wall and of worship there are unquestioned and unquestionable, it is submitted that under Article 13 these rights in their full freedom must be secured to the Jewish community by the Mandatory.

"In our view the present conditions of access to the Holy Site are not in accordance with the freedom guaranteed in the Mandate, while the restrictions attempted to be imposed on the exercise by the Jews of the freedom of worship are in direct violation of the provisions of Article 13.

"Articles 13, 14, 15 and 16 of the Mandate guarantee to the Jewish community the free exercise of worship at the Wailing Wall, according to the forms of their religion. Nothing less than that is permitted under the Mandate or can be accepted by the Jewish community as a satisfaction of its rights."

Here for the moment we leave this particular question in order to recount incidents which had occurred at an earlier date.

We have already explained that the Palestine Government towards the end of 1928 had referred to His Majesty's Government for instructions the Jewish complaint about the construction erected by the Moslems on top of the northern end of the Wailing Wall. His Majesty's Government decided to submit the matter to the Law Officers of the Crown and accordingly instructed the Palestine Government to furnish a memorandum to form the basis of the submission. The reference to the Law Officers, which was made early in January, 1929, related to both the construction and the calling to prayer by the muezzin; though the matter clearly was not governed by legal considerations alone, the Law Officers were invited to advise as to the test which should be applied in determining whether or not such acts as a calling to prayer, which disturb Jewish worshippers at the Wall, are an infringement of Jewish rights in connection with the Wall.

After His Majesty's Government had received the report of the Law Officers but before they had communicated the substance of it to the Government of Palestine, the Supreme Moslem Council had undertaken in the neighbourhood of the Wailing Wall certain building operations consisting of:—

- (1) the conversion into a Zawiyah of a house in the Abu Madian Waqf near the southern end of the pavement;
- (2) the opening of a doorway to provide access from the Zawiyah to the flight of stone steps which we have already mentioned;
- (3) the repair of that flight of steps to make it fit for use;
- (4) the lowering of the wall on the northern side of the lane leading to the Mughrabi Gate and the Haram area, which wall, at its former height, prevented the overlooking of the pavement from that lane; and
- (5) the construction of an opening in that wall in order to provide a means of direct access from the Haram area to the flight of steps and thence to the Zawiyah.

We must here remark, in parenthesis, that the exact meaning of the word "Zawiyah" is not absolutely clear to us. At first we were given to understand that it meant a "sacred corner" or "sacred niche," but later the Mufti of Jerusalem told us that the term meant "hospice" or "convent." The Mufti also said that, since the Abu Madian Waqf is a hospice for the Mughrabis, the Zawiyah in this neighbourhood is in effect coterminous with the Waqf area, that in every part of this Waqf area there are places where prayers are offered up, that the building recently converted into a Zawiyah had been used in that manner for long periods before and that in consequence its reconversion for use for that purpose was only a reversion to former practice.

At interviews which the High Commissioner had on the 4th of May with Colonel Kisch (then the Chairman of the Palestine Zionist Executive) and on the 8th of May with the Mufti of Jerusalem, the question of these building operations was discussed. As a result, the High Commissioner asked the Mufti to suspend the operations until such time as His Majesty's Government had communicated to the Palestine Government the substance of the opinion of the Law Officers. After some discussion the Mufti agreed to suspend the operations; part of the conversation at this interview ranged round the question, which had been the subject of previous oral representations by the Mufti to the Palestine Government, of the failure of that Government to apply in some practical form the doctrine contained in the White Paper (Cmd. No. 3229) that the bringing of appurtenances to the Wall for the purposes of Jewish devotion there should be restricted to those appurtenances which had been permitted under the Turkish regime. The implication of the Mufti's conversation with the High Commissioner—though this is not clearly expressed—was that a most unfortunate impression was being created among the Moslem community in Palestine by, as it was regarded by them, the failure to give practical effect to a decision of His Majesty's Government favourable to the interests of that community. It was explained to the Mufti that the Government had for some months been awaiting the production by the Chief Rabbinate of documentary evidence as to the Jewish rights to bring appurtenances to the Wall and that a time limit had been given to the Rabbinate within which to produce that evidence.

The substance of the report of the Law Officers was communicated to the High Commissioner about the middle of May. After consideration of that opinion the High Commissioner on the 11th of June caused to be addressed to the Mufti a letter from which the following passage is an extract:—

"In the Law Officers' opinion the Jews are entitled to conduct their worship without any greater disturbance than has occurred in the past, or may be inevitable by reasons of changes in the habits of the population of Jerusalem or otherwise. If the erection of the proposed Zawiyah results in the observance of Moslem rite in the presence of Jewish worshippers, or in an incursion by Moslems into the places where the Jews pray during the customary times of Jewish worship so as to cause some genuine annoyance or disturbance, this would be regarded as an interference with existing rights.

"In accordance with these rulings His Excellency approves of the suspended work being resumed on condition that the wall leading to the Bab al Magharbeh (Mughrabi Gate) of the Haram area is built up to its former height, and that no annoyance or disturbance is caused to Jewish worshippers during the customary times of their prayer.

"His Excellency has no objection to the new proposed opening being made, provided that there shall be no incursion of Moslems into the pavement during the customary times of Jewish worship, and no other act calculated to cause annoyance or disturbance to Jewish worshippers at prayer."

On the 13th of June the High Commissioner caused a *confidential* letter on the same subject to be addressed to the Palestine Zionist Executive. The following is an extract from that letter :—

"With regard to the heightening by the Moslem authorities of a portion of the Haram Wall to the north of the Wailing Wall, the Law Officers have given their opinion that it is not an infringement of Jewish rights, as safeguarded by Article 13 of the Mandate, for the Moslem authorities to construct a building which altered the appearance of the Western Wall, but did not intrude upon the traditional right of the Jews to pray at the Wall, unless the building was of such a character as to be offensive to Jewish religious sentiment.

"4. With regard to the building which the Moslem authorities have begun to reconstruct at the southern end of the Wall, the Law Officers have expressed the general opinion that the Jews are entitled to conduct their worship at the Wall without any greater disturbance than has occurred in the past or may be inevitable by reason of changes in the habits of the population of Jerusalem or otherwise. If the erection of a new building results in the observance of Moslem rites in the presence of Jewish worshippers or in an invasion by Moslems during the customary times of Jewish worship so as to cause genuine annoyance or disturbance, this would amount to an interference with existing rights.

"5. In accordance with this opinion, His Excellency has informed the President of the Supreme Moslem Council that the work on the building, which had been suspended, may be resumed on the conditions that the wall in the lane leading to the Bab al Magharbeh of the Haram Area is built up to its former height, and that no annoyance or disturbance is caused to Jewish worshippers during the customary times of their prayer; and that, while there is no objection to an opening being made in that wall which will give access from the lane to the building, there must be no incursion of Moslems into the pavement during the customary times of Jewish worship, and no other act calculated to cause annoyance or disturbance to Jewish worshippers."

As we have already stated, building operations in the neighbourhood of the Wailing Wall had been stopped pending the receipt of the report of the Law Officers and the taking of a decision by the Palestine Government in the light of that report. Work was resumed on the 20th of July; we were informed that the delay between the 11th of June, when permission for the resumption was granted, and the 20th of July was due to difficulty in obtaining building materials.

Prior to the resumption of the work, Mr. Sacher, on behalf of the Palestine Zionist Executive, had replied on the 5th of July to the confidential letter of the 13th of June from the Palestine Government. As he told us himself in evidence, he did not appreciate that the building operations, for the resumption of which permission had been given, would have the effect of providing a direct means of access from the Mughrabi Gate of the Haram area to the pavement in front of the Wailing Wall. His reply to the Government, in so far as it related



to the resumption of the suspended works, was therefore confined to the following paragraph :—

“ It is a matter of regret to this Executive that His Excellency should have rendered a decision in regard to one portion of the question of the Wailing Wall before rendering a comprehensive decision covering the principal matters at issue. In the opinion of this Executive a partial or piecemeal treatment of this problem is almost certain to lead to avoidable difficulty, misunderstanding and quite possibly injustice.”

In the remainder of his letter Mr. Sacher submitted a request that the Palestine Government would take steps to put an end to two practices which were said to cause annoyance and disturbance to Jewish worshippers at the Wall and in consequence to contravene the condition implied in the letters relating to the grant of permission for the resumption of the building operations in the neighbourhood of the Wall. These practices were (i) the calling to prayer by the muezzin, who, as we have mentioned, took up his station five times a day on the roof of the house now used as a Zawiyah, and (ii) the playing of music, accompanied by shouting, in the garden at the northern end of the pavement facing the Wall.

The calling of the muezzin was not stopped; the question was, as the Law Officers had said, one of the degree of annoyance or provocation caused by the calling to prayer, and it may be that the Palestine Government decided that this ceremony, taking place as it did at set times, could not legitimately be prohibited.

The playing of music was an innovation even more recent than was the calling to prayer. The Mufti of Jerusalem said in evidence that this playing was part of a ceremony known as the Zikr and that the literal meaning of that term is “ the repetition of the name of God.” He also said that the performance of the ceremony of the Zikr, including the playing of music, was a ritual obligation imposed upon the Mughrabis of the Abu Madian Waqf as a condition of their residence on the property of the Waqf and that this obligation had been fulfilled in previous times. Be that as it may, it would appear that the ceremony had not been performed within recent times in the neighbourhood of the pavement until, at the earliest, sometime in the month of May of 1929. The music which accompanied this ceremony had been the subject of a previous complaint by the Jewish authorities and Mr. Luke on the 5th of July—the very day on which Mr. Sacher wrote his letter—had succeeded in bringing about its cessation by the use of his personal influence with the Mufti of Jerusalem.

At this stage of events the Chief Rabbinate were not aware that permission had been granted for the resumption of the building operations in the neighbourhood of the Wailing Wall. Both the Chief Rabbis, a member of the Va'ad Leumi (the

National Council of Jews in Palestine), and a member of the Central Agudath (an organization of orthodox Jewry) had on the 9th of May addressed a joint letter to the Government protesting against these works, but the decision that the works could be resumed was communicated to the Palestine Zionist Executive alone of the Jewish organizations in Palestine and to them only in a confidential letter, the contents of which they could not divulge to the Chief Rabbinate. Chief Rabbi Kook stated in evidence that he did not know of the decision in regard to the resumption of the building operations until those operations had actually recommenced on the 20th of July. On that date he telephoned to the Deputy District Commissioner of the Jerusalem Division for information in the matter and on the following day he was officially informed by letter of the decision. In the English draft of this letter the phrase "the customary hours of Jewish worship" was used in reference to Jewish rights at the Wailing Wall; by an unfortunate error of translation the phrase appeared in the Hebrew letter sent to the Chief Rabbi as "the fixed hours of Jewish worship."

The decision to grant permission for the resumption of the building operations was based on the highest legal advice available to His Majesty's Government and that decision had not been challenged by the Palestine Zionist Executive. Nevertheless, resumption of the building operations was regarded by almost every section of Jewish opinion in Palestine as a breach of the *status quo* and as an infringement of Jewish rights in connection with the Wailing Wall. By the time that the decision to permit the resumption of the building operations became known to the public, the members of the Palestine Zionist Executive had proceeded to Zurich to participate in the sixteenth session of the Zionist Congress—the parliament of the Zionist movement which meets in every second year and before which on this occasion lay the important task of considering the question of the enlargement of the Jewish agency, a matter to which we have referred in our preceding Chapter. The affairs normally controlled by the Executive were left in the hands of Mr. Braude, Accountant to the Executive, with the advice and assistance of Mr. Horowitz, a member of the English Bar who is in practice in Palestine, and Mr. Hoofien, a banker in Tel Aviv.

From this stage onwards we shall find it necessary to make references to articles appearing in the Palestine Press and to the general tone of that Press. This, therefore, is a convenient point at which to review the various campaigns which are alleged to have been in progress in the Press during the period to which the narrative in the preceding part of this Chapter relates. The Press extracts put before us in evidence in order to show the trend of the various newspaper campaigns were so numerous that it would be difficult to make a selection which

would illustrate in a complete and satisfactory manner the tone of the Press in Palestine during the period in question. We think it better, therefore, to state as briefly as possible our general impression of the tenor of articles appearing in certain newspapers in Palestine during the period from the Jewish Day of Atonement in 1928 up to the point which our narrative has now reached.

Following on the incidents of the Jewish Day of Atonement in 1928, some sections of the Arabic Press reproduced documents, such as those quoted earlier in this Chapter, which individuals or local societies had addressed to the Society for the Protection of the Moslem Holy Places or which the General Moslem Conference had addressed to the Palestine Government and to the League of Nations. These documents, dealing as they did with the subject of the Wailing Wall which by then had become a political issue, were of a character likely to excite any susceptible readers. In addition, there appeared in the Arabic Press about this time a number of articles, which, had they been published in England or in other western countries, would unquestionably have been regarded as provocative.

The White Paper (Cmd. 3229) was received, as we have stated, with satisfaction by the Moslem community. After its publication in Palestine in December, 1928, there was a diminution in the number and a moderation in the tone of the articles appearing in the Arabic Press on the subject of the Wailing Wall. Even so, there appeared at times (in for example *Ul Jamea* of the 11th of February, 1929, and *Al Yarmuk* of the 18th of January, 1929), articles the publication of which was regrettable in the circumstances prevailing in Palestine.

Nothing in the nature of an inciting article appearing in the Arabic Press between February and July of 1929 was cited before us but one witness said—and this to some extent was supported by Press extracts—that during this period there was reflected in the Arabic Press a growing feeling of resentment at the failure of the Palestine Government to give effect to the doctrine of the *status quo* as enunciated in the White Paper.

Throughout the period under review one section of the Arabic Press was conducting a campaign directed against the Mufti of Jerusalem. During the course of this campaign there were made against the Mufti insinuations that he had misappropriated or misapplied certain Waqf funds and sums subscribed towards the cost of repairing the Mosque of Aqsa and charges that he was displaying favouritism and nepotism in the making of Moslem religious appointments. It was also alleged by this section of the Press that the Mufti was bent on making permanent the appointment, which he held and still holds, of President of the Supreme Moslem Council; this allegation is discussed in the following Chapter of our report.

No evidence was brought before us of any intemperate articles appearing in the Hebrew Press in Palestine prior to the resumption of the building operations in the neighbourhood of the Wailing Wall on the 20th of July last. Soon after that date, there was formed—under the presidency of Dr. Klausner, a Jewish resident of academic distinction who is a lecturer at the Hebrew University in Jerusalem—a society known as the Pro-Wailing Wall Committee which may be regarded as the Jewish equivalent of the societies which had been formed by Moslems in the latter part of 1928 for the defence of the Moslem Holy Places.

We now resume our narrative. The fact that the building operations were again in progress was mentioned in the Hebrew Press on the 21st of July, the day following the resumption of those operations. On Monday, the 22nd of July, the issue of the *Doar Hayom* (the more militant of the Hebrew newspapers) contained an editorial on this subject, which, though it revealed apprehension as to both the purpose and the effect of the building operations, was temperate in tone.

On the morning of the 22nd of July Mr. Braude, accompanied by Mr. Cust, who at the time was acting as Deputy District Commissioner for the Jerusalem Division, inspected the area in which the building operations were in progress. On the same day Mr. Braude with Mr. Horowitz called on Mr. Mills, then acting as Chief Secretary to the Government of Palestine, who said that the Officer Administering the Government was disturbed by the articles appearing in the Hebrew Press on the subject of the building operations and asked that Mr. Braude and Mr. Horowitz would use their influence to prevent the giving of any avoidable publicity to this matter and also the issue of any public pronouncements in connection with it. Mr. Mills explained that the Government did not intend to issue any statement in the matter and that the letter of the 13th of June which had been addressed to the Palestine Zionist Executive was intended to be a confidential communication.

When visiting the area round the Wailing Wall with Mr. Cust, Mr. Braude had expressed anxiety lest the building operations in progress should result in the use of the new gateway as a thoroughfare for the passage of an increased number of persons across the pavement in front of the Wall. Mr. Cust pointed out that the gateway also provided a means of exit which persons visiting the Zawiyah or living in the houses near it could use to reach the Haram area and the lane leading to the Mughrabi Gate without passing across the pavement. In the result there might be less disturbance to Jews who had congregated for the purposes of their devotions at the Wall.

Tuesday, the 23rd of July, is noteworthy only for the fact that, as Mr. Braude subsequently reported to the Palestine Zionist Executive at Zurich, the attacks in the Hebrew papers

increased. The unfortunate reference, which we have mentioned, to "fixed hours of Jewish worship" in the letter of the 21st of July from Mr. Cust to Chief Rabbi Kook played its part in increasing the agitation which at this time was disturbing the minds of the Jewish people but, as soon as the facts came to the knowledge of the Palestine Government, steps were taken to correct the error, the effect of which as a permanent factor in the situation must in consequence be discounted.

On the 24th of July, Messrs. Braude, Horowitz, and Solomon (the last-named being the acting Chairman of the Va'ad Leumi) had an interview with Mr. Mills (in the absence of Mr. Luke who was in Trans-Jordan) in the course of which they complained (i) that the building operations would result in the increased use of the pavement in front of the Wailing Wall as a thoroughfare, (ii) that though the letter of the 13th of June from the Government to the Zionist Executive spoke of "customary hours of Jewish worship," the pavement was in fact in use by Jews for the purpose of prayer both by day and by night and (iii) that a new place of Moslem worship—the description which they applied to the Zawiyah—was being constructed. These three gentlemen represented that the above points constituted serious departures from the *status quo* which tended to complicate the general situation. They therefore requested that the building operations should be stopped; they were told that it was not possible to accede to their request since the decision to grant permission for the resumption of the building operations had been taken by the High Commissioner after full consideration of all the circumstances and in the light of the opinion of the Law Officers.

Later on the same day Mr. Braude telegraphed to the Palestine Zionist Executive at Zurich. In the telegram he set out the complaints which he and his colleagues had made to the Palestine Government, he reported briefly the reply which they had received to those complaints and he expressed the view that protests were necessary both in Jerusalem and in London. He concluded his telegram by asking for instructions by cable.

On the 25th of July Mr. Braude sent to the Palestine Zionist Executive at Zurich a letter confirming his telegram of the previous day and enclosing a communiqué—which he described as "a non-committal notice"—which he had issued to the Press. This communiqué was in the following terms:—

"The question of the new building at the Kotel (the Wailing Wall) has been taken up with the Government by representatives of the Palestine Zionist Executive and the Va'ad Leumi who pointed out that the building activities create a departure from the *status quo*. The discussions are continuing and the details of the situation have been communicated to the Executive in Zurich whose instructions are awaited."

Before Mr. Braude issued this communiqué he showed the draft of it to Mr. Mills, who, he states, did not raise any objection to its terms. Mr. Braude, as he said in evidence before

us, intended the communiqué to have the effect of allaying the fears of the Jews and of quietening the feeling of agitation to which expression was being given in the Hebrew Press. Unfortunately, the communiqué did not have the desired result. Accordingly, on Monday, the 29th of July, Mr. Braude, with Mr. Horowitz, called on Mr. Luke, who had returned from Trans-Jordan, and asked him to issue a Government communiqué as articles in the Hebrew Press on the subject of the Wailing Wall position were increasing in number and, in Mr. Braude's opinion, owing to the lack of information as to the official attitude in this matter, were becoming more disturbed in tone. Mr. Luke said that he would consider the question of issuing a communiqué.

After the interview, Mr. Braude again telegraphed to Mr. Sacher at Zurich. His telegram read :—

"Public agitation growing must absolutely make some statement about steps undertaken by Executive *re* Kotel (Wailing Wall) Cable immediately."

On the 30th of July, Mr. Braude again raised with Mr. Luke the question of the issue of an official communiqué and, on the following day, finding that none had been issued by the Government, he and his colleagues issued one themselves, having first made in it a slight amendment at the suggestion of Mr. Mills. This communiqué read as follows :—

"The Western Wall incident has now reached a stage which makes it advisable that the Palestine Zionist Executive, the Chief Rabbinate, and the National Council which bodies have dealt with the matter should make a public statement so that the public may know what action has been taken and what action may be expected in the immediate future.

"Ever since the building operations were begun which have caused the present excitement, representatives of all the bodies mentioned have had at various times interviews with H.E. the Officer Administering the Government and with the Acting Chief Secretary and they have remained in constant touch with the Government on the matter. It has become clear that the Government considers itself bound by decisions which have been arrived at on the basis of correspondence with London and it does not feel at liberty to interfere with the building operations permitted by it, which in the meantime have been quite far advanced if not virtually completed.

"As this stage of affairs became clear early in the course of the conversations with the Government, all the bodies dealing with the matter have hastened to keep the Executive and other Jewish authorities abroad fully informed of the new situation created in the Western Wall area and of the bitter feelings of the Yishuv (the Jewish people in Palestine) regarding what is considered by the whole Yishuv and by all representative bodies as a patent infringement in several respects of the *status quo*.

"They have also urged that the matter be taken up with those Authorities with whom the ultimate decisions rest with a view to obtaining not only redress in the present case but in general a definite solution of the whole Western Wall problem. Several telegrams of the same tenor have been sent out by other Jewish bodies and private persons.

"The public may rest assured that the responsible Jewish bodies abroad are giving full consideration to this serious matter and are taking all such steps as are necessary under the circumstances. The Palestine Zionist Executive, the Chief Rabbinate and the National Council are fully conscious of the duties incumbent on them and are carefully watching the situation ready to take at any moment such steps as are found necessary. They feel it to be their right and their duty to ask the public to have confidence in them, whilst appealing for the moral support of the whole Yishuv they must demand that all action in the matter should be taken only with their consent."

The communiqué of the 31st of July, like that of the previous week, was intended to pacify Jewish feeling; equally with the earlier one it failed to have the desired effect. Realising that the communiqué had been of too vague a character to calm Jewish public opinion, Mr. Braude on the 1st of August interviewed separately representatives of the three Hebrew newspapers which circulate in Palestine (*Haaretz*, *Davar*, and *Doar Hayom*) and appealed to those representatives to have patience and to avoid all agitation of the people through articles appearing in the papers which they represented. This appeal had little or no effect on the activities of those responsible for the control of the *Doar Hayom* which continued to publish intemperate articles. The two other papers—*Haaretz* and *Davar*—responded in some measure to the appeal made by Mr. Braude, but articles which appeared in the *Davar* during the first fortnight of August contained passages which Mr. Braude in evidence admitted were "not helpful to the Government" and of an "exciting" character.

On the 1st of August Mr. Braude received from the Zionist Executive a reply to his telegram of the 24th of July. The reply read:—

"Regarding Kotel (Wailing Wall) can see no prospect reversing Government ruling which apparently based London legal opinion and Yishuv (the Jewish people in Palestine) agitation should be damped down accordingly but have strongly represented Colonial (Office) resulting danger free exercise Jewish worship and requested assurance no interference will be permitted."

It was perhaps in consequence of the instruction in this telegram to "damp down" agitation that, as we have stated, Mr. Braude made his appeal to the representatives of the Hebrew Press on the 1st of August.

On the 5th of August the attention of Mr. Braude was called to intemperate articles which had appeared in the *Doar Hayom* on the 1st and 2nd of that month. The *Doar Hayom*, it should be explained, is under the control of Mr. Jabotinsky, the leader of the Zionists-Revisionists, an organization which has never accepted the limitations placed on the Jewish National Home by the "statement of policy" contained in the White Paper of 1922. Mr. Braude, on seeing these articles, thought it was best that a message should be sent to Mr. Jabotinsky, then at Zurich,

from one who was personally acquainted with him. He therefore consulted Mr. Hoofien who, on the 5th of August, telegraphed to Mr. Jabotinsky in the following terms :—

"*Doar Hayom* ignores all action of Congress relating to Kotel (Wailing Wall) and calls for revolt and insubordination. Although the public is not influenced thereby yet there is excitement among the youths which might lead to accidents without being of any practical utility. I ask that you cable them to change their attitude. Otherwise responsibility is on them and on yourself."

On the following day Mr. Jabotinsky replied that he was communicating with the *Doar Hayom* and that paper on the 7th of August published an article which clearly showed that instructions had been given to tone down the views expressed in the paper. Within a few days, however, the articles appearing in the *Doar Hayom* were once more of a character at least as intemperate as those which had appeared before Mr. Hoofien had communicated with Mr. Jabotinsky.

Two developments which occurred at the Wailing Wall itself during the first week in August must be mentioned here. About the 6th of August the flight of steps and new gateway were brought into use and about the same date Mr. Cust arranged with the Acting Commandant of Police (Major Saunders) for a permanent post of British police to be stationed at the Wall. On holy days the post consisted of a non-commissioned officer and five or six British constables. A few minor incidents had occurred at the Wall on the 3rd of August before the British police were posted there. One was an attack on a Jew by an Arab who was sentenced to seven days' imprisonment; a second was the wounding of a Jew by two Arabs who were arrested but whose trial was twice postponed with the result that it had not taken place by the 23rd of August when the disturbances broke out.

On the afternoon of the 8th of August Mr. Rutenberg, the Managing Director of the Palestine Electric Corporation, who then took no part in Jewish public affairs but who is now the Chairman of the Va'ad Leumi, had an interview with Mr. Luke. It is common ground that at the interview Mr. Rutenberg represented that Jewish feeling was "getting worked up over the Wailing Wall"; it is also agreed that there was some discussion about the possibility that Jews from outside Jerusalem would come up to the Wailing Wall on the 15th of August, which was the Fast of Tisha B'Av, when the Jews commemorate the destruction of the Temple. As to the remainder of the conversation, there is disagreement between the evidence of Mr. Luke and Mr. Rutenberg. Mr. Rutenberg's recollection is that Mr. Luke told him that the Government had information that large numbers of Jews were likely to come up to the Wailing Wall from Haifa on the 15th of August and asked him to use his influence to prevent them from doing so. Mr. Rutenberg says that, though he was not himself aware that any



organized body of Jews intended to come up to the Wailing Wall on the Fast of Tisha B'Av, he foresaw that large numbers of individual Jews would be likely to do so, and that those "individual demonstrations" would result in a big demonstration which might lead to serious trouble and that he therefore asked Mr. Luke to prevent this by regulating matters so that the Jews should be allowed to go to the Wall on that day "by small instalments" only. Mr. Luke's recollection, on the other hand, is that the information as to the possibility of Jews coming up to the Wailing Wall from Haifa was given to him by Mr. Rutenberg. He agrees that he asked Mr. Rutenberg to use his influence to prevent any incursion of this character from Haifa and that Mr. Rutenberg was successful in so doing. He does not remember that Mr. Rutenberg suggested either that a big demonstration of Jews on the 15th of August was possible or that the Government should take steps to regulate any gatherings of Jews that there might be at the Wall on that date.

About this time the reports received from Zurich of the proceedings of the sixteenth Zionist Congress became a factor in the Palestine situation. The Congress sat from the 28th of July to the 11th of August. Among the resolutions which it passed was the following:—

"The Congress bears in mind with grief the events at the Holy Place of the Wailing Wall, where on the Day of Atonement, the most Holy Day of the Jewish year, Jews were subjected in the midst of a solemn service to the indignity of violent interference by the police. This was a sacrilege which rouses the susceptibility of the whole world

"The Congress rebuts the false imputations that have been circulated in this regard from a hostile quarter, and emphatically declares that the protests evoked throughout the Jewish world are simply the expression of one conviction that it is the unalterable right of the Jews to comply at the Kotel Maaravi—the place of prayer that is sanctified by an unbroken tradition of centuries—with the religious ordinances of one religious life, under conditions which are suitable for the free exercise of worship, as expressly guaranteed in the Mandate."

On the 4th of August the report of the Palestine Zionist Executive was circulated to the Congress. The report contained this passage:—

"In its more recent phase the Palestine Zionist Executive has submitted that the whole question (of Jewish rights at the Wailing Wall) is governed by the Mandate, that the doctrine of the *status quo* hitherto adopted by the Government as a basis of its policy is not warranted by the Mandate and that our rights under the Mandate are more complete and more extensive than those embraced within the principle of the *status quo*."

The third point of importance is that a decision was taken to send Colonel Kisch to London to represent to the Colonial Office that agitation among the Jewish people in Palestine was being caused through the resumption of the building operations in the

neighbourhood of the Wailing Wall. It was not realized at Zurich that those operations had been completed or were on the point of completion.

News of these resolutions and decisions was quickly received in Palestine and was recorded in the Arabic Press. A paper published in Bethlehem on the 7th of August and papers published on the following day in both Jaffa and Jerusalem contained articles which show that the activities of the Zionist Congress, in so far as they related to the Wailing Wall, were regarded by the Arabic Press in Palestine as a clear indication that an attempt was being made to bring pressure to bear on His Majesty's Government in order to bring about the reversal of a decision favourable to Moslem interests which had been taken in Jerusalem, and to prevent the enforcement of the doctrine of the *status quo* as laid down in the White Paper of 1928.

In addition to the Arabic Press, political leaders among the Arabs in Palestine took public notice of these matters. The Mufti of Jerusalem and others addressed telegrams to the Colonial Office and to the High Commissioner, who was then on leave in London, and these telegrams were reproduced in the Arabic Press in Palestine. The Society for the Defence of the Mosque of Aqsa and the Moslem Holy Places issued the following statement which was published in *Ul Jamea* of the 12th of August. —

"The Society for the Defence of the Aqsa Mosque and of Moslem Holy Places has issued the following statement:—

"Since the meeting of the Zionist Congress at Zurich the Jews have resumed successive attempts against the Holy Burak by bringing there things which they are not allowed to bring and by preventing the Moslem inhabitants of the neighbourhood from passing to their houses across the Wall area. The above-mentioned Congress has started a strong campaign with a view of stirring up the Jews of the world by expressing dissatisfaction with the White Paper—published by the British Government concerning the Burak question and by displaying considerable efforts aiming at having the *status quo* relative to the Burak turned in favour of their groundless aspirations.

"In view of the conditions arising from the renewed Jewish attempts the Society for the Defence of the Aqsa Mosque hurried to take measures for combating Jewish action in Palestine and abroad. A large meeting attended by thousands of Moslems was held at the Mosque of Aqsa after the religious service on Friday, 2nd August, 1929, at which Moslems renewed the oath to defend the Holy Burak and the Mosque of Aqsa at any moment and with the whole of their might and showed extraordinary enthusiasm and zeal. The meeting resolved to send telegrams of protest to the Colonial Office and the London National League.

"The Moslem Supreme Council also hurried to take speedy action in order to cope with the situation. The Chairman of the Council wired to the Colonial Office requesting that the White Paper be carried into effect immediately so as to avoid danger. Copy of this protest was sent to the High Commissioner who is now staying in London.

"The Society for the Defence of the Mosque of Aqsa and of Moslem Holy Places wishes to keep the public opinion of this country and of all other Moslem territories informed of all events that occur now and then in respect of the Burak question, so that they may be acquainted with them, and that all Moslems with their individuals, groups, religious and other bodies, hurry to participate in the defence of the Holy Burak and the Mosque of Aqsa, as required by circumstances by submitting urgent protests to the Government asking for the application of the White Paper, the maintenance of the *status quo* in the proper way, the prevention of Jews from repeating their attempts and molesting the Moslem inhabitants of the neighbouring quarter.

"The Jews having recently committed excesses on a group of the neighbouring Moslems, in the presence of the Jewish Police Officer, legal proceedings have been taken against them so that the offenders receive the punishment they merit."

By this time the Society which issued the foregoing statement had formed branches in many parts of Palestine and the statement was therefore likely to have considerable influence. The Pro-Wailing Wall Committee also, though of much more recent creation, was rapidly extending its activities among certain sections of the Jews. Branches were being formed and meetings were being held in many parts of Palestine. The Committee, like the Moslem Society, was responsible for the publication in the Press of statements of an intemperate character. This distinction must, however, be drawn between the two organizations. That on the Arab side had the active support of the Moslem leaders, both political and religious; the activities of the Jewish Committee were regarded with disfavour by such official leaders of Zionism as there were in the country and those leaders took such action as lay within their power to counter the effect of those activities. In spite of these attempts to check them, the Pro-Wailing Wall Committee continued the publication of disturbing statements as an example of which we cite the following extract from "An appeal to the people of Israel in all parts of the world" which appeared in the *Doar Hayom* of the 12th of August, 1929 —

"If we keep silent or rely on our leaders' diplomacy we will forfeit even this national holy relic, the most precious of our assets, the Western Wall.

"Shall we indifferently witness this terrible catastrophe that is drawing near and keep silent or shall we rely on those leaders who have asked the Va'ad Leumi to withdraw their protest on the subject of the Wall after their memorial had been sent to the League of Nations?"

"Ye Jews, and national Jews in all parts of the world! Wake up and unite! Do not keep silent or rest in peace until the entire Wall has been restored to us! Form yourselves into pro-Wailing Wall societies! Hold meetings of protest! Go and demonstrate before the British Consuls in all countries on behalf of the wall! Submit protests memorials to them! Explain to the Jewish masses and to the young generation what has been and what is the Kotel to Israel in the past and at present! Explain to the righteous and the pious among the nations of the world what is the national insult which we have suffered at the hands of the British officials without

justice or right! Move heaven and earth at the unspeakable and unprecedented injustice and oppression which tends to rob a live nation of the last of its relics and its 'poor man's lamb.' Those of us who are here will not rest until that relic which has always been ours, which had been sealed with the blood of scores of thousands of our children through two millenia and which has absorbed the tears of Israel for two thousand years, has been restored to us. Come to our help by co-operating in this just struggle for the Wall and triumph is sure to come.

Jerusalem, during the Nine Days of Mourning.

5689.

Pro-Wailing Wall Committee."

On the same day there appeared in the *Palestine Weekly*, a paper printed in English and published in Jerusalem, an article entitled "Love or Hatred" written by Dr. Klausner who was the head of the Pro-Wailing Wall Committee. The article was written in a tone calculated to produce excitement, it criticized the Palestine Government and, by implication, His Majesty's Government in the most bitter terms but it urged restraint from acts of violence.

We now pass to the events of the 14th of August—the eve of the Feast of Tisha B'Av. On that day there gathered at Tel Aviv a demonstration of approximately 6,000 Jews of whom many were members of two organizations known as the Haggana and Brith Trumpeldor. The word "Haggana" means defence; "Brith Trumpeldor" means the League of Trumpeldor, a Jew who was killed while defending Tel-Hai against an attack by Druze in 1921. The members of the two Jewish organizations are for the most part young men of whom many no doubt would like to see a more active and progressive pro-Jewish policy adopted in Palestine, but no evidence was produced before us that either organization was in any way militant or aggressive at the time which we have under review. The demonstration at Tel Aviv passed the following resolutions:—

"(a) To express sharp and expressive protest of the first Hebrew Town against the gross insult of our holy possessions and national and religious feelings by the Wailing Wall outrage and demand from the Central Government in London to restore to us our full rights on the Wall.

"(b) The meeting demands the dismissal of the officials of the Palestine Administration whose clear aim is to defeat the building of the Jewish state in Palestine in opposition to the Mandate.

"(c) To demand from the Colonial Office, London, to send an authoritative Parliamentary Commission to fully investigate the situation which has been created in this country. The Commission will be able to find its conclusions re the rights of the Jewish people on our holy places.

"(d) The meeting instructs the Chief Rabbi and the Central Committee of the 'Pro-Wailing Wall,' at which head stands Professor Klausner, to continue their fight for the Wall and to adopt all communal and political measures until they reach the redemption of the Wall."

At the termination of the meeting Jewish flags covered with black ribbons were displayed and cries of "the Wall is ours," "shame to the Government" and "shame to Keith-Roach" were raised. Mr. Keith-Roach, the Deputy District Commissioner, Jerusalem Division, is the officer who had ordered the removal of the screen from the pavement in front of the Wailing Wall on the Jewish Day of Atonement in 1928.

Turning again to Jerusalem, the Palestine Government realized that the 14th and 15th of August, being the days of the Jewish Fast of Tisha B'Av, and the 16th of August, being a Moslem Sabbath and the eve of the Feast of the birthday of the Prophet, were likely to be critical days. The number of British police at the Wall was therefore strengthened so far as the resources of the Government permitted and Mr. Cust, the Acting Deputy District Commissioner of the Jerusalem Division, arranged with the Moslem authorities that the building operations in the neighbourhood of the Zawiyah should be suspended during those days and that the movements of the Mughrabis who live near the Wailing Wall should be restricted to a minimum. Messrs. Binah and Bergman, Jewish Administrative officers, were brought down from the north of Palestine to assist in the maintenance of liaison with the Jewish authorities and Ruhi Bey Abdul Hadi, a Moslem and a member of Mr. Cust's staff, was instructed to keep in the closest touch with the Moslem authorities. Dr. Klausner, who told Mr. Cust that the more extreme elements among the members of the Pro-Wailing Wall Committee were disappointed with their failure to obtain results by the constitutional means which that organization had employed in the past, undertook to deliver in a synagogue on the night of the 14th of August a lecture which might have the result of keeping a large number of Jews away from the Wailing Wall until late on that day. Though Jews visited the Wailing Wall on the evening of the 14th of August in larger numbers than are usual and though the pavement in front of the Wall was at times crowded, the evening of the Fast of Tisha B'Av passed off in a satisfactory manner and the events of that day at the Wailing Wall could not have been the cause of any legitimate grievance to the Moslems. Some evidence to the contrary was laid before us, but on this point we accept the testimony of Mr. Cust, who was present near the Wall for some hours on the evening of the 14th and whose experience of such matters in Jerusalem undoubtedly makes him a far better judge of the events of that day than could be any of those witnesses who gave evidence in a sense contradictory to that given by Mr. Cust.

About 11.30 on the morning of Thursday, the 15th of August, Mr. Cust received a message from Mr. Solomon (then acting Chairman of the Va'ad Leumi) that a number of Jewish youths from Tel Aviv who had arrived in Jerusalem were congregated

at the Lemel school and had declared their intention of making a demonstration first at the Government offices and then at the Wailing Wall. More than twenty witnesses gave evidence in detail before us on the subject of the meeting at the Lemel school, the procession to the Wall, and the demonstration which took place there. Naturally much of this evidence was conflicting; we propose, therefore, wherever such a course is possible, to avoid detail and to recount only those facts which are essential to a proper appreciation of the incidents which occurred in connection with the Jewish demonstration of the 15th of August.

On the receipt of Mr. Solomon's message Mr. Cust sent Messrs. Binah and Bergman to interview the Jewish youths at the Lemel school and to ascertain their intentions. One of the leaders of the Jews told these two officers that they had decided to organize a demonstration and that the demonstration would take place at any cost. Their intention was to go to the Government offices where a deputation would hand to Mr. Luke a copy of the resolutions passed on the previous night at Tel Aviv and would await his reply. From the Government offices they would proceed to the Wailing Wall and would return via the Jaffa Gate and the offices of the Palestine Zionist Executive to the square of the Zion Cinema where they would disperse. The Zionist flag decorated with black ribbon would be carried at the head of the procession. Messrs. Binah and Bergman intimated that they would endeavour to obtain permission for the Jewish youths to proceed to the Wailing Wall without flags, songs, or shouts. They were told that the demonstration would be held even if the Government did not give its permission. They therefore asked the leaders of the crowd to wait while instructions were obtained from the Government. They then consulted Mr. Cust and Major Saunders (the Acting Commandant of Police) and about one o'clock Mr. Hoofien—the banker from Tel Aviv who at this time was advising Mr. Braude in the direction of the affairs of the Palestine Zionist Executive—was invited to participate in the discussions. Here we must refer to a conflict in the evidence laid before us. Mr. Hoofien stated that he received the impression that before his participation in the discussions a definite decision had been taken to permit the procession to the Wall and that the only outstanding points were the conditions which should be attached to that permission. Mr. Cust, on the other hand, was unable to agree that the question of giving permission to the procession had been settled at the time when Mr. Hoofien was called in to advise.

We do not feel that we are called upon to express any opinion on this conflict of evidence. The essential facts are clear. These are that there was general agreement among those who participated in the discussions that it would be inadvisable to prevent

the Jewish youths from proceeding to the Wall, even if they went in a body, but that it was most undesirable that they should be allowed to demonstrate either at the Wall or on their journey to or from it. Mr. Luke told us that the instructions which he issued were that :—

“ If at all possible no Jew should be prevented from going to the Wall on that day even though he was the type of Jew who does not usually go to the Wall . . . . I said they could go down. They must not demonstrate ; they must not produce flags and they must not march down in military formation.”

These views were communicated to the Jewish youths who were also told that someone at Government offices would receive a deputation of three persons. The leaders of the meeting at the Lemel school agreed that they would not sing or shout or raise the flag while they were proceeding to or from the Wailing Wall but they declined to accept the condition that they should not raise the flag at the Wall and those who attended the meeting were not prevented from moving off when they did so without having accepted this condition. Here again there is an unfortunate conflict of evidence. Mr. Hoofien says that, when the procession moved off, he at once went back to Major Saunders and told him “ what I had attained and what I had not attained ” as regards the conditions to be attached to the visit to the Wall. Major Saunders, on the other hand, states that he was not informed at the time that the Jewish leaders had declined to accept the condition that the flag should not be raised at the Wailing Wall and that in consequence he was not aware that the visit to the Wall was in effect to take the form of a demonstration. He further says that when he saw in the report of Messrs. Binah and Bergman the statement that all that the leaders of the Jewish youths agreed to do was “ not to raise the flag except at the Wailing Wall ” he immediately underlined these words and on the 19th of August he pointed out to Mr. Binah that the passage in question was “ the first intimation that he had had that the flag was going to be raised at the Wailing Wall.”

Before the procession moved off the Mufti was informed that a procession of Jewish youths who were described to him as being “ orderly and quiet ” were about to visit the Wailing Wall. The Mufti was asked to have this information conveyed to the Mughrabi residents in the houses near the Wall and to instruct them to be calm. He promised to do so.

There are wide variations between the various estimates of the number of people who participated in the procession. It is probable that they numbered about 300 when they left the Lemel school and that their numbers increased throughout their progress to and from the Wall. When they reached the Wall three of their leaders left and proceeded to Government offices, as had

been arranged, to hand in a copy of the resolutions passed on the previous day at Tel Aviv. At the Wall the flag was raised, one of the leaders of the demonstration spoke and read the resolutions of the previous day, a silence of two minutes was called for and observed and the Hatikvah (which may be described as the Jewish National Anthem) was sung. Some cries were raised such as "the Wall is ours," "shame on those who profane our Holy Places" and "shame on the Government." On its journey to and from the Wall the procession passed through Moslem quarters but there was no clash with Moslems either there or at the Wall itself.

When the procession reached the offices of the Palestine Zionist Executive on its return journey the flag was again hoisted despite the efforts of the police; the more responsible elements among those in the procession quickly succeeded in pulling down and rolling up the flag. At the Zion Cinema the flag was hoisted, this time in accordance with permission given before the procession started, and after the Hatikvah had again been sung the crowd dispersed.

It was alleged in evidence that some members of the procession carried iron bars and stout sticks, but we regard this allegation as being completely negated by other evidence given before us. It was further alleged that threatening cries were made by some who were participating in the procession; this may have been so since there is evidence that during its progress the procession was reinforced by some undesirable elements, but we consider that, while marching through the streets and the narrow markets of Jerusalem, the more responsible members of the procession behaved in an orderly manner.

On the evening of the 15th of August the following telegram signed "The Protection of the Mosque Al-Aqsa Association-Said" was sent to two newspapers and to the Young Men's Moslem Association in Jaffa :—

"The Jews, at 3.30 on this day, at the Wailing Wall itself, held a severe demonstration against the Moslems. Resentment is great and general. Do what should be done of protest and disapproval."

Sometime during the morning of the 16th of August it came to the knowledge of Mr. Cust that the Moslems, incensed at the events of the preceding day, proposed to hold a counter-demonstration at the Wailing Wall immediately after the conclusion of the mid-day prayer. At about a quarter to twelve this information was communicated to Mr. Luke, who immediately telephoned to the Mufti of Jerusalem to come and see him at once as a matter of urgency. On the Mufti's arrival Mr. Luke asked him to use his influence to prevent the Moslem demonstration and the Mufti, who expressed doubt as to the



possibility of preventing the demonstration, undertook to restrict its movements to Waqf property. In fact the Mufti reached the Haram area after the demonstration had set out for the Wailing Wall. In deciding to make use of the good offices of the Mufti instead of giving orders that the demonstration should be prohibited, Mr. Luke was influenced by the considerations, first, that it was doubtful whether the police could prevent the demonstration, and, second, that, in his opinion, it could be prevented, if at all, only at the cost of very considerable bloodshed in the neighbourhood of the sacred Haram area, the results of which both within and outside Palestine would be incalculable.

The demonstration set out at about 12.30 p.m., headed by Sheikhs of the Mosque of Aqsa, and preceded by banners such as are carried on Moslem religious festivals. The demonstrators numbered about 2,000 of whom some had come in from Nablus by motor-car; with a few possible exceptions they followed a route prescribed by the Government which did not involve the use of the new gateway and steps, and did not take the procession out of the Waqf area which is Moslem property. They were obviously in an excited frame of mind; there were shouts of "there is no God but God; the religion of Mohammed came with the sword." At the Wall an inflammatory speech was made by Hassan Abou Seoud, one of the Sheikhs of the Mosque of Aqsa, a table belonging to the Shammass or Jewish beadle was upset and broken, petitions which had been placed in the crevices of the Wailing Wall by Jewish worshippers were taken out and burnt by the crowd, as were also some prayer books and prayer sheets. The Shammass, who is said to have been the only Jew present at the Wall, was hustled and his clothes were torn.

The demonstration returned to the Haram area by the route which it had followed when going to the Wall. Mr. Cust, who had remained at a point on that route from which the demonstration might have broken out into the Old City, then went back to the Haram area to satisfy himself that the crowds were dispersing. Having done so he returned to the Wailing Wall and there met Dr. Von Weisl—a journalist who is a Zionist-Revisionist—who was collecting some of the charred remains of prayer books and sheets. Mr. Cust tried to persuade Dr. Von Weisl to refrain from the publication of any news about the Moslem demonstration of a character likely to inflame Jewish public opinion. On that afternoon, however, the *Doar Hayom* brought out a leaflet relating to the events which had occurred at the Wall during the Moslem demonstration. That leaflet was based in some measure on information supplied by Dr. Von Weisl and in material particulars was incorrect but, as he told us, it was published against his advice. Later on the 16th of August, further attempts were made to induce the Hebrew Press to refrain from the publication of exciting statements about

the events of that day, but these efforts were not entirely successful.

The week which elapsed between the Moslem demonstration and the outbreak of the disturbances on the 23rd of August was naturally an eventful one but, in order to shorten the narrative, we propose to recount only those incidents which are of major importance when viewed in the light of our enquiry.

Two further precautionary steps were taken by the Palestine Government at the Wailing Wall during this week. On the 17th of August, following on representations by the Palestine Zionist Executive, instructions were given that the door between the Zawiyah and the pavement in front of the Wall should be locked. On the 18th of August, a telephone was installed at a short distance from the Wall in order to ensure that news of any impending disorder in the neighbourhood of the Wall should be communicated to the police with the least possible delay.

There were several interviews during this week between Mr. Luke and his senior officers on the one hand and representatives of the Palestine Zionist Executive and the Va'ad Leumi on the other. On several points there was disagreement between those who participated in these interviews and on occasion the Jewish authorities felt that it was their duty to issue communiqués criticising the action of the Government or of individual Government officers. Nevertheless, it was the wish of the Executive that peace and order should be maintained and in a communiqué which was issued on the 21st of August they demanded in the name of the Zionist Organization that "Youths and other organizations shall absolutely refrain from independent action and demonstration which are likely only to render more difficult the efforts of the Zionist Organization to obtain an effective and satisfactory solution of the whole problem."

On Saturday, the 17th of August, an incident, which in its origin was of a personal nature, occurred in the Bukharian Quarter of the New City of Jerusalem. One of a number of Jewish youths who were playing football on an open space attempted to retrieve the ball which had been kicked into a tomato garden belonging to an Arab. During a quarrel which arose between him and the owner of the garden the youth was stabbed. A serious affray then occurred between Jews and Arabs in the course of which eleven Jews and fifteen Arabs were wounded. Upon the arrival of the police, who arrested the Arab guilty of the initial wounding, they were attacked by the Jewish crowd. The prisoner and one of the British police were injured, the injuries sustained by the policeman being of a severe character. The Jewish crowd also attacked Arab houses in the neighbourhood and wounded some of the inmates.

During the next few days the feeling between Jews and Arabs became dangerously intense. There were frequent assaults by Jews on Arabs and by Arabs on Jews, the Jews attacking the

fellaheen as they came into town through the Jewish quarters and the Arabs attacking the Jews when they came into Arab quarters. As many as twelve assaults on Arabs and seven on Jews were reported to the police within the next four days and there were probably many other cases regarding which no complaints were laid. These figures relate to one large police district in Jerusalem; there were other assaults both within Jerusalem and outside it.

The Jewish boy, who had been stabbed on the football ground, died on the 20th of August, and his funeral on the following day became in effect a political demonstration by the Jews against the Government and the Arabs. The police had arranged for the funeral to take place at 6 a.m. but the procession did not set out for the cemetery until 8 o'clock. By this time large crowds of Jews had collected and the funeral procession moved very slowly, being constantly stopped whilst speeches were made. It eventually reached the cemetery at 11 o'clock. No clash occurred with the Arabs but the police had much difficulty in dealing with the Jewish crowd. At one time those leading the procession wished to take a course via the Jaffa Gate and through a neighbourhood where Arab shops are numerous. Having regard to the excited feeling between Jews and Arabs, the police very properly took the view that it was inadvisable that this route should be followed and they formed a cordon across the Jaffa Road near the Post Office. The crowd then broke through the cordon of police, necessitating a baton charge by British police in the course of which one Jew was seriously and numbers were slightly injured.

This incident was the subject of a communiqué which the Palestine Zionist Executive and the Va'ad Leumi issued to the Press on the 21st August. In the communiqué those Jewish authorities, whilst rebuking the crowd for its behaviour and exhorting the Jewish people to restraint and discipline, made violent and unfounded charges against the police who were accused of having struck and wounded aged people who could not possibly have offered any resistance. The further charge was made that the beating of the crowd was carried out without pity and without discretion. We are satisfied that these charges are without justification.

This political demonstration naturally excited still greater feeling between Jews and Arabs and on the 21st of August the Palestine Zionist Executive addressed a telegram to the Zionist Organization, in which, after describing the incidents of the day and making charges against the police similar to those mentioned above, they said:—

"Population again very excited and false alarms caused local panics in various quarters but no further incidents course of day. Arabs also excited and afraid Jews. Desirable insist with Home Government need of serious measures assuring public security. We are issuing appeal to public keep calm, refrain from demonstrations.

and observe discipline, but feel embarrassed by militant attitude. *Doar Hayom* and also part of youth influenced by Revisionist agitation. Can you speak to Revisionist leaders."

More intemperate articles appeared in the Palestine Press during this period. Of the extracts placed before us those taken from the Arabic Press were of a more exciting character than those taken from the Hebrew Press, but whereas the Hebrew Press was in the main concerned with the incidents of the preceding week alone, such exciting articles as appeared in the Arabic Press seemed to have been rather of a general political character, apart, of course, from those articles which were based on statements issued by the Society for the Defence of the Moslem Holy Places. As examples of ill-advised articles may be cited one regarding "a conversation with Chief Rabbi Kook" which appeared in the *Doar Hayom* on the 18th August and one published on the 16th August in *Ul Yarmuk* which made the occasion of the birthday of the Prophet the text for propaganda of an inciting character. In the Hebrew Press from the 20th August onwards there appeared accounts of rumours reported from various centres. From Petach Tikvah it was reported—quite correctly—that nearly all the Arab workmen who were employed in the Jewish orange groves had left and from other centres there were such reports as one received from Hebron to the effect that rumours were being spread among the Arabs that the Jews intended to attack the Mosque of Aqsa on the 23rd of August.

During this week there was also, as Major Saunders stated, a marked increase in Arab activities and especially in the "movement of certain personages." Evidence was given before us about the movements of Subhi Bey al Khadra, a member of the Palestine Arab Executive, whose activities we shall discuss in the following Chapter of this report.

Another matter connected with the intended movement of a prominent Moslem leader must be mentioned here. On the 15th of August the Mufti of Jerusalem had sent his Secretary to obtain for him visas for several countries and to ascertain whether a visa for Syria would be granted to him. The Mufti states that it was his intention to proceed on holiday soon after the 16th of August. His Secretary obtained the other visas but found that the French Consulate had closed by the time that he arrived there to raise the question of the grant to the Mufti of a visa for Syria. He returned to the Consulate on the 17th of August when he was told that the matter would have to be referred to the French authorities at Beirut. The Mufti stated that on the 17th he decided to postpone his holiday and that on the 23rd of August he definitely cancelled it owing to the disturbed state of the country.

Two important meetings took place on the 22nd of August. About noon on that day Mr. Luke, and with him Mr. Mills, met

Mr. Braude, Mr. Horowitz and representatives of the Va'ad Leumi who mentioned to him some of the rumours appearing in the Hebrew Press and others which were at that time current to the effect that there would be trouble on the following day. These gentlemen went on to express anxiety as to public security on the 23rd August, when, the day being a Friday, large crowds of Moslems would come into Jerusalem. After Mr. Luke had informed them that he had arranged for calming speeches to be made in the Mosques on the following day and that he had ordered armoured cars up from Trans-Jordan to Ramleh, the Jewish representatives raised the question whether the Government would take steps to disarm any persons who on the next day might be found to be coming into Jerusalem with clubs or heavy sticks. In reply, it was pointed out that such a step would be dangerous in that it might infuriate people who were carrying sticks without any evil intention.

On the evening of the 22nd there was held at Mr. Luke's house a meeting, which he had arranged as the result of a suggestion made by Mr. Horowitz, between three prominent Jews and three prominent Arabs. The Jewish representatives were Mr. Braude, Mr. Ben Zvi (one of the leaders of the Jewish Labour Federation), and Dr. Levi (the Manager of the Anglo-Palestine Bank); the Arab representatives were Jamaal Effendi Husseini and Auni Bey Abdul Hadi, who are the Secretaries, and Subhi Bey al Khadra, who is a member of the Palestine Arab Executive. The meeting was conducted throughout in a friendly spirit; it seems that at one stage two of those present, one from either party, had agreed on the terms of two statements on the subject of the Wailing Wall which it was thought might be issued by the two sets of representatives separately but that these statements were found to be unacceptable to others present. Mr. Braude indeed regarded the meeting as having no power to settle matters concerning the Wailing Wall problem and he prepared a statement in general terms which was calculated to calm public feeling. He suggested that this should be signed by all six persons present but one at least of the Arab representatives would not agree that the time was ripe for the signature of one document by prominent persons of the two races. The meeting—still on friendly terms—then adjourned until the 26th of August.

On the morning of the Friday, the 23rd of August, the actual strength of the Palestine Police was as follows :—

|                                |                              |
|--------------------------------|------------------------------|
| 31 British officers            |                              |
| 69 Palestinian officers        |                              |
| 520 Mounted Palestinian police | } including                  |
| 714 Foot Palestinian police    |                              |
| 142 British police.            | } Non-Commissioned Officers. |

Of the British police, who included 22 members of the Motor Transport Section, 72 were stationed in Jerusalem, 27 in Jaffa, 34 in Haifa, and 9 in Nablus. The other police were distributed over the whole of Palestine.

Arms were issued to those British police who were posted in the New City of Jerusalem when they came on duty on the morning of the 23rd of August. Police in the Old City, however, were not armed. The decision that police in the Old City should not be armed was, in our opinion, a very proper one having regard to the narrow and congested character of the streets in that part of Jerusalem.

The table below shows the distribution of the British personnel, exclusive of those engaged on supply and hospital services, who on the 23rd of August formed the command of the Royal Air Force in Palestine and Trans-Jordan.

|   | <i>Aircraft.</i> | <i>Armoured Cars.</i> | <i>Armed Tenders.</i> | <i>Officers.</i> | <i>Rank and File.</i> | <i>Location.</i> |
|---|------------------|-----------------------|-----------------------|------------------|-----------------------|------------------|
| Headquarters R.A.F. Palestine and Trans-Jordan. | —                | —                     | —                     | 6                | 11                    | Amman.           |
| No. 14 Squadron R.A.F.                          | 12               | —                     | —                     | 13               | 175                   | Amman.           |
| No. 2 Armoured Car Company:—                    |                  |                       |                       |                  |                       |                  |
| Headquarters ...                                | —                | —                     | —                     | 1                | 34                    | Amman.           |
| A Section... ..                                 | —                | 4                     | 4                     | 3                | 37                    | Ma'an.           |
| B Section... ..                                 | —                | 3                     | 2                     | 2                | 27                    | Amman.           |
| C Section... ..                                 | —                | 4                     | 4                     | 2                | 27                    | Ramleh.          |
| Base Details ... ..                             | —                | —                     | —                     | 4                | 52                    | Ramleh.          |
| <b>Total ... ..</b>                             | <b>12</b>        | <b>11</b>             | <b>10</b>             | <b>31</b>        | <b>363</b>            |                  |

On the 23rd of August the strength and dispositions of the remaining Military unit—the Trans-Jordan Frontier Force—were as follows:—

|                          | <i>British Officers.</i> | <i>Local Officers.</i> | <i>Rank and File.</i> | <i>Location.</i> |
|--------------------------|--------------------------|------------------------|-----------------------|------------------|
| Headquarters ... ..      | 5                        | 4                      | 93                    | Zerka.           |
| A Company (Horse)... ..  | 2                        | 6                      | 117                   | Ma'an.           |
| B Company (Horse)... ..  | 2                        | 4                      | 115                   | Zerka.           |
| C Company (Horse)... ..  | 1                        | 4                      | 111                   | Zerka.           |
| D Company (Camel) ... .. | 1                        | 4                      | 112                   | Zerka.           |
| <b>Total ... ..</b>      | <b>11</b>                | <b>22</b>              | <b>551</b>            |                  |

Amman, Ma'an, and Zerka are in Trans-Jordan.

The military forces actually in Palestine on the morning of the 23rd August were therefore the six officers and 79 men who, with 4 armoured cars and 4 armed tenders, were at Ramleh, which is about 25 miles from Jerusalem on the Jerusalem-Jaffa road.

We now turn to the events of Friday, the 23rd of August. About 7 a.m. on that day, Major Saunders noticed that many

of the fellaheen (villagers of the peasant class), who were coming into Jerusalem, as is usual on a Friday, for the midday prayer, were carrying heavy sticks and clubs. After his inspection of both the Old and the New Cities, he heard that "there was a good deal of consternation and resentment in Moslem circles as people were being disarmed of clubs and sticks on the outskirts of the City when coming in." The disarming was being carried out by the police on the Jericho side of the City under instructions received from Mr. Kingsley-Heath, the Police Officer in charge of the New City. Major Saunders decided to cancel this order. The reasons for his decision, as given to us, were :—

(1) That later in the day when people were entering the City in larger numbers, disarming would not be possible unless undertaken by or in the presence of British police ;

(2) That it would not be possible to spare British police for this work without entirely disorganizing the strategic dispositions already made of the 70 police who were available ;

(3) That partial disarmament of people coming in with clubs and sticks would do little good and might do definite harm ; and

(4) That there was nothing to prevent persons who had been disarmed of clubs or sticks from obtaining some other form of weapon after they had entered the Old City.

Immediately after he had cancelled the order that sticks and clubs should be taken away from fellaheen coming into Jerusalem, Major Saunders, at about a quarter to eleven, called on the Mufti of Jerusalem and asked him if he could explain why so many Moslems coming in from the surrounding villages were carrying heavy sticks and clubs. The Mufti said that some of the villagers, having in mind the demonstrations which had taken place during the preceding week and the attacks which during the past seven days had been made by Arabs on Jews and by Jews on Arabs, feared that there might be trouble in Jerusalem on that day. He made it clear to Major Saunders that, in his opinion, Moslems were not going to start any attack or disturbances unless they were provoked to do so. Major Saunders, as he told us in evidence, got the impression that this expression of opinion by the Mufti " was made in perfectly good faith "

During and after the midday prayer in the Haram area, speeches were made by some of the Sheikhs of the Mosque of Aqsa and by the Mufti of Jerusalem. Notes of these speeches were taken by two Arab policemen who gave evidence before us. Their evidence is to the effect that the speeches made were of a pacifying character but that some of the audience " ascended the platform " and called to the crowd not to take notice of what the speakers said because they were unfaithful to the Moslem

cause. It is noteworthy, too, that when Sheikh Hassan Abou Secoud was speaking, some of the crowd cried out that he was telling lies and that he had spoken in quite a different strain in the previous week when, as we have already stated, he made an inflammatory speech on the occasion of the Moslem demonstration at the Wailing Wall.

About noon, Major Harrington, the Police Officer in charge of the Old City, who was at the Wailing Wall, heard revolver shots fired from within the Haram area. The Moslem Police Inspector who was on duty in that area subsequently stated that when the Mufti came from his house into the Haram area he was—as is usual—surrounded by persons intending to proceed with him as far as the Mosque and that a certain number of persons in the crowd surrounding the Mufti had fired revolver shots in the air.

At about 12.30 Major Saunders received a telephone message to the effect that the crowd of Moslems who had attended the midday prayer were issuing from the gates of the Haram area into the Old City and that there was a good deal of shouting and disturbance. About 12.40 Major Saunders saw the first sign of an attack when a young Orthodox Jew appeared near the Police Barracks in the Old City (about a quarter of a mile from the Haram area) with a crowd of Arabs in pursuit. The Arabs were driven off by British police and the Jew was not seriously injured. From this time onwards crowds of Moslems with sticks and clubs, some even with swords, issued out of the Jaffa Gate, and a smaller crowd made for the Damascus Gate of the Old City.

Much evidence was given before us and several police reports were read to us in an attempt to establish the sequence of events between noon and 2 p.m. on the 23rd of August. Much of this evidence was concentrated on the question whether the first person to be murdered on that day was an Arab or a Jew. The police evidence clearly establishes that the Arab crowds were leaving the Haram area in an excited condition as early as 12.30 and that those crowds—many of them by then fanatical—emerged from the Jaffa and Damascus Gates not later than 12.50 and possibly some minutes earlier; it is clear beyond all doubt that at 12.50 large sections of these crowds were bent on mischief if not on murder and that by 1.15, when the outbreak had developed in both the Jaffa road and the Mea Shearim quarter, it took the form of a ferocious attack by Arabs on Jews. During our enquiry evidence was adduced on behalf of the Arabs designed to excuse the conduct of these Arab crowds by proving that two Arabs had been killed by Jews before the Arab attack began. On almost every point this evidence was countered by evidence in a contrary sense put forward from the Jewish side; the official evidence which bore upon this point was conflicting, but Mr. Kingsley-Heath, the Police Officer in charge of the area in which the



murders of Arabs are alleged to have been committed, thought that it was inconceivable that anyone was killed in his area until at the very earliest 1.15 p.m. But even were we to accept in its entirety the evidence laid before us from the Arab side, the fact that Jews had murdered Arabs by 12.30 p.m. on the 23rd of August could not in itself excuse the Arab attack; the argument must be carried at least one step further—it must be shown that the conduct of the Arab crowds was actually occasioned by knowledge of these murders. So far as the crowd in the Jaffa road is concerned, no attempt was made to establish any connection between their conduct and the murders of Arabs which are alleged to have taken place over half a mile away; indeed, on the score of time alone it would seem impossible to establish such a connection. We therefore consider that the outbreak in Jerusalem on the 23rd of August was from the beginning an attack by Arabs on Jews for which no excuse in the form of earlier murders by Jews has been established; in consequence the question whether the first person to be murdered on the 23rd of August was an Arab or a Jew is not of sufficient importance to warrant further discussion or a detailed examination of the voluminous evidence which bears upon this point.

We do not propose to recount the story of the disturbances in any detail except where details are necessary to illustrate the matters which we have to consider in later Chapters of this report; the following paragraphs are therefore confined to a brief survey of the disturbances throughout the whole of Palestine.

By 2 p.m. the crowds which had emerged from the Jaffa Gate had been dispersed and the attack in this quarter had moved to the Jewish suburbs. The police opened fire for the first time in the Old Montefiore quarter at about 2 p.m. Shortly after 3 p.m. a flight of aeroplanes made a demonstration over Jerusalem; at about 3.30 p.m. armoured cars arrived from Ramleh, and at 4 p.m. 70 special constables had been enrolled. Later during the evening "B" Section of the Armoured Car Company and a number of ground troops of the Royal Air Force came to Jerusalem from Trans-Jordan.

By 4.30 the Old City of Jerusalem was quiet, but desultory firing continued round the outskirts of the New City and was largely directed on to outlying Jewish suburbs.

Outside Jerusalem most of the country remained quiet on the 23rd of August, but attacks were made by Arabs on Jewish villages lying within a few miles of Jerusalem. When news of the outbreak in Jerusalem reached Nablus and Hebron there were angry demonstrations by excited crowds of Arabs, and in the course of an attack which was made on a Jewish school in Hebron one Jew was killed.

During the afternoon of the 23rd of August, Mr. Luke had telegraphed to Malta for naval assistance and had wired to the Colonial Office for a battalion of British troops to be sent to Palestine without delay. Early on the 24th of August he asked the High Commissioner for Egypt, by telephone, to send military assistance from the troops in that country; on the morning of that day the police had advised that they were no longer able to accept responsibility for public security and the Group Captain in command of the Royal Air Force in Palestine and Trans-Jordan had taken charge of all the forces, both security and military forces, operating in the two countries. The first troops—a contingent of 60 of the South Wales Borderers from Egypt—arrived about 5 p.m. on the 24th of August; the remainder of the battalion, less one company which had been diverted to Jaffa, arrived at Jerusalem about 4.30 p.m. on the following day, together with Brigadier Dobbie, who, on the 26th of August, assumed command of the troops. By the 27th of August the following forces were in or on their way to Palestine:—5 of His Majesty's Ships of War, 3 battalions and 1 company of infantry, a company of armoured cars, a squadron of the Royal Air Force and a detachment of auxiliary troops. In addition, two infantry battalions at Malta had received orders to hold themselves in readiness to proceed to Palestine if they were required there.

About 9 o'clock on the morning of the 24th of August, Arabs in Hebron made a most ferocious attack on the Jewish ghetto and on isolated Jewish houses lying outside the crowded quarters of the town. More than 60 Jews—including many women and children—were murdered and more than 50 were wounded. This savage attack, of which no condemnation could be too severe, was accompanied by wanton destruction and looting. Jewish Synagogues were desecrated, a Jewish hospital, which had provided treatment for Arabs, was attacked and ransacked, and only the exceptional personal courage displayed by Mr. Cafferata—the one British Police Officer in the town—prevented the outbreak from developing into a general massacre of the Jews in Hebron. Reinforcements which had been sent from Jerusalem reached Hebron about 2 p.m., having been delayed on the way, but, even if they had not been delayed, they could not have arrived before noon as they did not leave Jerusalem until about 11 a.m.

On the same day a threatening crowd, who wished to obtain arms, attacked the Police Barracks in Nablus where serious trouble was averted by the action of the police in firing on the crowd. In Beisan—a predominantly Arab town on the outskirts of which Beduin graze their flocks—an attack was made on the Jews. There was a minor disturbance at Jaffa and several Jewish colonies were attacked including Motza, where the horrors of Hebron were repeated on a smaller scale.

On the 25th and 26th of August, Jerusalem was quieter but desultory attacks were made on outlying districts of which the great majority were attacks by Arabs on Jews. Isolated attacks on Jewish colonies continued; many such colonies were attacked and in six cases their destruction was complete and was accompanied by looting and burning. In Haifa and in Jaffa the situation deteriorated; attacks were made on Hadar Hacarmel, a Jewish suburb of Haifa, and there was an outbreak in the old town of Haifa which centred round a Jewish flourmill factory. A Police Officer who opened fire on an Arab crowd succeeded in beating off an attack on the quarter which lies between Jaffa and Tel Aviv. In this quarter there occurred the worst instance of a Jewish attack on Arabs in the course of which the Imam of a mosque and some six other people were killed. On the 26th of August there also occurred a Jewish attack on the Mosque of Okasha in Jerusalem, a sacred shrine of great antiquity held in much veneration by the Moslems. The mosque was badly damaged and the tombs of the prophets which it contains were desecrated. On the 27th and 28th of August conditions improved and, with the arrival of more troops, it seemed that control was being regained. At about 5.15 p.m. on the 29th of August, Arab mobs attacked the Jewish ghetto in Safed, a remote town situated in Upper Galilee nearly 3,000 feet above sea level. Captain Faraday, the Police Officer in charge at Safed, had for some days feared that an outbreak might occur; a small detachment from the Trans-Jordan Frontier Force had been sent to Safed and a further detachment of British troops was on the way there when the outbreak occurred. Unfortunately they arrived about two hours after the Arab attack, in the course of which some 45 Jews were killed or wounded, several Jewish houses and shops were set on fire, and there was a repetition of the wanton destruction which had been so prominent a feature of the attack at Hebron.

With the outbreak at Safed the disturbances came to an end and, apart from isolated incidents, the situation, both internal and external, showed improvement from day to day. During the disturbances 133 Jews were killed and 339 were wounded, of whom 198 were treated in hospital; 87 Arabs were killed and 181 who had been wounded were treated in hospital. Many of the Arab casualties and possibly some of the Jewish casualties were caused by rifle fire by the police or military forces. The figures which we have given in the case of the Jewish casualties have taken into account statistics supplied by the Jewish authorities; in the case of the Arab casualties the figures given are those of the killed or wounded actually admitted to the hospitals. The Director of Health in his report on this subject states that

*Note.*—A return, received from the High Commissioner since this report was signed, giving the following amended figures for Arab casualties:—

|  |     |
|--|-----|
| Killed or died in hospital ... ..      | 116 |
| Injured and treated in hospital ... .. | 232 |

" it is known that a considerable number of unrecorded casualties from rifle fire occurred amongst Arabs in the neighbourhood of towns and in the country."

Having completed this brief survey of the period of the disturbances we must now describe other events relevant to our enquiry which occurred between the 23rd and 29th of August.

We will first take the question of the arming and disarming of Jews. By 4 p.m. of the 23rd of August, as we have already stated, some 70 special constables had been enrolled. All of these were of British nationality; they included some British Jews. Later on that day Major Saunders, at the suggestion of Mr. Ben Zvi, a leader of Jewish labour, issued arms to 18 Jewish ex-soldiers and staves to about 60 other Jews. It was intended that these persons should assist in the defence of Jewish quarters in Jerusalem. About 10 a.m. on Saturday, the 24th of August, representatives of the Palestine Zionist Executive urged upon Mr. Luke that some 500 Jewish youths should be enrolled and armed in order to undertake the protection of outlying Jewish colonies. Mr. Luke, after consideration, decided that these people should not be armed. Before taking this decision he consulted the Group Captain in charge of the Royal Air Force, who informed him that, with the assistance of the troops who were expected to arrive later that day, an adequate measure of protection could be afforded to the outlying Jewish colonies around Jerusalem. He was also influenced by the consideration that, in his opinion and that of his civil advisers, the arming of a number of Jews would exacerbate the situation and would endanger the security of a far greater number of Jews than could be protected through the arming of those whose services had been offered to him.

The decision of the Government that these Jews should not be armed was communicated to the public and on the same day, that is the 24th of August, the Mufti of Jerusalem and other Arab notables issued the following manifesto :—

" On the occasion of the regrettable riot which occurred yesterday, many rumours and reports of various kinds have spread to the effect that Government had enlisted and armed certain Jews, that they had enrolled Jewish ex-soldiers who had served in the great War; and that Government forces were firing at Arabs exclusively.

" On inquiry into the truth of such reports, Government assured us and we were satisfied that they are altogether unfounded and that Government have not armed any Jews, and that they have not taken sides with one party as against another; but that they are performing their duty, as an impartial Government, of maintaining order. They do not fire at Arabs exclusively. What they do is to protect the lives of people without any distinction.

" We have ascertained that Government have confirmed such orders to the troops.

" Therefore, and in order to spare bloodshed and protect life, we call upon you, O Arabs, in the interests of the country, which you place above all other considerations, to strive sincerely to quell the riot, avoid bloodshed and save life. We request you all to return to quiet and peace, to endeavour to assist in the restoration of order, and to turn a deaf ear to such unfounded reports and rumours.

Be confident that we are making every possible effort to realize your demands and national aspirations by peaceful methods.

"Arm yourselves with mercy, wisdom and patience. For verily, God is with those who bear themselves in patience."

On the 27th of August the Mufti of Jerusalem told Mr. Luke by telephone that there was a large crowd of excited Arabs in the Haram area who were demanding arms and that the reason which they gave for this request was that the Government had departed from its promise that the Jews would not be armed. Mr. Luke, on the suggestion of the Mufti, agreed to receive a deputation on the subject. The deputation consisted of responsible people who explained that the excited crowd in the Haram area took the view that the retention of Jews as special constables carrying arms was a breach of faith by the Government and that in consequence the manifesto of the 24th of August, which we have quoted above, was based on false premises. Mr. Luke, before he replied to the deputation, consulted General Dobbie who advised that "no Jewish personnel should be armed or employed as special constables during the present emergency in order that the Moslem Council may be assured that no Jews are being employed by Government in any such capacity." In the light of this advice, Mr. Luke decided that the Jewish special constables should be disarmed and disbanded. In evidence before us Mr. Luke described this decision as having been the most unpleasant, distasteful, and difficult one that he had ever been called upon to make but, he stated, in the same circumstances he would, had he to decide the matter again, decide it in the same way. In consequence of Mr. Luke's decision the Jewish special constables were disarmed on the 27th and 28th of August. At that time they numbered 41; as soon as he was instructed to disarm them, Major Saunders made arrangements to enroll an equal number of other persons as special constables. These persons were obtained by making a further appeal to heads of Departments and to prominent persons in the British commercial community to release more people of British nationality for service as special constables.

We now turn to another matter. During and after the period of the disturbances the Palestine Zionist Executive addressed to the Zionist Organization in London a series of telegrams partly for the purpose of giving that organization news of the position in Palestine and partly for the purpose of bringing to notice their complaints against the Palestine Government. We do not propose to discuss these telegrams in detail here; we would only remark that, while some of the complaints and charges which in those telegrams were made against the Palestine Government merely reflect a not unnatural state of excitement and anxiety, many of them are of such a character that later they should have been unreservedly withdrawn. The

telegrams contain other complaints in support of which evidence was laid before us. These complaints we shall examine and consider in a later Chapter of our report.

On the 29th of August Sir John Chancellor, the High Commissioner, who had been on leave, returned to Palestine and assumed the government of the country. On the 1st of September he issued the following Proclamation :—

" I have returned from the United Kingdom to find to my distress the country in a state of disorder and a prey to unlawful violence.

" I have learned with horror of the atrocious acts committed by bodies of ruthless and blood-thirsty evil-doers, of savage murders perpetrated upon defenceless members of the Jewish population regardless of age or sex, accompanied, as at Hebron, by acts of unspeakable savagery, of the burning of farms and houses in town and country and of the looting and destruction of property.

" These crimes have brought upon their authors the execration of all civilized peoples throughout the world.

" My first duties are to restore order in the country and to inflict stern punishment upon those found guilty of acts of violence. All necessary measures will be taken to achieve these ends, and I charge all the inhabitants of Palestine to assist me in discharging these duties.

" In accordance with an undertaking which I gave to the Committee of the Arab Executive before I left Palestine in June, I initiated discussions with the Secretary of State when in England on the subject of constitutional changes in Palestine. In view of recent events I shall suspend those discussions with His Majesty's Government.

" In order to put a stop to the mendacious statements that have recently been circulated on the subject of the Wailing Wall, I hereby with the concurrence of His Majesty's Government make it known that I intend to give effect to the principles laid down in the White Paper of the 19th November, 1928, after the methods of applying them have been determined."

This Proclamation was strongly resented by the Palestine Arab Executive who addressed to the High Commissioner a long memorandum in which they contested many of the statements made in the Proclamation and themselves brought a charge that the Jews had been responsible for the disturbances. The Arab Executive attempted to support this contention by statements of fact; during the course of our enquiry most of the statements contained in the Arab reply were put to official witnesses and in almost every case those witnesses replied that the statements were untrue in substance.

Here we conclude the story of the events directly connected with the disturbances, but there are two incidents of later date in regard to which some evidence was laid before us. The first arose out of the last paragraph of the Proclamation, quoted above, which the High Commissioner issued on the 1st of September. During September consideration was given to the question of applying the principles laid down in the White Paper (Cmd. 3229) regarding the Wailing Wall and on the 1st of October the instructions which had been drawn up to this end were

communicated to the Chief Rabbinate. The instructions provided that the Jews should have access to the Wailing Wall for the purpose of prayer and devotion at all times; they prescribed in definite terms those appurtenances of worship which the Jews were permitted to bring to the Wall; they prohibited the bringing of benches, chairs, and stools to the Wall; they prohibited the driving of animals along the pavement in front of the Wall at certain hours and they provided that the door giving access between the pavement and the Zawiyah at the southern end of the Wall should remain locked at certain times.

These instructions satisfied neither the Jews nor the Moslems. The first important instance of their application arose in connection with the use of the Shofar, a ram's horn which is blown several times as part of the ritual on the Jewish New Year's Day and also at the conclusion of the service held on the Day of Atonement which occurs about ten days after the Jewish New Year's Day.

In October last the Supreme Moslem Council complained to the High Commissioner that the Shofar had been blown several times at the Wailing Wall during the Jewish New Year's Day at the beginning of that month and pointed out that there was no authority for this practice in the instructions which the High Commissioner had issued on the 1st of October. The High Commissioner, who was anxious that those instructions should be strictly followed until such time as a special Commission, appointed under Article 14 of the Mandate, had determined rights and claims in connection with the Wailing Wall, decided that the use of the Shofar should be prohibited at the Wall. On the Jewish Day of Atonement in the middle of October last the congregation at the Wailing Wall had therefore to adjourn to a neighbouring synagogue where the ritual of the day was concluded by the blowing of the Shofar.

This decision by the High Commissioner was cited before us as an instance of the practice which was attributed to the Government of yielding to Arab demands and it was part of the submission made to us on behalf of the Palestine Zionist Executive that the fact that the Palestine Government thus conceded Arab demands at a time when there were ample troops in Palestine was in itself a sufficient indication that weakness had been a characteristic of the policy of the Palestine Government. On the evidence before us we are, however, satisfied that in arriving at his decision that the blowing of the Shofar at the Wailing Wall should be prohibited, the High Commissioner was not in fact yielding to threats, but was merely giving effect to his own instructions about the use of appurtenances at the Wailing Wall. It may be that the Jewish religious authorities have a clear and established right to bring the Shofar to the Wailing Wall and to use it there as part of the ritual of their devotions but, if that be the case, it is all the more regrettable that they

did not take steps to substantiate that right by the production of evidence when, as we have already related, they were asked early in 1929 to submit to the Palestine Government evidence of past practice in connection with the bringing of appurtenances of service to the Wailing Wall.

We conclude this Chapter by mentioning a letter which the Society for the Protection of the Mosque of Aqsa and the Moslem Holy Places addressed to Chief Rabbi Kook. This letter was dated the 14th of November last, some eleven weeks after the disturbances in Palestine ended. It is of some importance inasmuch as its contents show that the Moslem campaign in connection with the Wailing Wall was still continuing in November and that some at least of the Moslem religious authorities were then declining to accept the doctrine, as laid down in the White Paper (Cmd. 3229) of 1928, that the Jewish community in Palestine have an established right of access to the Wailing Wall at all times for the purpose of their devotions.

---

#### CHAPTER IV.

### **THE COMPLAINTS MADE BY THE PALESTINE ZIONIST EXECUTIVE AGAINST THE MUFTI OF JERUSALEM AND AGAINST THE PALESTINE ARAB EXECUTIVE.**

In our last Chapter we have set out the history of Palestine from the Day of Atonement in 1928 so far as, in our opinion, that history is material to our enquiry. We propose next to examine, in the light of that narrative, the complaints which during the course of our proceedings in Palestine were made on behalf of the Palestine Zionist Executive against the Mufti of Jerusalem, the Palestine Arab Executive and the Government of Palestine. For the most part the complaints made against the Government of Palestine are distinct from those made against the Mufti and the Arab Executive. Consideration of them is therefore reserved for the following Chapter of our report and it remains to examine here the complaints against the Mufti and the Palestine Arab Executive.

Those complaints, taken as a whole, resolve themselves into a charge that the disturbances which occurred in Palestine in August last were in a large measure the direct result of organization and incitement, the main responsibility for which must be attributed to the Mufti and the Palestine Arab Executive. Now it is elementary that in the examination of charges of this character the existence of a strong motive is an important consideration. This aspect of the question was clearly recognized by the Palestine Zionist Executive and their case, in so far as it related to the charges of incitement and organization, rested



on the allegation that both the Palestine Arab Executive and the Mufti of Jerusalem were influenced by the general political motive of determined opposition to the Balfour Declaration and to the policy of the Jewish national home. In the case of the Mufti it was further contended that he was influenced by the desire to secure his own position.

That the first of these motives is proved there can be no question; neither the Arab Executive nor the Mufti has at any time endeavoured to conceal the fact that the policy which since 1918 successive Governments of His Majesty have followed in Palestine is regarded by them as being detrimental to the interests of those whom they represent. Their opposition to that policy has been unwavering. The Arab Executive, from its institution, has opposed the policy and declined to accept the White Paper of 1922;\* there is no evidence that it has ever departed from the attitude which it then adopted. The Mufti, as a private person before his election to his present office, gave such expression to his feeling in the matter of policy in Palestine that he was implicated in the disturbances of 1920. When the Military Enquiry into those disturbances took place, the Mufti was in Syria. In his absence he was sentenced by the Military Court to a term of imprisonment; a few months later, while he was still out of Palestine, he was pardoned by Sir Herbert Samuel and in consequence did not serve any part of the sentence passed upon him. Whether that sentence was or was not warranted by the activities of the Mufti at the time is not a matter which concerns us, but the fact that he was involved in the disturbances, when considered in conjunction with his evidence before us, is a sufficiently clear indication that he is and always has been an opponent of the present policy in Palestine.

The further contention against the Mufti is that he was influenced by the desire to secure his own position as President of the Supreme Moslem Council. If this contention is to be substantiated it must first be shown that the Mufti's tenure of that office was doubtful or was threatened from some quarter. On the former point it was argued before us that the position of the Mufti was weakened by the draft Regulations drawn up in December, 1928, by a Committee which was appointed by the Palestine Government, under the presidency of the Mufti himself, to make recommendations for the reform of the existing Regulations governing the constitution of the Supreme Moslem Council. The question of the effect, if any, which the draft Regulations of December, 1928, could have upon the position of the Mufti is one of great difficulty, depending as it does upon legal argument and upon the interpretation of certain provisions in the existing Regulations which are by no means clear. To avoid a long discussion we will state the worst effect that the draft Regulations could possibly have upon the position of the

\* Cmd. 1700.

**Mufti.** This is that he should continue to hold his office for a period of nine years, and that thereafter his term of office should automatically be extended for further periods also of nine years unless, at the end of any such period, it was otherwise decided by a majority of two-thirds of the members of the General Moslem Assembly. It is in our judgment inconceivable that draft Regulations which guarantee his position for nine years and hold out the promise of the continuance of office thereafter could have provided the Mufti with any motive for incitement or the organization of riots.

There is, however, the further consideration that at the time when the disturbances broke out the Palestine Government had not arrived at any decision on the recommendations of the Committee, one member of which had presented a minority report recommending that the question of the election of the President of the Supreme Moslem Council should be left for determination by the General Moslem Assembly. The dissenting report commanded the support of some Arabic newspapers and the consequent Press campaign against the Mufti was marked by such innuendos and insinuations, not unusual in Eastern countries, as that the Mufti was appropriating and misapplying public funds and was making use of his patronage to appoint his relatives and friends to the more important religious posts under his control. But, though the Government had taken no decision in this matter and though this vigorous Press campaign was being conducted against him, it seems improbable that the Mufti could have regarded either of these facts as a serious menace to the security of his position as President of the Supreme Moslem Council. Five of the six members of the Committee which the Government had appointed to examine the constitution of the Council had put forward recommendations which, even if they were not entirely acceptable to him, must at least have given him all that he could reasonably expect to attain; it was unlikely that either a dissenting report signed by one member of the Committee or a Press campaign unsupported by material evidence would lead the Government to reject the recommendations of the majority of the Committee. The Mufti, therefore, had very good reason for anticipating that the recommendations which he himself had signed would be promulgated and there are no grounds for supposing that at any time during 1929 he had cause to feel that his tenure of the office of President of the Supreme Moslem Council was in any danger. We are therefore of the opinion that the motive of desire to secure his own position, which formed part of the case which the Palestine Zionist Executive brought against the Mufti, has not been established. There remains the general political motive which we have accepted, and since this in itself might have been sufficient to cause either the Mufti or the Palestine Arab Executive to have incited or to have organized disturbance, we will now consider in detail the complaints which have been made against them.

### Complaints against the Mufti.

The first complaint preferred against the Mufti is that he made use of the religious motive in order to incite Arab feeling against the Jews in Palestine. That religious motives played an important part in the disturbances is clear beyond all question from the narrative set out in our previous Chapter. Starting from the Day of Atonement in 1928 up to, as we have shown, November last, the Society for the Protection of the Mosque of Aqsa and the Moslem Holy Places, with which the Mufti is connected and of which other prominent Moslem religious authorities are the leaders, has conducted a campaign based on the allegation that the Jews have designs on the Moslem Holy Places in Palestine. The Zionist Organization and other organizations of Zionism have denied the truth of this allegation, but the campaign has continued. Now the campaign may have been religious, it may have been political, or it may have been a combination of the two. If it was a religious campaign, it may at least have been the expression of a genuine feeling and to that extent it would be excusable. As a test of the nature of the campaign, it is reasonable first to consider whether the Mufti and the other Moslem religious leaders who participated in it had any good grounds for personal belief in the truth of the allegations that the Jews had designs on the Moslem Holy Places. The Mufti and other Arab witnesses who appeared before us have asserted that they do believe that the Jews intend to take the Mosque of Aqsa and the old Temple Area. In justification of this assertion there were produced before us several pictorial representations, including one taken from a Jewish paper published in New York, of which some depict the Dome of the Rock, or a building resembling it, with inscriptions in Hebrew on the walls of the building. Such pictures may have engendered in minds of the less-educated classes of Moslems a genuine fear that one aim of the Jews in Palestine was to regain possession of the Wailing Wall and the old Temple Area, but we cannot believe that the Mufti or any educated Arab could genuinely have entertained the idea that any of the pictures put before us was to be taken seriously as an indication of Jewish designs on the Moslem Holy Places.

On the other hand, the Mufti or any educated Moslem might—genuinely and not without reason—have feared that, if at some future time the Jews became politically dominant in Palestine, they would not be content to leave the old Temple Area in Moslem ownership. No declaration by the Zionist Organization could remove such a fear; the declared Zionist policy of non-interference with the Moslem Holy Places by no means commands, even to-day, the support of all Jews, many of whom as individuals desire to see the Temple of Jehovah rebuilt on its old site. Chief Rabbi Kook in his evidence before us expressed such a desire but said that the event would not take place until

the coming of the Messiah. Nor could the fear, if such be felt, be removed by the argument that Great Britain, as the greatest Moslem power in the world, would never permit interference with the Moslem Holy Places; the Arabs might well contend that the position of Great Britain in Palestine is by no means necessarily more permanent than has been the rule of other great Empires over Jerusalem in the past.

Whether the Mufti and the Moslem religious leaders genuinely believed all the allegations to which they gave currency must remain a matter of conjecture in respect of which no definite proof can be forthcoming. It is our view that the Burak campaign—the term by which for convenience the activities of the several Moslem Societies have been described—had at its origin two objectives. In part it was prompted by the desire to cause annoyance to the Jews; in part it was intended to mobilize Arab opinion in favour of the Moslem claims in connection with the Wailing Wall and its environs. The performance of the Zikr ceremony and the calling by the muezzin in the neighbourhood of the Wailing Wall were primarily designed to annoy the Jews. From this origin the campaign developed into something more serious. The Mufti, no doubt, was content with what he had achieved but, with the resumption of the building operations in July, 1929, matters took a more serious turn. As we have shown, the resumption of those building operations was resented by all sections of Jewish opinion in Palestine. Committees were formed to protect Jewish rights in connection with the Wall; the campaign intensified and finally culminated in the events of August, 1929, and it is perhaps a fair comment on the whole sequence of events that the Burak campaign, a movement with the limited objectives which have been described, passed out of the control of those who initiated it and played a part in the ultimate disaster. But even had the Burak campaign not been instituted in the autumn of 1928, it is possible and indeed likely that, in view of the general political discontent which existed among the Arab population, the events of July and August last would have been sufficient to have provoked disturbance. In the state of public feeling which was engendered by the resumption of the building operations in the neighbourhood of the Wailing Wall, the question of rights and claims in that neighbourhood was bound to become a political issue; even had there then been no Moslem Societies in existence it is reasonably certain that some such organizations would have at once come into being, and the consequence might have been little, if any, different from the actual events of August last.

Our conclusion then on this part of the complaint against the Mufti is that, in playing the part he took in the organization of the Burak campaign, he wished both to annoy the Jews, and also to mobilize Arab opinion on the issue of the Wailing Wall, but that he had no intention to utilize that campaign as the

means of incitement to disorder. The movement which he in part created became through the force of circumstances a not unimportant factor in the events which led to the outbreak of August last and to that extent he, like many others who directly or indirectly played upon public feeling in Palestine, must accept a share in the responsibility for the disturbances.

The second complaint against the Mufti is that the innovations of practice which between October, 1928, and July, 1929, were introduced in the neighbourhood of the Wailing Wall and also the construction of the Zawiyah and the building operations as a whole were in reality attempts to provoke the Jews. We have already stated that, of the innovations, we believe the performance of the Zikr ceremony and the calling to prayer by the muezzin to have been intended primarily as annoyances; the other innovations and the building operations were, we consider, intended to emphasize the legal rights and ownership which the Moslems possessed over the Wailing Wall and the neighbouring Waqf. This insistence on the strict rights of property in an area in which the Jews have religious rights of long standing must have been intensely annoying to the Jews, but there is no evidence, nor do we believe, that behind any of these acts lay any deliberate intention to incite to disturbance. A further consideration of some importance is that in a large measure the innovations were in the nature of retaliations for Jewish attempts to bring to the Wall appurtenances which had not the sanction of past practice. On this head of the complaint little blame could be attributed to the Mufti in which some of the Jewish religious authorities also would not have to share.

The third complaint—or rather allegation—is that by the use of emissaries the Mufti had incited the people in parts of Palestine outside the capital and was having conveyed to them a message that they should come up to Jerusalem. This allegation is of course based in part upon rumours and in part upon deductions from known facts; had there been a more substantial foundation for it, the matter would have required investigation by a body with powers very different from those which we possess. That in many districts there was incitement and that in some cases those who incited were members of the Moslem hierarchy are facts which have been established to the satisfaction of Courts in Palestine; equally it cannot be questioned that agitators were touring the country in the third week of August last and were summoning the people of certain districts to Jerusalem. As an instance of this we will quote a letter which on the 22nd of August was delivered to the head men of Kaban, a village near Nablus. This communication was in the following terms:—

"Fighting will take place on Friday next, the 18th Rabia (23rd of August, 1929), between the Jews and Moslems. All who are of the Moslem religion should come to Jerusalem to help. Peace be on you and your young men."

This letter purported to be signed by the Mufti but it is common ground that the signature is a forgery. Neither in this case nor in any other has any connection been established in evidence before us between the Mufti and the work of those who either are known or are thought to have been engaged in agitation and incitement. The allegation that the Mufti employed agents to incite the people is, therefore, clearly not substantiated. But we go further than this; there are two reasons which, in our opinion, make it most unlikely that there is any truth in the allegation. In the first place three of the four towns outside Jerusalem—namely, Jaffa, Haifa, Hebron, and Safed—where the most violent disorders occurred are the very places in Palestine where, on evidence laid before us, the influence of the Mufti is weak and that of the rival party in the Moslem religious world is strong. Hebron—the scene of butchery and wanton destruction—is known as a stronghold of the party which in Moslem religious politics is opposed to the Mufti; it is equally noteworthy that in the south-west where the Mufti's following predominates the disorders of August last took the least violent form.

There is one further reason which, in our opinion, makes it unlikely that there is any truth in the allegation which we are now considering. This is that if the Mufti had inspired agitation and if he had issued any authentic request for people to come to Jerusalem, the response would have been widespread, the scope of the disturbances would have been greatly enlarged and their consequence more serious. Freih Abu Midyen, the Sheikh of Beersheba, a man of great influence and authority in that district, when asked whether the rumours which reached his tribesmen were to the effect that the Mufti wanted them to come to Jerusalem, replied with emphasis "No, if we had received the news from the Mufti or any other representative body none of us would have remained there, we should all have come." No one who heard this statement could have doubted that the Sheikh was here speaking the truth, and there could be little question that an appeal from the Mufti in the state of public feeling obtaining in the latter part of August last would have brought an instant response from almost every centre of population in Palestine. It is equally certain that had this appeal been extended to countries outside the boundaries of Palestine the result would have been incalculable.

We have mentioned the enquiries which, on the Mufti's instructions, his Secretary instituted on the 17th of August last as to the possibility of his being granted a visa for Syria. During the proceedings before us it was, as we understood it, implied that these enquiries were to be regarded as an indication that the Mufti intended to provide himself with facilities to ensure an easy departure from Palestine if the outbreak, of which he was supposed to have prior knowledge, miscarried. We have given the Mufti's account of the circumstances in

which his Secretary approached the French authorities in this matter and we see no reason to disbelieve his story, since his passport already bore visas which would have enabled him to travel to Egypt and to other countries.

In support of the complaints against the Mufti our attention was directed to the discrepancies between his evidence and that given by Mr. Luke and Major Saunders. The most important of these discrepancies is that, while Major Saunders testified that at 11 a.m. on the 23rd of August he questioned the Mufti as to the reasons for which fellaheen were bringing sticks and clubs into Jerusalem, the Mufti gave a different account of this interview and moreover, at a later stage of his cross-examination, stated that he saw no clubs or sticks in the Haram area at the time of the service one hour after his interview with Major Saunders. We accept the evidence given by Major Saunders and we believe that the midday prayer in the Haram area on the 23rd of August was attended by many Moslems who were carrying sticks of a very different character from the thin canes which the Mufti professes are all that he saw. After his conversation with Major Saunders the Mufti would naturally not overlook the presence of fellaheen carrying offensive weapons of this kind, and, in denying knowledge of such weapons, he was, we have little doubt, doing what he wrongly imagined to be his duty to the people of whom he is the religious head. But even if it were established that the Mufti was aware of the presence of armed fellaheen at the midday prayer on the 23rd of August, there is no evidence either that the sticks or clubs had been brought in at his request or with his connivance, or that he anticipated that so shortly after the conclusion of the service those weapons would be the instruments of a racial attack.

There is one further point which weighs in the Mufti's favour. Whatever activities he may have indulged in outside the knowledge of the Government, in public the Mufti both at noon on the 23rd of August and thereafter throughout the period of the disturbances exerted his influence in the direction of promoting peace and restoring order. On this point there was an absolute unanimity of opinion among the many official witnesses with whom during the course of our enquiry the question of the Mufti's conduct was raised.

During our proceedings in Palestine we were asked to accept the view that there was nothing inconsistent in the Mufti's delivering calming speeches or issuing proclamations "when the thing had to some extent miscarried and even while it was in the process of going on and his having had very considerable fore-knowledge that it was going to occur." Even if no regard is had to the pacifying action which the Mufti took on the 23rd of August, it is only fair to point out that on the 24th of August it was by no means certain that the outbreak "had miscarried"; on the other hand, the situation was highly critical and fraught with danger. It must not be forgotten that

the Mufti was the head of the Moslem community, held responsible by them for the maintenance of their religious rights. An appeal by the Mufti issued on this date to his co-religionists to arm themselves "with mercy, wisdom and patience for verily God is with those who bear themselves in patience" was, in our view, having regard to the outbreaks which had already taken place, to the highly dangerous temper of the people, and to the rumours of designs upon the Holy Places which at that time were flying from lip to lip, a timely and courageous appeal and one which, on the whole, had its effect in checking further outbreaks.

### **Complaints against the Palestine Arab Executive.**

The first complaint against the Mufti was that he made use of the religious motive in order to excite Moslem feeling against the Jews in Palestine. The principal complaint against the Palestine Arab Executive is of a similar character, namely, that, in their own particular sphere of politics, the members of that body have stirred up Arab feeling over such matters as Jewish immigration, Jewish land purchase, and Government taxation which, so they alleged, was onerous and in a large measure was due to the presence of Jews in Palestine.

Opposition to the Balfour Declaration is an important element in the policy of the Palestine Arab Executive and, as we have already stated, it is our opinion that their feelings on this political issue might have provided a sufficient motive to have caused them to incite or to organize disturbance. As the natural consequence of their political views the members of the Executive are opposed to such Jewish activities as immigration and land purchase. By giving public expression to their views they have played a part in keeping alive the public issues connected with these Jewish activities and to that extent they have unquestionably excited public opinion. Whether or not Jewish immigration and Jewish land purchase, to name no other issues, were factors of such importance in the life of the fellaheen of Palestine that they needed no public ventilation by the Arab Executive to keep them in the minds of the people is a question which must be judged in the light of later Chapters where these issues are discussed at length. We can, however, examine here the complaint of incitement without entering into the merits of these issues.

The following are the principal lines of argument upon which this particular complaint against the Arab Executive is based :—

- (1) That during a period of months preceding the disturbances the Arab Executive was extending its activities and was forming Societies, such as local branches of the Young Men's Moslem Association, in the more important provincial towns of Palestine;
- (2) That as from the 15th of August there was a marked increase in the "movement of Arab personages" about the country; and



(8) That the rumours of an impending outbreak, which were current throughout the country immediately before the disturbances, are evidence that the outbreak which occurred on the 23rd of August was premeditated and had been organized either by the Palestine Arab Executive or by agents of that body.

We unreservedly accept the first of these three lines of argument but, granted the fact that the political activities of the Arab Executive showed a marked increase during 1929, it is our view that in the absence of more conclusive evidence than has been laid before us it would be unwise to deduce from that fact anything more than that, racial questions having once more become the outstanding political issue in Palestine, the Arab Executive were engaged in the organization of the Arab side of a political campaign. It may be that the Moslem Societies and branches of Associations which came into being at this time were engaged in subversive activities, but this has not been proved and, as we were told on the last day of our enquiry in Palestine, all the efforts of the Palestine Government have not succeeded in obtaining any definite evidence of such activities, which, had they been at all widespread, must have been known to a number of people so large that such evidence would in all probability by now have been forthcoming.

We also accept the evidence that there was a marked increase in Arab activity after the 15th of August and, as we have already stated, it cannot be doubted that during the third week of August agitators were touring the country. The attempt to connect this agitation with the Palestine Arab Executive is largely based upon the movements and activities of three members of that body. The first, Musa Kazim Pasha, is the Chairman of the Palestine Arab Executive. The only evidence against this gentleman is contained in the following passage taken from a police report, the interpretation of which is doubtful :—

“ Mr. R. reports Musa Kazim and his son Fuad in Jaffa, lunched with Abu Ladan, Hilmi Dabbagh visited el Iqdam Press this afternoon and inspected printing of pamphlets under observation.”

Whatever interpretation may be adopted, this passage cannot mean more than that Musa Kazim was found in Jaffa on the 16th of August inspecting the printing of pamphlets which, we understand, were in the nature of protests against the Jewish demonstration at the Wailing Wall on the previous day. Any such action on the part of the Chairman of the Palestine Arab Executive, even if proved, could not be regarded as evidence of any intention to incite to disorder.

The second, Sheikh Taleb Markha, who represents Hebron on the Palestine Arab Executive, is now serving a sentence of imprisonment imposed for inciting to conduct offensive to persons of another religion, having been acquitted, so we were given to understand, on charges of incitement of a more serious character.

The third member of the Palestine Arab Executive whose movements and activities have been called in question is Subhi Bey al Khadra, who is one of the representatives of Safed. Subhi Bey is an ardent Arab nationalist, who, as is stated elsewhere in this report, deserted from the Turkish army to fight in the Allied cause during the War. His general demeanour before us was such that we believe that he would welcome any opportunity of furthering what he regards as the just cause of Arab nationalism in Palestine. The case against him rests on his movements in the extreme north of Palestine at a time about ten days before the disturbances began and during a trip which he made from Jerusalem to Safed and back by a circuitous route immediately after the disturbances had broken out. On the former occasion he was on holiday, but it may be that he was combining business with his pleasure by encouraging the formation of societies which he no doubt hoped would further the cause that he has at heart. In our view he did not plan the events of the 23rd of August or even contemplate that such an outbreak might then occur. When in the presence of Government officers he used his influence to promote peace and to restore order, but it is possible that at heart he welcomed the disturbances and that when he was beyond the eyes of Government servants his activities were of a very different order. His explanation of his movements from the 24th to the 27th of August did not convince us that his actions during that period were above suspicion, but there is no evidence on which any charge could be preferred against him.

The last line of argument employed before us in this part of the case was that the rumours which were current throughout Palestine between the 18th and 23rd of August are evidence that the outbreak which occurred on the latter date was premeditated and had been organized either by the Palestine Arab Executive or by the agents of that body. We are satisfied that rumours were widespread, but we are unable to attach importance to them as evidence of premeditation. Every rumour which was brought to our notice first became current after the demonstrations at the Wailing Wall had taken place. In a country with a population largely illiterate, where most news passes by word of mouth, it is more than likely that exaggerated accounts were disseminated of the incidents of both the 15th and 16th of August and that from these accounts there originated a crop of rumours not confined to past events but relating also to the possibility of conflict in the near future.

There is one fact which, though no such argument was based upon it during our proceedings, appears to us to go some way towards disproving the contention that the riots were premeditated or were organized by the Arab Executive. This is that, when, on the very eve of the outbreak, three representatives of the Arab Executive met in conference an equal number of

representatives of Jewish interests in Palestine, the discussions which took place were throughout conducted in a friendly spirit, the conference failed only by a narrow margin to reach an agreement which would probably have had the most beneficial results, and those present agreed to meet again on the 26th of August.

Further arguments of some force which have been used against the charge of premeditation are that the outbreak occurred not simultaneously in all parts of Palestine but spread from the capital through a period of days to the outlying centres and that, apart from one trivial incident, there was no attempt to employ even the most simple tactical means, such as the blocking of roads, the destruction of the railway line and telegraph routes, which might to some extent have immobilized both the security forces within the country and the military forces which, as must have been foreseen by anyone who was planning an outbreak, would be sent from neighbouring countries to quell the disturbances.

For these reasons we find that the charges of premeditation and of organization of the disturbances are not proven and that, if the charges are made in relation to the actual events of the 23rd of August and the following days, they are negated by the known facts.

We further consider that the charge of deliberate incitement to disorder has not been substantiated against the Palestine Arab Executive as a body. In some parts of Palestine, from the 16th of August onwards until the disturbances began, there can be little doubt that racial feeling was deliberately stirred up by some mischief-makers with a view to conflict, but it is our opinion that no connection has been established between the Palestine Arab Executive and those who thus agitated the fellahen and the poorer classes of the townfolk. In the absence of a definite connection, we have thought it well to take into account such probabilities as could be deduced from the situation obtaining at the time. It is a commonplace that every political organization of which the purpose is the furtherance of nationalist aims will contain among its adherents an extremist section who are not content with the official policy of the organization to which they belong and whose activities are in consequence directed towards an intensification of that policy. We have little doubt that, though not perhaps on the Arab Executive itself, but among the members of the many bodies which elected the Executive, there were many whose desire to see the adoption of more violent measures than the Executive officially countenanced led them as individuals to prosecute among the more ignorant people a campaign of propaganda calculated to incite them.

The last of our conclusions in regard to the principal complaint against the members of the Arab Executive relates to their

activities during the period when the disturbances were in progress. We consider that it is probable, though again except in one case there is no proof, that individual members of the Arab Executive not only refrained from doing what was clearly their duty by assisting to restore peace and order but may even have further exacerbated racial feeling after the disturbances began.

The remaining complaints against the Palestine Arab Executive can be taken quite briefly. They are similar in character to certain of the complaints made against the Mufti in connection with the Burak campaign, and the views which we have expressed earlier in this Chapter when we were considering the case of the Mufti apply generally in the case of the Arab Executive. In so far as any members of that political body may have taken any part in the Burak campaign, they, equally with the Mufti, must accept some responsibility for a movement which outran control and in the end became a not unimportant factor in the events which led to the disturbances.

On the last complaint, which relates to the introduction of annoying or provocative innovations in the neighbourhood of the Wailing Wall, there is no evidence that the Arab Executive as such was in any sense responsible. All blame for the introduction of those innovations must be attributed to the Moslem religious leaders.

Here the lists of complaints against the Mufti and against the Palestine Arab Executive ends, but one further point of some importance remains. Though it is our opinion that both the Arab Executive, as a body, and the Mufti of Jerusalem must stand acquitted on charges of complicity in or incitement to the disturbances, we consider that it is a matter for regret that, during the week which preceded those disturbances, the Moslem religious authorities and the Arab political leaders did not make a more determined attempt to control their followers by declaring publicly and emphatically that they were on the side of law and order. In the excited state of feeling which at the time prevailed, especially among the Arab people, an appeal of this character was by no means assured of success. Nevertheless, we feel that the duty of the Arab leaders was clear and that, either by the means that we have indicated or by some other public action, they should have attempted to pacify the anti-Jewish feeling which at the time was so rapidly intensifying among their followers. For their failure to make such an appeal neither the Mufti nor the Arab Executive can be acquitted of blame.

## CHAPTER V.

**COMPLAINTS MADE BY THE PALESTINE ZIONIST EXECUTIVE AGAINST THE PALESTINE GOVERNMENT.**

In the speech which he made during our fifth sitting in Palestine the leading Counsel for the Zionist Organization indicated in outline the nature of the complaints which his clients made against the Palestine Government. During the evidence of witnesses from the Jewish side and the cross-examination of Government witnesses, this preliminary outline was developed and in the result there were made, either by Counsel or by individual witnesses or in documents put in as evidence, a number of complaints against the Palestine Government far larger than we could here examine in detail. Of these complaints some were carried no further after evidence from the Government side had been heard while one or two were definitely withdrawn at some stage of our proceedings. From the remainder we propose, for the purposes of this Chapter, to select all the complaints which were made against the Palestine Government in the closing speech from the Jewish side and every other complaint which, in our view, assumed sufficient importance during our enquiry to merit consideration of it in detail. These complaints are discussed *seriatim* in the following paragraphs, in which the complaints relating to the subject of defence and kindred questions are taken first.

**(1) Neglect to get reinforcements from neighbouring countries.**

As we shall have occasion to remark at a later stage of this report, it is our opinion that, having regard to the possibility, which is never completely absent, of inter-racial strife in Palestine, that country long before August, 1929, had been denuded of military and security forces below the margin of safety, even when the local military unit and the Royal Air Force available in Trans-Jordan are taken into account. The whole of the military and security forces available were clearly insufficient to quell any disturbances of a racial character which originated simultaneously in various parts of the country or which, though localized in their origin, spread rapidly to other districts. In such a situation, brought about as it was by a policy consistently pursued by the Mandatory Power ever since the institution of civil administration in Palestine, Mr. Luke and his advisers were confronted by a position of some difficulty. If in their minds they had been convinced that, in the absence of reinforcements, disturbances of a serious character would take place on or before the 23rd of August, their duty was clear. They should at once have laid the facts before His Majesty's Government and they should have asked that reinforcements be sent out immediately. Such a request would scarcely have been palatable to His Majesty's Government and if, in the event,

there had been no disturbances, Mr. Luke might have found that his judgment was called in question. But it is not our view that personal considerations of this character were factors which influenced the judgment of Mr. Luke or of his advisers. He told us—and we accept his statement—that he personally did not anticipate the outbreak which occurred on the 23rd of August. That he realized that "events had raised the feeling between two parties to a high state of tension" is stated in a despatch which he addressed to you on the eve of the outbreak, but at that time he believed—and in our judgment he had some reason for believing—that the most critical period had passed. It is true that racial feeling had become and still was dangerously intense, but on the 22nd of August Mr. Luke had succeeded in arranging for a meeting to take place on that afternoon between representative Jews and Arabs and the course which that meeting took was in itself a sufficient justification for the hope that anything in the nature of open conflict had been averted for a few days at least, subject always to the proviso that in the state of feeling which existed at the time the unforeseen might occur at any moment. In the circumstances we consider that no blame can properly be attached to Mr. Luke on the ground that he did not obtain reinforcements from neighbouring countries before the 23rd of August last.

**(2) Neglect to make full and proper use of the Forces available.**

This complaint, as it was elaborated before us, took the form that the movements of troops which were carried out after the disturbances had begun should have been carried out some thirty-six hours earlier as precautionary measures. That Mr. Luke did not anticipate the outbreak is a factor which must enter into our consideration of this complaint also. Here, however, it must carry less weight than we have attached to it when considering the first complaint, since, in the disposition of the forces under his control in Palestine and Trans-Jordan, it was incumbent upon Mr. Luke to have regard not merely to the probabilities but also to the dangers and the possibilities inherent in the situation in those countries. As against the possibility that an outbreak would occur in Palestine Mr. Luke had to consider, first, the contingency that there might be trouble in Trans-Jordan (where, as we have shown, the local military unit and most of the Royal Air Force were stationed at the time) accompanied by attempts at incursions from that country into Palestine and, secondly, that the centralization of his scanty forces at Jerusalem, while it might have prevented disturbance there, would have been no guard against the occurrence of an outbreak elsewhere in Palestine. Looking back on the question, in the light of a full knowledge of the events of the last nine days of August and of the course followed by the disturbances, it is our view that it would have been a reasonable precaution if Mr. Luke had mobilized the troops within his jurisdiction at some

convenient place in Palestine some time during the days which immediately preceded the disturbances, but we do not think that any serious criticism can properly be levelled against Mr. Luke because, in the circumstances as they presented themselves to him at the time, he attached greater weight to the considerations which have been set out above than he did to the possibility of a disturbance occurring in Palestine.

### (3) Refusal to arm Jews.

This complaint centres round the refusal of the Palestine Government to accept a proposal, which was made by the Jewish authorities late on the 23rd of August, that a large number of Jewish people nominated by those authorities should be armed by the Government for the purpose of assisting in the defence of Jewish colonies and outlying suburbs around Jerusalem. We repeat here the two reasons, already given in Chapter III of this report, which led Mr. Luke on the 24th of August to decline this offer. He had consulted his military advisers, who had stated that, with the assistance of the troops who were expected to arrive later on the 24th of August, an adequate measure of protection could be afforded to the Jewish colonies and outlying suburbs around Jerusalem. The second reason was that in his opinion and, as he informed us, that of his civil advisers the arming of a large number of Jews would further excite the feelings of the Arabs and would endanger the security of a far greater number of Jews than could be protected through the arming of those whose services had been offered to him. A further consideration, though it is one to which Mr. Luke did not himself refer in evidence before us, is that any decision to arm the Jews might also have seriously excited the people in neighbouring Arab countries, incursions from which would have complicated the situation in view of the inadequacy of the defensive forces available. The Assistant British Resident in Trans-Jordan, who gave evidence before us, told us that it was reported in that country that the Government of Palestine were issuing arms to the Jews and that His Highness the Amir and the Trans-Jordan Government asked for assurances that this report was incorrect. Such an assurance was obtained from Jerusalem and was communicated by the Trans-Jordan Government to the Arab population; it was the opinion of this witness that, had the Trans-Jordan Government not been enabled to give such an assurance, the consequences would have been serious. For these reasons we endorse Mr. Luke's action in declining to arm the persons whose services were offered to him but, even had these reasons not obtained, we should still endorse his decision since, in our view, it is fundamentally wrong that in any outbreak occurring among a people of mixed races a large number of persons taken from one section of the community only should be armed by the Government.

#### (4) Disarming of Jewish Special Constables.

We have already described in Chapter III of this report the circumstances in which on the 27th of August Mr. Luke decided that 41 special constables, who were of Jewish extraction, should be disarmed. The considerations governing the decision which we have discussed in the preceding paragraph obtained in this case also. Those considerations were reinforced by the advice of Brigadier Dobbie, who had assumed command of the military and security forces on the 26th of August and whose letter to Mr. Luke of the 28th of August we have already quoted. But in other respects there was a marked difference between the conditions in which the two decisions were taken. The second decision, unlike the first, was a concession to Arab demands and was open to objection on that ground. At the time of the first decision the country was largely unprotected, but by the 27th of August reinforcements, both military and naval, had arrived; though there was in consequence less need for the services of the 41 Jewish special constables there was also the less reason to fear that serious consequences would follow from any outbreak that might be occasioned by their retention. Whatever view may be held as to the desirability or undesirability of arming a large number of Jews who were not personally known to members of the Palestine Administration, the Jewish special constables who were disarmed on the 27th of August were respectable persons of such standing and probity that the Palestine Government had seen fit to make use of their services in the name of the Crown at a most critical juncture in the history of Palestine. There could be no question that such persons either would misbehave or would take any illegal part in racial conflict. In these circumstances the decision to disarm such persons, a decision which was a great affront to Jews in Palestine and elsewhere, can be justified if, and only if, it can clearly be shown that the action of disarming them was an action taken in the best interests of all the people of Palestine.

We are satisfied that Mr. Luke realized to the full all the implications of the decision that he took; indeed in his telegram to you, sent on the following morning, he described it as "an unpalatable decision to take in view of its apparent harshness to the individuals concerned." We are satisfied also that, in taking that decision, Mr. Luke was following the highest military advice available to him and was using his own unbiased judgment as to the line of action which was best calculated to serve the interests of the people with whose well-being he was charged. We regret sincerely and deeply the affront that the disarming of these 41 special constables gave to the individuals concerned and to Jews elsewhere. But, on a careful and dispassionate survey, we feel unable to dissent from the judgment of a man who, in the full light of the most difficult circumstances obtaining at the time, arrived at a decision which, in his view



and in that of his principal military adviser, was most likely to preserve the lives and the property of all sections of the people of Palestine.

**(5) Removal of the sealed armouries from Jewish Colonies.**

After the disturbances which occurred in May, 1921, at and in the neighbourhood of Jaffa, it was decided that a stock of rifles and of ammunition should be issued to outlying Jewish colonies and should be held under seal by the head man or some person of repute who would be responsible to the Government for any improper use of these weapons. The number of rifles and the quantity of ammunition contained in these sealed armouries depended in each case on the size and position of the colony concerned, but it was stated during our proceedings that in no case was the number of rifles less than five. At the beginning of 1924 there were 817 rifles in colony armouries throughout Palestine in addition to 218 rifles on licence. In June, 1924, it was decided that conditions, as regards both the state of public security and the accessibility of the outlying colonies, had so improved that the number of arms in the possession of Jewish colonies should, as occasion arose and as the general situation improved, be reduced and that only colonies actually exposed to raids should continue to be provided with sealed armouries. The withdrawal was spread over a period of years. At the time of the outbreak of the recent disturbances several colonies were still in possession of their sealed armouries, and, in the case of one at least of the colonies which were then attacked, the weapons thus provided were used as a means of defence. In October last the Palestine Government appointed Brigadier Dobbie and the Commandant of the Palestine Police to consider and to report on the question of the future defence of the Jewish agricultural colonies. We understand that their report has now been submitted to you together with the recommendations of the High Commissioner for Palestine. We shall therefore confine ourselves to the statement that the question of past and future policy in regard to the arming of the Jewish colonies is one on which there is a difference of opinion among us. Some of us consider that the provision of sealed armouries affords a measure of protection for the colonies, that those armouries should not have been withdrawn and ought now to be restored unless other and at least equivalent means of protection are provided. The others of us are of opinion that the existence of a sealed armoury in a Jewish colony is a temptation to potential marauders and that to that extent the provision of sealed armouries may endanger the lives of those for whose protection they are intended.

**(6) Delay in opening of fire by Police and from Armoured Cars.**

We have already stated that we are convinced of the wisdom of the decision taken by Major Saunders that the police in the

Old City of Jerusalem should not be armed on the 23rd of August or the preceding days. Police in the other parts of Jerusalem were armed.

The complaints which we have now to consider are that the police in the Jaffa road on the 23rd of August did not open fire, although by 2 p.m. on that date at least four Jews had been killed and others severely wounded in that road or in roads leading from it, and that, after the armoured cars had come into Jerusalem from Ramleh, their crews did not open fire on occasions when its use might have been effective.

The position at the time was that the use or the withholding of fire was a matter which in every case was within the discretion of the individual officer or N.C.O. concerned. There can be no doubt that these powers of discretion were rightly given and, for reasons which are explained below, it is our opinion that they were wisely exercised.

In support of the complaint against the police our attention was directed to the effect which was obtained by the opening of fire in Nablus on a mob which was attacking the police barracks and in Jaffa on a crowd intent on attacking Tel Aviv. In neither case is it our view that the parallel with the position in the Jaffa road is a true one. At both Nablus and Jaffa the whole crowd was of one mind—all were bent on making trouble. In the Jaffa road at Jerusalem on the 23rd of August—even so late as 1.30 p.m.—the crowd, apart from persons who may have been engaged in their ordinary business, was composed of mixed elements, some of whom were trying to restrain others from disorder. There are further differences. The episode in Jaffa occurred at a time when reinforcements in some numbers were on their way to the town; in Jerusalem on the 23rd of August those in charge in the Jaffa road had to bear in mind that some 70 British police were the only dependable force for the protection of the town. Had they been overwhelmed, as they might easily have been if they had opened fire at close quarters, complete disaster might have followed. At Nablus the mob, numerous and excited though they were, had as their sole immediate objective the seizing of arms from the police barracks. There were no Jews in Nablus and the Arab mob would for that reason alone be less frenzied and more easily deterred by rifle fire than would have been the fanatical element among the crowd at the Jaffa Gate.

The complaint, so far as it related to the withholding of fire by crews of armoured cars, was stated with less precision and in consequence cannot be so closely examined. We will therefore consider it, as it was expressed to us, in the widest possible terms. In this form the complaint is that the armoured cars, of which the first to reach Jerusalem arrived at about 3.30 p.m. on the 23rd of August, did not open fire until the morning of

the following day. Now by the time when the armoured cars arrived the mobs had been dispersed from the streets of Jerusalem and from 4.30 p.m. onwards the town was quiet except for occasional sniping on the outskirts of the New City. From time to time some attacks were made on outlying suburbs and on Jewish colonies within a few miles of Jerusalem. So soon as an armoured car arrived at the scene of any such attack, the Arab raiders desisted and took refuge in the hills. There is no evidence that the raiders were ever surprised in daylight at close quarters where the armoured cars could have fired upon them; the contours of the country are such that armoured cars could not follow the Arabs in their retreat or even approach the places where they were concealed. We therefore regard the complaint in its general form as unsubstantiated.

We have also considered the two instances which Mr. Horowitz in evidence cited to us as examples of negligence in the withholding of fire. The first is that late in the afternoon of the 23rd of August armoured cars stood by and did not fire on Arabs who were attacking Motza, a Jewish village a few miles to the east of Jerusalem. This village was attacked on several occasions and it is not clear to which occasion the complaint relates. On each occasion events followed the course which we have described above—on the arrival of the armoured cars the Arabs at once hid where they could not be followed. As the Arab attackers were operating in numerous small bands over a large area to the south and to the east of Jerusalem it was not possible to station permanently either at Motza or elsewhere one of the few armoured cars that were available.

The second instance cited to us in explanation of this complaint is that fire was not opened from the armoured cars during an Arab attack on Kalendia, a Jewish colony situated about 8 miles to the north of Jerusalem. This attack took place during the night and, according to the report of the police officer who, with British police and special constables, accompanied the armoured cars, "it was a very dark night with a great deal of mist and visibility was bad." In these circumstances and as fire from the hills was intermittent only the police officer decided that it was "impracticable to attempt to clear the hills in the dark." He left special constables in the colony.

In our view neither at Motza nor at Kalendia could the armoured cars have opened fire with effect.

The six complaints which we have examined relate to questions connected with defence. The remaining complaints, which we will now proceed to examine, cannot be classified in a similar way and are best considered in the chronological order of the events or sequences of events to which they refer.

### (7) Failure to deal with Press incitement.

In Chapter III of this report we have made frequent references to articles which appeared in newspapers in Palestine between October, 1928, and August, 1929. We have quoted extracts from some articles and we have expressed the view that many of these and some others were intemperate or provocative or of a character likely to excite susceptible readers.

In his closing address to us the leading Counsel for the Zionist Organization, after stating that his remarks should be taken to apply to both the Arab and the Hebrew Press, contended that the failure of the Palestine Government to take action against the editors and proprietors of newspapers publishing articles which were calculated to incite to disorder had been a clear indication of the weakness of that Administration and that the Press campaign which had thus been allowed to proceed unchecked had in some measure conduced to the disturbances of August last.

In effect this complaint is that the Government of Palestine failed to foresee the results of Press agitation. As against this and in favour of the Palestine Government, it must be stated that, so far as we are aware, at no time during the period under review did the Palestine Zionist Executive or any other Jewish organization suggest to the Government that action should be taken against any paper for the publication of exciting articles or indeed that there was in progress in Palestine a campaign of agitation through the Press which should be stopped. A further consideration, which illustrates the difficulty in which the Government were placed, is that, in the Jewish case as it was presented to us, the complaint against the Palestine Government was, as Counsel admitted, not based on the failure to take action on a particular article appearing at a particular time in a particular paper.

These two considerations naturally tend to weaken the complaint. Nevertheless we feel that too great a liberty of expression has been allowed to the Press in Palestine and that the use which was made of that liberty played a part in the events which led up to the disturbances. We do not attach to the Press campaign the importance as a cause of the riots which was attached to it by the Zionist Organization, but we accept their view that at some stage an example should have been made of one of the papers in which exciting articles appeared. Whether any article was of such a character that in the present state of the Law in Palestine a prosecution of the paper in which it appeared would have had a reasonable prospect of success is not a question which concerns us since, under the Press Law, the Executive of the Government of Palestine possesses the power to suspend the Press without recourse to the Courts. It is our view that this power should have been

invoked at some stage of the period during which exciting articles appeared in the Press of Palestine; that it was not invoked seems in some measure to have been due to a failure to bring the offending articles to the notice of senior officers of the Palestine Government. We would therefore suggest that steps be taken to ensure that the attention of such officers is in future called to any Press articles appearing in Palestine, whether in the Arabic or the Hebrew Press, which are of a character likely to excite the feelings of the people of that country.

In addition, since it is clearly preferable that any action which restricts the freedom of the Press should, if possible, have the sanction of the Courts, we recommend that the Palestine Government should examine the Press Law now in force in that country with a view to making provision, if such provision does not now exist, which would enable them to obtain from the Courts a conviction in any case in which it is proved that articles tending to a breach of the peace have been published in a newspaper in Palestine.

**(8) Failure to issue an Official Communiqué denying that the Jews had designs on the Moslem Holy Places.**

Among the reports which gained wide currency in Palestine during the period preceding the disturbances was one that the Jews had designs on the Moslem Holy Places and intended to take the Mosque of Aqsa. The Zionist Organization, in a petition addressed to the League of Nations in October, 1928, and the Va'ad Leumi, by an open letter published in Palestine in November, 1928, had denied that it was the intention of the Jewish people in Palestine to menace in any way the inviolability of the Moslem Holy Places. On the 12th of November, 1928, Mr. Amery, as your predecessor in office, stated in the House of Commons in reply to a Question arising out of the incidents of the Day of Atonement in 1928:—

“I am in a position to give an absolute assurance that the Jews have no intention of asking for anything inconsistent with the inviolability of the Moslem Holy Places, which is unreservedly acknowledged.”

In spite of these denials the story continued and indeed gained strength. During our proceedings the complaint was made that the Palestine Government should have repeated these denials through the medium of an official communiqué. In this case, as in the case of the last complaint, it is significant that, so far as we are aware, the suggestion that the Government should act in a particular manner was not made to them before the disturbances began. But, even if the suggestion had been made, it must have required the most careful consideration by the Government. They could at once and without any hesitation have said that the Zionist Organization had given an assurance that the Jewish people had no designs on the Moslem Holy

Places, but it does not seem likely that an announcement of this character, even though it bore the imprimatur of Government, would have had the desired effect. The Government could also have stated that it was their intention to preserve to the full and unhampered the rights of the Moslems in the Haram area. Further than that the Government could not properly go.

As a test of the complaint it is reasonable to consider whether the issue of a communiqué framed in the widest terms that the Government could properly endorse would have removed the fear which lay behind the story that was so widely circulating in Palestine. It is our view that the story that the Jews intended to take the Moslem Holy Places was based not on any fear that an event of this character was likely to happen within the near future but rather had its origin in the belief that, should the Jews at any time become politically dominant in Palestine, they would not be content unless they had a share at least in what is now the Haram area. If this view be a correct one, no proclamation that the Palestine Government had the power to issue could have removed the fears from which the story in circulation derived its strength.

#### **(9) Failure to stop Jewish Demonstration on 15th August.**

An account of this demonstration and of the discussions which preceded it will be found in Chapter III of this report. In the course of those discussions Mr. Luke was consulted and he then issued explicit instructions. These were that the Jewish youths could go down to the Wailing Wall but that they were not to demonstrate or to produce flags or to march down in military formation. With the issue of these instructions the police became responsible for preventing the youths from infringing the conditions which Mr. Luke had prescribed. As part of a general policy and in an attempt to tide matters over the critical period from the 14th to the 17th of August, Messrs. Binah and Bergman, two Jewish officers, had been brought from Haifa to Jerusalem to keep the Government in close touch with the Jewish authorities in the capital. In the negotiations with the leaders of the Jewish youths the Palestine Government were represented by these two officers, who asked the police officers in charge to withdraw as they were of the opinion that "police uniforms might have an adverse effect on these young fellows who were already excited." Messrs. Binah and Bergman from time to time consulted the police and the District authorities but, with the exception of a short period during which one police officer was present, they and they alone were the mouth-piece of the Government in the discussions with the Jewish youths. In the later stages of the negotiations they were assisted by Mr. Hoofien, who, as we have already explained, was advising Mr. Braude in the conduct of the affairs of the

Palestine Zionist Executive. The leaders of the Jewish youths accepted Mr. Luke's conditions with the exception that they declined to give any undertaking that they would not raise a flag when they arrived at the Wailing Wall. It is definitely established that when the procession started no such undertaking had been given.

It is our opinion that, in the excitement of the moment, none of those who had been present during the discussions made it clear to Major Saunders that this part of the conditions laid down by Mr. Luke had not been accepted; Major Saunders, being unaware of the facts, gave no instructions to the police to stop the procession and the junior police officers, in the absence of any such instructions from Major Saunders and not having full knowledge of all that had happened during the prolonged discussion, allowed the procession to move off.

If our view of the course of events is a correct one, we cannot attach any blame to the police authorities for failure to prevent a procession which, to the best of their knowledge, at the moment of its departure for the Wailing Wall was a legitimate undertaking which was being carried out in accordance with the conditions laid down by the Head of the Government. We accept the statement of Major Saunders that it was not until three days after the event that he first knew that at the time when the procession left the Lemel School the leaders of the Jewish youths had declined to give an undertaking that they would not raise a flag at the Wailing Wall and we regard it as most unfortunate that, owing, as we think, to the confusion and the excitement of the moment, the fact of that refusal was not made clear to Major Saunders.

As regards the further complaint that no prosecution was instituted against the leaders of this procession, we are satisfied that, in the week that elapsed before the disturbances broke out, the responsible officers made a genuine, though unsuccessful, endeavour to obtain evidence on the strength of which some form of proceedings could have been instituted against persons connected with the procession.

#### **(10) Failure to stop Moslem Demonstration on 16th August.**

As we have told in Chapter III, Mr. Luke, in deciding to seek the good offices of the Mufti of Jerusalem in preference to the issue of orders that this demonstration should be prevented, was influenced by the considerations that it was doubtful whether the police could prevent the demonstration and that, in his opinion, it could be prevented, if at all, only at the cost of very considerable bloodshed in the neighbourhood of the sacred Haram area the results of which both within and outside Palestine would be incalculable.

We have inspected the route which the Moslem procession followed on its journey to and from the Wall. It is obvious that two or three men with machine-guns could have mown down the crowds as they came along those narrow lanes, but there can be little doubt that the excited and angry Moslem mob would then have broken out by the many other gates of the Haram area into the various quarters of Jerusalem where disaster might have followed.

We have no hesitation in saying that any attempt to have prevented by force the demonstration which took place on the 16th of August would have been dangerous and ill-advised

#### **(11) Failure to give proper attention to rumours.**

We touched on this question when, towards the end of Chapter IV, we were examining the principal complaint against the Palestine Arab Executive. We there explained our reasons for the view that the rumours which were current in Palestine immediately before the disturbances were a natural consequence of the events of the 15th and 16th of August. That so many of the rumours took the form that there would be trouble in Jerusalem on the 23rd of August is not remarkable, since it is notorious that a Moslem Sabbath, being a day when fellaheen in the normal course come to Jerusalem in large numbers, is always the most likely occasion for such events as the rumours foretold.

The complaint that the Government failed to give proper attention to these rumours is subsidiary to the complaint, which we discussed earlier in this Chapter, that full and proper use was not made of the forces available in Palestine and Trans-Jordan. In arriving at the conclusions which we recorded after discussing the latter complaint we were influenced not by the currency of rumours but by the possibilities which seem to us to have been inherent in the state of tension which prevailed in and near Jerusalem immediately before the disturbances began.

#### **(12) Criticism of the terms of a Communiqué issued by the Palestine Government on the 18th of August.**

We should not have included this complaint in our selection of those to be considered in detail were it not for the fact that it figured prominently in the evidence of some of the witnesses called before us. The communiqué in question contained a brief description of the events at the Wailing Wall on the 15th and 16th of August. The principal objection which the Palestine Zionist Executive took to it was that it established a comparison and a relation of cause and effect between the two demonstrations which occurred on the 15th and 16th of August. The second objection was that the communiqué minimized the occurrences at the Wailing Wall during the Moslem demonstration and did not state the full facts.



It is our view that the Government acted correctly in issuing this communiqué, which was designed to allay apprehensions aroused by the events of the two days and by the inaccurate account of the Moslem demonstration which had appeared in a special supplement of the *Doar Hayom* of the 16th of August.

Commenting on this complaint in a despatch written to you on the 22nd of August, Mr. Luke said :—

"The charges made against the Government communiqué were that it was tendencious and that it was inaccurate. I think Your Lordship will agree that those are the charges that can be made against the Jewish communiqué. The Jewish authorities allege that the Government communiqué is tendencious because it seeks to establish a comparison between the Jewish and Moslem demonstrations. In point of fact it does no such thing. It does however establish a relation of cause and effect and it is just that relation which the Jews are unwilling to recognize. On the grounds of accuracy I am quite satisfied that, while the Government communiqué does not give all the facts (and indeed all the facts are not yet known), its statements of fact are true. It is, undoubtedly, an extraordinary phenomenon that an official announcement of Government should be challenged in this way."

In considering the complaint many months after the event we see no reason to dissent from the view that Mr. Luke expressed in the passage which we have quoted above.

### **(13) Criticism of the terms and of the general tone of Bulletins issued by the Palestine Government during the Disturbances.**

During the disturbances the publication of newspapers in Palestine was suspended. The Government issued bulletins designed in part to give information to the public in the absence of all newspapers and in part to allay apprehensions. The Zionist Organization complain that these bulletins concealed the fact that the disturbances began with an attack by Arabs on Jews and that in the main they took throughout the form of a racial attack against the Jews in Palestine. They further complained that the bulletins minimized events. In fact the gravamen of the complaint may be summed up in the words "Luke's nerveless stuff," which was the description applied to the bulletins in a telegram sent from the Palestine Zionist Executive to the Zionist Organization and put before us in evidence.

This complaint, in our view, loses all sight of the object of the bulletins. There was no intention, nor indeed was that the time or the place, to form a judgment or to apportion blame. With the end of the disturbances the judgment came—in no uncertain terms—in the Proclamation which the High Commissioner issued on the first of September.

This exhausts our selection of the complaints against the Palestine Government which we propose to examine here. There remain the more general complaints that the policy of the Government was one of weakness and that the Administration in

Palestine has consistently shown a lack of sympathy with the policy of the Jewish National Home. The former complaint, so far as it relates to events immediately preceding the disturbances, we have in effect examined in the preceding paragraphs of this Chapter; that complaint in its more general form and the complaint of lack of sympathy can more conveniently be considered in a later Chapter of this report.

---

## CHAPTER VI.

### **BEARING OF EARLIER EVENTS ON THE OUTBREAK OF AUGUST, 1929.**

Our mission from you was twofold. In so far as it concerned the past, we were directed to enquire into the immediate causes which led to the recent outbreak in Palestine. But in the conduct of our enquiry while in Palestine we had also to bear in mind that we were charged with the duty of framing recommendations as to the steps necessary to avoid a recurrence of such outbreaks. Early in our proceedings it became clear that violent racial feeling had been the most important cause of the outbreak. It was equally clear, as must indeed be evident from the bald narrative contained in Chapter III of this report, that the religious motive had played a leading part in the events which culminated in the outbreak of August last. Two questions then arose. Were the events which occurred between the Day of Atonement in 1928 and the 23rd of August, 1929, influenced as they largely were by religious motives, sufficient in themselves to have produced the state of feeling which undoubtedly existed on the latter date? Or was the position rather that grievances, both political and economic, of long standing had produced a state of irritation among the Arab peoples of such a nature that, when further acted upon in the manner which we have already described, they arose against those whom they regarded as the cause of their troubles of both a political and economic character?

On the evidence before us we are satisfied that grievances which had their origin long before the Day of Atonement in 1928 contributed to the outbreak of August last and, further, it is our view that without such grievances that outbreak would not have occurred or, had it occurred at all, would not have attained the proportions which in fact it reached. To this extent we consider that the political and economic grievances of the Arabs, as explained to us in evidence, must be regarded as having been immediate causes of the disturbances of August last. But even if this were not our view we should have been bound to examine those grievances in the light of the second part of our task since it is clear that recommendations, even when most carefully considered and most thoroughly applied, could not, unless they went

to the root of the matter, succeed in avoiding a recurrence of the recent unfortunate disturbances.

For these reasons we have felt it incumbent upon us to examine with care and in detail the grievances of long standing which in the course of our proceedings were laid before us from the Arab side as being the causes of the outbreak of August last, and in the three following Chapters of this report we deal with the questions of immigration, land, and constitutional development, which are by far the most important of the matters to which the Arab complaints relate

---

## CHAPTER VII.

### IMMIGRATION.

With, perhaps, the exception of land, its acquisition and settlement, there is no question to which greater importance is attached both by the Zionist Organization and by the Arabs in Palestine than that of immigration. The object, the effect, and the control of the policy which governs it are all of vital concern to both parties

The question of land settlement is, of course, closely inter-related to that of immigration and is dealt with in the following Chapter of this report.

On the question of immigration, Mr. Sacher, the principal witness to appear before us in Jerusalem on behalf of the Palestine Zionist Executive, a body of which he is now the Chairman, expressed his views with great clearness. Mr. Jabotinsky, who gave evidence before us after our return to London, explained the attitude of the Zionist-Revisionists with equal lucidity as did also Dr. von Weisl, who is an adherent of the same party. The opinions of both Mr. Sacher and Mr. Jabotinsky are referred to later.

In the annual reports which during the past few years the Zionist Organization have submitted to the Permanent Mandates Commission of the League of Nations considerable space has been devoted to the subject of immigration, while the discussions at Zurich in August last and the resolutions which were passed there demonstrate the importance which the Zionist Congress attach to the policy which in their view not only should guide their own activities but should be strongly impressed upon the Government of Palestine. At an appropriate point in this Chapter we shall quote a number of these resolutions.

On the Arab side witness after witness, many of them persons of experience and of influence in the Arab community whose

views they were undoubtedly expressing, told us of growing apprehension and alarm due to the conviction that the policy of the Zionists in regard to land and immigration must inevitably result in the complete subordination of the Arabs as a race and the expropriation of their people from the soil. It was further contended that in districts other than rural the admission of Jews on anything like the scale demanded entails the displacement of Arabs by Jews and inevitable unemployment on a large scale, the relief of which will throw a burden on the whole community, with the ultimate result that a large section of the people of Palestine either will become a charge upon the public funds or will become dependent for their subsistence upon money subscribed abroad and sent to Palestine for their maintenance.

As an example of Arab evidence of this character we would quote Sheikh Freih Abu Midyen, the Sheikh of Beersheba, who stated that " Palestine is a small country which cannot hold the number of Jews brought into this country; it is like a carriage on a railway line; if you put more into the carriage than it will carry, it will burst; there remains nothing for the Arabs in this country except to die or to leave the country " A further example, given below, is taken from the evidence of Haj Tewfik Hammad, who was for six years Mayor of Nablus and for an equal term a member of the Turkish Parliament. This gentleman, when asked for his opinion as to the causes of the disturbances in August last, replied, " I would make an example of this glass full of water and this water might overflow by which I mean that the country must overflow and that would absolutely answer about the future destiny of the country and then the Wailing Wall case just added to their anxiety." Similar analogies were drawn by other Arab witnesses.

It appears to us obvious that the Arab attitude, the result of a dangerous combination of anger and fear, is a potential cause of future disturbance unless the fears which many Arabs undoubtedly entertain can be shown to be greatly exaggerated or can be proved to be groundless and unless also the Arab people are satisfied that they will be adequately protected from either subordination or expropriation

In view of the responsibility cast upon us by the second part of our terms of reference it becomes necessary therefore to examine the present practice and policy of the Palestine Government in regard to immigration, the nature and the implication of the claims made by witnesses who gave evidence on behalf of the Jewish people, and the causes and justification, if any, for the Arab alarm This we will now proceed to do.

The documents which are relevant to the consideration of these questions are the Balfour Declaration, certain Articles in the Palestine Mandate, and the statement of policy contained

in the White Paper of 1922 (Cmd. 1700). We have already recited the Balfour Declaration and those Articles in the Palestine Mandate which bear upon the establishment in that country of a Jewish National Home. For our present purposes the material provision is Article 6, which reads as follows:—

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

The two following extracts from the White Paper of 1922 explain the principles which His Majesty's Government laid down in that year as governing the conduct of future policy on the question of Jewish immigration to Palestine:—

“They (i.e., His Majesty's Government) would draw attention to the fact that the terms of the Declaration referred to (i.e., the Balfour Declaration) do not contemplate that Palestine as a whole should be converted into a Jewish National Home, but that such a Home should be founded in Palestine.” (Page 18.)

“For the fulfilment of this policy (i.e., the policy of establishing a Jewish National Home in Palestine) it is necessary that the Jewish community in Palestine should be able to increase its numbers by immigration. This immigration cannot be so great in volume as to exceed whatever may be the economic capacity of the country at the time to absorb new arrivals. It is essential to ensure that the immigrants should not be a burden upon the people of Palestine as a whole and that they should not deprive any section of the present population of their employment. . . . It is intended that a special committee should be established in Palestine, consisting entirely of members of the new Legislative Council elected by the people, to confer with the Administration upon matters relating to the regulation of immigration. Should any difference of opinion arise between this committee and the Administration, the matter will be referred to His Majesty's Government, who will give it special consideration.” (Pages 19 and 20.)

In another Chapter we have dealt in detail with the proposal to set up a Legislative Council and with the failure of this proposal to mature. In their reply to the statement of policy issued by His Majesty's Government the Arab Delegation, which had come to London for the purpose of negotiating with His Majesty's Government, made the following statement in reference to the proposal to set up a special committee of the Legislative Council to deal with the question of immigration:—

“Since the immigration of a foreign element into any country affects the native population of that country—politically, economically and socially—it is only right and proper that the people who are so affected should have complete say in the matter. The committee proposed above does not give the people of Palestine control of immigration. Its powers are merely consultative, while we see that in Article 6 of the draft Mandate, the Jewish Agency, which is the Zionist Organization, a foreign body, has been given more powers than the actual inhabitants of the country. Nothing will

safeguard the interests of the Arabs against the dangers of immigration except the creation of a Representative National Government, which shall have complete control of immigration" (Page 25 of *Cmd. 1700.*)

Such then were the policy laid down in 1922 and the views of the Arab Delegation upon that policy. As neither the Legislative Council referred to in the White Paper nor the special committee to deal with immigration was set up, it remains to consider the administrative practice by which immigration has been controlled in Palestine since 1922 up to the present time and to examine the questions whether this practice justifies on the one hand the criticism made by the Zionist Executive that immigration has been unduly restricted and the claim that many of those restrictions should be removed, and, on the other, the alarm which undoubtedly exists in the Arab mind.

It will be observed that it is a cardinal principle of the policy laid down in 1922 that immigration should not exceed the economic capacity of Palestine to absorb new arrivals and that it should not have the result of depriving any section of the present population of their employment. Successive Governments in this country have confirmed this principle and we understand that, shortly before we left for Palestine, you, in the name of the present Government, reiterated it to a deputation which you then received. To enable us to test whether or not this principle was in fact being applied we obtained from the Chief Immigration Officer in Palestine particulars of the administrative practice at present in operation. This officer informed us that there are three principal categories of immigrants into Palestine. The first is the immigrant of independent means, the second is the immigrant who at the time of his arrival is dependent for his maintenance upon a resident in Palestine, and the third is the working-man who goes to Palestine for employment. The numbers of the first two classes of immigrant are in practice unlimited. Anyone who satisfies certain definite qualifications as to the possession of capital or the assurance of maintenance and who does not infringe the usual conditions as to health and character has, under the present system, the right to enter the country.

In regard to the third class, the limit of the number of immigrants is made dependent upon the estimated needs of Palestine so far as these can be ascertained. It may be convenient at this stage to show by statistical analysis the number of Jewish immigrants and emigrants since 1919, the communities to which they belong, and the countries of their origin. The figures have been taken from the memorandum which the Zionist Organization submitted in June last to the Permanent Mandates Commission of the League of Nations.

TABLE I.

## JEWISH IMMIGRATION AND EMIGRATION, 1919-28.

| Period.                     | Immigra-<br>tion. | Emigration.           |                       |        | Net<br>Immigra-<br>tion. | Net<br>Emigra-<br>tion. |
|-----------------------------|-------------------|-----------------------|-----------------------|--------|--------------------------|-------------------------|
|                             |                   | Pre-War<br>Residents. | Post-War<br>Settlers. | Total. |                          |                         |
| Jan. - Nov.,<br>1919.       | 1,643             |                       |                       |        |                          |                         |
| Dec., 1919 -<br>June, 1921. | 15,079            | 1,775*                | 471*                  | 2,246* | 19,260                   | —                       |
| July, 1921 -<br>Dec., 1921. | 4,784             |                       |                       |        |                          |                         |
| 1922. . . . .               | 7,844             | 450                   | 1,053                 | 1,503  | 6,341                    | —                       |
| 1923... ..                  | 7,421             | 940                   | 2,526                 | 3,466  | 3,955                    | —                       |
| 1924... ..                  | 12,856            | 537                   | 1,500                 | 2,037  | 10,819                   | —                       |
| 1925... ..                  | 33,801            | 666                   | 1,485                 | 2,151  | 31,650                   | —                       |
| 1926... ..                  | 13,081            | 413                   | 6,952                 | 7,365  | 5,716                    | —                       |
| 1927... ..                  | 2,713             | 640                   | 4,431                 | 5,071  | —                        | 2,358                   |
| 1928... ..                  | 2,178             | 605                   | 1,563                 | 2,168  | 10                       | —                       |
| Total ...                   | 101,400           | 6,026                 | 19,981                | 26,007 | 77,751                   | 2,358                   |

\* The emigration returns for the period 1919-21 are not quite complete, but the number of unrecorded departures is not thought to have been large.

## TABLES II-V.

## STATISTICAL ANALYSIS OF JEWISH IMMIGRATION, 1919-1928.

TABLE II.

|                      | Number. | Per cent. |
|----------------------|---------|-----------|
| Adults (over 16)—    |         |           |
| Men ... ..           | 40,600  | 40        |
| Women .. ..          | 29,400  | 29        |
| Total ... ..         | 70,000  | 69        |
| Children (under 16)— |         |           |
| Boys ... ..          | 11,800  | 12        |
| Girls .. ..          | 10,200  | 10        |
| Total ... ..         | 22,000  | 22        |
| Unknown ... ..       | 9,400   | 9         |
| Total ... ..         | 101,400 | 100       |

TABLE III.

| <i>Communities.</i>               | <i>Number.</i> | <i>Per cent.</i> |
|-----------------------------------|----------------|------------------|
| Ashkenazim ... ..                 | 82,200         | 82               |
| Sephardim ... ..                  | 4,600          | 4.5              |
| Yemenites ... ..                  | 1,400          | 1                |
| Other Oriental communities ... .. | 4,800          | 4.5              |
| Unknown ... ..                    | 8,400          | 8                |
| <b>Total ... ..</b>               | <b>101,400</b> | <b>100</b>       |

TABLE IV.

| <i>Countries of Origin.</i> | <i>Number.</i> | <i>Per cent.</i> |
|-----------------------------|----------------|------------------|
| Poland ... ..               | 40,600         | 40.5             |
| Russia ... ..               | 26,800         | 27.0             |
| Roumania ... ..             | 4,400          | 4.0              |
| Lithuania ... ..            | 3,500          | 3.5              |
| Iraq ... ..                 | 2,800          | 3.0              |
| Turkey ... ..               | 1,600          | 1.5              |
| Bulgaria ... ..             | 1,400          | 1.0              |
| United States ... ..        | 1,400          | 1.0              |
| Yemen ... ..                | 1,400          | 1.0              |
| Germany ... ..              | 1,000          | 1.0              |
| British Empire ... ..       | 400            | 0.5              |
| Other Countries ... ..      | 16,100         | 16.0             |
| <b>Total ... ..</b>         | <b>101,400</b> | <b>100</b>       |

TABLE V.

| <i>Categories under Immigration Regulations.</i>        | <i>Number.</i> | <i>Per cent.</i> |
|---|----------------|------------------|
| Entrants under Labour Schedule and dependents ...       | 36,400         | 36.0             |
| Persons of independent means, and dependents...         | 17,300         | 17.0             |
| Dependent relatives of persons resident in Palestine .. | 15,900         | 15.5             |
| No category* ... ..                                     | 26,900         | 26.5             |
| Unknown ... ..  | 4,900          | 5.0              |
| <b>Total ... ..</b>                                     | <b>101,400</b> | <b>100</b>       |

\* There were no categories during 1919-21.

It will be observed that, of the total number of persons admitted up to the end of 1928, 17,300 or 17 per cent. are described as persons of independent means and their dependents. We understand that the description "independent means" was construed, until recently, to mean that a man was in possession, either upon his arrival in Palestine or in the country of his origin, of a sum of not less than £500. We were further



informed that this qualification has now been raised to £1,000. The Immigration authorities, in the absence of some special reason, exercise no control over the admission of such persons. Many of them, we were told, quickly exhaust their slender resources and drift into the labour market as unskilled labourers. Others enter professions which are already overcrowded and experience difficulty in making from their practice an income sufficient to sustain themselves and their families.

In the case of entrants under the Labour Schedule, the third of the categories which we have mentioned, the procedure is as follows. Twice in each year the Palestine Zionist Executive presents to the Administration a request for certificates to enable a given number of new immigrants to enter the country under the Labour Schedule. These immigrants may be skilled workmen or female workers or unskilled male labourers; normally most of the certificates demanded are required for unskilled male labour. Arguments are advanced by the Zionist Executive with the object of proving that immigrants to the total of the number of the certificates for which they ask can be absorbed in the economic life of the country. These arguments are considered by the Chief Immigration Officer and, in the light of his recommendations, the High Commissioner takes a decision as to the number of Labour Schedule certificates to be granted for the period to which the application relates. Apart from a small proportion which the Chief Immigration Officer retains to be placed at the disposal of definite employers who wish to bring definite employees to Palestine, certificates to the number authorized by the High Commissioner are then issued *in blank* to the Palestine Zionist Executive, who, in their turn, hand them over to the General Federation of Jewish Labour. The practical result of this arrangement has been described in the report of Sir John Campbell, one of the experts who, as we have already explained, were appointed by the Joint Survey Commission which was established in 1927 by the Zionist Organization in conjunction with the leaders of non-Zionist Jews in America. These experts were charged with the duty of advising on various aspects of the problem of Jewish colonization in Palestine, and Sir John Campbell, an acknowledged authority on the question of settlement, who, on behalf of the League of Nations, had conducted large schemes for the settlement of refugees in Europe, had the special mission of—to quote his report—“examining and reporting on the administration of the Jewish colonies in Palestine and on the connected activities in general, with the object of calling attention to administrative defects and—if that should seem possible—of suggesting remedies.” The following extract is taken from his report (page 436 of the volume of Reports of the Experts).—

“Effective practical control has in a large measure passed out of the hands of the Palestine Executive into the hands of a political organization. The Labour Federation has, in practice, controlled the

situation. From the initial selection of the immigrants, down through finance and technical departments to the choice of the men to be settled, the place where they are to be settled, the resources to be placed at their disposal, the plan to be followed in establishing them, the apportionment of funds as between different classes of settlers, the Labour Federation has governed the situation. In other words, the body which is technically and ostensibly responsible for the work has not in practice effectively controlled that work: power has been, more or less completely, divorced from responsibility."

On page 438 of the same volume Sir John Campbell makes the following further comment on this subject:—

"The idea was firmly established that over-expenditure was essential for propaganda purposes; the Jewish psychology was such that funds could not be obtained, in adequate amounts, unless the Palestine Organization could point to new colonies 'established,' to additional lands 'acquired,' to steady and large increases in the number of immigrants."

In another report contained in the same volume—the work of Dr. Elwood Mead, who also is an acknowledged expert, and his associates—reference to the same matter is made in the following terms (page 53 of the volume) —

"It is the view of the Commission that activity of a particular group or party is undesirable; that the influence of the Jewish Federation of Labour is giving these colonies a character not in harmony with the ideals and aspirations of the Jewish race. It is believed that the opportunity to live in the open country ought to be available to the Jewish people regardless of their views on social or economic questions. To place one party so largely in control is a discrimination against many who would be valuable additions to the rural life of Palestine."

During our proceedings in Jerusalem we were referred by the leading Counsel for the Palestine Arab Executive to a report of proceedings in Parliament in 1922 (Official Reports, House of Lords, volume 50, No. 47, column 1012) which contains a statement made on behalf of the Government of the day "that the whole policy of immigration is subject to most careful study and the character and qualifications of the immigrants are subject to the most rigid scrutiny under the control of the Government." It is clear that this statement in no way represents the practice which obtains under the arrangements in force at the present time for the control of immigration to Palestine. We are of opinion that what is practically the delegation of responsibility by the Palestine Government to a body whose members comprise less than 3 per cent. of the population of that country cannot be defended. The present practice is bound to cause irritation among the non-Jewish inhabitants of Palestine. Moreover, that practice makes it difficult to return any effective reply to the criticism that the inspiration of the immigration policy is purely political in character and that the selection of immigrants has little reference to the economic needs of the country. We were informed by the Chief Immigration Officer that in the allocation to individuals of the certificates which are supplied in blank to the General Federation of

Jewish Labour, it is the practice of that body to have regard to the political creed of the several possible immigrants rather than to their particular qualifications for admission to Palestine. It is clearly the duty of the responsible Jewish authorities to select for admission to Palestine those of the prospective immigrants who are best qualified on personal grounds to assist in the establishment of a Jewish National Home in that country; that political creed should be a deciding factor in the choice between applicants is open to the strongest exception.

It will be observed from the figures which we have given that in the years 1924 and 1925 there was a large increase in Jewish immigration into Palestine. In the latter year the number of immigrants rose to the record figure of 33,801. We were informed that more than one-third of these immigrants belonged to the category of persons of independent means and that any heads of families among them were possessed of a sum of at least £500. Some of these people with capital of £500 had to borrow money to build a house. They all entered the country within a short space of time; therefore there was a great demand for labour, both skilled and unskilled, in the building trades. Many of the immigrants, however, laid out the whole of their capital on their home and, when this was completed, had themselves no resources or employment and could provide no further employment for other people. Those whom they had been employing on the erection of their houses thereupon went out of employment unless there was a demand for their services on other building work. At this period about 80 per cent. of the Jewish working men in Palestine were engaged, according to official estimates, on the erection of houses, and related occupations such as those of carpenters and blacksmiths. The years which followed were years of acute depression and consequent unemployment. At the end of August, 1927, the number of Jewish unemployed on the registers of the Palestine Zionist Executive reached the high figure of 8,440. It is not possible to state precisely the number of non-Jews who were unemployed at this time, but, according to an estimate supplied to us by the Government, some 1,600 non-Jews were then out of employment.

The familiar methods were adopted to deal with the emergency. Public works such as bridge building, road construction, drainage works, and afforestation were put in hand by the Government and schemes for the transfer of labour were initiated, having for their object the relief of unemployment. In addition to these measures the Palestine Zionist Executive provided for a time unemployment benefit from Zionist funds for the Jewish unemployed and put in hand schemes of work. At the instance of the Zionist Executive the Government granted to the Tel-Aviv Town Council a long-term loan for public works. The effect of these and other measures and of the considerable emigration

that took place in 1926 and 1927 has been that the position has shown steady improvement and by the end of September, 1929, the number of Jewish unemployed had fallen to about 800. The number of non-Jews who were unemployed at that time was estimated to be 2,000. We understand that by the end of last year the number of Jewish unemployed had decreased still further.

It was strongly urged before us by Arab witnesses that the burden cast upon the tax-payer in consequence of the situation which we have described was the direct result of the admission to the country of a larger number of immigrants than the country could at the time absorb. In our view there can be no doubt that Sir John Campbell was right when he reported (see page 464 of the Reports of the Experts) that the crisis of 1927 and 1928 was due "to the fact that immigrants have come into Palestine in excess of the economic absorbing power of the country."

It is well at this stage to state the policy of various sections of the Zionist movement in the matter of immigration. This can best be done by quoting evidence given before us orally or in the form of documents put in as exhibits and by referring to the resolutions passed by the recent Zionist Congress. Having stated the policy, as it appears to us, we shall be in a position to examine the grounds for Arab fears and apprehensions.

The Sixteenth Zionist Congress, held at Zurich in July and August last, passed twelve long resolutions on the subject of Jewish immigration to Palestine. Our concern with those resolutions is limited to consideration of the questions whether they were of a character exciting to Arab opinion in Palestine at the time of the disturbances and whether they are likely to increase racial animosity and political unrest in that country in the future. We set out below the resolutions or extracts from resolutions which, in our view, bear on these two questions:—

"1. The 16th Congress welcomes the resumption of an Aliyah (i.e. immigration) which opens the way for a continuous and growing immigration and lends a new strength to the Palestinian Jiachuw and to the Zionist movement in the Diaspora (i.e. the Jewish people dispersed elsewhere than in Palestine). At the same time the Congress much regrets that hitherto the extent of the Aliyah did not correspond with the needs and possibilities for Jewish work in the country, and that the unjustified obstacles and limitations to the Aliyah have caused the loss of a series of work for the Jewish worker in Eretz Israel (i.e. Palestine).

"2 The 16th Congress notes that the new possibilities for work in the country render possible the taking-up of an Aliyah on a broader basis for the next years. The large Government works, the building works of international companies, the plantation work, intensive agriculture as well as the development of industry and trade require the influx of thousands of workers. To secure this work for Jewish workers, the 16th Congress requires the Executive to bring into the country with every means a corresponding number of immigrants in proper time.

" 3. The Congress claims for the Executive the right to dispose of the certificates granted by the Palestinian Government, and for which the former is responsible, freely and without hindrance.

The Congress expresses its dissatisfaction as to the attempts of the Palestinian Government to limit the Executive's power of disposal of the certificates issued for the season April-October, 1929.

" 5. The Congress expresses its protests at the difficulties which the Government puts in the way of the immigration of capitalists, inasmuch as it demands proof of the possession of funds exceeding the sum laid down in the immigration articles of the year 1925, £500. These limitations hinder the Alijah from desirable elements of this category, whose inclusion just at this present period of economic progress in the country would be possible.

" 6. The Congress protests against the artificially built up hindrances to immigration, which deprive the working woman from taking part in the upbuilding of the country, perceiving therein the cause of heavy damage in colonization work.

The Congress declares that there is no justification for these limitations either from an economic standpoint or in regard to the possibility of the acceptance of a woman's Alijah in the country.

" 7. The Congress declares that the Alijah dues required by the Palestine Government from the worker immigrants are a heavy burden for the immigration of workers and are entirely contrary to the spirit of the Mandate. The Congress requires the Executive to take energetic steps to abolish the Alijah dues of all immigrants.

" 8. The Congress confirms the Actions Committee Resolution of August, 1928, declaring the necessity for altering the immigration law of 1925. It requires the Executive to submit a new draft of law to the Actions Committee in the course of next year.

" 10. The Congress requires the Executive to take energetic steps for the abolition of the difficulties standing in the way of the immigration of deported and prosecuted Halutzim (i.e. pioneers) and Zionists from Soviet Russia, and to hasten their Alijah.

" 11. The Congress requires the Executive to devote particular attention to the Alijah from Oriental countries, particularly from those countries in which political prosecutions occur. The Executive is required to open a new Palestine Office in Aden, to carry through energetically the Alijah of the trained Halutzim who have reached the ports of Yemen, and to undertake the transportation of the orphans who are there.

Sir John Campbell, in the Report from which we have already quoted, wrote as follows :—

" I found, not only in the colonies—where the position was imperfectly understood—but also among many higher officials and ex-officials connected with the Zionist movement, a strong belief that the thing which really mattered was to get as many Jews as possible into Palestine. A mass movement towards Palestine is considered, in some influential quarters, essential to success; the theory appears to be that, given this influx, matters will right themselves, and the intelligence and energy of the Jew will enable him to live "

The General Federation of Jewish Labour in Palestine, in a memorandum setting out their views for our information, put in

the forefront of their programme of future government activities in Palestine "Material assistance for a speedy increase of the Jewish population by immigration and settlement."

Mr. Sacher, in evidence before the Commission, expressed in the following statement his views as to the policy of the Zionist movement in the matter of Jewish immigration to Palestine :—

"I say that what we are concerned with is the establishment of the Jewish National Home. What we are concerned with is that we shall have, as I said before, immigration to which there shall be no artificial restrictions, that we shall be enabled as a Jewish people to put all our energies into making what is to be made of this country so as to enable Jews to come here and create this civilization. We expect and demand under the Mandate of the Government that it shall do its part in facilitating that work. It may be, and I say frankly we hope that one day as a result of this natural process there will be a Jewish majority in this country.

"What political forms this particular community may take I do not know and I do not intend to prophesy. One thing, however, is quite certain, Jews have no intention of dominating or being dominated in respect of any other people in this country. They look upon their own right to create their own civilization as being neither greater nor less than the right of the Arabs to create their civilization."

In answer to questions put to him Mr Sacher stated that in his view the regulation of immigration ought to be a matter between the Government of Palestine and the Jews and that the Palestine Administration is perfectly capable of ensuring that, as is required by Article 6 of the Mandate, the rights and position of other sections of the population of Palestine are not prejudiced by Jewish immigration. He added further that Jewish immigration, being advantageous to all sections of the people of Palestine, should be encouraged and not checked, that the powers of absorption of the country should be increased to the maximum, but that there should not be more immigration than the country can properly absorb.

Mr Jabotinsky, who is the leader of Zionist Revisionists, asked for permission to give evidence before us, and, as his name had been mentioned on several occasions in the course of our proceedings, we agreed to hear him although he had not been called as a witness by the Palestine Zionist Executive. Owing to his absence from Palestine his application was not made until a few days before our departure from that country. As we were unable to hear him in Jerusalem his evidence was given before us in London in private.

Mr. Jabotinsky explained the policy of his party in the following terms :—

"To revise certain conceptions of the Zionist policy. When we started our movement in 1925 the official point of view, as expressed by Dr. Weizmann and his associates, was this; the business of Zionism can be completed and achieved simply by the process of

the Jews pouring into Palestine money and energy and it ought not to matter at all what the attitude of the Government was, provided that the Government was a decent European Administration. We demanded the revision of this point of view, saying that a large scale of colonization cannot be conducted independently of a Government; that it is Government enterprise by nature and can only be completed if the Government by legislative and administrative action supports the colonization."

In developing this thesis Mr. Jabotinsky explained that there is in Eastern Europe a large area extending over several countries which he described as "a zone of incurable anti-semitism." This zone is overcrowded by Jews, one half of whom, so Mr. Jabotinsky states, must be evacuated within the next two generations. He says that emigration from this zone in the past has been directed to other countries but, after a certain time, has proved unwelcome and has now been stopped. He therefore looks to Palestine as the country to which many of these oppressed Jewish people can be evacuated. The solution of the problem which he and his friends desire is that Jews should enter Palestine at the average rate of 30,000 per annum for the next 60 years and that the majority of the immigrants should be drawn from the zone of anti-semitism in Eastern Europe. He recognises that chronic unemployment followed the one period during which Jewish immigration to Palestine attained, or indeed approached, the rate which, in the opinion of his party, should be the average rate of immigration for the next 60 years, but he attributes this to the fact that the Government did not play an active part in the immigration of those years by preparing and paving the way for the immigrants. Mr. Jabotinsky also admits the economic factor. He agrees that the rate of immigration must be regulated by the economic capacity of Palestine to absorb new immigrants, but, he says, with the whole-hearted co-operation of the Government, the country could be so developed that the programme of his party could be carried through without detriment, and indeed with advantage, to other sections of the people of Palestine. He therefore demands that the Palestine Government ought "actively to promote Jewish colonization with a view, of course, to establishing a Jewish majority." In other words the objective of his party is the creation in Palestine of a Jewish State—a term which he defines in the following manner:—

"It does not necessarily mean being independent in the sense of having the right to declare war on anybody, but what it means is first of all a majority of Jewish people in Palestine, so that under a democratic rule the Jewish point of view should always prevail, and secondly, that measure of self-government which for instance the State of Nebraska possesses. That would satisfy me completely as long as it is a local self-government, enough to conduct our own affairs, and so long as there is a Jewish majority in the country."

Mr. Jabotinsky argued that his conception of future political development in Palestine is the only logical interpretation of the policy embodied in the Balfour Declaration and, by numerous

quotations from speeches, from the published works of private individuals, and from official documents, he endeavoured to show that, though he and his party are now described and regarded as "extremists" by the General Zionists, the policy which they advocate is in fact based on the spoken and written word of Zionist leaders, whose ultimate aim, so he says, is identical with the aim of the Revisionists though their immediate methods for the attainment of that end are different. He quoted with approval the following extract from an article which appeared on the 10th of December, 1926, in the *New Palestine*, the official organ of the American Zionist Organization :—

"But now, the current of Zionist opinion forks and flows in every divergent channel. Two schools arise which for want of more accurate terminology may be designated as the 'moderates' and the 'extremists.' Again it must be iterated and stressed that the 'moderates' are no less extreme in their conceptions of the ultimate goal than the 'extremists' themselves, for both ardently desire a Jewish State or Commonwealth in Palestine, but they differ substantially as to the road that must be travelled for the next decade or two."

Reverting to Mr. Jabotinsky's programme that Jews should enter Palestine at the average rate of 30,000 per annum for the next 60 years, we append to this report four graphs showing the growth of population in Palestine on the following assumptions :—

*Graph I.*—Jewish immigration at the rate of 25,000 per annum and a rate of natural increase (i.e. excess of births over deaths) of 10 per 1,000 per annum among all sections of the population;

*Graph II.*—Jewish immigration at the rate of 20,000 per annum and a rate of natural increase of 12 per 1,000 per annum among all sections of the population;

*Graph III.*—Jewish immigration at the rate of 15,000 per annum and a rate of natural increase of 10 per 1,000 per annum among all sections of the population, and

*Graph IV.*—Jewish immigration at the rate of 10,000 per annum and a rate of natural increase of 19 per 1,000 per annum among all sections of the population,

These graphs were prepared by Mr. Mills, the Assistant Chief Secretary to the Palestine Government, to whom our thanks are due. In a note covering the graphs Mr. Mills explained that he had assumed that the population of Palestine would at no time exceed three millions and that the graphs therefore stopped when this figure of population is reached. He also pointed out that the curves are theoretical and that no correcting factors had been applied since there is no material available from which a calculation of such factors could be made and, he added, "it follows from these considerations that the diagrams must not be treated as predicting reality in the future; they are rather a not unreliable conjecture of the political distribution of the people in Palestine from time to time on assumptions as to rates of natural increase and rates of Jewish immigration."



Though the diagrams are based on hypotheses, they are of interest as indicating the time at which, under the given conditions, the Jewish population should in theory equal the Arab population. From Graphs I, II, and III, it will be seen that, given the conditions which they assume, the dates of this event would be 1948, 1956, and 1969 respectively. On the conditions assumed for Graph IV it seems that the Jewish population would still be half a million less than the Arab population when the maximum figure of three millions for the total population was reached.

We will now resume the subject which we were discussing before this digression. The resolutions of the Zionist Congress, the evidence of Messrs. Sacher and Jabotinsky, and the other statements which we have quoted from documents must, in our view, be accepted as representing the views of different sections of the Zionist movement on the question of immigration to Palestine. It remains to examine, in the light of the policy advocated at Zurich and Jerusalem, the basis for Arab fear and the grounds for Arab apprehension.

Now it is known to the Arab people of Palestine that pressure is constantly being exercised by the Zionist authorities on the Palestine Government to admit immigrants in large numbers; it is also known to them that the one period when immigration was heavy was followed by severe unemployment and economic disturbance. Many Arabs derive material benefit from Jewish immigration but, as a people, the Arabs of Palestine must connect immigration on a large scale with the unfortunate events of 1927 and 1928. The argument that the taxpayer has had to support the immigrant Jew no doubt gained wide currency in those years and the fact that a large part of the burden of maintaining the unemployed was borne by Zionist funds would either not be known to or, if known, would not impress the fellahen. When the average fellah read in his newspaper or was told by his friend that, with the enlargement of the Jewish Agency which was approved at Zurich, a more progressive policy in the matter of Jewish immigration was to be adopted by the Zionist Organization and urged upon the Palestine Government, he would no doubt anticipate a repetition of the unemployment and distress of 1927 and 1928. The further belief that the ultimate Zionist aim is that there should be a Jewish majority in Palestine would only serve to multiply his fears.

This brief analysis of the feelings of the fellah is a legitimate deduction from the facts as presented to us. We consider that the claims and demands which from the Zionist side have been advanced in regard to the future of Jewish immigration into Palestine have been such as to arouse apprehension in the Arab mind. To say that apprehension or alarm due to fear of the effects of Jewish immigration were immediate causes of the outbreak in August last is perhaps to go too far, but it is our

view that, among a large section of the Arab people of Palestine, there is a feeling of opposition to Jewish immigration, that this feeling is well founded in that it has its origin in the known results of excessive immigration in the past and that, given other and more immediate causes for disturbance, that feeling would undoubtedly be a factor which would contribute to an outbreak.

It is clear that any uncertainty as to the line of policy to be pursued in this vital matter of immigration is bound to be reflected in the conduct of the Palestine Administration and in the attitude and the temper of the Arab people and of those who represent Jewish interests. We consider, therefore, that His Majesty's Government should at an early date issue a clear and definite declaration of the policy which they intend to be pursued in regard to the regulation and control of Jewish immigration to Palestine. It does not fall within the scope of our enquiry to suggest the form which that declaration should take but if, as may well be the case, His Majesty's Government decide to retain the principles which in the White Paper of 1922 were laid down to govern the conduct of future policy in the matter of Jewish immigration, we would suggest that those principles should be clearly re-stated and reaffirmed. In the past the practice actually pursued has not been wholly in accordance with the policy enunciated in the White Paper and many of the demands contained in the resolutions passed at Zurich clearly have little regard to that statement of policy. It may not be possible to define that policy more closely, but in that event it would seem desirable that the administrative machinery for the regulation of immigration of persons of independent means should be reviewed with the object of preventing a repetition of the excessive immigration of 1925 and 1926.

The statement of policy issued in 1922 also contemplated that a committee of elected members of the Legislative Council should confer with the Administration upon matters relating to the regulation of immigration. It is our view that it would be advantageous if, until such time as some form of representative government is established in Palestine, machinery could be devised whereby non-Jewish interests in Palestine could be consulted upon matters which, had there been a Legislative Council, would have been referred to the special immigration committee. The final decision would, of course, remain with the High Commissioner

We are further of the opinion that consideration should be given to the question whether some more suitable means of regulating the disposal of Labour Schedule certificates cannot be devised. The aim should be, as was stated in Parliament in 1922, that the "character and qualifications of the immigrants are subject to the most rigid scrutiny under the control of the Government."

## CHAPTER VIII.

**THE LAND PROBLEM.**

As stated elsewhere in this report the question of land, its ownership, occupation and colonization is, perhaps, one to which more than to any other matter importance is attached both by the Jews and the Arabs. Both in evidence which was submitted to us in Jerusalem and in the speeches which were addressed to us by the spokesmen of the many deputations which we received in every part of the country, the fears of the Arabs that the success of the Zionist policy meant their expropriation from the land were repeatedly emphasised. As an example of evidence of this character we would cite that of the Mayor of Nablus who told us that :—

“ In the early days the Jew who came worked on his land and employed Arab labour. Since immigration commenced in large numbers these Jewish employers have turned away the Arab labourers and have employed Jews in their place thereby throwing out of work a large number of Arabs. . . . Great harm has been caused to the country by the sale to Jews of large estates—for instance the Sursock family in Beirut who owned large areas of land in Palestine and the Wadi el Hawarath—and this throws out of employment a large number of Arabs. I understand, as all Arabs understand, that the Zionist policy is to dispose of the Arabs in every possible way and to replace them with Jews.”

There is no doubt that the fears so stated by the Mayor of Nablus are deeply seated in the Arab mind and from whatever angle it is examined the land problem is a serious one, of great complexity and difficulty. Before expressing any opinion as to whether the Arabs are or are not justified in their point of view, it is necessary to examine in some detail the sequence of events which has led up to the present position.

According to the estimates supplied to us by the Director of Lands, the area of cultivable land in Palestine is approximately eleven million dunoms\* of which approximately nine hundred thousand dunoms are recorded in the land registers of the Palestine Government as being in Jewish ownership. The figure for the total area given to us by the Director of Lands does not include that part of the Jordan Valley north of Jericho and south of Nablus where there is practically no rainfall and no cultivation. The soil in this area has so far been unproductive. Nor does Mr. Stubbs' figure include the large area south of Beersheba. occupied by Bedun, where the rainfall is very slight. But, we are informed, his figure includes, with these exceptions, the whole cultivable land of Palestine wherever situate.

Other figures were supplied to us by Dr. Ruppin, a land expert who was deputed to give evidence before us on behalf of the Palestine Zionist Executive. According to Dr. Ruppin's figures twelve and a half million dunoms of land in Palestine are cultivable and of this area 1,200,000 dunoms are in Jewish

\* A dunom is 1,000 square metres or approximately a quarter of an acre.

ownership. It should, however, be noted that in Dr. Ruppin's calculations the dunom has been taken as having an area of 919 square metres. If his figure for the total cultivable area is reduced by 8 per cent. in order to express it in the standard dunom of 1,000 square metres, the difference between it and the figure furnished by the Director of Lands to the Palestine Government is not material.

Jewish colonization is mainly concentrated in the Plain of Esdraelon and the coastal plain. We annex a map, kindly supplied to us by the Palestine Zionist Executive, which shows the distribution and size of the Jewish holdings. Inasmuch as the map distinguished between high and low ground it gives a rough indication of the geographical distribution of the fertile land in Palestine. Of the land purchased by the Jews, so Dr Ruppin informed us, relatively small areas not exceeding in all 10 per cent. were acquired from peasants. The other areas have been acquired from the owners of large estates most of whom live outside Palestine and, in consequence, leased their land or allowed it to be worked on various conditions of tenure. Most of the Jewish purchases from peasants occurred in the coastal zone while in the Plain of Esdraelon all land was bought from absentee landlords.

It is clear from documents to which we have been referred that, soon after the institution of civil government in Palestine, the Administration became anxious lest the interests of tenants and occupiers should be prejudiced by the sales of large estates. That this is the case is shown by the following extract from the Minutes of the Advisory Council on the Land Transfer Ordinances of 1920-1921:—

*“ Third Meeting. 7th December, 1920.*

DR. SAHIB SALEM asked what measures were being taken to safeguard the rights of cultivators, etc., as he understood that in several villages cultivators had been expelled from their holdings.

HIS EXCELLENCY quoted the following extract from the Land Transfer Ordinance, and the terms of reference to the Land Commission, to illustrate the precautions taken by the Government to prevent such expulsions:—

*Extract from Land Transfer Ordinance—paragraph 6.*

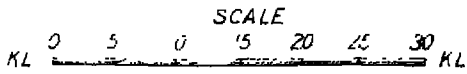
‘The Governor shall also withhold his consent unless (from a proposed disposition) he is satisfied that in the case of agricultural land the tenant in occupation, if the property is leased, will retain sufficient land in the district or elsewhere for the maintenance of himself and his family. The Governor may refer to the High Commissioner any case in which he withholds his consent.’

*Extract from Instructions to Land Commission.*

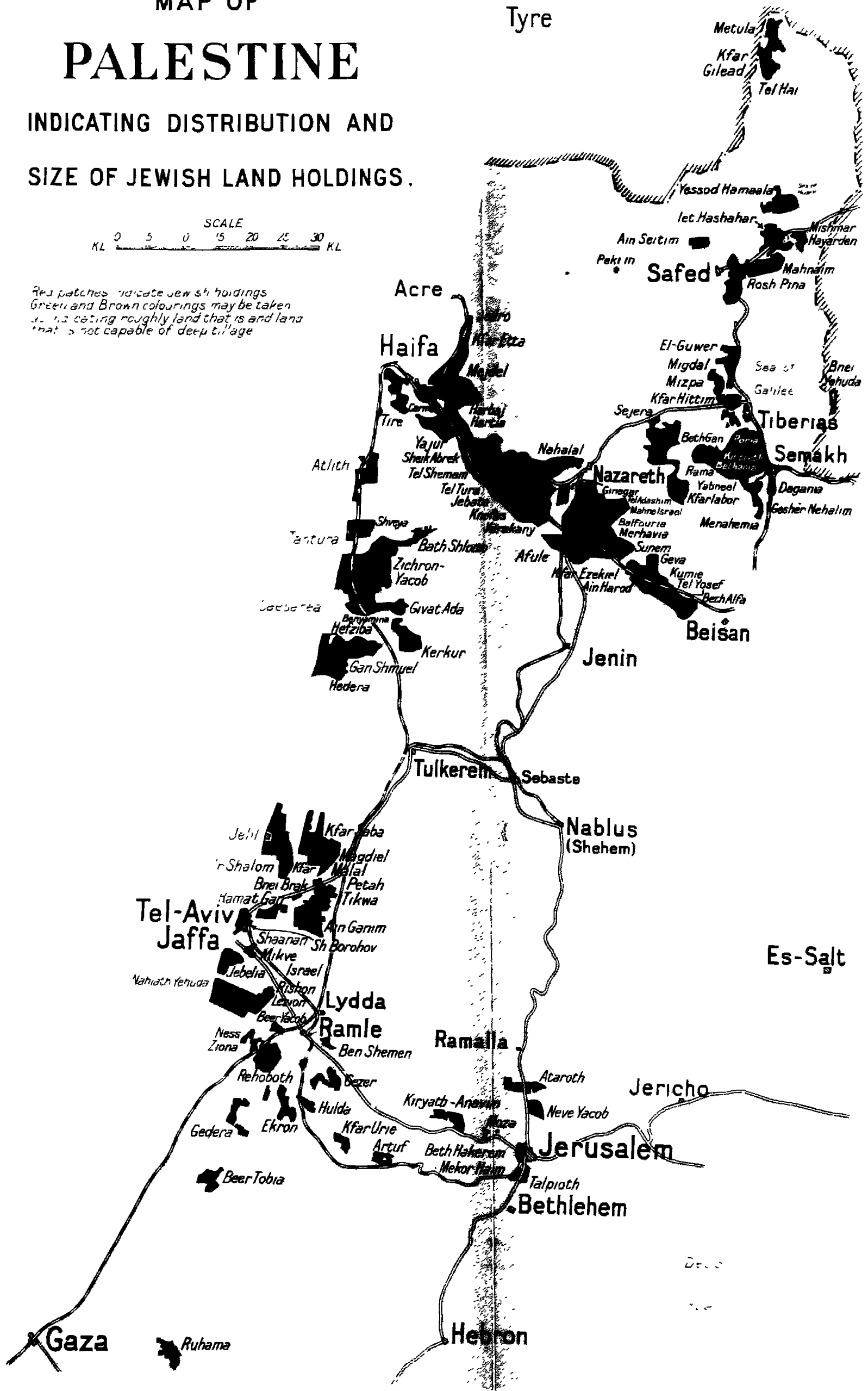
‘The Government of Palestine, while desirous to promote in every possible way the closer settlement of the country, is at the same time anxious that the interests of the present tenants and occupants of land, whether Government property or private property, should be properly protected. It will be necessary on the one hand to take steps to prevent the eviction of tenants by the landlords on a sale

# MAP OF PALESTINE

## INDICATING DISTRIBUTION AND SIZE OF JEWISH LAND HOLDINGS.



*Dark patches indicate Jewish holdings  
Green and Brown colourings may be taken  
as indicating roughly land that is and land  
that is not capable of deep tillage*



of the land, and on the other to secure for those who have exercised customary rights of cultivation and grazing, without full legal title, a sufficient area for the maintenance of their families. . . .”

The deliberations of the Advisory Council were followed in due course by the promulgation of an Ordinance, known as the Land Transfer Ordinance of 1921, from which the following sections are taken :—

“Section 5 (1). Any person wishing to make a disposition of immovable property must first obtain the consent of the Government.

Section 8 (1). The consent of the Government to a disposition shall be given by the Director of Lands to the Registrar of the District or Sub-district who shall be satisfied only that the transferor has a title, provided that in the case of agricultural land which is leased, he shall also be satisfied that any tenant in occupation will retain sufficient land in the District or elsewhere for the maintenance of himself and his family.”

The second of these sub-sections reproduces in a modified form a provision from an Ordinance passed in the previous year; it remained in force until the 31st of July, 1929, when it was repealed by the Protection of Cultivators Ordinance to which reference is made hereafter. The Ordinances of 1920 and 1921 were designed to avert the danger which appears now to be imminent, namely, that large numbers of Arab tenants and cultivators for whom no alternative land is available would be deprived of their holdings. These Ordinances failed to achieve the objects which those who framed them had in view and the Director of Lands offered the following explanation of their failure to do so. When asked as to the number of cases in which the provisions of Section 8 (1) of the 1921 Ordinance had been applied and sufficient land had been retained by tenants over whose heads an estate was being sold, he replied that he did not think that there was any case and that the Ordinance had in fact proved unworkable. This he explained in the following terms —

“A vendor would come along and make a contract for sale and purchase with the Jews. We would know nothing of this until 4, 5, or 6 months later when the transaction would come to the office. We then instructed the District Officer to report on the tenants. He would go out to the village and in some cases he would find that the whole population had already evacuated the village. They had taken certain sums of money and had gone, and we could not afford them any protection whatever. In other cases it was found that a large percentage of the population had already gone before the transaction came to us, and we could not find out who the tenants were, they had no written contracts, and we did not know what compensation they were getting and that was a reason for the introduction of the Ordinance of 1929, so that we would be able to supervise their compensation to be settled by an organized body; a Board under the Ordinance.

“The object of this Ordinance (i.e. the Ordinance of 1921) was to retain the cultivator on the land but he had gone immediately the contract of sale and purchase was made. He was getting a certain sum of money, and away he went, and when the transaction came to us we found no tenants in the village.”

At the beginning of 1927 Lord Plumer appointed a Committee under the Chairmanship of the Attorney-General and with the present Commissioner of Lands as one of its members to consider (1) whether legislation for the protection of tenants from evictions would be effective and beneficial; (2) if such legislation is considered effective and beneficial to report what form it should take. The following is an extract from the communiqué in which the Government brought to the notice of the people of Palestine the substance of the recommendations of this Commission:—

“It has been generally recognized that the present law for the protection of agricultural tenants from eviction is inadequate. The Transfer of Land Ordinance, 1920, which was issued at the beginning of the Civil Administration, contains a provision designed to secure the protection of such tenants when land is transferred by the landlord. The provision, as amended in 1921, is to the effect that the consent of the Government to a disposition of agricultural land which is leased shall be given only after the Director of Lands is satisfied that any tenant in occupation will retain sufficient land in the district or elsewhere for the maintenance of himself and his family. In a number of the larger land transactions which have taken place an attempt has been made to give effect to this clause, but experience has shown that where existing tenants of land which has been transferred are given a lease by the purchasers, they do not normally stay on the land, but dispose of their rights in a short period to the purchasers, and in most cases they have elected to contract out of their rights of receiving land in consideration of money compensation.

“Save where land is transferred by the landlord while the tenants are still in occupation, the tenants have no legal protection from eviction, however long they may have cultivated the land on which they are living. Written contracts of tenancy are rare and there is no customary provision as to notice of eviction.

“The Committee recommended that legislation should be introduced on the lines of that in force in England and elsewhere:—

(a) To protect agricultural tenants from sudden eviction by requiring a due period of notice save in cases where the tenant fails to pay the rent or misuses the land, and

(b) to secure the tenant compensation for improvements which he has carried out during his tenancy and which are not exhausted:

(c) to secure further compensation for a tenant of long standing who is required by the landlord to leave his holding.”

As a result of these recommendations there was enacted on the 31st of July last an Ordinance, entitled the Protection of Cultivators Ordinance, which repealed the provision in the Ordinance of 1921 whereby certain Government officials were required to satisfy themselves that tenants in occupation retain sufficient land for the maintenance of themselves and their families. The Ordinance of 1929 provided for the payment to certain classes of tenants of compensation for disturbance or for improvements on their receiving a valid notice to quit the holding of which they had been in occupation. It further provided for the constitution of Boards to decide disputes as to whether or not compensation for disturbance or compensation for

improvement was payable and as to the amount of any such compensation. In the case of tenants who had cultivated their holdings for a period of five years and more the landlord who terminated the tenancy was required to pay as additional compensation a sum equal to the average annual rent paid by the tenant during the five years preceding the termination of the tenancy.

It is a matter of some surprise to us that so long a time was allowed to elapse before an effort was made to amend legislation which had proved to be ineffective for the purpose for which it was passed. The Ordinance of 1929 gives rights to a tenant who is dispossessed which are very different from the rights which, by the Ordinance of 1921, it was contemplated should be given to such persons. The new law does nothing to secure to those dispossessed "a sufficient area for the maintenance of their families." In other words it is unlikely that this law will have the effect of diminishing the numbers of those rendered landless or divorced from the soil in consequence of the purchase over their heads of the holdings on the cultivation of which they now rely for their subsistence.

It is necessary here to refer to two large sales of land which were brought to our notice on frequent occasions as illustrating the failure of the Palestine Government to prevent the creation of a large landless class. These sales of land were cited by the Arabs in support of their contention that the fears which they expressed were justified.

Between 1921 and 1925 various Jewish land organizations made large purchases by auction of areas in the Vale of Esdraelon. The area in question amounted to rather more than 200,000 dunoms. Twenty-two villages were included in the sales and the purchase price was £726,000. The lands in question were purchased from the Sursocks who, we were informed, are a large and wealthy family of Christian Arabs established in Beirut.

At the time of the sales the cultivators had no written agreement with the landlord to whom they paid annually one-fifth of the produce of the land. After the sales, the Arab cultivators, having received compensation, left all these villages with the exception of Mahloul. Those who remained in this village were given 2,000 dunoms of land by the Sursock family and were offered by the purchasers a further area of 3,000 dunoms on a six years' lease at a rent of six per cent. on the purchase price paid for that land with the option to purchase at the same price. Consent was in due course given by the Government to the purchases and the transfer was recorded in the Government registers. According to Dr. Ruppin, who, as we have already stated gave expert evidence on behalf of the Palestine Zionist Executive, the number of *tenants* who had to leave the land



purchased by the Jewish organizations was between seven and eight hundred but, he added, nearly all of them remained in the same district and found other land which they could cultivate. According to Mr. Farah, who gave expert evidence on behalf of the Arab Executive, the total number of Arab *families* who were displaced in consequence of these transactions was about 1,746 and the number of persons affected, on the basis of five per family, was about 8,730. Dr. Ruppin stated that these persons were moved to neighbouring villages of which he gave us a list but Mr. Farah told us that a large number emigrated to America, that others are employed for the time being as stone cutters and lime burners in connection with the construction of new buildings, but that they have no other occupation to which they can turn when these are completed. Others, Mr. Farah stated, are "scattered all over"; they cannot live there because "nothing was left to live on." He added that, so long as the villages were inhabited by Arab peasants, the Beduin, who through the winter months live in the hilly land around, were accustomed to come down after harvest and pasture their flocks on the lands which have now been sold. When the villages were transferred the Beduin, like the peasants, were "cut off." Dr. Ruppin stated that the Jewish land companies although not legally obliged to pay compensation to the tenants dispossessed in consequence of these sales, in fact paid more than £30,000 and that such compensation was paid in order to facilitate the acquisition of land or leases elsewhere by those who through the sales had to remove from the Esdraelon Valley.

We think that the Jewish companies are not open to any criticism in respect of these transactions. In paying compensation, as they undoubtedly did, to many of the cultivators of lands which they purchased in the Plain of Esdraelon, those companies were making a payment which at the time of the transactions the law of Palestine did not require. Moreover, they were acting with the knowledge of the Government.

The second case to which we will refer is the recent purchase of land known as the Wadi el Hawareth. We do so because the sale of this land was made the subject of many protests addressed to us during our stay in Palestine and because this transaction serves to illustrate the extremely difficult position in which the Government of Palestine are liable to be placed. The lands in question which belonged to Arabs were mortgaged in 1822 to a French subject. Between 1882 and 1923 there were two transfers of the mortgage without the consent of the mortgagor. After litigation in the course of which the validity of the mortgage was disputed judgment was given in favour of the heirs of the mortgagor and an order for sale was duly made.

The area offered for sale was 30,826 dunoms and the Jewish National Fund purchased the property for £41,000. The land

was registered in its name on the 27th of May, 1929; the persons occupying the lands which have been sold number about 1,200 and own between two and three thousand head of stock. About a third of the land is used for grazing purposes; among the crops grown on the remaining areas are melons and the tithes paid in the year 1928 indicate that the crop was worth at least £7,000.

Among the persons now occupying the land are actual cultivators who received in August, 1928, notice to quit expiring on the 1st October, 1929. On the 30th of November, 1929, an order of eviction was made against a large proportion of the occupiers. At the time when we left Palestine we understood that the police had not executed the order of eviction and that the reason for their failure to do so was that they did not know of any locality to which they could move the present occupants and their flocks. We were informed that this action on the part of the police might at any time result in proceedings for contempt at the instance of the purchasers who are not disposed to abandon any of the rights which they possessed under the orders of the Courts or to postpone the enforcement of those rights. The purchasers have, however, offered to put approximately 5,000 dunoms of land in the Beisan area at the disposal of the occupiers for a period of three years on the condition that they are paid one-fifth of the produce of that land. We were informed that this land is irrigable but that the present occupants of the Wadi el Hawareth land know nothing of irrigation and that furthermore the Beisan lands contain no grazing area. When we left Palestine no State or other land had been discovered to which the persons to be evicted could be transferred.

If, by some fortunate circumstance, it were found possible to place a certain number of these people in villages adjacent to the lands which they now occupy, this remedy would not, we were informed, meet the needs of those among them who are graziers and for whom there is no other land in the district on which they could graze their flocks. Even if some suitable place could be found for the graziers and some other available land for the cultivators, it seems likely that the tribe will lose its identity as a tribe and become a scattered community.

These then are the instances which were put before us as justifying the state of extreme apprehension which was said to exist not only in the minds of those threatened with eviction but among occupiers of the soil in other parts of Palestine who fear lest the fate of those who live in the Wadi el Hawareth may also be theirs.

It is noteworthy that both the Sursock and the Wadi el Hawareth lands were the property of absentee landlords and in their absence were being cultivated by persons who paid as rent a percentage of the produce yielded by their holdings. The sale of lands over the heads of occupant tenants and the

consequent dispossession of those tenants with or without compensation are not peculiar to Palestine but the position there is complicated by two factors which can seldom obtain elsewhere. In the first place the dispossessed tenant in Palestine is unlikely to be able to find alternative land to which he can remove. Secondly, in some cases, the cultivators who were or may be dispossessed have a strong moral claim to be allowed to continue in occupation of their present holding. Under the Turkish regime, especially in the latter half of the eighteenth century, persons of the peasant classes in some parts of the Ottoman Empire, including the territory now known as Palestine, found that by admitting the over-lordship of the Sultan or of some member of the Turkish aristocracy, they could obtain protection against extortion and other material benefits which counter-balanced the tribute demanded by their over-lord as a return for his protection. Accordingly many peasant cultivators at that time either willingly entered into an arrangement of this character or, finding that it was imposed upon them, submitted to it. By these means persons of importance and position in the Ottoman Empire acquired the legal title to large tracts of land which for generations and in some cases for centuries had been in the undisturbed and undisputed occupation of peasants who, though by the new arrangement they surrendered their prescriptive rights over the land which they cultivated, had undoubtedly a strong moral claim to be allowed to continue in occupation of those lands.

Having discussed in detail the two land transactions of which frequent mention was made in the course of our enquiry, we will now proceed to set out the salient facts, as they appeared in evidence given before us, of the land problem in Palestine.

Excluding the Beduin who occupy the desert area to the south-east of Palestine, the Arab rural population of that country is approximately 460,000. Taking an average of five persons per family there are, therefore, 92,000 families in Palestine dependent upon the soil for their subsistence. The available land in non-Jewish ownership, including State domain which falls under that description, is approximately 10,100,000 dunoms or an average of 109 dunoms per family. Now the area of land required to support the average family must vary with the fertility of the soil. From evidence given before us it would appear that where the land is used for the purpose of growing cereals the area which will provide a living for an Arab family varies from 100 to 150 dunoms. No other figures were put forward from the Arab side, but Dr. Ruppin informed us that "the average area of a Jewish colonist in the old wheat growing colonies in Lower Galilee is 250 dunoms, in the Zionist settlement in the Plain of Esdraelon with dairy farming it is 100 dunoms, and in the coastal plain, where orange growing is the principal occupation, it is from ten to twenty dunoms."

From the figures given by the experts who were appointed by the Joint Palestine Survey Commission and who visited Palestine in 1928, it would seem that the average Jewish holding of land in the Zionist colonies is today 130 dunoms. These gentlemen found that few of the Jewish colonists were able to make a satisfactory living on their present holding. The experts were of opinion that in many districts the area of the average holding should be increased and we gather from their reports that, in their view, the area required varies from 160 dunoms per family in good soil suitable for dairy farming to 320 dunoms in the less productive of the cereal growing districts.

Be that as it may, the position seems to be that, taking Palestine as a whole, the country cannot support a larger agricultural population than it at present carries unless methods of farming undergo a radical change. It is no doubt true that the effects of agricultural research, capital expenditure, and credit facilities offer in certain districts considerable opportunities for more intensive methods of cultivation and that ultimately it may be possible for the land of Palestine to support a larger agricultural population. We were told that experiments had shown that in the Valley of Esdraelon the introduction of more intensive methods depends largely upon the presence of water in much larger quantities than have so far been found available. For the present at all events it must be assumed that this part of the country is at least as closely populated as its productivity warrants.

In the coastal plain the prospects of intensive cultivation are much better. We were informed by Dr. Ruppin that "the productivity of one dunom of land under irrigation is estimated in Palestine as five times that of unirrigated land; in the coastal zone alone out of an area of 1,175,000 dunoms of light irrigable soil not more than 100,000 dunoms are actually under irrigation."

It is, however, doubtful whether water is available for irrigating a large portion of the coastal plain. That the presence of water in sufficient quantities, and not the amount of land available, is the condition which limits the possibilities of intensive cultivation in this area is clearly stated by one of the experts who reported to the Joint Palestine Survey Commission.

We propose to refer to other aspects of the problem of introducing a system of more intensive cultivation in the coastal plain but before doing so we would cite the evidence of Mr. Smilansky as showing the benefits which such a system, if practicable, might bring.

Mr. Smilansky told us that Rehovoth, which to-day supports a population of 2,500 persons, was 38 years ago a waste area occupied by about a dozen Arabs. This extraordinary improvement has been effected by the introduction of machinery for

providing an ample water supply and by utilizing water so obtained for the growing of various kinds of fruit. There can be little doubt that, given capital, initiative, and an adequate water supply, developments of a similar character can be effected elsewhere in the coastal plain.

On the other hand it may be doubted whether it is possible, even if it would be wise, to introduce the most intensive form of cultivation—namely, the growing of fruit and of market garden produce—over large areas unless this were done gradually and with regard to local requirements for the perishable produce and world requirements for the varieties of fruit which it was intended to grow. Up to the present the demand for the Jaffa orange and for other fruits grown in the coastal plain has kept pace with the supply, but the conversion of large tracts of land in that area to fruit plantations might lead to difficulties, if not to economic disaster, if the change were too suddenly introduced.

It must also be remembered that any form of intensive cultivation, wherever it may be adopted, requires capital expenditure to an amount which no ordinary cultivator can afford. In particular this is true of orange growing which, in addition to requiring a large initial outlay of capital, does not yield any return for some years after the planting of the trees. The cultivator must be assured of some means of support while he is waiting for the orange trees to mature and to bear fruit. It is, therefore, a matter for consideration whether the Government should not provide for the needs of the poorer people in this respect either by granting them loans or by reviving the Agricultural Bank or by some other means through which the peasant cultivator can be enabled to borrow money at a reasonable rate of interest for the development of his property. This is a problem which should be examined by the local Government; we would only remark that, since the object in view would be the improvement of methods of cultivation, some safeguard should be employed to ensure that loans made by the Government or through a bank are used expressly for such purposes. The reconstitution of the Agricultural Bank would have the further advantage that it would in some measure remove a grievance which was put forward to us by the Arabs during our enquiry.

A third consideration is that even if intensive cultivation—whether for horticultural or agricultural purposes—is possible in the coastal plain it is important that the changes which it involves should be so introduced as to avoid the disturbance and dispossession of the present agriculturalists unless, of course, alternative land elsewhere can be found for them. Perhaps the most striking feature of Mr. Smilansky's evidence was his account of the way in which, through living in the midst of the Jewish newcomers to whom they had sold a part of their land, the Arabs of the district around Rehovoth learned to improve

their methods of cultivation, succeeded in freeing themselves from debt and to-day, by comparison with their former state, enjoy prosperity and a high standard of living. To those who in future may introduce intensive cultivation in the other parts of the Plain of Sharon we would commend a system of agricultural co-operation with their Arab neighbours similar to that followed by Mr. Smilansky and his fellow-settlers in pre-war days. The advantages of such a system and the importance of providing alternative land are readily recognized by some Jewish leaders, such as Mr. Rutenberg, who gave evidence in camera on this point.

A fourth and last, but most important, point is that, even with improved methods and intensive cultivation, the Government of Palestine, in deciding the rate at which newcomers are to be admitted to agriculture, should have regard to the certain natural increase of the present rural population. The British Administration has brought improved sanitary conditions and with them a lower death rate. The net excess of births over deaths may be expected within the next thirty years to increase the population of the country by some 300,000 people of whom, in the absence of staple industries, most must look to the land to provide them with a living.

Having thus set out the four considerations which, in our view, must be taken into account, we would record the opinion that the possibility of intensive cultivation in the coastal plain, and perhaps in other parts of Palestine, should be carefully investigated by the Government of that country or by experts appointed by the Government. If this survey be sufficiently comprehensive the field of possible development in the immediate future would be covered and for a period of years at least land policy could be regulated in the light of facts ascertained by scientific investigation.

Any complete survey of the whole country must take a very considerable time. In the meantime the Palestine Government are confronted with the prospect of repetitions of the situation now existing at Wadi el Hawareth and of further calls upon the police to carry out evictions of large bodies of cultivators with no alternative land to which they can be moved or upon which they can settle. In the past, persons dispossessed have in many cases been absorbed in the neighbouring villages; we were, however, told that this process, though it may have been possible four or five years ago, is no longer possible to-day; the point of absorption has been reached. The plain facts of the case are, so we are advised, that there is no further land available which can be occupied by new immigrants without displacing the present population.

We are only concerned with the land problem in so far as an examination of it was necessary to enable us to estimate the

extent to which the difficulties involved in it were either a contributory cause to the recent disturbances or are likely to be a cause of disturbances in the future. But for this purpose such an examination was clearly essential. We think that there can be no doubt that a continuation, or still more an acceleration, of a process which results in the creation of a large discontented and landless class is fraught with serious danger to the country. If it be accepted that the conversion of large sections of those who are now cultivators of the soil into a landless class be, as we think, not only undesirable in itself, but also a potential source of disturbance, it is clear that further protection of the position of the present cultivators and some restriction on the alienation of land are inevitable. The Protection of Cultivators Ordinance of 1929 does nothing to check the tendency to which we have referred. The mere provision of compensation in money may even encourage it. Whether the object in view can best be achieved by some adaptation of the Ordinance of 1921 or by the introduction in Palestine of legislation based upon the "Five Feddan Law" in force in Egypt or by restriction on the transfer of land now in Arab hands to others than Arabs or by some other means is a question which can only be decided after full examination and consideration by the advisers of the Palestine Government. In view of the obligation placed upon the Mandatory by Article 6 of the Mandate to "encourage close settlement by Jews on the land" on the one hand and on the other to ensure "that the rights and position of other sections of the population are not prejudiced" the solution of the land problem is obviously a difficult and delicate task, but some solution is essential in the interests of the whole population irrespective of creed and, unless one be found to deal with the situation that we have described, the question will remain a constant source of present discontent and a potential cause of future disturbance.

---

## CHAPTER IX.

### **ARAB CONSTITUTIONAL GRIEVANCES.**

Although it does not fall within our province to offer an opinion as to the form of any future constitution for Palestine it is necessary for us to consider how far disappointment and resentment among the Arab population consequent upon their failure to obtain a measure of self-government may have been a cause which contributed to the outbreak in August last or is likely to be a cause of disturbance in the future.

Recent constitutional developments in Iraq and Trans-Jordan have shown that, when their obligations permit the adoption of such a course, His Majesty's Government are willing to grant a wide measure of self-government to Arab peoples with whose

welfare they have been charged. Those who wish for similar developments in Palestine have therefore grounds for the opinion that, were it not for the obligations cast upon His Majesty's Government by the policy contained in the Balfour Declaration, their hopes and expectations might to some extent have been realised.

If there was in Palestine in August last a widespread feeling of resentment amongst the Arabs at the failure of His Majesty's Government to grant them some measure of self-government, it is at least probable that this resentment would show itself against the Jews, whose presence in Palestine would be regarded by the Arabs as the obstacle to the fulfilment of their aspirations.

That such a feeling existed among the leaders of the Arabs and the official and educated classes there can be no question and from time to time the constitutional question was brought to public notice by articles in the Arabic Press and by speeches made in the Mosques on Moslem Sabbaths. It is, therefore, important to examine the grounds of this grievance and the lines of argument on which it is based and to consider whether those arguments are such as would appeal to the less educated Arab people who would derive little direct benefit from the institution of representative government in Palestine.

The first argument is that His Majesty's Government have failed to give effect to promises which they made to the Arab people of Palestine during the War. We have mentioned in Chapter II the exchange of letters—now known as the McMahon correspondence—as a result of which the Arab people within the Ottoman Empire came to favour the cause of the British Empire and her Allies in the Great War. In the course of that correspondence Sir Henry McMahon, who at the time was His Majesty's High Commissioner for Egypt, gave an undertaking that in certain areas, where they were free to act without detriment to the interest of France, His Majesty's Government were prepared to recognize and to support the independence of the Arabs. The question is one of interpreting a declaration by Sir Henry McMahon excluding from the territory covered by this undertaking an area which he defined geographically and by reference to certain administrative units in Syria. His Majesty's Government have consistently interpreted the declaration as excluding Palestine from the area covered by their undertaking to recognize and support Arab independence.

It clearly does not fall within the scope of our enquiry to examine and to comment upon the McMahon correspondence. We are, however, concerned with the interpretation which is placed upon it by the political leaders of the Arabs in Palestine. Rightly or wrongly they feel that the promise of independence made by Sir Henry McMahon extended to Palestine and no



argument is likely to shake their belief that, upon the true construction of the correspondence, Palestine was in fact included within the area in respect of which the undertaking on behalf of His Majesty's Government was given. That such was the intention at the time, they argue, is indisputable since appeals to "escape and come to us" were made in proclamations dropped early in 1917 from British aeroplanes; these appeals, which were addressed "To the Arab Officers and soldiers in the Turkish Army in Palestine," were signed "The British Army in Palestine" and covered a proclamation signed by King Hussein which was in the following terms:—

*"To all Arabs and other officers and men in the Ottoman Army.*

*"We have with much regret heard that you are fighting against us who are working for the sake of preserving the edicts of the Holy Moslem Religion from being altered and for liberating all Arabs from the Turkish rule.*

*"We believe that the real truth has not reached you. We have therefore sent you this proclamation sealed by our seal to assure you that we are fighting for two noble aims—the preservation of the religion and the freedom of Arabs generally.*

*"We have sent strict orders to all the heads and men of our tribes that if our army happens to capture any one of you they should treat you well and send you to my sons who will welcome and well treat you.*

*"The Arab Kingdom has been for a long time in bondage to the Turks, who have killed your brethren, and crucified your men and deported your women and families and have altered your religion. How then can you stand this and bear the bitterness of continuing with them and agree to assist them?"*

*"Come and join us who are labouring for the sake of religion and the freedom of the Arabs so that the Arab Kingdom may again become what it was during the time of your fathers, if God wills. God is the leader to the right path."*

It was stated that in consequence of this and similar appeals many Arabs deserted from the Turkish Army and served with the Allied Forces in Palestine. Among them was Subhi Bey al Khadra, a witness before us, who was formerly an officer in the Turkish Army.

The Arabs argue that if these proclamations and appeals did not constitute a pledge, then they were a deception practised in the moment of her need by a great nation upon the credulity of a trusting and confiding people. They aver that if they had suspected that the policy of Great Britain was, or would be, to create a National Home for those whom they regard as an alien race in the country in which they have lived for thirteen hundred years, they would not have taken the action they did or have incurred the risks inseparable from it.

That this argument has not been evolved long after the event in order to justify a political demand is shown by the following passage taken from the report of the Military Court appointed

to enquire into the disturbances which occurred in Jerusalem in April, 1920 :—

“ The general result of this (i.e. the rapprochement effected with King Hussein in 1915) was to convert any feeling the population (and this is true of the Christian population as well as the Arab majority) may have had in favour of the Turks, into one of friendliness towards the British occupation. There is no question but that this was encouraged during the War by every kind of propaganda available to the War Office. For instance they were promised, in pamphlets dropped from aeroplanes, peace and prosperity under British rule. As late as June, 1918, active recruiting was carried on in Palestine for the Sherifian Army, our allies, the recruits being given to understand that they were fighting in a national cause and to liberate their country from the Turks. These men, it is believed, actually took part in the offensive against the Turk. The tendency of the evidence is to show that in spite of the fact that nothing had been said about Palestine being included in the Hedjaz Empire and the fact that the Balfour Declaration had been published in 1917, the real impression left upon the Arabs generally was that the British were going to set up an independent Arab State which would include Palestine.”

The second line of argument is that, at a time when the self-determination of small nations was a guiding principle in world politics, His Majesty's Government embarked in Palestine upon a policy which had the effect of taking away from the people of that country the right, acquired under the Ottoman Constitution of 1908, of being represented in the Government which controlled their destinies

We need not here examine the Constitution of 1908 or the degree of self-government which that Constitution extended to the people of the Ottoman Empire, including Palestine. It will suffice to say that under it the people of the territory which is now Palestine elected six representatives to the Chamber of Deputies at Constantinople.

There was also in existence in Palestine under the Ottoman regime a complicated system of local self-government based on the unit of the Vilayet or Province; the system was founded throughout on an elective principle. The many organs of local government possessed such powers that the Vilayets or Provinces were in a large measure autonomous; no doubt the more important activities of provincial and even perhaps of municipal bodies were controlled either directly or indirectly by the central Government, but the fact remains that even the peasant, provided that he paid so small a sum as ten shillings per annum in direct taxation, could feel that, through the exercise of his voting powers, he had a voice in the control of his village, and indirectly through the system of secondary elections, in the control of the affairs of the larger administrative units up to the Ottoman Empire itself.

This position is contrasted with that obtaining to-day when self-government in Palestine is limited to municipal areas and even there is exercised under strict supervision. It is true that

the present system of direct administration by a bureaucratic government is from most points of view a considerable improvement on the system of government which prevailed under the Turkish regime. It is also true that, had there not been persistent refusal by the Arab political leaders to co-operate in the development of self-government in Palestine along the lines laid down in 1922, the affairs of that country might to-day have been controlled in a large measure by a Legislative Council a majority of whose members would have been elected representatives of the people. But the Arab political leaders urge that, even if they had accepted and given full effect to the Constitution of 1922, it is improbable that the elected representatives of the people could by now have obtained a share of authority in the Government that they would regard as the equivalent of that measure of self-government which they possessed under the Turkish regime. Nor are they prepared to admit that an administration conducted by a representative national government would be less efficient or less beneficial to the country as a whole than is the present system of Government.

The third line of argument, which we have already indicated, is based on the knowledge of recent constitutional developments in neighbouring Arab countries where representative governments elected by the people and possessed of wide powers have now been established. The Arabs point out that in pre-war times the same system of government prevailed in Palestine and in these neighbouring countries; they contend that to-day political consciousness in Palestine is at least as highly developed as in the other territories detached from Turkey and they further maintain that there is in consequence no good reason why the measure of self-government which has been extended to these neighbouring countries should not be extended to Palestine also.

The fourth and last argument is that the terms of the Palestine Mandate are so serious a limitation of the rights contemplated in the provisions of the 4th paragraph of Article 22 of the Covenant of the League of Nations as to be inconsistent with the Treaty of Versailles of which that article forms a part. They reminded us that the Treaty of Versailles was signed by two representatives of King Hussein, namely, Rustum Bey Heidar and Auni Bey Abdul Hadi, the latter of whom was one of the counsel appearing before us on behalf of the Palestine Arab Executive. What paragraph 4 of Article 22 of the Treaty of Versailles purported to do, they say, was to impose on Palestine an "A" Mandate with all the implications of such a Mandate; what in fact emerged after the conference at San Remo, at which the Arabs of Palestine were not directly represented, was a Mandate with conditions and limitations and provisions for the establishment of a National Home for another race—provisions which they fear not only make the burden of the Mandate in effect perpetual but which definitely deprive the people of Palestine of the legitimate expectations which are inherent in an "A" Mandate. On this point

it is interesting to note that Mr. Sacher, the Chairman of the Palestine Zionist Executive, when asked whether he thought the Mandate should go on for ever replied "Certainly."

These then are the arguments by which the political leaders of the Arabs support their contention that they were entitled to expect, if not the creation of an independent State, at least the establishment of a representative government in Palestine. They have been greatly disappointed by their failure to secure any such form of government and, among them at least, there is in consequence a strong and genuine feeling of resentment. It is broadly correct to say that a similar feeling prevails among almost all Arabs in Palestine who actively participate in politics, but these form only a small proportion of the total population in the greater part of the country where the fellaheen predominate.

Now it has been argued before us that the Arab fellah takes no personal interest in politics and that the present state of popular feeling, which in every village and most country districts finds its expression in such cries as "Down with the Balfour Declaration" and in demands for a national government, is the result of propaganda promoted artificially and for personal ends by men who wish to exploit what may be, so far as they are concerned, quite genuine grievances.

The contention that the fellah takes no personal interest in politics is not supported by our experience in Palestine. No one who has been about the country as we have been and who has listened to the applause which greeted many passages in the addresses read to us by village heads and sheikhs could doubt that villagers and peasants alike are taking a very real and personal interest both in the effect of the policy of establishing a national home and in the question of the development of self-governing institutions in Palestine. No less than fourteen Arabic newspapers are published in Palestine and in almost every village there is someone who reads from the papers to gatherings of those villagers who are illiterate. During the long season of the year when the soil cannot be tilled, the villagers, having no alternative occupation, discuss politics and it is not unusual for part of the address in the Mosques on Friday to be devoted to political affairs. The Arab fellaheen and villagers are therefore probably more politically minded than many of the people of Europe.

We are not prepared to say that there is no truth in the argument that the increased interest which the fellaheen to-day are unquestionably taking in political and constitutional issues is the result of propaganda. Opposition to the present policy is the very foundation of the political creed of the Palestine Arab Executive; the members of that body have made no secret of their beliefs and it would not be unnatural were they to seek to convince fellow countrymen of their own race that the present

policy is inimical to Arab interests. We have no reason to doubt that in the prosecution of their demand for self-government the Arab leaders, as a whole, have been inspired by a genuine feeling of patriotism; some few may desire a return to the days of a corrupt regime but of that there is no evidence. We are therefore unable to accept the contention that propaganda on the constitutional issue has been fostered by the leading Arab politicians with the motive of gratifying personal ambitions or of attaining personal ends.

The position to-day is that the Arab people of Palestine are united in demanding some measure of self-government. It is of vital importance to determine whether this unity of purpose will continue. For twelve years the Arab leaders, and with them the majority of those who are politically active, have not ceased to reiterate the claim that a representative government should be established; there is no reason to suppose that their views will change. Among the remainder of the Arab population feeling to-day runs high; it will be sustained if, and only if, the people are convinced of the justice of their cause. Of the arguments which we have set out in detail earlier in this Chapter, some could make little impression on an illiterate peasant, but others are of a character which would make an appeal to the primitive instincts of the most simple people. That Palestine is treated ungenerously by comparison with her neighbours and that Great Britain has not redeemed her pledges are statements which, if the fellah believes them, need no emphasis to impress them upon his memory. In the process of time popular sentiment over the constitutional issue may, if it is not again roused, become of less importance in the daily life of the people of Palestine, but, from the very nature of the Arab grievances, it follows that even then the issue will not be a dead one. It will be liable on any pretext to assume once more the importance which it has to-day, and there is one further element in the situation which may at any time provide that pretext. The Palestine Zionist Executive, as the local branch of the Zionist Organization which for the time being is recognized as the Jewish Agency in accordance with Article 4 of the Mandate, is in constant and close touch with the Palestine Government. The Zionist Organization in London has similar relations with a department of His Majesty's Government. By both the central and the local Zionist bodies their advisory functions under the Mandate are construed in the widest possible sense. For example, it has been made a matter for complaint that the order, which was issued on the eve of the Day of Atonement in 1928, for the removal of the screen from the pavement in front of the Wailing Wall was communicated to the religious officer at the Wall and not to the Palestine Zionist Executive. We have then the position that in a country where the Government has constantly to decide issues involving the interests of two

racés, the great majority of the people have no recognized channel of approach to the Administration while a small minority of a different race has close and official relations with the Administration through the exercise of which the interests of that section of the people can be pressed upon the Government. Such a position must at times result in decisions which, in the Arabs' view, subordinate their interests as a race and it would seem scarcely necessary to look further for possible causes of a revival of the constitutional question.

To recapitulate, the Arab people of Palestine are to-day united in their demand for representative government. This unity of purpose may weaken but it is liable to be revived in full force by any large issues which involves racial interests. It is our belief that a feeling of resentment among the Arab people of Palestine consequent upon their disappointment at the continued failure to obtain any measure of self-government is greatly aggravating the difficulties of the local Administration, was a contributory cause to the recent outbreak and is a factor which cannot be ignored in the consideration of the steps to be taken to avoid such outbreaks in the future.

It will be remembered that, as stated towards the end of Chapter III of this report, the High Commissioner on his return to Jerusalem in September last issued a proclamation in which he stigmatized the outrages of August last in severe terms. He further stated that he had initiated discussions with you while in England on the subject of constitutional change in Palestine, but that in view of the recent events in that country he would suspend those discussions.

It is obvious that the restoration of order and the maintenance of public security are the first and predominant duty of the Mandatory. About this there can be no question. The Palestine Government and His Majesty's Government, by swift and effective action, have taken steps to restore order and have made it plain that breaches of the public peace will not be tolerated. Our conclusions as to the origin and causes of the disturbances of August last are set out in this report. It will no doubt be urged by the Arab leaders that there is now no justification for a refusal to resume the conversations which were interrupted in June. We would repeat that it is not our intention, since it does not fall within our province, to offer any opinion as to future constitutional developments in Palestine. We will, therefore, confine ourselves to pointing out that a request for the resumption of the conversations will almost certainly be made and that refusal will constitute a continuing grievance.

## CHAPTER X.

**MINOR ARAB GRIEVANCES.**

We have discussed the three more important issues relating to the Arab contention that grievances of long standing were factors which contributed to the outbreak of August last. During our proceedings many other grounds of complaint were put forward in support of this contention. Some of these do not merit detailed consideration, for which indeed we have neither time nor space; we propose, therefore, to confine ourselves to a brief examination of four out of what may be termed the secondary Arab grievances or grounds of complaint. Even these are of little importance by comparison with the issues which we have already considered but, in our view, they cover every remaining point of substance in the Arab case.

**(1) Grant of Concessions to Messrs. Rutenberg and Novomeysky.**

The Palestine Government, on the advice and with the approval of His Majesty's Government, have granted concessions (i) to Mr. Rutenberg for the generation of electricity and the provision and supply of electric energy in the greater part of Palestine but exclusive of an area around Jerusalem and (ii) to Mr. Novomeysky and his partner Major Tulloch, a British subject, for the extraction of salts from the waters of the Dead Sea. Both Mr. Rutenberg and Mr. Novomeysky are Palestinian citizens who have acquired that status through residence in Palestine since the War. The first concession to Mr. Rutenberg was approved in principle in 1921; the grant of the Dead Sea Salts Concession to Mr. Novomeysky and Major Tulloch was approved in principle in 1927 and we understand that this concession has in fact been signed in its final form since we left Palestine.

The Arabs argue that by the grant of these concessions valuable natural resources of Palestine have been handed over to individual Jews and that the profits that may be expected to result from these enterprises will benefit foreign capitalists and not the people of the country. They contend that the Government of Palestine should either themselves have developed these resources for the benefit of all the people of that country, or should have entrusted their development to the Zionist Organization in accordance with the latter part of Article 11 of the Mandate which limits the profits to be drawn by the Organization from any undertaking of this character and prescribes that any additional profits shall be utilized for the benefit of the country in a manner approved by the Palestine Government.

At the time when the Rutenberg concession was first mooted the financial position of the Palestine Government was such that they could not provide from revenue the capital required for the

enterprise entrusted to Mr. Rutenberg and, in the uncertainty which then prevailed as to the political future of Palestine, it would not have been possible for the Government to have raised a loan save at an exorbitant rate of interest.

A successful issue to the enterprise of extracting salts from the waters of the Dead Sea is dependent on a variety of considerations including the establishment of an extensive marketing organization abroad; in consequence it is an undertaking of a speculative order on which the Palestine Government could not with propriety have ventured public funds. We are therefore unable to accept the contention that the Palestine Government ought themselves to have undertaken the works entrusted to the two concessionaires. Nor is there, in our view, more substance in that part of the Arab contention which rests upon Article 11 of the Mandate. We have not examined the Rutenberg concession but the concession for the extraction of salts from the Dead Sea, an outline of which was given in a White Paper put before us in evidence, appears to us to provide for Government participation in the proceeds of the concessionary works, by way both of royalties and a share in any profits, on the most favourable terms that could be expected having regard to the speculative character of the enterprise.

This complaint then is not, in our view, well founded. On the contrary, the development of these natural resources of Palestine by capital, albeit of foreign origin, introduced by Jews may well prove to be of considerable benefit to every section of the population of that country and the fact that the initiative in the matter has been taken by persons, who, though Palestinian citizens, are not of Arab blood, ought not to be allowed by the Arab leaders so to influence their judgment that they regard these constructive works as a reason for complaint.

**(2) Position of Ottoman subjects born in Palestine and now resident abroad.**

This grievance turns on the refusal of the Palestine Government, under instructions from His Majesty's Government, to confer the status of Palestinian citizenship on Ottoman subjects, born in Palestine but now resident abroad, who left the country before 1919 or who, having left since 1919, have no intention of returning in the near future. The position of these people, most of them Arabs, who have thus become persons without nationality, is contrasted with that of the Jewish immigrant who can acquire Palestinian citizenship and with it British protection after a residence of two years in Palestine.

The refusal to grant the status of Palestinian citizenship in the cases to which this complaint relates is based on the general principle that it is undesirable to create a large class of persons who, though permanently resident in foreign countries, are entitled to British protection. We see no ground to dissent from



that principle. We understand that steps have been taken to facilitate, through the grant of travel documents, the return to Palestine of persons falling under this category, who wish to settle once more in their native land. Such persons can then acquire the status of Palestinian citizenship on the conditions which govern its acquisition by Jewish immigrants and others. In the circumstances we are satisfied that this complaint is not well founded.

### (3) High level of taxation.

Though we have relegated this complaint to the category of secondary grievances, it figured prominently in our enquiry. From the Jewish side it was contended that, as a result of the policy of establishing a National Home in Palestine, capital to a total of approximately £45,000,000 had been brought into that country and that, apart from this consideration, the Jewish section of the population pay a far larger share of the Government revenue than is expended on services for their benefit. The Arabs, on the other hand, complain of high taxation, which, they say, is designed chiefly to produce revenue to pay for services, such as an expensive Police Force, which would not be required were it not for the presence of the Jews.

In support of the Jewish case, so far as it relates to the incidence of taxation, we were furnished with statistics. Though these were not confirmed by similar statistics obtained from the Treasurer of the Palestine Government, we are satisfied that the Jewish contribution to revenue per head of the Jewish section of the population (which contribution is estimated by the Government at £3 8s. 11d. per annum or a sum of £515,274 out of a total revenue in 1928 of £1,667,815, excluding revenue from Railways, Posts and Telegraphs) is so high as to disprove the Arab contention. We are satisfied also that very material benefits have resulted to large sections of the Arab people from the introduction of Jewish capital, though we must not be understood as accepting the figure of £45,000,000 which was given to us in evidence as an estimate of the amount of capital thus introduced.

The Arab contribution to revenue is estimated by the Government at £1 9s. 10d. per annum per head of the Arab population. Bearing in mind the low standard of living which obtains among large sections of the Arab people, this is undoubtedly a high rate of taxation and it may compare unfavourably with the rate of taxation under the Turkish Administration. But the proceeds of taxation are now devoted to important public services of which by far the greater part are for the benefit of Arabs. Moreover, one at least of these Turkish taxes which were burdensome to the poorer people (namely, the tax entitling the payer to exemption from military service) has been abolished by the present Administration, while the application of others has been revised in the direction of making their incidence more equitable.

**(4) The remission of part of the Debt due to the Palestine Government by the Town Council of Tel-Aviv.**

The following is a quotation from a memorandum on this subject which was supplied to us by the Treasurer of the Government of Palestine :—

“ The financial embarrassment of the township of Tel-Aviv first became known to Government early in the year 1926, and later in that year it became imperative for Government to assist the township by way of advances in order to pay arrears of wages to the police and employees and to satisfy pressing creditors. The position of the township, notwithstanding drastic economies and retrenchment, necessitated further assistance by Government from time to time. The total advances at the 31st of October, 1929, amounted to £88,958.

“ The state of the affairs of the township is due to unsound finance on the part of the Council in embarking upon works, largely unproductive, and services in excess of its means and to an ambition unaided to maintain services such as police, education, and health.

“ As there were no prospects whatever of the township being in a position to repay the advances made by Government it was decided, with the approval of the Secretary of State, to write-off the sum of £75,619.

“ In taking a decision to write-off the sum of £75,619 with a view to stabilising the financial position of the township the fact that Tel-Aviv did not in the past receive Government grants proportionate to other municipalities was not overlooked.”

A further consideration is that, as was explained in the memorandum from which the above quotation is taken, the Palestine Zionist Executive, as a condition precedent to the writing-off of the sum of £75,619 by the Palestine Government, agreed to release the Town Council from a debt of £29,701, and other Jewish Organizations similarly agreed to release that body from debts totalling £9,373. As a result of the whole transaction the deficit of the Town Council was therefore reduced by £114,693.

The whole weight of the financial burden of restoring finances of the Town Council did not therefore fall upon the tax-payers of Palestine: bearing in mind the share which the Jewish tax-payer contributes to revenue, less than half of the total sum by which the debt was reduced fell upon the Arabs and, as is noted in the memorandum which we have quoted, the Town Council of Tel-Aviv had some claim upon the Government for assistance inasmuch as the township had not in the past received from the Government grants proportionate to those made to other important municipalities of which the majority are in towns where Arabs predominate.

For these reasons it is our view that this complaint, if indeed there be any substance in it, cannot be regarded as constituting a serious grievance.

## CHAPTER XI.

**DIFFICULTIES INHERENT IN THE MANDATE.**

At an early point in this report we stated—and in so doing we quoted Sir Herbert Samuel—that the situation in Palestine for the past twelve years has been dominated by the Balfour Declaration, which was embodied in the preamble of the Mandate for Palestine and on which has been based the policy followed in that country by each of His Majesty's Governments in Great Britain since the War. This then is the document where the administrator in Palestine may expect to find some definition of the principles by which his government should be guided. Putting ourselves in the place of the administrator we will examine the Declaration.

First we will quote the letter of the 2nd of November, 1917, from Lord Balfour (then Mr. Arthur Balfour) of which the Declaration formed a part. The letter opened—

“ I have much pleasure in conveying to you, on behalf of His Majesty's Government, the following declaration of sympathy with Jewish Zionist aspirations which has been submitted to and approved by the Cabinet.”

We have quoted this letter in order to illustrate a point of view expressed to us by Mr. Jabotinsky, who contends that the words “ sympathy with Jewish Zionist aspirations ” in Lord Balfour's letter can have no other meaning than that, when they authorized the issue of the Declaration, His Majesty's Government intended to associate themselves with Zionist aspirations which, as was well known at the time, aimed at the establishment of a Jewish State in Palestine. If such an argument is well founded and all the implications which follow from it are accepted, the intention of the Balfour Declaration would be clear beyond question and administration carried out under the Mandate would presumably be guided by that intention.

After the sentence which we have quoted above Lord Balfour's letter set out the Declaration which was in the following terms :—

“ His Majesty's Government view with favour the establishment in Palestine of a National Home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine or the rights and political status enjoyed by Jews in any other country.”

Read the whole Declaration how you will it is a guarded statement. But it may be read in two ways. Two passages in it are material. The first is the undertaking given by His Majesty's Government “ to use their best endeavours to facilitate the achievement of this object ”, namely, the establishment in Palestine of a National Home for the Jewish people ; the second

passage is contained in the words "it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine."

These passages set out the two aspects of the policy of the Declaration; both are of vital importance. Upon one construction the second aspect of the policy—the maintenance of the civil and religious rights of the existing non-Jewish communities in Palestine—is an over-riding condition, on the absolute fulfilment of which every active step in the creative aspect of the policy is to be contingent. But upon another construction the first aspect of the policy takes precedence; there would be a binding obligation on His Majesty's Government to pave and prepare the way for the establishment of a Jewish National Home in Palestine and the second aspect of the policy would be a minor consideration. Between these two constructions there lie a wide variety of interpretations depending only on the degree of importance which is attached to the two aspects of the Declaration. It follows, therefore, that, were the Balfour Declaration the only instrument of guidance to the administrator in Palestine, he could by reference to that document justify any of the large number of varying lines of policy. There have, however, been two attempts to define more closely the line of policy which His Majesty's Government intend to pursue in Palestine. The first was made on the 3rd of June, 1922, and is set out in the White Paper which was then published (Cmd. 1700); the second is to be found in the Mandate for Palestine which was approved by the Council of the League of Nations on the 24th of July, 1922. The Mandate, though of later date than the statement of policy, was no doubt drafted before it and can with convenience be examined first. In addition to the preamble of the Mandate, which recites the substance of the Balfour Declaration, the following Articles are relevant to the question under discussion:—

*Article 2.*

"The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish National Home, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion."

*Article 6.*

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

Examination of these Articles throws little light on the position. Here again we find in close conjunction both aspects of the policy. Here again a wide variety of interpretations are

possible and, in the absence of some closer definition for his guidance, the administrator must make his own choice between them, basing it upon his judgment as to the weight which is to be attached to the two contrasting elements that compose the policy of each Article.

That this is in fact the true position and that there must at times be direct conflict between the two principles which underlie the Balfour Declaration and the Mandate may be shown by considering for one moment an issue with which the local Administration and, through them, His Majesty's Government may at any time be confronted on a question of high policy, namely, the protection of tenant cultivators against dispossession, a matter to which, as we have already shown, we attach the utmost importance.

Let us suppose that this question is under discussion and that Arab and Jewish representatives are presenting their arguments to the Government. On the one side it would be contended that there is no alternative land to which dispossessed tenants could migrate and that fellaheen who are tenant cultivators, having no alternative occupation, have an elementary right to be guarded against removal from the land on which they depend for their existence. It would be argued their "rights and position", protected under Article 6 of the Mandate, were endangered and that there was in consequence an obligation on the Government, either by the enactment of legislation or by administrative action, to provide them with an effective safeguard. On the other side it would be argued that the adoption of the line of policy suggested by the Arabs must have the inevitable result of putting an end to the Jewish purchase of land in private ownership; that in consequence, since no State land has yet been or seems likely in the near future to be made available, Jewish agricultural colonization would be seriously checked and for the future would be limited to the settlement of individuals for whom places could be found through the more intensive cultivation of land already in Jewish ownership. It might with some force be urged that the adoption by the Mandatory Power of a policy which led to this position was a breach of the positive obligation cast upon them in the latter part of Article 6 of the Mandate.

Or take another and a simpler example. It is common ground that the establishment of staple industries in Palestine is essential if new arrivals in large numbers are to be absorbed in the economic life of the country. In the absence of natural resources, such as coal and other minerals, it is impossible, so the argument goes, to establish such industries unless in their infancy at least they are offered a substantial measure of protection. All the old familiar arguments on the tariff issue are brought into play. The feeling to which the question of protection gives rise elsewhere is liable in Palestine to be still further provoked by the complication that, industry in that country being for the most part in Jewish hands, the issue almost inevitably

develops along racial lines. Faced with a problem which has caused embarrassment to Governments far more experienced in such matters and finding, moreover, that with them the problem embraces racial as well as economic issues, the Palestine Government are, to state the case at its lowest, confronted with an issue of some difficulty.

It is, in our view, incontestable that difficulties inherent in the Balfour Declaration and the Mandate are factors of supreme importance in the consideration of the Palestine problem. These difficulties were appreciated in 1922; partly to meet them, but still more with the object of removing uncertainty as to the future conduct of British policy in Palestine, Mr. Churchill in June of that year issued the statement (contained in the White Paper of 1922), which, without doubt, is by far the most valuable contribution that has yet been made to the elucidation of the Palestine problem. It is not possible by summary or by quotation to indicate either the purport of the statement or the extent to which Mr. Churchill defined the meaning of the Balfour Declaration. We therefore reproduce his statement in Appendix V to this report.

Within its limits the statement is clear and explicit but, as we read it, it was designed as a corrective to the aspirations entertained among certain sections of Jewry rather than as a definition of the rights of the non-Jewish sections of the community in Palestine.

In our view it would be of great advantage if His Majesty's Government were to issue some more positive definition of the meaning which they attach to the second part of the Balfour Declaration and to those provisions in the Mandate which, being based upon that part of the Declaration, provide for the safeguarding of the rights of the non-Jewish communities in Palestine.

We would further urge that, in the interests alike of all sections of the people of Palestine and of the local Administration, His Majesty's Government should define with unequivocal clearness the meaning which they attach to the Balfour Declaration as a whole and should state with equal clarity the course of policy which they intend to be pursued in that country in the future.

It is our view that, as will be explained in the following paragraphs, the issue of a clear definition of policy, backed by a statement that it is the firm intention of His Majesty's Government to implement that policy to the full, would not only ease the task of administering Palestine but, more than any other single step that His Majesty's Government could take, would be of assistance in securing the good government of the country.

It may be urged that, since one definition of policy has already been given and has not been superseded, the issue of a further statement is unlikely to have the effects which we have claimed

for it. In order to justify the opinion which we have expressed we must therefore show that Mr. Churchill's statement has failed to remove the uncertainty which in 1922 prevailed as to the future conduct of policy in Palestine. The continuance of uncertainty, is, in our opinion, due to two causes. The first is the failure of the leaders of almost every section of public opinion in Palestine to recognize the difficulties inherent in the task of the local Administration; the second cause is the tendency in certain quarters to depart from the undertaking given by the Zionist Organization in 1922 that they would conduct their policy in conformity with Mr. Churchill's statement.

For a proper understanding of the position these two causes must be further examined. In regard to the first, it is our very definite impression, after hearing the evidence of leading representatives of both Arabs and Jews, that neither side appreciates the dual nature of the policy which the Palestine Government have to administer. On both sides the political leaders are pursuing different aims with single-minded vigour. Their activities are directed to one aspect of the question only and obstacles which bar the way to the fulfilment of their aims either are totally ignored or are brushed aside as being of no account. The idea of compromise scarcely exists. In the atmosphere which thus prevails all sight is lost of the difficulties of the Administration and every important decision of the Government is hailed by one side or the other as a failure to carry out the principles of the Mandate. The Government is thus put—in the words of one witness—"in the position of being a target for political criticism when it ought not to be a target for more than administrative criticism." The result in the eyes of the people of Palestine is a suspicion that the Government has ceased to be a purely administrative machine, the mere instrument of a policy laid down by His Majesty's Government, and is liable to be influenced by political considerations. We recognize that this position is to some extent the inevitable result of the dual nature of the task with which His Majesty's Government have charged themselves in Palestine but its ill-effects would at least be mitigated if, among the leaders of both peoples in Palestine, there were a better appreciation of the difficulties of that task and in consequence a greater readiness to compromise.

The second cause which, in our view, has maintained uncertainty as to the future policy in Palestine is the tendency in certain quarters to depart from the undertaking given by the Zionist Organization in 1922 that they would conduct their policy in conformity with Mr. Churchill's statement. We have no desire to labour this point and will therefore indicate its nature as shortly as possible.

In the first place the passages which in our Chapter on immigration we have quoted from the Zurich resolutions, from the testimony given before us and from the report of Sir John

Campbell are, in our view, incontestable evidence that in the matter of immigration there has been a serious departure by the Jewish authorities from the doctrine accepted by the Zionist Organization in 1922 that immigration should be regulated by the economic capacity of Palestine to absorb new arrivals.

Secondly, leaders of important sections of Jewish opinion in Palestine are now strongly opposed to the development of self-government in that country, which was a cardinal element in the programme of policy laid down in 1922.

Other illustrations of the point that we are considering can be given but one more will suffice. The following resolution was passed by the Sixteenth Zionist Congress at Zurich in August last.—

"The Congress is of opinion that the time has come to submit to the Mandatory Power that it should take such steps as will ensure that the rightful share of the Jewish Agency in the development of the country shall find full and undiminished expression in the conduct of the Administration."

If we read this resolution correctly—and, except on the narrowest construction, no other meaning seems possible—it is in clear contradiction to the following passage in the White Paper of 1922 :—

"It is also necessary to point out that the Zionist Commission in Palestine, now termed the Palestine Zionist Executive, has no desire to possess, and does not possess, any share in the general administration of the country. Nor does the special position assigned to the Zionist Organization in Article 4 of the draft Mandate for Palestine imply any such functions. That special position relates to the measures to be taken in Palestine affecting the Jewish population, and contemplates that the Organization may assist in the general development of the country, but does not entitle it to share in in any degree in its Government."

We are satisfied that the matters to which we have referred reflect a tendency on the part of Jewish authorities of standing, and in some cases of official position, to depart in some measure from the policy of the White Paper. That such a tendency exists is known to the Arabs in Palestine and this knowledge, when coupled with their belief that the Zionist Organization, through pressure at home, can influence the acts of His Majesty's Government, is one of the arguments by which the Arab leaders justify their feeling of uncertainty as to the future line of policy in Palestine.

The Zionist Organization have even stronger grounds for a feeling of uncertainty. Their immigration programme has been checked by economic factors for three years; land for Jewish settlement in Palestine is acquired only at a high cost and the cost of further purchases is likely to be even higher. Above all, their constructive work once more, after an interval of eight years, has encountered a serious reverse through the murder of peaceful citizens and the wanton destruction of their property.



They, more than any other party concerned in Palestine, are entitled to look to His Majesty's Government for a declaration of unequivocal clearness as to the conduct of future policy.

There is in consequence an urgent need for a statement of policy which should be expressed in the clearest terms. Whatever form that statement may take its value would be greatly enhanced if in it His Majesty's Government were to define more clearly and in positive terms the meaning which they attach to the passages in the Mandate which provide for the safeguarding of the rights of the non-Jewish communities in Palestine. And if, in addition, it should be possible to lay down, for the guidance of the Government of Palestine, directions still more explicit than any that they have yet been given as to the conduct of policy on such vital issues as land and immigration, the statement which we suggest would be of yet greater value.

However clear and explicit the statement of policy may be, uncertainty will remain unless some steps are taken to convince all sections of the people of Palestine that it is the intention of His Majesty's Government to give full effect to that policy with all the resources at their command. In order so to convince public opinion two conditions are essential. The first is that there must be a full knowledge and a proper understanding of the policy in every part of Palestine; the second is that the Administration must gain the confidence of the people. The people will not have confidence in the Administration until they have been convinced by the repeated process of events that neither His Majesty's Government nor the Government of Palestine will allow themselves by political pressure from outside to be deflected from the course which they have set themselves in the conduct of policy in Palestine. As an immediate step in this direction we would suggest that His Majesty's Government should re-affirm the statement made in 1922 that the special position assigned to the Zionist Organization by the Mandate does not entitle it to share in any degree in the government of Palestine.

It is indeed, in our view, desirable that the position should be defined still more clearly. Both the Zionist Organization and the Palestine Zionist Executive, as is not unnatural, tend to construe in the widest possible sense the advisory and other functions assigned to them by Article 4 of the Mandate for Palestine, which reads as follows:—

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

“ The Zionist Organization, so long as its organization and constitution are in the opinion of the Mandatory appropriate, shall be recognized as such Agency. It shall take steps in consultation with

His Britannic Majesty's Government to secure the co-operation of all Jews who are willing to assist in the establishment of the Jewish National Home."

This wording is so vague as to be open to many interpretations and we therefore recommend, for the consideration of His Majesty's Government, that they should examine the possibility of laying down some precise definition of the meaning of the Article and of making their definition known in Palestine.

We have no desire to express an opinion as to the terms of this definition, but it is incumbent upon us to make it clear that there exists among the Arabs in Palestine a strong feeling of resentment at the present position in which, while they, a preponderating element in the population, have no means of direct access to His Majesty's Government, the present Jewish Agency through its head office in London can, and is frequently known to, make representations to the Secretary of State for the Colonies without first submitting these through the High Commissioner.

At the end of Chapter V of this Report we said that we would later examine two complaints made by the Palestine Zionist Executive against the Palestine Government. These were the complaints that that Government had consistently shown a lack of sympathy towards the policy of the Jewish National Home and that their policy had been one of weakness. Though not so clearly expressed, the converse complaints were implicit in much of the Arab case as laid before us.

In our view these complaints denote a failure to appreciate the dual nature of the policy, as at present defined, which the Palestine Government have to administer. On our reading of the White Paper of 1922 the primary duty which it laid upon the Palestine Government was one of holding the balance between the two parties in that country. There was no clear direction to assist either party in the fulfilment of their aspirations. In the absence of any such instruction the difficulty of the Government is that they have to interpret a statement of policy, which, as we have endeavoured to show, needs more precise definition. There can be little cause for surprise that in these circumstances the administrative acts and decisions of the Government have at times caused annoyance and irritation to those who wished for the vigorous prosecution of a policy more in accordance with their aims and ambitions. Inasmuch as the complaint of lack of sympathy is made against the Government with almost equal force and conviction by both the Zionist and Arab Executives, it may well be argued on behalf of the Administration that they have succeeded in steering a middle course between the conflicting lines of policy urged upon them by the leaders of the two political parties in Palestine and so have discharged to the best of their ability the difficult task of maintaining a neutral and impartial attitude.

To some extent the charge of weakness also is explained by the position in which the Government of Palestine is placed. Whenever that Government, acting in the best exercise of their administrative judgment, take a series of decisions which are unpalatable to either party in Palestine—such as the decisions connected with the Wailing Wall—the complaint is liable to be made that they are yielding to the demands of the other party and are pursuing a policy of weakness.

The view which we take of these complaints can well be illustrated by reference to the position which might arise after the Government had given their decision in the circumstances which, earlier in this Chapter, we set out as illustrating the conflict between the two principles that underlie the Balfour Declaration. If the Government decided to prohibit any sale of land that would result in the dispossession of tenant cultivators or if they declined in any circumstances to afford assistance by protection to Jewish industries, the complaint might well be made that they were failing to show a proper sympathy with the policy of establishing the Jewish National Home. If the reverse decisions were taken the complaint, no doubt, would be that the Government had shown no sympathy with the interests of the non-Jewish communities, whose rights and position they were instructed by the Mandate to protect.

One other example based on actual fact may well be given. On the recommendation of Sir Herbert Samuel, who at the time was the High Commissioner, and for reasons explained in his Report on the Administration of Palestine from 1920 to 1925, it was decided to allow the Beduin tenants of certain lands in the Jordan Valley, of a total area of about 106 square miles, to become the owners of those lands on easy terms. Legally the lands were the property of the State but Sir Herbert Samuel's recommendation was influenced by the fact that the occupiers had a strong moral claim to be allowed to remain in possession. This decision has been cited in support of the complaint that the Palestine Government have failed to encourage, in conformity with Article 6 of the Mandate, the close settlement by Jews on State lands.

Finally the complaint of lack of sympathy was made before us with reference to the personal views which individual officers in the service of the Government of Palestine are said to hold on racial questions. The complaint was made from both sides; in its essence it was that officers, who in many cases were named to us, had allowed their official judgment in administrative matters to be influenced by their personal feelings. The complaint is by its very nature a distasteful one. In no case was it supported by the slightest evidence of dereliction of duty, and, in the absence of such evidence, we regret that it was ever made

## CHAPTER XII

**DEFENCE AND SECURITY.**

Before we attempt to analyse the causes of the outbreak, we must deal with several outstanding matters all of which, though there is little connection between them, may for convenience be grouped under the title given to this Chapter.

**Garrison in Palestine and Trans-Jordan.**

We do not propose to reiterate here the account, given in Chapter II, of the reasons which led to the gradual reduction of the garrison in Palestine and Trans-Jordan and ultimately to the withdrawal of all military units and their replacement by a squadron of the Royal Air Force and sections of armoured cars. We would content ourselves by saying that, so far as we as civilians are competent to express an opinion on the subject, we are convinced that the policy of reduction was carried too far. No doubt the authorities were lulled into a false sense of security by the absence for some years of any overt acts of hostility. In consequence the forces were reduced, in our opinion, below the margin of safety.

The events of August last clearly established that for the duties of checking widespread disturbance and restoring order in Palestine infantry are more effective than are either aeroplanes or armoured cars. On the wider question whether aeroplanes and armoured cars are the most suitable form of garrison for Palestine there was direct conflict between the evidence of the experts who appeared before us and we can only suggest that this question should be considered by the appropriate advisers of His Majesty's Government, whose attention should, we consider, be drawn to the views expressed to us by Air Vice-Marshal Dowding and Brigadier Dobbie.

We recommend that, until the question of the form of the future garrison has been decided and thereafter until racial feeling in Palestine has shown some marked improvement, no reduction should be made in the present garrison of two battalions of infantry.

**British Police.**

Viewed in the light of the events of August last, the decision taken in 1925 to abolish the British Section of the Gendarmerie and to retain only 212 other ranks in the British Section of the Palestine Police was unfortunate. We were greatly impressed by the demeanour and capabilities of the British police, whether officer, non-commissioned officer, or constable, with whom we were brought into contact during our stay in Palestine and we feel that the presence of British policemen in larger numbers would at least have had a most salutary effect on the public in Palestine during the weeks which preceded the outbreak.

To those British police officers and to those members of the British Section of Police who were in Palestine at the time of the disturbances we desire to pay the highest tribute that lies within our power to offer. They acted up to the finest tradition of British service and, when faced with circumstances of grave danger, displayed signal personal courage. The services of Mr. Cafferata, who single handed faced and fought an infuriated Arab mob at Hebron, have been recognized through the award by His Majesty of the King's Police Medal. Other British officers and policemen were unsparing in their efforts to maintain and to restore order. Many of them were on duty for days without rest or relief and before the arrival of the troops had worked themselves to a standstill.

We feel that Major Saunders, who was acting as Commandant of Police in August last, deserves the greatest credit for the dispositions which he made of the few reliable police under his command, for his initiative and for his personal exertions during the disturbances. He, too, as we are happy to mention, has been awarded the King's Police Medal. We would also record that we were most favourably impressed by the manner in which Major Saunders gave evidence before us.

We had intended to recommend that the establishment of the British Section of Police should be substantially increased. We understand, however, that you have recently approved the enlistment of two hundred recruits in addition to a similar number enlisted immediately after the disturbances. The strength of the force has thus been brought to about 570. It is clearly outside our province to express any opinion as to the number of British police required in Palestine; we would, however, say that we consider them to be so vital an element in the preservation of internal security that no consideration of economy ought to lead to a reduction of their number below what, in the opinion of those competent to advise on such a question, will provide an adequate margin of safety.

### **Palestinian Police.**

We would preface this sub-section of the report by saying that we were informed in evidence and are satisfied from our observations while in Palestine that police recruited locally discharge with efficiency their ordinary duties such as the regulation of traffic and the patrolling of the streets in times of quiet. It was only when they were faced by racial disturbance and by a position which demanded the use of force against their co-religionists that their sense of discipline and loyalty was found wanting.

Of the witnesses heard in camera one told us that:—

“The native police, though theoretically adequate in numbers and efficiency for their everyday duties, collapsed under the stress of circumstances and became practically valueless.”

Another witness in camera said that up to the time when fire was opened, the conduct of the local police was good and showed a marked improvement on their conduct during the disturbances of 1920 and 1921, but that when fire opened and there was fighting at close quarters they were not to be relied upon.

In open session Group Captain Playfair stated that he could not rely upon local police to undertake such duties as standing patrols, while Mr. Sacher has described the Arab police as having been "ineffective so far as the Arab population was concerned."

There is therefore ample evidence that, even when generous allowance is made for the trying circumstances in which they were placed, the local police in Palestine, regarded collectively, behaved during the riots in a manner which must have disappointed those who were responsible for their training and discipline. For this reason we felt that an enquiry, which we had neither the time nor the expert knowledge to undertake, ought to be made into the organization of the Department of Police and Prisons in Palestine, the methods of training which are employed in that Department, and the standard of discipline attained. We therefore gladly associated ourselves in December last with the request, then made to you by the High Commissioner, that an experienced police officer from some other Dependency should be sent to Palestine to undertake an enquiry of this character. You agreed to this request and Mr. Dowbiggin, Inspector-General of Police in Ceylon, proceeded to Palestine in January for the purpose of enquiring into the organization of the police.

It has been suggested as one means of avoiding a recurrence of the outbreak of August last that there should be a considerable increase in the number of Jews in the Palestine Police Force. To every official witness who was competent to express an opinion on the point we put the question whether his criticism, if any, of the conduct of the local police applied equally to both races which compose that force; in no case was a witness prepared to make any distinction, in his criticism of the force as a whole, between Jewish and Arab personnel. We are doubtful, therefore, whether the suggestion would be likely to have the result claimed for it, but that matter will no doubt be considered in the light of the report of Mr. Dowbiggin.

We also questioned appropriate witnesses as to the desirability of recruiting the rank and file of the non-British police—or a part of them—from races outside Palestine, members of which would have no direct concern in the racial problem which exists there. In all cases we were advised that it would be undesirable to adopt this expedient and we were satisfied with the reasons on which that advice was based.

### **Intelligence System.**

It is generally admitted that the Intelligence System in Palestine has proved to be inadequate. By some witnesses this inadequacy was attributed to the insufficiency of the sum provided each year for the work of that branch of the police organization; by others it was stated that the Intelligence Service in Palestine had confined its activities to investigating and reporting on the machinations of communists and had paid little attention to the activities of political organizations of a different character. Whatever may have been the reasons for the past failure of the Intelligence System, it is, in our view, important that these should be removed and that a system should be established whereby, so far as is possible, the Government is kept in touch with every form of subversive activity in Palestine.

### **Trans-Jordan Frontier Force.**

The Trans-Jordan Frontier Force, as a whole, and in particular the detachments which were sent to Beit Alpha and Safed under the independent command of Arab officers, behaved with exemplary loyalty in circumstances which provided a severe test of their reliability. The Regiment at the time was of little more than three years' standing and it is greatly to the credit of Lieutenant-Colonel Shute and his brother officers that in so short a time he had been able to imbue his command with a tradition of loyalty and service. We were much impressed by the appearance of the men and the condition of the horses in the detachments of the Regiment which we saw in Palestine and Trans-Jordan.

### **Reserve of Special Constables.**

At a late stage of our enquiry Mr. Sacher made the following suggestion, among others, for the prevention of future disturbances —

“ I think it may very well be worth considering whether the enrolment of special constables who could be called up, when they would be under the direction and control of British officers, should not be carried out.”

As we had completed the hearing of official evidence on defence matters before this suggestion was made we had no opportunity of obtaining the advice of experts on it. We therefore offer no comment on Mr. Sacher's suggestion, but we consider that the possibility which he envisaged might with advantage be referred to the Palestine Government for enquiry and report.

### **Delay in sending reinforcements to Safed.**

The outbreak at Safed, occurring as it did two days after the last serious attack elsewhere, was in some ways the most unfortunate incident during the disturbances.

On the 24th and 25th of August small detachments of the Trans-Jordan Frontier Force were sent to Safed, but Captain Faraday, the police officer in charge in that town, who feared that serious disturbances might occur, asked for further assistance. The British troops despatched in response to this request on the 29th of August arrived at Safed two hours after the Arab attack on the Jewish quarter had taken place. When asked why he did not send these troops before he did so, Brigadier Dobbie, who at the time was in command of all the military and security forces in Palestine, replied as follows :—

“ It was because at the time all my troops were very much stretched out as far as I thought it was possible to stretch them. The situation was that one battalion had just arrived in the country from overseas, from Malta: they disembarked on the 28th and I had them near Ludd with a view to dealing with certain other problems which were forcing themselves on me. In my judgment it was not possible to extend my line northwards unless I got further reinforcements and to that end, on the 28th, that is the day before the trouble at Safed occurred, I advised the High Commissioner that, in order to enable me to do so, it would be prudent to ask that a further landing party be placed ashore by the naval ship which happened to be in the neighbourhood. The High Commissioner did that. In order to anticipate matters as much as possible, I did not wait for the complete arrival of the landing party but I sent off a detachment somewhere about mid-day or one o'clock on the 29th to Safed. I could not do it before because my preoccupations in other parts of the country were making it impossible from a military point of view.”

Later in evidence Brigadier Dobbie stated that —

“ If I were again faced with the situation as it then appeared to me and, having had longer time to think it over, I had to act in a hurry, I would do the same.”

We are convinced that Brigadier Dobbie was satisfied that he would not be justified in taking the risk that, in his judgment at the time, was inseparable from sending reinforcements to the distant town of Safed before the military position in the centre of the country had been more fully secured. Regrettable though the outbreak at Safed was, we feel unable to dissent from the judgment of the situation which Brigadier Dobbie formed in the circumstances as they presented themselves to him at the time.

#### General.

This is a convenient place at which to record our view, which is supported by the evidence of practically every witness who was questioned on the point, that the outbreak of August last neither was nor was intended to be a revolt against British authority. At the same time it may well be that, as we were told by one witness, “ given the opportunity of gathering momentum the riots would have become ultimately and necessarily anti-Government.”



We have reserved our finding on this particular point for the present Chapter since the nature of the disturbances is of greatest relevance in the consideration of the question of defence and security for the future. On this point we cannot say more than that, in the taking of decisions as to the garrison for the future and still more as to the conduct of future policy in Palestine, it should not be overlooked that any general revolt of the people of that country against British authority would entail consequences far more serious than any which can be said to have followed from the events of August last.

### CHAPTER XIII.

#### **ANALYSIS OF THE CAUSES OF THE OUTBREAK OF AUGUST, 1929.**

There can, in our view, be no doubt that racial animosity on the part of the Arabs, consequent upon the disappointment of their political and national aspirations and fear for their economic future, was the fundamental cause of the outbreak of August last. Other causes, which will be examined later in this Chapter, contributed in varying degrees to the disturbances, but our analysis would be incomplete if we did not take account of a state of feeling, the understanding of which is essential to a proper appreciation of the problem. We therefore propose first to discuss the factors which produced and accentuated that state of feeling.

In less than ten years three serious attacks have been made by Arabs on Jews. For eighty years before the first of these attacks there is no recorded instance of any similar incidents. It is obvious then that the relations between the two races during the past decade must have differed in some material respect from those which previously obtained. Of this we found ample evidence. The reports of the Military Court and of the local Commission which, in 1920 and in 1921 respectively, enquired into the disturbances of those years, drew attention to the change in the attitude of the Arab population towards the Jews in Palestine. This was borne out by the evidence tendered during our enquiry when representatives of all parties told us that before the War the Jews and Arabs lived side by side if not in amity, at least with tolerance, a quality which to-day is almost unknown in Palestine.

In any analysis of the factors that have brought about this change of relationship between the two races some regard must be had to the meaning which from the beginning has been attached by various persons to the promises made, on the one hand, in the Balfour Declaration and, on the other hand, to the Sherif Hussein during the War. Many of the leaders of either

race placed the widest possible construction upon these promises. A National Home for the Jews, in the sense in which it was widely understood, was inconsistent with the demands of Arab nationals while the claims of Arab nationalism, if admitted, would have rendered impossible the fulfilment of the pledge to the Jews.

When the terms of the Balfour Declaration became generally known the Arabs were greatly disappointed with the position in which they found themselves. In particular this was true of the Arab leaders, many of them members of a class that, under the Turkish rule, had been dominant in the country and whose sense of nationalism had been stimulated by the events of the Great War. Those leaders found not merely that they would not achieve their ambitions, but that their leadership in the country was likely to be threatened by the advent of a new and powerful element composed of a capable and progressive people.

Upon the announcement of policy in 1922 the Jews found that His Majesty's Government were not prepared to accept the exaggerated interpretations which in some quarters had been placed upon the Balfour Declaration. In consequence some sections of the Jews also in their turn were disappointed.

To the political disappointment of the Arabs there came in time to be added fear of the Jew as an economic competitor. In pre-war days the Jews in Palestine, regarded collectively, had formed an unobtrusive minority; individually many of them were dependent on charity for their living, while many of the remainder—in particular the colonists—brought direct and obvious material benefits to the inhabitants of the area in which they settled. The Jewish immigrant of the post-war period, on the other hand, is a person of greater energy and initiative than were the majority of the Jewish community of pre-war days. He represents a movement created by an important international organization supported by funds which, judged by Arab standards, seem inexhaustible. To the Arabs it must appear improbable that such competitors will in years to come be content to share the country with them. These fears have been intensified by the more extreme statements of Zionist policy and the Arabs have come to see in the Jewish immigrant not only a menace to their livelihood but a possible overlord of the future.

Fear of the Jew as an economic competitor has been intensified in two ways. The political campaign of opposition to the Jewish National Home has kept the fear present in the mind of the Arab people, and the results of Jewish enterprise and penetration have been such as to confirm their early fears and to lead them to-day to the opinion that ultimately they will be excluded from the soil. To some extent these two causes have reacted upon one another. If an Arab was dispossessed or was replaced in employment by a Jew, he and his friends gave public expression

to his grievance; the general political opposition to the Jews was thus strengthened and, as a result, the people came to view all economic issues in the light of political considerations and to find in them causes for complaint, sometimes even where none existed. This interplay of political and economic grievances added to the feeling of discontent. Step by step the whole Arab people become identified with their leaders in opposition to the Jewish National Home and, in consequence, united with them in a demand for self-government. They were reminded of the war-time pledges and of the constitutional position in other Arab countries; they were given to believe that, with self-government, taxation would be reduced, immigration would be checked, if not stopped, and each peasant would obtain a secure title to his land.

Had some modification been made in the full Zionist programme until at any rate it had become apparent to the Arabs that the new movement brought benefits that to some extent compensated for its obvious disadvantages, the opposition of the Arab people might never have been fully roused or, if roused, might have been overcome. Instead the Zionist movement has continued with its full programme, checked only by factors outside its control. The high rate of immigration that at times was reached is clearly shown by a document entitled "Migration Movements, 1925-1927," which was recently published by the International Labour Office at Geneva. This document sets out the countries of the world in the order of the increase of their population during those three years from migration movements. Palestine, with an increase of 1,364 persons per annum per 100,000 of its population, easily heads this list. New Zealand, Argentina, and Australia alone approach this figure. These, it will be noted, are "new" countries offering far more scope for settlement than does Palestine, which, though not yet fully developed, carries a population of approximately ninety persons to the square mile even when the desert and other uncultivable areas are included.

Though Jewish immigration and enterprise have been of great advantage to Palestine, the direct benefit to individual Arabs, which alone is likely to be appreciated, has been small, almost negligible, by comparison with what it might have been had the pre-war methods of settlement been continued. When trade depression and unemployment followed the period of heavy immigration the indirect benefits which Jewish activities had brought to many parts of Palestine were forgotten and everywhere among the Arab people the Zionist movement was regarded as the cause of the economic problems of the country. The sale of the Sursock lands and other Jewish land purchases in districts where the soil is most productive were regarded as showing that the immigrants would not be content to occupy undeveloped areas and that economic pressure upon the Arab population was likely to increase.

In other words, those consequences of Jewish enterprise which have most closely affected the Arab people have been such that the Arab leaders could use them as the means of impressing upon their followers that a continuance of Jewish immigration and land purchases could have no other result than that the Arabs would in time be deprived of their livelihood and that they, and their country, might ultimately come under the political domination of the Jews. Racial antipathy needed no other stimulus, but it was further encouraged by a spirit of mutual intolerance which has unfortunately been a marked feature of the past decade in Palestine. From the beginning the two races had no common interest. They differed in language, in religion, and in outlook. Only by mutual toleration and by compromise could the views of the leaders of the two peoples have been reconciled and a joint endeavour for the common good have been brought about. Instead, neither side had made any sustained attempt to improve racial relationships. The Jews, prompted by eager desire to see their hopes fulfilled, have pressed on with a policy at least as comprehensive as the White Paper of 1922\* can warrant. The Arabs, with unrelenting opposition, have refused to accept that document and have prosecuted a political campaign designed to counter Jewish activities and to realize their own political ambitions.

This completes our survey of the manner in which racial antipathy has developed in Palestine. Without some such survey no analysis of the more immediate causes of the outbreak of August last could be complete. If we have succeeded in conveying a correct impression of the general undercurrent of feeling in Palestine, it will be realized that an incident or a series of incidents that elsewhere would at worst lead to a local riot would be apt in that country to result in widespread disturbance. The removal of the screen from the pavement in front of the Wailing Wall on the Jewish Day of Atonement in September, 1928, was the beginning of such a series of incidents. From that day the Wailing Wall became a symbol of racial pride and ambition, the questions of rights and claims in connection with it ceased to be a religious issue, and a smouldering spark was set to the long fuse that in the following August was to result in conflagration.

The immediate consequences of the removal of the screen have been told in detail in the early part of Chapter III of this report. Moslem opinion was mobilized through the formation of the Society for the Protection of their Holy Places: the Jewish authorities protested to His Majesty's Government and by petition to the League of Nations. For some time feelings ran high, particularly among Moslems, and were not appeased until in the White Paper of November 1928,† His Majesty's Government gave a partial decision on the issues involved. The

---

\* Cmd 1700.

† Cmd. 3229.

doctrine of maintaining the *status quo*, as enunciated in the White Paper and by implication supported in the decisions of the League of Nations on the petitions which they had received, was reassuring to the Moslems but distasteful to the Jews. During the next six months the Moslem religious authorities, encouraged perhaps by this success, exercised to the full those rights in the neighbourhood of the Wall by which they could annoy the Jews and at the same time emphasize their ownership of the Wall, the pavement, and the surrounding property. To every incident a wide publicity was given within Palestine and outside it, many questions being asked in Parliament. When in each case the decision went against them it caused intense dissatisfaction amongst the Jews in Palestine. On the Moslem side there was a corresponding degree of satisfaction and the trial of strength was carried further at every stage. Had it been possible at this point to apply in detail the principles set out in the White Paper of 1928, the problem of the Wailing Wall might well have ceased to be a leading political and racial issue, but no decision could be taken in the absence of a reply from the Chief Rabbinate to the many letters from the Government asking them to produce evidence of rulings given under the Turkish regime in regard to the bringing of various appurtenances of worship to the Wailing Wall. As pointed out in Chapter III, the Jewish reply, when it came, offered no such evidence but argued the case on legal principles, whereas it was the considered opinion of His Majesty's Government, publicly expressed in the White Paper, that they were bound by the Mandate to maintain the *status quo*.

The Wailing Wall problem, which for nearly three months had received little public notice as a political or racial question, was revived in a form even more acute than ever before when, towards the end of July last, it became known that, in the light of an opinion of the Law Officers to the Crown, the Palestine Government had decided to permit the resumption of building operations that would have the effect, *inter alia*, of converting the pavement in front of the Wall into a thoroughfare. In the middle of June this decision had been communicated to the Palestine Zionist Executive, who had not contested its validity. Nevertheless, Jewish opinion throughout Palestine strongly resented it. Dissatisfaction at the earlier decisions was succeeded, as witnesses have told us, by a feeling that the Government had created a situation of humiliation for the Jewish people in Palestine. Expression to these feelings was given in the demonstration held at Tel Aviv on the 14th of August and in the Jewish procession to and demonstration at the Wailing Wall on the following day. At the Wall on the 15th of August the Zionist flag was raised, the Zionist anthem was sung, a two minutes' silence was observed, and there were such cries as "The Wall is ours." The conduct of the counter demonstration by the Moslems on the following day was even more regrettable; the crowd took out petitions placed in the crevices of the

Wall by Jewish worshippers and burnt these and prayer books and prayer sheets which are used in the devotional services at the Wall.

This series of incidents, culminating in the two demonstrations, roused the latent feelings of hostility and animosity between the two races, each of which regarded the demonstration of their co-religionists as the mere assertion of their lawful rights and the other demonstration as an improper trespass upon those rights. Among the Moslem Arabs throughout the country the story spread that the Jews had attacked or intended to take the Moslem Holy Places. To the general undercurrent of feeling, already intensified through excitement caused by earlier events connected with the Wailing Wall, there was added the religious motive which alone is likely to give direction to a diversity of grievances. Racial antipathy, accentuated among the Arabs by a sense of religious grievance and among the Jews by a feeling of humiliation and dissatisfaction, found its outlet in a series of attacks and assaults of varying degrees of severity, which, during the week following the Moslem demonstration, were made by Arabs on Jews and by Jews on Arabs in the Old and New Cities of Jerusalem and, to a less extent, in other parts of the country. On the 23rd of August the more serious disturbances began.

The chain of circumstances connected with the Wailing Wall is unbroken from the Jewish Day of Atonement in September, 1928, up to the 23rd of August, 1929, and must, in our view, be regarded as a whole. If from this series of events some incident had to be selected as having been more than any other single incident an immediate cause of the outbreak, that incident must, in our view, be the Jewish demonstration which took place at the Wailing Wall on the 15th of August, but we wish to make it clear that the acting members of the Palestine Zionist Executive were in no way responsible for, and in fact opposed, that demonstration.

Next in importance in the chain of events we would put the activities of the Society for the Protection of the Moslem Holy Places and, in a lesser degree, of the Pro-Wailing Wall Committee. In drawing a distinction between the two organizations we have in mind the longer existence of the Moslem Society, its greater scope for arousing religious animosity, and the fact that, whereas the Pro-Wailing Wall Committee was viewed with disfavour by official Zionists, the Society for the Protection of the Moslem Holy Places was founded and fostered by some of the Moslem leaders. If these considerations are left out of account, the activities of the Society and the Committee are equally deserving of censure. Both were conducting a campaign of propaganda on an issue calculated to lead to disturbance and the difference between the tone of the literature published by the two bodies does little more than reflect the difference between the character and mentality of their respective constituents.

A further immediate cause, which will be evident from the narrative in Chapter III of this report, is the liberty of expression in which some sections of the Press in Palestine were allowed to indulge. Exciting articles appeared at times in most papers, whether Hebrew or Arabic, but in general it may be said that two out of the three Hebrew daily papers which are published in Palestine are free from blame. The third published several intemperate articles on the subject of the Wailing Wall during the month that preceded the outbreak and on the 16th of August brought out a supplement, dealing with the Moslem demonstration on that day, which was expressed in terms likely to excite its readers. A Jewish weekly paper printed in English in Jerusalem also published at least one exciting article. The worst offenders were, however, a number of the newspapers published in Arabic. In these statements of an intemperate character appeared long before the Wailing Wall dispute entered upon its final phase; nor were their statements of this character confined to the Wailing Wall issue. Articles which were exciting, if not definitely provocative, were published on general political questions; some papers reproduced extracts from that discredited work "The Protocols of the Learned Elders of Zion".

The third immediate cause is, in our view, the deliberate agitation of the less-educated Arab people. The question of incitement is discussed at length in the latter part of Chapter IV of this report; here we will content ourselves with a summary of the conclusions which are there recorded. No connection has, in our view, been established between the Palestine Arab Executive and those who stirred up racial feeling. We have, however, little doubt, though of this there is no proof, that among the members of the various Moslem associations in Palestine were many whose desire to see the adoption of more violent methods than the Executive officially countenanced led them as individuals to prosecute among the more ignorant Arab people a campaign of propaganda calculated to excite them.

We also consider that the enlargement of the Jewish Agency was a factor which contributed to the outbreak. During our proceedings an attempt was made to establish that some of the resolutions passed by the Sixteenth Zionist Congress at Zurich between the 28th of July and the 11th of August last excited the Arab people and so were in part the cause of disturbance in Palestine. To this end we were presented in evidence with newspapers published in Palestine as early as the 7th of August which contained articles recording proceedings at Zurich and commenting on them. We are not convinced that, by the time when the outbreak occurred, news of the resolutions and proceedings of the Congress had so far penetrated in Palestine as to be a material factor in the situation, though the more educated Arabs no doubt had knowledge of them. It was, on the other hand,

common knowledge in Palestine that at Zurich the Zionist movement was likely to be reinforced by a strong body of wealthy non-Zionists, who were expected to provide funds for the further development of Zionist activities in Palestine. The news that this expectation had been realized would quickly spread and was, in our opinion, a cause of increased apprehension and alarm among all classes of Arabs.

Our analysis of causes would be incomplete if we did not take into account the fact that at the time of the outbreak few military forces were available in Palestine and Trans-Jordan and few reliable security forces were available in Palestine itself. When dealing with the question of defence and security we expressed the view that these countries had been denuded of troops and of security forces below the margin of safety. It cannot be said, however, that the presence of troops or of British police in larger numbers on the 23rd of August last would necessarily have prevented an outbreak on that day. That indeed would seem unlikely in view of the size of the garrison in Palestine in April, 1920, and May, 1921, when racial disturbances occurred. On the other hand, the presence of a British garrison or of more British police would have been a deterrent to some of those who made trouble and would probably have enabled the authorities in Palestine to localize the disturbances. To that extent the absence of adequate forces must be counted among the causes which contributed to the disturbances.

A last but most important cause is the state of public feeling in Palestine which has its origin in that uncertainty as to policy which we have discussed at length in Chapter XI of this report. We there endeavoured to show that one result of this uncertainty is that, in the eyes of the people of Palestine, there is a constant, though quite unfounded, suspicion that their Government is liable to be influenced by political considerations. We have little doubt that this suspicion played a part in many of the events which led immediately up to the disturbances and was the direct cause of others. By some at least among those who published bitter criticism of the Government or organized demonstrations at the Wailing Wall or in other ways challenged the Administration it was thought that through these means the decisions of the Government might be influenced.

---

#### CHAPTER XIV.

#### **SUMMARY OF FINDINGS AND RECOMMENDATIONS.**

We propose now to summarize

- (A) our general conclusions on the more important matters raised during our enquiry,
- (B) our findings as to the causes of the outbreak, and
- (C) our recommendations for the future.



This arrangement, though it involves some duplication in the references to passages in this report, has the advantage that our opinion as to both causes and remedies are recorded separately from our other findings and can be seen at a glance.

## (A) GENERAL CONCLUSIONS ON MORE IMPORTANT MATTERS.

### (i) Nature of the outbreak.

1. The outbreak in Jerusalem on the 23rd of August was from the beginning an attack by Arabs on Jews for which no excuse in the form of earlier murders by Jews has been established. (Chapter III, page 63.)

2. The outbreak was not premeditated. Disturbances did not occur simultaneously in all parts of Palestine but spread from the capital through a period of days to most outlying centres of population and to some rural districts. (Chapter IV, page 81.)

3. As will be realized from the brief account of the disturbances given on pages 62 to 65 of Chapter III, they took the form, for the most part, of a vicious attack by Arabs on Jews accompanied by wanton destruction of Jewish property. A general massacre of the Jewish community at Hebron was narrowly averted. In a few instances, Jews attacked Arabs and destroyed Arab property. These attacks, though inexcusable, were in most cases in retaliation for wrongs already committed by Arabs in the neighbourhood in which the Jewish attacks occurred.

4. The outbreak neither was nor was intended to be a revolt against British authority in Palestine. (Chapter XII, page 149.)

### (ii) Zionist complaints against the Mufti of Jerusalem.

5. The motive of desire to secure his own position as President of the Supreme Moslem Council, which formed part of the case put forward against the Mufti, has not been established. The Mufti, so far as we can see, had no reason to suppose that his tenure of office was in any danger. (Chapter IV, pages 71 and 72.)

6. In playing the part that he took in the formation of societies for the defence of the Moslem Holy Places and in fostering the activities of such societies when formed, the Mufti was influenced by the twofold desire to annoy the Jews and to mobilize Moslem opinion on the issue of the Wailing Wall. He had no intention of utilizing this religious campaign as the means of inciting to disorder. Inasmuch as the movement which he in part created became through the force of circumstances a not unimportant factor in the events which led to the outbreak, the Mufti, like many others who directly or indirectly played upon public feeling in Palestine, must accept a share in the responsibility for the disturbances. (Chapter IV, pages 73 to 75.)

7. The innovations of practice introduced by the Moslem religious authorities, of whom the Mufti is the head, in the neighbourhood of the Wailing Wall were intended in part to annoy the Jews and in part to emphasize Moslem rights of ownership over the Wailing Wall, the pavement in front of it and the surrounding property. Generally, however, in the matter of innovations of practice little blame can be attached to the Mufti in which some Jewish religious authorities also would not have to share. (Chapter IV, page 75.)

8. There is no evidence that the Mufti issued any requests to Moslems in Palestine to come up to Jerusalem on the 23rd of August and no connection has been established between the Mufti and the work of those who either are known or are thought to have been engaged in agitation and incitement. (Chapter IV, pages 75 and 76.)

9. After the disturbances had broken out the Mufti co-operated with the Government in their efforts both to restore peace and to prevent the extension of disorder. (Chapter IV, page 77.)

**(iii) Zionist complaints against the Palestine Arab Executive.**

10. The charges of premeditation and of organization of the disturbances are not proved against the Palestine Arab Executive and, if made in relation to the actual events of the 23rd of August and the following days, are negated by the known facts. (Chapter IV, pages 78 to 81.)

11. The charge of deliberate incitement to disorder has not been substantiated against the Palestine Arab Executive as a body, but we have little doubt that some of the constituents who elected the Executive carried out among the more ignorant Arab people a campaign of propaganda calculated to incite them. (Chapter IV, page 81.)

12. It is probable, though except in one case there is no proof, that individual members of the Arab Executive further exacerbated racial feeling after the disturbances had begun. (Chapter IV, page 82.)

13. For their failure to make during the week preceding the disturbances an attempt to control their followers by declaring publicly and emphatically that they were on the side of law and order, neither the Mufti nor the Palestine Arab Executive can be acquitted of blame. (Chapter IV, page 82.)

**(iv) Zionist complaints against the Government.**

14. No blame can properly be attached to Mr. Luke on the ground that he did not obtain reinforcements from neighbouring countries before the 23rd of August. (Chapter V, page 84.)

15. Looking back on the question in the full light of our present knowledge, it is our view that it would have been a reasonable precaution if Mr. Luke had mobilized the troops

within his jurisdiction at some convenient place in Palestine some time during the days which immediately preceded the disturbances, but, for reasons which we explained on page 84 of Chapter V, we do not think that any serious criticism can properly be levied against Mr. Luke for his failure to adopt this course.

16. We endorse Mr. Luke's action in declining to arm the considerable number of Jewish people whose services were offered to him. (Chapter V, page 85.)

17. We are satisfied that, in taking his decision that 41 Jewish special constables should be disarmed, Mr. Luke was following the highest military advice available to him and was using his own unbiased judgment as to the line of action which was best calculated to serve the interests of the people with whose well-being he was charged. (Chapter V, page 86.)

18. On the question of present and future policy in regard to the arming of Jewish colonies there is a difference of opinion among us which is recorded on page 87 of Chapter V.

19. The police and the crews of armoured-cars exercised a wise discretion in the use and withholding of fire during the disturbances. (Chapter V, pages 87 to 89.)

20. Many exciting and intemperate articles were published in the Press in Palestine between October, 1928, and August, 1929. We consider that the power of the Palestine Government to suspend the Press should have been invoked against papers which published some of these articles. (Chapter V, pages 90 and 91.)

21. We cannot attach blame to any police officer for failure to prevent the Jewish demonstration at the Wailing Wall on the 15th of August. It is our view that those who were present during the discussions with the leaders of the Jewish youth failed to make it clear to Major Saunders that the Jewish leaders had declined to accept one of the conditions which Mr. Luke had attached to his decision that the procession should be allowed to go to the Wailing Wall. (Chapter V, pages 92 and 93.)

22. Any attempt to have prevented by force the Moslem demonstration which took place on the 16th of August would have been dangerous and ill-advised. (Chapter V, page 94.)

23. The rumours which were current in Palestine immediately before the 23rd of August were the natural consequence of the two demonstrations on the 15th and 16th of that month. (Chapter V, page 94.)

24. The complaint that the Palestine Government have consistently shown a lack of sympathy towards the establishment of the Jewish National Home and that their policy has been one of weakness is, in a large measure, due to the difficulties

inherent in the Mandate and to a failure to appreciate the dual nature of the policy which the Government have to administer. It is our view that the Government did discharge to the best of their ability the difficult task of maintaining a neutral and impartial attitude between two peoples whose leaders have shown little capacity for compromise. (Chapter XI, pages 143 and 144.)

**(v) Immigration.**

25. Jewish enterprise and Jewish immigration, when not in excess of the absorptive capacity of the country, have conferred material benefits upon Palestine in which the Arab people share.

26. We consider, however, that the claims and demands which from the Zionist side have been advanced in regard to the future of Jewish immigration into Palestine have been such as to arouse among the Arabs the apprehensions that they will in time be deprived of their livelihood and pass under the political domination of the Jews. (Chapter VII, pages 106 to 111.)

27. We further consider that Sir John Campbell was right when he reported that the crisis of 1927 and 1928 was due "to the fact that immigrants have come into Palestine in excess of the economic absorbing power of the country." (Chapter VII, page 106.)

28. There is incontestable evidence that in the matter of immigration there has been a serious departure by the Jewish authorities from the doctrine accepted by the Zionist Organization in 1922 that immigration should be regulated by the economic capacity of Palestine to absorb new arrivals. (Chapter XI, page 141.)

29. In conjunction with other and more immediate causes for disturbance, the feeling of Arab apprehension caused by Jewish immigration was a factor which contributed to the outbreak. (Chapter VII, page 112.)

30. The selection of immigrants under the Labour Schedule is in effect entrusted to the General Federation of Jewish Labour in Palestine. In the allocation of certificates supplied to them for this purpose it is the practice of the Federation to have regard to the political creed of the several possible immigrants rather than to their particular qualifications for admission to Palestine. This system cannot be defended: that political creed of any complexion should be a deciding factor in the choice between intending immigrants is open to the strongest exception. (Chapter VII, page 105.)

**(vi) Land problem.**

31. Soon after the institution of civil government in Palestine the Administration became anxious lest the interests of tenants

and cultivators should be prejudiced by the sale of large estates. (Chapter VIII, page 114.)

32. The Land Transfer Ordinances of 1920 and 1921 were passed with the object of protecting the interests of cultivators and of preventing their expropriation from the soil. Those Ordinances failed to achieve their objects and were replaced by the Protection of Cultivators Ordinance of 1929. (Chapter VIII, pages 114 to 117.)

33. Between 1921 and 1929 there were large sales of land in consequence of which numbers of Arabs were evicted without the provision of other land for their occupation. In some cases the Arabs who were dispossessed received cash compensation and no criticism can be levied against the Jewish land companies in respect of these transactions. Those companies were acting with the knowledge of the Government (Chapter VIII, pages 117 to 119.)

34. The Protection of Cultivators Ordinance of 1929, while giving compensation for disturbance, does nothing to check the tendency towards the dispossession of cultivators from their holdings. The mere provision of compensation in money may even encourage that tendency. (Chapter VIII, page 124.)

35. The position is now acute. There is no alternative land to which persons evicted can remove. In consequence a landless and discontented class is being created. Such a class is a potential danger to the country. Unless some solution can be found to deal with this situation, the question will remain a constant source of present discontent and a potential cause of future disturbance. (Chapter VIII, pages 123 and 124.)

36. Palestine cannot support a larger agricultural population than it at present carries unless methods of farming undergo a radical change. With more intensive cultivation, should this prove to be possible, room might be found for a number of newcomers in certain districts. (Chapter VIII, page 121.)

#### (vii) Arab Constitutional Grievances.

37. It is a matter for regret that the Arab leaders did not accept the offer of a Legislative Council that was made to them in 1922. To-day the Arab people of Palestine are united in their demand for a measure of self-government. This unity of purpose may weaken, but it is liable to be revived in full force by any large issue which involves racial interests. It is our belief that a feeling of resentment among the Arabs of Palestine consequent upon their disappointment at continued failure to obtain any measure of self-government is greatly aggravating the difficulties of the local Administration. (Chapter IX, pages 130 and 131.)

**(viii) Minor Arab Grievances.**

38. Of the four complaints discussed in Chapter X of this report, some are not well founded and none can be regarded as constituting a serious grievance.

**(ix) Difficulties Inherent in the Mandate.**

39. The difficulties inherent in the Balfour Declaration and in the Mandate for Palestine are factors of supreme importance in the consideration of the Palestine problem. The issue of a clear definition of policy, backed by a statement that it is the firm intention of His Majesty's Government to implement that policy to the full, would be of the greatest assistance in securing the good government of the country. (Chapter XI, page 139.)

40. There exists among the Arabs in Palestine a strong feeling of resentment at a position in which, while they have no means of direct access to His Majesty's Government, the Jews in Palestine, through the exercise of the functions conferred upon the Zionist Organization by Article 4 of the Mandate, are allowed to approach His Majesty's Government direct. (Chapter XI, page 143.)

**(x) Defence and Security.**

41. The policy of reducing the garrison in Palestine and Trans-Jordan was carried out too far. (Chapter XII, page 145.)

42. The conduct of the British police in Palestine during the period of the disturbances deserves the highest commendation. The Palestinian police, regarded collectively, were not to be relied upon after fire had been opened or for purposes of fighting at close quarters. The Trans-Jordan Frontier Force behaved with exemplary loyalty. (Chapter XII, pages 143 to 147.)

43. The Intelligence Service in Palestine has proved to be inadequate. (Chapter XII, page 148.)

**(B) SUMMARY OF FINDINGS AS TO CAUSES OF THE OUTBREAK OF AUGUST LAST.**

44. The fundamental cause, without which in our opinion disturbances either would not have occurred or would have been little more than a local riot, is the Arab feeling of animosity and hostility towards the Jews consequent upon the disappointment of their political and national aspirations and fear for their economic future. The origin and growth of this feeling are discussed on pages 150 to 153 of Chapter XIII. The feeling as it exists to-day is based on the twofold fear of the Arabs that

by Jewish immigration and land purchase they may be deprived of their livelihood and in time pass under the political domination of the Jews.

45. In our opinion the immediate causes of the outbreak were :—

(a) The long series of incidents connected with the Wailing Wall which began on the Jewish Day of Atonement in September, 1928, and ended with the Moslem demonstration on the 16th of August, 1929. These must be regarded as a whole, but the incident among them which in our view most contributed to the outbreak was the Jewish demonstration at the Wailing Wall on the 15th of August, 1929. Next in importance we put the activities of the Society for the Protection of the Moslem Holy Places and, in a less degree, of the Pro-Wailing Wall Committee. (Chapter XIII, pages 153 to 155.)

(b) Exciting and intemperate articles which appeared in some Arabic papers, in one Hebrew daily paper and in a Jewish weekly paper published in English. (Chapter V, page 90, and Chapter XIII, page 156.)

(c) Propaganda among the less-educated Arab people of a character calculated to incite them. (Chapter IV, page 51 and Chapter XIII, page 156.)

(d) The enlargement of the Jewish Agency. (Chapter XIII, page 156.)

(e) The inadequacy of the military forces and of the reliable police available. (Chapter XII, page 145 and Chapter XIII, page 157.)

(f) The belief, due largely to a feeling of uncertainty as to policy, that the decisions of the Palestine Government could be influenced by political considerations. (Chapter XI, page 140 and Chapter XIII, page 157.)

### (C) RECOMMENDATIONS.

We would preface this summary by stating that we attach the highest importance to our first recommendation that His Majesty's Government should consider the advisability of issuing a clear statement of policy, the value of which would be greatly enhanced if it dealt with the points which we set out in paragraph 46 (b) below.

Our recommendations in regard to the immigration and land questions are largely based on the assumption that in their definition of policy His Majesty's Government will clearly state that the rights and position of non-Jewish communities in Palestine are to be fully safeguarded.

#### **Definition of policy.**

46.—(a) It is our view that the issue of a clear statement of the policy which His Majesty's Government intend to be pursued in Palestine is essential to the good government of

that country. We therefore recommend that His Majesty's Government should consider the advisability of issuing such a statement with the least possible delay; it is important that His Majesty's Government should make it clear that they intend to give full effect to that policy with all the resources at their command. (Chapter XI, page 139.)

(b) Whatever form that statement of policy may take, its value would be greatly enhanced (i) if it contained a definition in clear and positive terms of the meaning which His Majesty's Government attach to the passages in the Mandate providing for the safeguarding of the rights of the non-Jewish communities in that country and (ii) if it laid down, for the guidance of the Government of Palestine, directions more explicit than any that have yet been given as to the conduct of policy on such vital issues as land and immigration. (Chapter XI, page 142.)

### Immigration.

47.—(a) Any uncertainty as to the line of policy to be pursued in the vital matter of immigration is bound to be reflected in the conduct of the Palestine Government and in the attitude and temper of the Arab people and of those who represent Jewish interests. We recommend therefore that His Majesty's Government should issue at an early date a clear and definite declaration of the policy which they intend to be pursued in regard to the regulation and control of future Jewish immigration to Palestine and, in the framing of that declaration, should have regard to our conclusions on the subject of immigration. (Chapter VII, page 112.)

(b) The administrative machinery for the regulation of immigration should be reviewed with the object of preventing a repetition of the excessive immigration of 1925 and 1926. (Chapter VII, page 112.)

(c) Consideration should be given to the possibility of devising some more suitable method of regulating the disposal of immigration certificates under the Labour Schedule. (Chapter VII, page 112.)

(d) Until such time as some form of representative government is established in Palestine, machinery should, if possible, be devised whereby non-Jewish interests in Palestine could be consulted upon matters which, had there been a Legislative Council, would have been referred to the special immigration committee of which mention is made in the statement of policy contained in the White Paper of 1922. (Chapter VII, page 112.)



### **Land.**

48.—(a) A scientific enquiry should be undertaken by experts into the prospects of introducing improved methods of cultivation in Palestine. Land policy could then be regulated in the light of facts ascertained by those scientific investigations. It is of vital importance that in any scheme of land development adopted as the result of expert enquiry, regard should be had to the certain natural increase in the present rural population. (Chapter VIII, page 123.)

(b) It is of vital importance that, pending the results of this survey, the present tendency towards the eviction of peasant cultivators from the land should be checked by the adoption of one of the alternative methods mentioned on page 124 of Chapter VIII or by some other appropriate means.

(c) The Palestine Government should consider the possibility of reviving the Agricultural Bank or of providing by other means for the need of the poorer cultivators who require credit facilities to enable them to improve their present methods of farming (Chapter VIII, page 122.)

### **Constitutional development.**

49. We do not wish to make any formal recommendation on this question. We would, however, urge that, when the question of constitutional development in Palestine again comes under review, regard should be had to our conclusion in Chapter IX of this report that the absence of any measure of self-government is greatly aggravating the difficulties of the local Administration.

### **The Wailing Wall.**

50. In December last, while we were still in Palestine, we communicated to you a recommendation that His Majesty's Government should take such steps as lay within their power to secure the early appointment, under Article 14 of the Mandate for Palestine, of an *ad hoc* Commission to determine the rights and claims in connection with the Wailing Wall. We thought it advisable to anticipate this recommendation and to bring it to your notice in time for His Majesty's Government, if they so desired, to make use of it when the question of the appointment of such a Commission came before the Council of the League of Nations in January last. We have since learned that the League Council agreed to the proposed appointment of a Commission. The early determination of rights and claims connected with the Wailing Wall is, in our view, a measure essential in the interests of peace and good government in Palestine. We consider, therefore, that the constitution of the Commission and its departure for that country should be expedited by every possible means.

### Activities of religious societies.

51. Since the disturbances the legislation in Palestine dealing with offences against the State, including sedition, has been repealed and replaced by an Ordinance based on English criminal law. In the circumstances we feel that it is unnecessary for us to make any recommendation under this head.

### Press incitement.

52.—(a) Steps should be taken to ensure that the attention of senior officers of the Palestine Government is in future called to any articles appearing in the Press in Palestine which are of an inflammatory character and likely to excite the feelings of the people of that country.

(b) The Palestine Government should examine the Press Law now in force in that country with a view to making provision, if such provision does not now exist, which would enable them to obtain from the Courts a conviction in any case in which it is proved that articles tending to a breach of the peace have been published in a newspaper in Palestine. (Chapter V, page 91.)

### Incitement.

53. Steps should at once be taken to remedy the admitted defects in the Intelligence Service in Palestine. An adequate and efficient Intelligence Service is essential to enable the Government to check the activities of persons who endeavour to stir up racial feeling. (Chapter XII, page 148.)

### Functions of the Zionist Organization and the Palestine Zionist Executive.

54.—(a) We recommend that His Majesty's Government should re-affirm the statement made in 1922 that the special position assigned to the Zionist Organization by the Mandate does not entitle it to a share in any degree in the government of Palestine. (Chapter XI, page 142.)

(b) We recommend, for the consideration of His Majesty's Government, that they should examine the possibility of laying down some precise definition of the meaning of Article 4 of the Palestine Mandate. (Chapter XI, page 143.)

### Defence and security.

55.—(a) The question of the most suitable form of garrison for Palestine should be referred to the appropriate advisers of His Majesty's Government. (Chapter XII, page 145.)

(b) Until that question has been decided and thereafter until racial feeling has shown some marked improvement, no reduction should be made in the present garrison of two battalions of infantry. (Chapter XII, page 145.)

(c) An independent enquiry should be made by an experienced police officer from some other Dependency into the organization of the Department of Police in Palestine.

You have already accepted and acted on this recommendation. (Chapter XII, page 147.)

(d) The Palestine Government should be instructed to enquire into and report upon the possibility of forming a reserve of special constables. (Chapter XII, page 148.)

---

## CHAPTER XV.

### CONCLUSION.

We have now completed the mission which we undertook. Our general conclusions, our findings as to causes and our recommendations for the future are all the result of prolonged and anxious enquiry. Our recommendations would, we believe, form a basis upon which the future peace of Palestine might rest. There is, however, much that lies outside the control of His Majesty's Government, over which the Palestine Government has little influence, and there are remedies, more important perhaps than any we have suggested, which must remain in the hands of the two peoples who, in a country restricted in area, have to live together under one Government, whatever the constitution of that Government may be.

In an atmosphere in which racial antagonism and mutual suspicion are general and which has been still further poisoned by the tragic events of August last, it may seem idle at this moment to point out that there is little prospect either of the success of Jewish colonization in Palestine or of the peaceful and progressive development of the Arab people unless co-operation between the two races, the composure of their differences and the removal of causes of suspicion are by some means brought about.

The prospects of joint endeavour in any field of political activity are not encouraging. The events of August last cannot easily be forgotten. Co-operation in economic affairs may, however, be possible and is the one means whereby the compensatory advantages of Jewish settlement can be brought home to the Arab people. The welfare of a whole community demands that the Jewish leaders should not allow their most natural

feelings to deter them from exploring to the full the possibility of thus cultivating a better understanding between the two races. It would seem that, so far, little effort has been expended in this direction. It is true that Jewish immigration and Jewish enterprise have conferred great benefits on the country in which the Arab people share. But the advantages to the Arabs have been, as it were, incidental to the main purpose of the enterprise and did not form part of the original design. In the result, while the Jews claim credit, and rightly so, for benefits conferred upon the country as a whole, the Arabs show no gratitude for advantages accruing to them since these, they feel, are unintended features of a policy which they dislike.

To the Arab and Moslem leaders there falls a duty which is unmistakably clear. They should make it known to all their followers and to all their co-religionists that, both collectively and as individuals, they are opposed to disorder and to violence. And, if from the Jewish side a genuine attempt is made at co-operating in agriculture or in other economic activities, it will be incumbent upon the Arab leaders, by responding to that attempt, to show that they were sincere when they professed before us that they were not opposed to Jewish activities in Palestine where these are of clear benefit to their countrymen of their own race.

There can be no doubt that the murders and other criminal acts of August last, for which no words of condemnation can be too severe, have postponed for a time the hope of any general composure of the differences between the two peoples. Yet, as the responsible leaders of both races should themselves realize and should impress upon their followers, without co-operation in a spirit of mutual tolerance, there is little hope that the aspirations of either people can be realized.

There remains the duty of expressing our gratitude to the many people who have assisted us in the fulfilment of our task and have contributed to our comfort and convenience while we were engaged upon it.

In a valedictory message to the people of Palestine, which is reproduced in Appendix VI to this report, we ventured to claim that we had received the fullest measure of assistance from all in that country who desired that the true causes of the deplorable outbreak of August last should be ascertained. On all sides there was, as we had expected, a desire to appear before us; our difficulty was not to obtain evidence but to keep it within reasonable bounds. In two cases we accepted written communications in lieu of oral evidence. We would express our appreciation of the care that was given to the composition of the memoranda which we thus received. Many Departments of the Palestine Government were called upon to prepare for our

use detailed reports, memoranda, and statistical tables. All these have been of the greatest value to us and we are deeply grateful to the officers who were concerned in their preparation.

From the High Commissioner and from all officers in the service of the Palestine Government we received every possible assistance. On our journeys between Port Said and Jerusalem, while we were in Jerusalem and on the tours which we made about the country the most complete arrangements were made to ensure our comfort. To all who thus lightened our labours we would express our thanks; in particular we are indebted to Mr. M. Nurock of the Secretariat through whom, in the main, our business in relation to the Government was conducted and to Mr. G. F. Sulman, who accompanied us on our journeys to and from Port Said.

The staff which the Palestine Government attached to us during our stay in that country rendered excellent service. To Miss E. M. Khadder, Miss G. O. Louis, Miss B. Neyman, and Miss F. Petruska, whose services as stenographers were placed at our disposal by Departments of the Government, fell the greater part of the transcription of the voluminous evidence tendered to us. They quickly adapted themselves to work of a character to which they had not been accustomed and, though working for long hours under severe pressure, they maintained a high standard of accuracy. Mr. T. C. Eddy, who was seconded from the Sudan Service, discharged with admirable energy and efficiency the duties of the registration and despatch of a very considerable correspondence and assisted in the establishment and organization of our offices. It is to the credit of the officers who acted as official interpreters during our proceedings—in particular Messrs I. Kaabani, J. Kisselov, and I. Abbady—that they discharged with efficiency and expedition the difficult task of interpreting the evidence of local witnesses before us. Corporal Parker, of the British Section of the Palestine Police, was attached to us throughout our stay in that country. He acted as usher in the Enquiry Room and accompanied us on our tours to outlying districts. No more fortunate selection could have been made. Corporal Parker displayed in a marked degree every quality that an unusual duty could demand of him; his tact, courtesy, and willingness were unflinching, and, one and all, we owe him a debt of personal gratitude.

Our appreciation of the services of all these and other officers is expressed in a letter to the Acting Chief Secretary to the Palestine Government, which, with the reply thereto, we are happy to place on record in Appendix VI to this report.

To the services of our official reporters, Miss H. Painting and Mr. W. G. Bartle, we desire to pay warm tribute. On them fell the onerous task of recording oral evidence over a period which averaged nearly six hours of every working day. They were responsible also for the transcription of the evidence, much

of which they had to undertake themselves. They therefore worked continuously for long hours under conditions and in surroundings to which they were not accustomed. The accuracy of their reporting was beyond all praise and, as a result of their unremitting energy, the evidence was transcribed with great expedition.

Finally we desire to place on record our appreciation of the services of Mr. T. I. K. Lloyd, of the Colonial Office, who acted as Secretary to the Commission. To him our special thanks are due. His knowledge and experience were freely placed at the service of all those who were engaged in the enquiry and his ability, resource, and diligence did much to lighten our labours.

WALTER S. SHAW.

HENRY BETTERTON.

R. HOPKIN MORRIS.

H. SNELL

(Subject to the reservations  
in the Note below.)

T. I. K. LLOYD.

*12th March, 1930.*

**NOTE OF RESERVATIONS BY Mr. SNELL.**

Although I have signed the foregoing report, I am unable to associate myself with some of the criticisms and conclusions which it contains and I wish to make it clear beyond all question that my signature of the report does not imply agreement with the general attitude of my colleagues towards the Palestine problem.

The policy of establishing the Jewish National Home in that country has undoubtedly raised complicated questions, both racial and economic, but I am convinced that those questions are neither unique nor insoluble and I believe that many of the immediate causes of the riots of August last were of a temporary rather than of a fundamental character and were due to fears and antipathies which, I am convinced, the Moslem and Arab leaders awakened and fostered for political needs.

laints  
st the  
er IV.

I therefore take a more serious view than do my colleagues of the responsibility of those leaders for the character and conduct of the campaign of incitement which preceded the disturbances of August last. I believe that desire to secure the support of a united Moslem people provided the Mufti with all the motive that he required and, while I am not satisfied that he was directly responsible for, or even that he connived at, the character of the anti-Zionist campaign which was conducted by some of his followers, I have not the least doubt that he was aware of the nature of that campaign and that he realized the danger of disturbance which is never absent when religious propaganda of an exciting character is spread among a Moslem people. I therefore attribute to the Mufti a greater share in the responsibility for the disturbance than is attributed to him in the report. I am of the opinion that the Mufti must bear the blame for his failure to make any effort to control the character of an agitation conducted in the name of a religion of which in Palestine he was the head.

laints  
st the  
itive.

Nor am I able to accept the limits which in the report are placed upon the responsibility of the Arab political leaders for the results of the campaign of agitation. The Arab Executive was clearly entitled, if it so wished, to form organizations to further its views and its objects, but, having done so, it should accept responsibility for the activities of the societies so formed. If the campaign of political agitation had for its objectives the removal of grievances and the securing of safeguards for the future, the methods of propaganda adopted by the Arab leaders were, in my opinion, ill-chosen and futile; if, on the other hand, the campaign was designed to arouse Arab and Moslem passion, those who participated in it, knowing full well the results of like agitation in the past, cannot have been unaware of the possibility that serious disturbance would follow. Though I agree that the Arab Executive is not of necessity responsible as a body for the words or acts of its followers or even of its

individual members, I find it difficult to believe that the actions of individual members of the Executive were unknown to that body or indeed that those individuals were acting in a purely personal capacity.

I am convinced that in no sense can the mass of the Arab people of Palestine be associated with the deplorable events of August last. The good relationship which in places obtains between the two races was most strikingly shown during the disturbances by some brave Arab workmen who, at grave risk to themselves and their families, sheltered their Jewish fellow-workers in their homes until the danger had passed and then conducted them, disguised in Arab clothing, in safety to their own people.

Finally, in regard to the campaign of incitement I am unable to agree with the conclusions in the report acquitting the Moslem religious authorities of all but the slightest blame for the innovations introduced in the neighbourhood of the Wailing Wall.

The observing Arab nationalists (among whom I count many of the Moslem religious leaders) were quick to exploit the opportunity provided by the misguided action of the Jewish authorities in introducing a screen on the pavement in front of the Wailing Wall on the Day of Atonement in September, 1928. It is my view that the many innovations which followed thereafter, such as the construction of the zawiyah, the calling to prayer by the muezzin, and the opening of the new doorway were dictated less by the needs of the Moslem religion and the rights of property than by the studied desire to provoke and wound the religious susceptibilities of the Jewish people.

Though I agree with the conclusions in the first six sub-sections of Chapter V of the report, I do not accept all the arguments leading up to those conclusions; my examination of the decisions and activities of the Palestine Government during the period immediately preceding the outbreak and during the early stages of the disturbances has been governed by the consideration that the military and security forces at the disposal of that Government were inadequate. In that fact I find the justification for many decisions which I could not otherwise have endorsed. As regard sub-section 3 of Chapter V, the general question whether in a country of racial division one race should be supplied with arms by the Government for possible use against another is admittedly a difficult one, but in the conditions prevailing in Palestine in August last, unless the Government felt that they were themselves in a position to protect the Jewish minority, it might not in fact have been "fundamentally wrong" for them to have furnished selected Jews with the means of defence for themselves and for their fellow men.

As regards sub-section 8 of Chapter V, I am unable to absolve the Palestine Government from blame for not having issued an

Compla  
against  
Palesti  
Govern  
ment.  
Chapte



official communiqué denying that the Jews had designs on the Moslem Holy Places. The fact that there are individual Jews in Palestine and elsewhere who indulge in millennial hopes that, when the Messiah comes, a Jewish Temple will be built on the ancient site ought not to have deflected the Government from carrying out what, in my view, was their clear duty.

I do not dissent from the conclusions in the report in regard to the failure of the Palestine Government to prevent the Jewish demonstration at the Wailing Wall on the 15th of August. I feel, however, that the Palestine Government should never have negotiated with the leaders of the Jewish youths. They should from the beginning have laid down in unmistakable terms the conditions on which Jewish youths would be allowed to visit the Wailing Wall on that day and should have shown firmness by saying that, unless these conditions were unreservedly accepted, the Government would make use of all their resources to prevent the Jewish youths from visiting the Wailing Wall in a body and would immediately arrest anyone who departed in the slightest degree from the prescribed conditions. This is the practice in other parts of the civilized world to-day and a procedure that is adopted in most capitals in Europe might well have been imposed on 300 headstrong Jewish youths. I agree, however, that after this demonstration had taken place the Moslem demonstration of the next day could not easily have been forbidden.

As regards the failure of the Government to give proper attention to rumours (sub-section (11) of Chapter V of the report), my earlier remarks, when examining the complaints against the Palestine Arab Executive, will have made it clear that I attach more significance to the rumours than do my colleagues.

It is my view that in regard to such matters as Jewish immigration and the land problem too much importance is attached in the report to the excited protests of Arab leaders on the one hand and to the impatient criticisms and demands of Zionist leaders on the other. What is required in Palestine is, I believe, less a change of policy in these matters than a change of mind on the part of the Arab population, who have been encouraged to believe that they have suffered a great wrong and that the immigrant Jew constitutes a permanent menace to their livelihood and future. I am convinced that these fears are exaggerated and that on any long view of the situation the Arab people stand to gain rather than to lose from Jewish enterprise. There is no doubt in my mind that, in spite of errors of judgment which may have resulted in hardship to individual Arabs, Jewish activities have increased the prosperity of Palestine, have raised the standard of life of the Arab worker and have laid the foundations on which may be based the future progress of the two communities and their development into one State.

The principle that the rate of immigration should not exceed the economic capacity of Palestine is accepted by all responsible Jews and, provided that this principle is carefully and thoroughly applied by the Palestine Government, the Arabs can have no legitimate complaint against the introduction into Palestine of a people whose activities may lead to the development of new enterprises, the improvement of agricultural and industrial methods, with an increase of Government revenue, and the raising of the standard of the life of the population generally.

I am unable to associate myself with the criticisms made in the report in regard to the existing method of selecting immigrants. Some form of selection is required, and the Government is not in a position itself to undertake the task. The responsibility is therefore thrown upon the Zionist Executive, to whom the immigration certificates are given in blank. When the Zionist Executive submits its request for certificates it assumes at the same time legal responsibility for the maintenance of these immigrants for a period of twelve months. The distribution of the certificates could not be undertaken satisfactorily except by the Jewish Agency, which has an organization throughout the countries from which the immigrants are drawn. It alone is familiar with their character and position and is able to make a discriminating selection. The Zionist Organization takes charge of immigrants from the moment they leave their country of origin to the time of their arrival in Palestine and their despatch to a place of occupation.

The impression that I gathered from the evidence at my disposal was that the Executive itself decides how many certificates shall be allotted to each particular country and that its decision is based upon its knowledge of the situation in each and of the needs in Palestine. Having determined the allocation, the Executive sends the appointed number to its own Palestine office in the country concerned, which is in charge of officials in its service. These officials are responsible for the distribution of the certificates. They act in consultation with local committees representing all sections of the Zionist movement, and from time to time the Executive despatches its own Special Commissioner to make investigations in Europe and, if necessary, personally to allocate and distribute the certificates, but always under general instructions from headquarters in Jerusalem. This system is probably not regarded as entirely satisfactory even by the Executive itself but it forms, so far as I know, the only plan workable at present.

Though, as is explained above, I do not agree that the present method of selecting immigrants is open to criticism, I accept the view stated in the report that the qualifications required from an intending immigrant should be those of capacity, character, and suitability as a worker and a citizen. The political or economic views of a candidate for selection as an

immigrant should confer upon him neither advantage nor disability.

I acquit the Jewish authorities from all blame in the matter of the acquisition of land also; responsible Jewish leaders are at one in disclaiming any design to prejudice the Arab tenant in Jewish interests.

Thus Dr. Ruppin told us that the Zionists

"do not want to clear the Arabs off the land, not only because our conscience would be against it, but because we should create a lot of hatred against us and it would be difficult for us to work with them".

Mr. Jabotinsky said, "There is not one Zionist who really dreams of ousting the existing rural population of Palestine." Later in evidence he said:—

"Suppose that practically all the available land in Palestine is occupied by fellaheen who actually work it. I would say, irrespective of whether I desire to oust them or not, it is impossible. They will remain, therefore nothing remains for me. Then I would try another avenue. Perhaps it is possible, despite all, to constitute a nation simply by urban population, waiting for such time when the intensification of cultivation will allow the Arabs to live on a smaller area so that we can buy the remainder. If I come to the conclusion that that cannot be done, I would go to the Jews and say 'Commit suicide, or go and become, I do not know what, Bolsheviks, anything, because you have no hope.'"

Finally, I would quote the following passage from a memorandum submitted to the Commission by the General Federation of Jewish Labour:—

"The Jewish Labour Movement consider the Arab people as an integral element of this country. It is not to be thought of that the Jewish settlers should displace this population, nor establish themselves at its expense. This would not only be impossible both from the political and the economic standpoint, but it would run counter to the moral conception lying at the root of the Zionist Movement. Jewish immigrants who come to this country to live by their own labour regard the Arab working men as their compatriots and fellow-workers, whose needs are their needs and whose future is their future. The realization of Zionism is therefore envisaged as the creation of a new economy, not to replace the Arab economy but to supplement it."

I believe that these statements would be endorsed by every Jewish organization in Palestine and by the Zionist movement throughout the world.

It may be accepted, therefore, that the Jews recognize the right of the Arabs to sufficient land on which to maintain themselves. They claim, however, that this is not incompatible with their own demand for additional land for settlement. They urge that the question is in essence one of productivity, that the present population does not approach the limit which the country can maintain and that estimates based on present methods of cultivation can in no sense be deemed conclusive. They contend, first, that Arab farming is extensive, making use

of only a part of the holding, and, secondly, that wide tracts are lying waste, waiting only reclamation to become productive, and that the official figures of land available do not take these factors into account.

The Jewish demand, in fact, rests upon the assumption that by more intensive cultivation and the reclaiming of areas now derelict sufficient land could be made available for the needs of both races for many years to come. It is urged that every effort should be made in these directions.

It is thus of vital moment to future policy that the potential wealth of the soil and the area ultimately cultivable should be accurately determined. Some estimates of the present cultivable area in Palestine are given in the report, but the official figures are contested by some Jewish authorities and no satisfactory solution of the land problem will, in my view, be found until scientific enquiry has established, to the satisfaction of all concerned, the total cultivable area and the extent of its various grades. I therefore consider that, in addition to the enquiry, suggested in the report, into the prospects of introducing improved methods of cultivation in Palestine, the local Government should undertake a survey of the whole country. Between them the enquiry and the survey should cover the following questions :—

- (1) The use made of the land now cultivated.
- (2) The possibilities of increased productivity.
- (3) The extent of reclaimable land, and the possibilities of water conservation and irrigation.

In this way, and in no other, can the Jewish claim be authoritatively tested and a satisfactory policy be evolved.

I am further of the opinion that any land that may be found to be unexploited should be made available to the Jews, and that they should be free to win back to fertility land now more or less derelict. They are prepared to undertake this task, which, in some parts of the country, they have already accomplished with success. The Arab, on the other hand, should be secured in the possession of sufficient land to provide him with a decent standard of life. His right of occupation, however, should carry with it the obligation to cultivate efficiently. In this direction the Jewish farmer can render substantial aid by his knowledge of modern processes. Jewish advice, offered with tact and good will, could not fail to conduce to mutual understanding and in the result there might be brought about an appreciable reduction in the areas given in Chapter VIII of the report as the minima required in various districts for the support of a family of average size.

Such means offer great promise of development, but the position is somewhat complicated by the presence of the nomad or semi-nomad Beduins. These number some 100,000, for the most

part shepherds and camel-breeders who live in tents and wander from one pasturing ground to another. When in need of water for their flocks they migrate from their accustomed grazing-grounds to more developed parts of the country. They have established a traditional right to graze their cattle on the fellah's land after the harvest, and they find that with modern methods of farming this custom is being curtailed.

The future of these tribes is a difficult problem. They have as strong a claim as the rest of the Arabs to follow their habitual mode of life, but that mode, with its wasteful system of nomadic grazing, can hardly be held to justify the perpetuation of primitive methods of cultivation. The whole question demands careful consideration. It may be that a pastoral economy and intensive culture cannot exist side by side, in which case the Beduins' needs must be met in other ways.

As a final conclusion on the land problem I would state that it is my considered opinion that the prosperity of Palestine, for the next few years at least, depends upon the successful development of agriculture and the improvement of methods of farming. I see no way by which this can be brought about other than through Jewish enterprise and I am therefore convinced of the need for giving Jewish colonists a fair share in all the available land

con-  
ditional  
stances.  
er IX.

The desire of the Arab leaders for self-government is keen and entirely honourable. It constitutes a factor in the situation which must be taken into account, but I do not think that their failure to obtain such a measure of self-government as would satisfy them contributed in any degree to the outbreaks. The crowds of demonstrators whom we met undoubtedly resented the policy of the Jewish National Home and the fellaheen were anxious and troubled about the future ownership and occupation of their land, but I am unable to believe that they were conscious of any serious grievance on constitutional questions. In my view progress in Palestine—by which I mean the joint progress of the two peoples—is to be looked for not along the lines of political concession but rather through social and economic reconstruction and the establishment of public security.

sis of  
er

It is stated in Chapter XIII of the report that neither the Jews nor the Arabs have "made any sustained attempt to improve racial relationships." This statement, however, while doubtless substantially correct, must be judged in the light of the difficulties of the position. The two peoples were thrown together under quite unusual circumstances, without any unifying influence of language, religion or race. The impact upon an undeveloped people, fatalistic in their outlook and devoted to their ancient ways, of a highly-gifted and progressive race, burning with a great ideal, would in any case impose a great strain upon both

It is probable that the leaders of both races failed fully to appreciate the circumstances and the necessity for an enduring

effort to establish good relationships. The Jews especially found the whole of their energies absorbed in the urgent task of building the body of the new nation rather than its soul. Their people moreover came from many lands and their diverse experience and preconceptions had to be moulded into a common outlook. They had to resurrect and popularise a beloved and ancient language; to lay the social, economic and administrative foundations of a great enterprise. In these circumstances it would have been strange if they had entirely avoided mistakes; it is my view that, notwithstanding their failures, the achievements of the Jews in Palestine in the last decade are as significant as anything that has happened in our time. In spite, therefore, of racial differences and of last year's tragic events, I believe that there exists, even now, a sufficient basis of good will on both sides upon which racial co-operation may be built.

Some criticism has been made of the new Jewish immigrants, as compared with the frightened and unobtrusive pre-war Jews, but such criticism can easily do the former an injustice. Their enthusiasm may well have been mistaken for deliberate provocation. As Sir John Campbell says, in the report to which attention has been drawn in Chapter VII.—

"The Settlers are, in general, fine material; they are all enthusiasts—though sometimes their enthusiasm may possibly be somewhat unregulated, they cheerfully accept, even welcome, great hardships; anything in the nature of personal luxury is absolutely excluded from their lives: the conditions of existence for them are of the hardest; they are isolated from the main currents of life."

and

"The most burning enthusiasm for a cause is compatible with neglect, or misunderstanding of the conditions essential to success."

The majority of these post-war immigrants came from countries where they, or their ancestors, had been subjected to pogroms and to racial humiliations. When they arrived in Palestine, "as of right and not on sufferance," they probably appeared to Arab eyes less docile than the non-political Jew whom the country had previously known. Many had enthusiasm without experience, and there were doubtless some who came with the Balfour Declaration in one hand and the Book of Joshua in the other, only to find that the easy victories of Joshua were not to be repeated. The mistakes of this type of immigrant were due partly to the contempt for experience which in all races is characteristic of youth and partly to natural exuberance as pioneer citizens of a recreated Jewish nation. They may have been provocative in their demeanour, but not intentionally so. The smallest European village has its accepted standards of conduct, its recognised canons of reticence and courtesy to which its inhabitants almost instinctively conform. The Jews came from many lands; they had little or no training in citizenship; they had to adapt themselves to each other and to a new social environment, to learn a common language and to collaborate

with the Arabs in the creation of a new State. In these circumstances it is hardly surprising that their relations with their Arab neighbours were not what the situation demanded.

I agree that the animosity and hostility of the Arabs towards the Jews were the fundamental cause of the outbreak of August last, but, as I have already indicated, I believe that this feeling was rather the result of a campaign of propaganda and incitement than the natural consequence of economic factors.

I do, however, agree with the findings as to the immediate causes of the disturbances which are summarised in paragraph 45 of Chapter XIV of the report. The difference, as I understand it, between my colleagues and myself lies in the degree of importance to be attached to the various causes. I, as I hope is made clear in this note, consider that the activities of the Moslem religious societies and the campaign of propaganda among the less-educated Arab people were the most important of the immediate causes of the disturbances. I do not share the view that, of the incidents connected with the Wailing Wall, the Jewish demonstration of the 15th of August is the one which most contributed to the outbreak. All those incidents are, in my view, important only in so far as they were made the opportunity for propaganda and incitement.

Though I am prepared to admit that there may be room for improvement in the present method of control over immigration, I am unable to subscribe to the recommendations which in paragraph 47 of Chapter XIV of the report have been put forward to that end. Neither do I agree with the view stated in paragraph 49 of that Chapter that the constitutional grievances of the Arabs are seriously aggravating the difficulties of the Palestine Administration. I desire, however, to associate myself with the remainder of the recommendations contained in the report and I wish to make the following supplementary recommendations :—

*Immigration.*—The Palestine Government either should themselves make, or should appoint experts to make on their behalf, a careful survey of industrial as well as agricultural prospects for the next five or ten years. The possibility of developing the tourist traffic in Palestine should be taken into account under this survey. In the light of the facts ascertained by scientific enquiry of the character indicated above both immigration and land policy could be regulated for a period of years.

*Land.*—(1) In addition to the enquiry, suggested in the report, into the prospects of introducing improved methods of cultivation in Palestine, the local Government should undertake a survey of the whole country on the lines indicated in my remarks on the land problem.

(11) If there are still Arabs who are landless through the failure of the Palestine Government to apply administratively the provisions of the Land Laws in force in that country, steps should be taken by that Government to settle them on the land at the public expense.

*Press incitement.*—In order to stop or to keep under control incitement through the Press which might lead to disorder, the Palestine Government should consider the desirability of making illegal the appointment of dummy "responsible editors" who suffer, if need be, for the indiscretions of the chief editors who are really responsible for the conduct of the papers.

*Public security.*—I believe that the Palestine Government should aim at ensuring that the main responsibility for the preservation of order in time of peace will fall ultimately to the lot of police recruited locally. That Government should, I consider, investigate the possibility of improving the pay and prospects of the Palestinian Police Force so as to attract to that organization men of the best type from among both the Arabs and the Jews. I am convinced that, given better conditions of service, the local police in Palestine could be trained, as they have indeed been trained elsewhere, to be loyal and reliable servants of the Government even under conditions that demand the use of force against their co-religionists.

A national police force of the character that I have envisaged might well be instrumental in bringing about an improvement in racial relationships.

*Definition of policy.*—I entirely agree that His Majesty's Government should consider the desirability of issuing with the least possible delay a clear statement of the policy which they intend should be pursued in Palestine and should make it clear that it is their intention to give full effect to that policy with all the resources at their command. I venture to suggest that the statement should lay particular emphasis upon the international responsibility of His Majesty's Government for the fulfilment of the obligations which in the Mandate for Palestine they have undertaken. Moreover, it is, I consider, of the utmost importance that the intentions of His Majesty's Government, when these have been decided, should be brought to the consciousness of every adult citizen of Palestine by such means as the distribution in each village of leaflets and the use of placards setting out in Hebrew and Arabic the essential points in the statement of policy. Announcements dealing with Government policy might well be made at intervals and should receive equal publicity. Following the practice of the Government of India, the annual reports on Palestine, in addition to dealing with the events of the period to which they relate, might contain such information concerning the immediate outlook as would encourage co-operation between the two races and would popularize Government policy.



clusion.  
pter

Though I agree with all that is said in Chapter XV of the report, I wish to supplement the remarks which are there made as to the remedies which lie outside Government control and remain in the hands of the two peoples of Palestine.

Palestine has become politically self-conscious, with the result that its awakened mental energy and enthusiasm flow into controversy which is unrestrained by responsibility. I am convinced that, although there is impatience and a tendency to believe that political demands can be secured by the use of force or disorder, the situation is neither desperate nor incurable. Relations are undoubtedly strained, but Palestine is a land where the political atmosphere changes quickly and if the situation is handled with care the co-operation of the two races in the task of building up a prosperous Palestinian nation could be secured.

The greatest danger at the present time is that Arab resentment may become permanent. Every effort should therefore be made by the leaders of Jewish opinion to remove the misapprehensions of the Arabs. For example, the Jewish authorities should declare publicly and with emphasis that they do not desire to create a landless Arab proletariat; that in economic and social matters they desire to work by methods of conciliation with the Arabs on a footing of equality and that the new capital which is introduced into Palestine through Jewish enterprise will be of benefit to the whole community. By thus explaining publicly their proposals for development and by taking the Arab population into their confidence the Jewish leaders might make a valuable contribution towards racial co-operation.

The most essential need in this direction is that the Arabs should be convinced that their fears for the future of their race in Palestine are greatly exaggerated and that there is no intention on the part of either the Jews or the Government to make them landless or to subordinate their interests as a people. They must be assured that their "civil and religious rights" will not be prejudiced, but will be equal to those of any other section of the population. The Jews, on the other hand, are entitled to know that the Government intends to carry out its obligations under the Mandate with full regard to the welfare of both races.

The main principles of a settlement of the racial dispute on these lines are that the whole population should be made to realize that the Mandatory Power has been charged by the League of Nations with solemn obligations which it intends to fulfil and that a Jewish-Arab nation is a fact which must be accepted. In return for security of life and property which the

State provides, each race must concede to the other the right to live, must respect the other's religion and social traditions and must make its contribution towards the ordered development of a bi-racial Palestinian nation.

Peaceful economic and political development in Palestine will be dependent upon a corresponding growth of good will between the two peoples which should be fostered by equal educational opportunities for Jewish and Arab children and a wide expansion of adult training in the possibilities of racial co-operation. It is advisable, therefore, that steps should be taken to spread a knowledge of the history and the culture of the two races and of their respective contributions to civilization. The influence and discipline of sport, care being taken to avoid racial rivalry, should be used and social life of every kind should be encouraged. British residents in Palestine might be willing to help in work along these lines, and it is above all advisable that Jews and Arabs alike should be made acquainted, through night schools, literary societies, and lectures, with the history and traditions of the Mandatory Power. The aim of activities of this character should be to make good Palestinian citizens of members of both races.

As a first step towards racial co-operation it would seem that a few men of both races, carefully selected and of unquestioned character and influence, should meet together and explore the possibilities of common effort for agreed ends. Such a meeting might prepare the way for a larger bi-racial conference of a more representative character which could be charged with the duty of securing agreement on specific proposals affecting the welfare of the nation as a whole.

With such a beginning, the movement towards racial co-operation might be extended from the leaders to the ordinary citizens of both races, wherever they live side by side, on the principle that the organized life of a community should rest on the broadest possible basis. Neither the meeting nor the conference nor any committees established in villages or towns should attempt the task of solving the racial problem; these bodies should limit themselves to practical steps towards securing social improvements, inter-racial justice and good will. Their influence would spread throughout the land, practical benefits would ensue, suspicions would be allayed, and out of their efforts would grow a reserve of understanding and the good will to compose racial difficulties and to unite Arab and Jew in the task of building up a happy and prosperous land.

H SNELL.

13th March, 1930

## APPENDIX I.

## Commissions of Inquiry Ordinance, 1921.

## Warrant of Appointment.

In virtue of the powers vested in me by Section 1 of the Commissions of Inquiry Ordinance, 1921, I, Sir JOHN ROBERT CHANCELLOR, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Grand Cross of the Royal Victorian Order, Companion of the Distinguished Service Order, Lieutenant-Colonel of the Corps of Royal Engineers, hereby appoint Sir WALTER SHAW, late Chief Justice of the Straits Settlements, to be Chairman, and Sir HENRY BETTERTON, Baronet, M.P., R. HOPKIN MORRIS, Esquire, M.P., and HENRY SNELL, Esquire, M.P., to be members of a Commission to inquire into the immediate causes which led to the recent outbreak in Palestine, and to make recommendations as to the steps necessary to avoid a recurrence.

The Commission shall have all the powers specified in Section 2 of the Ordinance.

(Sd.) J. R. CHANCELLOR,

*High Commissioner.*

23rd October, 1929.

Mr. T. I. K. LLOYD of the Colonial Office will be Secretary to the Commission.

## APPENDIX II.

## Itinerary.

|                       |     |   |
|-----------------------|-----|---|
| 1929.                 |     |   |
| 12th October          | ..  | Part of Commission left London by s.s. "Oronsay."   |
| 17th October          | ... | Remainder left London and joined s.s. "Oronsay" at Toulon on 18th October.                            |
| 19th October          | ... | Left Toulon.  |
| 20th October          | ... | Arrived at and left Naples.   |
| 23rd October          | ..  | Arrived Port Said.  |
| 24th October          | ..  | Arrived Jerusalem.  |
| 1st November          | ..  | Left Jerusalem and travelled by car via Nablus, Jenin, Beit Alpha, Beisan, Jisr Majamie, to Tiberias. |
| 2nd November          | ..  | Travelled by car from Tiberias to Haifa via Safed and Acre.   |
| 3rd November          | ..  | Returned from Haifa to Jerusalem via Nazareth, Afule, Jenin, and Nablus.                              |
| 5th November          | ... | Visited Hebron, travelling on the outward journey via Talpieth and Gedud Avoda.                       |
| 8th November          | ... | Visited Jaffa and Tel-Aviv, travelling via Ramleh and Sarafand.                                       |
| 22nd November         | ..  | Visited Haram area, Wailing Wall, and other quarters of Jerusalem.                                    |
| 14th to 16th December | ... | Visited Zerka—Trans-Jordan Frontier Force.  |
| 22nd December         | ... | Visited H.H. Amir Abdullah at Amman.  |
| 29th December         | ... | Left Jerusalem; proceeded to Port Said and embarked on s.s. "Rawalpindi."                             |
| 30th December         | ... | Left Port Said.   |
| 1930.                 |     |   |
| 3rd January           | ... | Arrived at Marseilles and left by train.  |
| 4th January           | ... | Arrived London.   |

## APPENDIX III.

## Meetings and Witnesses.

## A.—OPEN SITTINGS.

| <i>Meeting<br/>No.</i> | <i>Date.</i>        | <i>Witness<br/>No.</i> |                                    |
|------------------------|---------------------|------------------------|------------------------------------|
| 1                      | 24th October, 1929  |                        | Opening Meeting.                   |
| 2                      | 28th October, 1929  | 1                      | Major A. Saunders, M.C.            |
| 3                      | 29th October, 1929  | 1                      | Major A. Saunders, M.C.            |
| 4                      | 30th October, 1929  | 1                      | Major A. Saunders, M.C.            |
|                        |                     | 2                      | Mr. A. J. Kingsley-Heath.          |
| 5                      | 31st October, 1929  | 2                      | Mr. A. J. Kingsley-Heath.          |
|                        |                     | 3                      | Mr. J. Munro, M.C.                 |
|                        |                     | 4                      | Inspector A. E. Sigrist.           |
|                        |                     | 5                      | Mr. L. Harrington.                 |
|                        |                     | 6                      | Constable Hassan Subhi al Kayyali. |
| 6                      | 4th November, 1929  | 6                      | Constable Hassan Subhi al Kayyali. |
|                        |                     | 7                      | Mr. B. Binah.                      |
|                        |                     | 5                      | Mr. L. Harrington (recalled).      |
|                        |                     | 8                      | Inspector J. W. Audus.             |
|                        |                     | 9                      | Corporal Parker.                   |
|                        |                     | 10                     | Sub-Inspector Langer.              |
|                        |                     | 11                     | Inspector Burns.                   |
|                        |                     | 12                     | Musbah Daoudi.                     |
|                        |                     | 13                     | Group-Captain Playfair.            |
| 7                      | 5th November, 1929  | 14                     | Major G. R. E. Foley, O.B.E.       |
| 8                      | 6th November, 1929  | 14                     | Major G. R. E. Foley, O.B.E.       |
|                        |                     | 13                     | Group-Captain Playfair (resumed).  |
|                        |                     | 15                     | Brigadier Dobbie, C.M.G., D.S.O.   |
| 9                      | 7th November, 1929  | 16                     | Mr. J. M. Kyles.                   |
|                        |                     | 17                     | Mr. R. Cafferata.                  |
|                        |                     | 18                     | Mr. L. G. A. Cust.                 |
| 10                     | 9th November, 1929  | 19                     | Mr. J. Faraday, M.C.               |
| 11                     | 12th November, 1929 | 20                     | Mr. E. P. Quigley, M.C.            |
|                        |                     | 21                     | Mr. A. W. Riggs.                   |
|                        |                     | 22                     | Halim B. Shams Basta.              |
|                        |                     | 23                     | Mr. V. Sheean.                     |
| 12                     | 13th November, 1929 | 23                     | Mr. V. Sheean.                     |
|                        |                     | 24                     | Mr. G. MacLaren, O.B.E.            |
|                        |                     | 25                     | Mr. R. E. H. Crosbie, O.B.E.       |
|                        |                     | 26                     | Miss A. Goldsmith.                 |
| 13                     | 14th November, 1929 | 27                     | Dr. Von Weisl.                     |
|                        |                     | 28                     | Mr. W. J. Miller.                  |
|                        |                     | 18                     | Mr. L. G. A. Cust (resumed).       |
| 14                     | 15th November, 1929 | 18                     | Mr. L. G. A. Cust.                 |
|                        |                     | 29                     | Mr. H. C. Luke, C.M.G.             |
| 15                     | 16th November, 1929 | 29                     | Mr. H. C. Luke, C.M.G.             |
| 16                     | 18th November, 1929 | 29                     | Mr. H. C. Luke, C.M.G.             |
| 17                     | 19th November, 1929 | 29                     | Mr. H. C. Luke, C.M.G.             |

| <i>Meeting No.</i> | <i>Date.</i>        | <i>Witness No.</i> |                                   |
|--------------------|---------------------|--------------------|-----------------------------------|
| 18                 | 20th November, 1929 | 30                 | Mr. P. Rutenberg.                 |
|                    |                     | 29                 | Mr. H. C. Luke, C.M.G. (resumed). |
| 19                 | 21st November, 1929 | 29                 | Mr. H. C. Luke, C.M.G.            |
| 20                 | 22nd November, 1929 | 29                 | Mr. H. C. Luke, C.M.G.            |
| 21                 | 23rd November, 1929 | 29                 | Mr. H. C. Luke, C.M.G.            |
|                    |                     | 31                 | Dr. M. A. Shammas.                |
| 22                 | 25th November, 1929 | 32                 | Mr. A. T. O. Lees.                |
|                    |                     | 33                 | Mr. S. Moody.                     |
|                    |                     | 34                 | Mr. G. Antonius, C.B.E.           |
| 23                 | 26th November, 1929 | 34                 | Mr. G. Antonius, C.B.E.           |
|                    |                     | 35                 | Mr. A. E. Gwatkin.                |
|                    |                     | 36                 | Constable W. H. Dove.             |
|                    |                     | 37                 | Constable Saleh Zayed.            |
|                    |                     | 38                 | Mr. Cosgrove.                     |
|                    |                     | 39                 | Sheikh Tewfik Kamal.              |
|                    |                     | 40                 | Abdel Khader Rashid.              |
| 24                 | 27th November, 1929 | 40                 | Abdel Khader Rashid.              |
|                    |                     | 41                 | Khalil Kottina.                   |
|                    |                     | 42                 | Haj Hassan al Zahami.             |
|                    |                     | 43                 | Miss F. Newton.                   |
|                    |                     | 44                 | Mr. Saleem Farah.                 |
| 25                 | 28th November, 1929 | 44                 | Mr. Saleem Farah.                 |
| 26                 | 29th November, 1929 | 44                 | Mr. Saleem Farah.                 |
|                    |                     | 45                 | Mr. Alfred Roch.                  |
|                    |                     | 46                 | Dr. Oscar Schutzinger.            |
|                    |                     | 47                 | Mr. Jack Belenfant.               |
|                    |                     | 48                 | Haj Tewfiq Hammad.                |
|                    |                     | 40                 | Abdel Khader Rashid (recalled).   |
|                    |                     | 49                 | Mr. E. Pikovski.                  |
|                    |                     | 50                 | Muhamad Kadamini.                 |
|                    |                     | 51                 | Haj Deeb ibn Omar Halaweh.        |
|                    |                     | 52                 | Ibrahim Shehadah.                 |
|                    |                     | 53                 | Ali Abdullah Khassan.             |
| 27                 | 30th November, 1929 | 54                 | Subhi Bey al Khadra.              |
| 28                 | 2nd December, 1929  | 55                 | Haj Amin al Hussein.              |
| 29                 | 3rd December, 1929  | 55                 | Haj Amin al Hussein.              |
| 30                 | 4th December, 1929  | 55                 | Haj Amin al Hussein.              |
| 31                 | 5th December, 1929  | 56                 | Mr. Otto Lutz.                    |
|                    |                     | 57                 | Dr. Fuad Dajani.                  |
|                    |                     | 58                 | Amur Bashir Ghazawi.              |
|                    |                     | 59                 | Sheikh Freih Abu Midyan.          |
|                    |                     | 60                 | Hussein Taha.                     |
|                    |                     | 61                 | Dr. Yousseff Hajjar.              |
|                    |                     | 62                 | Mahmoud Khalil.                   |
|                    |                     | 63                 | Butros Saleem.                    |
|                    |                     | 64                 | Elias Saman.                      |
|                    |                     | 65                 | Mr. L. C. Ward.                   |

The Press were not admitted to these sittings.

| <i>Meeting<br/>No.</i> | <i>Date.</i>        | <i>Witness<br/>No.</i> |                                  |
|------------------------|---------------------|------------------------|----------------------------------|
| 32                     | 6th December, 1929  | 66                     | Mahmoud Osman.                   |
|                        |                     | 67                     | Hassan Suleiman Ikreh.           |
|                        |                     | 68                     | Mohamed Ahmed Ibrahim.           |
|                        |                     | 69                     | Haj Ibrahim Subhi.               |
|                        |                     | 70                     | Rashid Barkoum.                  |
|                        |                     | 71                     | Miss Lulu Kurban.                |
|                        |                     | 72                     | Haj Ismail Hamzeh.               |
|                        |                     | 73                     | Mohammed Saleh.                  |
|                        |                     | 74                     | Mohammed Ragheb.                 |
|                        |                     | 75                     | Khalil Shehaded.                 |
|                        |                     | 76                     | Arel el Aref.                    |
|                        |                     | 34                     | Mr. G. Antonius (recalled).      |
| 33                     | 9th December, 1929  | 77                     | Ezzat Effendi Darwazeh.          |
|                        |                     | 78                     | Mr. Isaiah Braude.               |
| 34                     | 10th December, 1929 | 78                     | Mr. Isaiah Braude.               |
| 35                     | 11th December, 1929 | 78                     | Mr. Isaiah Braude.               |
|                        |                     | 79                     | Mr. S. Hoofen.                   |
| 36                     | 12th December, 1929 | 79                     | Mr. S. Hoofen                    |
|                        |                     | 80                     | Mr. C. Solomon.                  |
|                        |                     | 81                     | Mr. S. Horowitz.                 |
| 37                     | 13th December, 1929 | 82                     | Chief Rabbi Kook.                |
|                        |                     | 81                     | Mr. S. Horowitz (resumed)        |
| 38                     | 14th December, 1929 | 83                     | Mohammed Al Tawil.               |
|                        |                     | 84                     | Elias Kawar.                     |
| 39                     | 16th December, 1929 | 81                     | Mr. S. Horowitz (again resumed). |
|                        |                     | 85                     | Mr. C. Passman.                  |
|                        |                     | 82                     | Chief Rabbi Kook (resumed).      |
| 40                     | 17th December, 1929 | 85                     | Mr. C. Passman (resumed).        |
|                        |                     | 86                     | Mr. Moshe Smilansky.             |
| 41                     | 18th December, 1929 | 87                     | Mr. Abraham Shapiro.             |
|                        |                     | 88                     | Mr. H. Sacher.                   |
| 42                     | 19th December, 1929 | 88                     | Mr. H. Sacher.                   |
| 43                     | 20th December, 1929 | 88                     | Mr. H. Sacher.                   |
|                        |                     | 89                     | Rabbi Slonim.                    |
|                        |                     | 90                     | Mrs. Hannah Solomon.             |
|                        |                     | 91                     | Mr. Abraham Volinsky.            |
|                        |                     | 92                     | Dr. M. Eliash.                   |
|                        |                     | 93                     | Emmanuel Bar Hayim.              |
|                        |                     | 94                     | Pessah Baradon.                  |
|                        |                     | 38                     | Mr. Cosgrove (recalled).         |
| 44                     | 23rd December, 1929 | 95                     | Mr. Abdullah Kardous.            |
|                        |                     | 96                     | Rabbi Franco.                    |
|                        |                     | 97                     | Hayim Bagayo.                    |
|                        |                     | 98                     | Yossel Kives.                    |
|                        |                     | 99                     | Kalman Greenfeldt.               |
|                        |                     | 100                    | Baruch Cohen.                    |
|                        |                     | 101                    | Joel Barshod.                    |

| <i>Meeting No.</i> | <i>Date.</i>        | <i>Witness No.</i> | <i>Witness</i>                                  |
|--------------------|---------------------|--------------------|---|
| 44                 | 23rd December, 1929 | 102                | Aryeh Wagner.                                   |
|                    |                     | 103                | Hadassah Shadrowitzky.                          |
|                    |                     | 104                | Dr. Aris Eiges.                                 |
|                    |                     | 105                | Dr. Abraham Sternberg                           |
|                    |                     | 106                | Joseph Vinograd.                                |
|                    |                     | 84                 | Elias Kavar (recalled).                         |
|                    |                     | 2                  | Mr. Kingsley-Heath (recalled).                  |
|                    |                     | 107                | Constable Patrick Kelly.                        |
|                    |                     | 108                | Mohammed Suleiman Turk.                         |
|                    |                     | 109                | Ahmad Khalil Ariket.                            |
| 45                 | 24th December, 1929 | 54                 | Subhi Bey al Khadra (recalled).                 |
|                    |                     |                    | Closing speech for Palestine Zionist Executive. |
| 46                 | 26th December, 1929 |                    | Closing speech for Palestine Arab Executive.    |
|                    |                     | 110                | Dr. Mousa Khalidi.                              |
| 47                 | 27th December, 1929 |                    | Closing speech for Palestine Government.        |

B.—SITTINGS IN CAMERA.

| <i>Meeting No.</i> | <i>Date.</i>           | <i>Witness No.</i> | <i>Name of witness.</i>                |    |  |
|--------------------|------------------------|--------------------|--|----|--|
| 1                  | 6th November, 1929     | 1*                 | Brigadier Dobbie, C.M.G., D.S.O.       |    |  |
| 2                  | 12th November, 1929    | 2                  | Air Vice-Marshal Dowding, C.B., C.M.G. |    |  |
| 3                  | 13th November, 1929    | 3*                 | Mr. G. MacLaren, O.B.E.                |    |  |
| 4                  | 18th November, 1929    | 4*                 | Mr. R. E. H. Crosbie, O.B.E.           |    |  |
|                    |                        | 5                  | Mr. A. S. Mavrogordato, O.B.E.         |    |  |
|                    |                        | 6*                 | Major A. Saunders, M.C.                |    |  |
| 5                  | 20th November, 1929    | 7*                 | Mr. P. Rutenberg.                      |    |  |
| 6                  | 25th November, 1929    | 8*                 | Mr. H. C. Luke, C.M.G.                 |    |  |
| 7                  | 29th November, 1929    | 9                  | Mr. A. S. Kirkbride, M.C.              |    |  |
| 8                  | 7th December, 1929 ... | 10*                | Mr. W. J. Miller.                      |    |  |
|                    |                        | 11                 | Suleiman Bey Toucan.                   |    |  |
|                    |                        | 12                 | Hassan Bey Shukri.                     |    |  |
|                    |                        | 13                 | Amin Bey Abdul Hadr.                   |    |  |
|                    |                        | 9                  | 21st December, 1929..                  | 14 | Mr. S. S. Davis, C.M.G.                |
|                    |                        |                    |  | 15 | Mr. J. N. Stubbs, M.C.                 |
|                    |                        |                    |  | 16 | Mr. A. Abramson, C.B.E.                |
|                    |                        | 17                 | Mr. A. M. Hyamson.                     |    |  |
|                    |                        | 10                 | 26th December, 1929                    | 18 | Lieutenant-Colonel C. A. Shute, C.B.E. |
|                    |                        | 11                 | 27th December, 1929                    | 19 | Dr. Ruppin.                            |
| 12†                | 24th January, 1930 ... | 20                 | Mr. V. Jabotinsky.                     |    |  |

\* These witnesses gave evidence at open sittings also.

† This sitting was held in London.

## APPENDIX IV.

## List of Exhibits.

1. Statistical Returns showing the strength and dispositions of the Police Force in Palestine on the 23rd of August, 1929.
2. Copies of orders issued by the Acting Commandant of Police on the 14th of August.
3. Report of Mr. Kingsley-Heath on the Jewish demonstration of the 15th of August, 1929.
4. Report of Messrs. Binah and Bergman on events in Jerusalem from the 14th to the 20th of August, 1929.
5. Statements by three police officers about the Moslem demonstration of the 16th of August, 1929 :—
  - 5A. Statement of Mr. L. Harrington.
  - 5B. Statement of Sub-Inspector Langer.
  - 5C. Statement of Sub-Inspector Ali Saleh.
6. Report of Mr. Kingsley-Heath on events in Jerusalem on 20th and 21st of August, 1929.
7. Reports and diaries of police officers dealing with events in and around Jerusalem during the period of the disturbances :—
  - 7A. Report by Mr. Harrington.
  - 7B. Report of Inspector Musbah Daoudi.
  - 7C. Report of Sub-Inspector Zaki Daoudi.
  - 7D. Report of Sub-Inspector Saleh Azzouki.
  - 7E. Report of Assistant Inspector Abdin Husheimi.
  - 7F. Report by Inspector J. W. Audis.
  - 7G. Report of Sergeant A. E. Sigrist.
  - 7H. Diary of Sub-Inspector Ali Saleh.
  - 7I. Diary of Mr. Kingsley-Heath.
  - 7J. Diary of Major J. Munro.
  - 7K. Diary of Sergeant Townsend.
  - 7L. Diary of Corporal Goddard.
  - 7M. Diary of Corporal Black.
  - 7N. Diary of Corporal Adams.
  - 7O. Diary of Corporal Trotter.
  - 7P. Diary of Corporal De'ath.
  - 7Q. Diary of Corporal Parker.
  - 7R. Diary of Corporal Ridley.
  - 7S. Diary of Corporal Horsburgh.
  - 7T. Diary of Mr. A. T. Blackett.
  - 7C. Report by British Inspector J. D. Burns.
  - 7V. Further Report by British Inspector J. D. Burns.
8. Report by Mr. R. O. Cafferata on events in Hebron on the 23rd and 24th of August, 1929.
- 9A. Report by Mr. A. D. Nathan on events in Gaza District from the 24th of August to the 3rd of September, 1929.
- 9B. Report by British Inspector H. H. Leeves on events in Gaza District from the 26th of August to the 6th of September, 1929.



10. Reports and diaries dealing with events in the Southern District of Palestine (excluding Gaza) during the period of the disturbances :—
  - 10A. Report of Mr. E. P. Quigley, Jaffa.
  - 10B. Diary of Mr. E. P. Quigley, Jaffa.
  - 10C. Report by Mr. E. Lucie-Smith, Jaffa.
  - 10D. Report of Mr. S. C. Atkins, Jaffa.
  - 10E. Report of Mr. A. M. Riggs, Jaffa.
  - 10F. Report of Mr. N. Nasir, Jaffa.
  - 10G. Report of Mr. H. Basta, Ramleh.
  - 10H. Report of Inspector Mohyiddin Assali, Ramleh.
  - 10I. Report of Inspector Shafik Abdel Hadi, Ramleh.
  - 10J. Report of Inspector S. Schieff, Tel-Aviv.
  - 10K. Statement of Flight-Lieutenant R. A. A. Cole, Jaffa.
11. Report of Mr. M. S. O'Rorke on events in Nablus.
12. Reports and diaries dealing with events in the Northern District of Palestine (excluding Nablus and Safed) during the period of the disturbances :—
  - 12A. Report of Major G. R. E. Foley, Haifa.
  - 12B. Report of British Inspector D. V. Duff.
  - 12C. Report by Mr. J. M. Kyles, Haifa.
  - 12D. Diary of Mr. J. M. Kyles, Haifa.
  - 12E. Diary of Mr. E. M. V. James, Acre.
  - 12F. Report of Mr. W. J. Howard Beard, Haifa.
  - 12G. Diary of Mr. T. Abboud, Haifa.
  - 12H. Diary of Mr. C. G. Bryant, Nazareth.
- 13A. Diary of Mr. J. A. M. Faraday recording events in Safed from the 24th to the 30th of August, 1929
- 13B. General Report on the disturbances in Safed sub-district.
14. Record of casualties among Palestine Police during the disturbances.
15. Copy of the *Palestine Weekly* published on the 9th of August, 1929.
16. Copy of the *Jeush Chronicle* published on the 23rd of August, 1929.
17. Record, with Appendices, submitted by Department of Health, of casualties during the disturbances.
18. Original letter (with translation) addressed to the headmen of Kabalan village, purporting to be signed by the Mufti of Jerusalem.
19. Notebook of Constable Kayyah recording speeches made in the Haram area.
20. Report by Assistant-Inspector Abdm Husheimi on incidents at the Wailing Wall on the 14th and 15th of August, 1929.
21. Report by Mr. Howard Beard on speeches in a mosque in Haifa on the 23rd of August, 1929.
22. Declaration on the Wailing Wall incidents by the Society for the Protection of the Mosque Al Aqsa and the Moslem Holy Places.
23. Arab Lawyers' Protest against Proclamation issued by the High Commissioner for Palestine on the 1st of September, 1929.
24. The reply of the Palestine Arab Executive to the same Proclamation.
25. List of Jewish Agricultural Settlements arranged in geographical order and giving populations
26. Extract from Report of Rear-Admiral, First Battle Squadron, and other naval reports.
27. "A Manifesto to our Arab Brethren" issued by the Mufti of Jerusalem and other Arab leaders on the 24th of August, 1929.
28. Report of gist of conversation between the Mufti of Safed and the Mufti of Jerusalem on the 24th of August, 1929.

29. Declaration by the Mufti of Safed issued on the 26th of August, 1929.
30. Copy of Press telegram of the 30th of August, 1929, from Mr. Sheean to the North American Newspaper Alliance, London.
31. Copy of letter of the 5th of August, 1929, from Mr. Weisgal to Mr. Sheean.
32. Report of District Commissioner, Northern District, on shooting at Safed on the 30th and 31st of August, 1929.
33. Copy of telegram of the 15th of August, 1929, from "The Protection of Mosque Al Aqsa Association—Said."
34. Copy of issue of *The New Palestine* for 13th September, 1929.
- 34 (a). List, supplied by the Jewish authorities, of casualties in the disturbances
- 34 (b). Letter from Department of Health commenting on Exhibit 34 (a) and containing revised list of casualties.
35. Supplement to "Doar Hayom" issued on the 16th of August, 1929, dealing with the Moslem demonstration at the Wailing Wall on that date.
36. Press Extracts (with a schedule) supplied by Palestine Government.
37. Letter of the 11th of June, 1929, from the Palestine Government to the President, Supreme Moslem Council, Jerusalem, regarding the grant of permission for the resumption of building operations near the Wailing Wall.
38. Letter of the 13th of June, 1929, from the Palestine Government to the Palestine Zionist Executive, Jerusalem, regarding the grant of permission for the resumption of building operations near the Wailing Wall.
39. File of six documents (as set out below) put in by Sir Boyd Merriman during his cross-examination of Mr Luke :—
- (1). Extract from Ul Jamea of the 11th of October, 1928.
  - (2). Zionist Declarations with regard to the Holy Places.
  - (3). Resolution in regard to the Wailing Wall adopted by 16th Zionist Congress on the 10th of August, 1929.
  - (4). Extract from Falastin of the 13th of August, 1929.
  - (5). Letter from Mufti published in *The Times* of the 27th of August, 1929.
  - (6). Extract from Ul Jamea of the 12th of August, 1929.
40. Bulletin issued by the Palestine Government on the 18th of August, 1929, dealing with the demonstrations of the 15th and 16th of that month.
41. Letter of the 1st of October, 1929, from Chief Secretary, Palestine Government, to the Chief Rabbinate with enclosed instructions regarding use of Wailing Wall; supplementary letter of the 2nd of October, 1929, to same address on same subject and a Government communiqué of the 10th of October, 1929, also on same subject.
42. Letter of the 13th of October, 1929, from Chief Rabbinate to the High Commissioner regarding the blowing of the Shofar on the Day of Atonement.
- 43 (a). Cable actually sent by Provisional Zionist Executive, Jerusalem, to Zionist Organization, London, on the 17th of August, 1929, regarding Moslem demonstration at the Wailing Wall on the 16th of that month.]
- 43 (b). Draft of above cable shown by Mr. Braude to the Officer Administering the Government on the 17th of August, 1929.
- 43 (c). Draft of above cable amended as suggested by Officer Administering the Government on the 17th of August, 1929.
- 44 (a). }  
 (b). }  
 (c). } Collection of Bulletins issued by the Palestine Government and the  
 (d). } Colonial Office, describing the disturbances in Palestine in August  
 (e). } last.  
 (f). }

45. Collection of "Arabic Press Extracts—Incitement," as under, put in by Sir Boyd Merriman on the 19th of November, 1929 :—
- (i) Ul Jamea.—1st of October, 1928.  
8th of October, 1928.  
11th of October, 1928.  
22nd of October, 1928.
  - (i) A. Resolutions of General Moslem Congress, 7th of November, 1928.
  - (ii) Al Yarmuk.—4th of January, 1929.  
18th of January, 1929.
  - (iii) Ul Jamea.—11th of February, 1929.
  - (iv) Al Nafir.—17th of July, 1929.
  - (v) Al Yarmuk.—2nd of August, 1929.
  - (vi) Es-Sirat.—8th of August, 1929.
  - (vii) Falastin.—3rd of August, 1929.
  - (viii) Al Yarmuk.—16th of August, 1929.
  - (ix) Sowl Ashaab.—24th of August, 1929.
46. Collection of "Hebrew Press Extracts—Rumours," as under, put in by Sir Boyd Merriman on the 19th of November, 1929 :—
1. Davar.—August 23rd, 1929.
  2. Davar.—August 21st, 1929.
  3. Haaretz.—August 22nd, 1929.
  4. Haaretz.—August 23rd, 1929.
47. Translation of an Arabic document, put in by Mr. Stoker during his cross-examination of Mr. Luke, on the 19th of November, 1929, as being the original draft of two declarations discussed at a meeting at the house of Mr. Luke on the 22nd of August, 1929.
- 47 (a). Another draft declaration discussed at the meeting of the 22nd of August, 1929. Put in by Sir Boyd Merriman on the 21st of November, 1929.
48. Picture from "Dos Yiddishe Folk" of the 30th of April, 1920, with translation of Hebrew letterpress on it.
49. Reports of Zionist Organization to Permanent Mandates Commission, 1924–1929 (inclusive).
50. Reports of Zionist Organization to Sixteenth Zurich Congress
51. Extract from "Doar Hayom" of the 16th of August, 1929, reporting an interview granted by Chief Rabbi Kook to Jewish youths.
52. Statement of advances to Municipalities written off by the Government of Palestine.
53. Official communiqué regarding the acquisition of Palestinian citizenship by persons born in Palestine and now resident abroad.
54. Resolutions of 16th Zionist Congress.
- 55 (a). Correspondence between the Office of the Deputy District Commissioner, Jerusalem, and the Chief Rabbis, regarding the customs and appurtenances at the Wailing Wall which were permitted by the Ottoman Government.
- 55 (b). Letter of the 27th of May, 1929, from Palestine Zionist Executive to the High Commissioner on the same subject as 55 (a).
56. Letter containing statistics, showing proportions of Christians, Moslems, and Jews in the service of the Palestine Government on the 1st of July, 1929.
57. Circular letter of the 9th of September, 1929, from the Chief Secretary regarding assistance to Jewish Institutions and authorities, in the work of relief and reconstruction rendered necessary by the disturbances.
58. Annual Report on Palestine and Trans-Jordan for 1928.

- 59 (a). List of new works authorized for relief of unemployment from 1926-27 to 1929.
- 59 (b). List of approved works accelerated for the relief of unemployment from 1927 to 1929.
60. Letter from the Mufti of Jerusalem entitled "Statement of the Moslem Position" said to have been sent to *The Times* on the 21st of September, 1929, but not published by that paper.
61. Collection of Hebrew Press extracts, as under, put in by Sir Boyd Merriman, on the 23rd of November, 1929 :—
- (i) Davar of the 30th of July, 1929.
  - (ii) Davar of the 1st of August, 1929.
  - (iii) Davar of the 4th of August, 1929.
  - (iv) Haaretz of the 4th of August, 1929.
  - (v) Davar of the 4th of August, 1929.
  - (vi) Haaretz of the 18th of August, 1929.
  - (vii) Davar of the 20th of August, 1929.
  - (viii) Haaretz of the 22nd of August, 1929.
62. Collection of documents about the Dead Sea Salts Concession.
- (Note.—The documents in question were copies of several *Hansards* and of the two White Papers\* published in 1929).
63. Estimates of number of unemployed in Palestine from 1924-1929, inclusive.
64. Letter of the 19th of August, 1929, from Palestine Zionist Executive to the Officer Administering the Government regarding the interview of the previous day on the subject of recent events at the Wailing Wall.
- 64 (a). Letter of the 19th of August, 1929, from the Va'ad Leumi to the Officer Administering the Government, regarding the interview of the previous day on the subject of recent events at the Wailing Wall.
- 64 (b). Letter (with enclosure) of the 21st of August, 1929, from the Officer Administering the Government to the Palestine Zionist Executive, in reply to the letter of the 19th of August, 1929 (Exhibit 64).
65. Proclamation of the High Commissioner dated the 1st of September, 1929.
- 65 (a). Proclamation of the High Commissioner dated the 4th of September, 1929.
66. Collection of Arabic Press extracts put in by Sir Boyd Merriman, on the 26th of November, 1929, as evidence of the Press campaign against the Mufti of Jerusalem :—
- (i) Es Sirat of the 28th of November, 1928.
  - (ii) Ul Jamea of the 13th of December, 1928.
  - (iii) Es Sirat of the 8th of January, 1929.
  - (iv) Es Sirat of the 6th of March, 1929.
  - (v) Falastin of the 22nd of March, 1929.
  - (vi) Es Sirat of the 11th of April, 1929.
  - (vii) Yarmuk of the 5th of July, 1929.
  - (viii) Yarmuk of the 12th of July, 1929.
  - (ix) Falastin of the 23rd of July, 1929.
  - (x) Falastan of the 23rd of July, 1929.
  - (xi) Falastin of the 11th of September, 1929.
  - (xii) Ul Carmel of the 24th of September, 1929.
  - (xiii) Ul Jamea of the 18th of October, 1929.
- 67 (A-T). Twenty Extracts from records of Criminal Investigation Branch showing assaults and attacks reported between the 17th and 22nd of August, 1929.
68. Order of Examining Magistrate in case of Moshe Ben Hayim Yitzhaq and three other accused.
- 69 (a and b). Two sheets of pictures with translations of Hebrew inscriptions thereon.

\* Cmd. 3317 and Cmd. 3326.

- 69 (c). Photograph of Exhibit 69 (a).
70. Land Transfer Ordinance of 1920 : as published in the Official Gazette, No. 28, of 1920.
71. List of villages sold by the Sursocks and their partners to Zionist land organizations since the British occupation of Palestine.
72. Memorandum by the Treasurer of the Palestine Government on the question of an Agricultural Bank to assist cultivators.
73. Document entitled "An appeal from Ussischkin."
74. Specimen of letter addressed to Arab officers and soldiers in the Turkish Army, and dropped from British aeroplanes in 1917.
75. Collection of correspondence between the Palestine Government and the President of the Supreme Moslem Council on the subject of the Wailing Wall.
76. Picture with translation of Hebrew inscription.
77. Extract from *Hansard* of the 5th of April, 1921.
78. Picture with Hebrew inscriptions (no translation).
79. Extract from "Ul Jamea" containing telegram from Zurich of the 31st of July, 1929.
80. Telegram handed to Reuter's Agent by the Mufti of Jerusalem dated the 23rd of September, 1929.
81. Correspondence between Sherif Hussein and Sir Henry McMahon. (This exhibit, having been shown to be inaccurate, was later withdrawn on the instructions of the Commission).
82. Statement issued by Jewish and Arab representatives in Tiberias District on the 28th of August, 1929.
83. The Allenby Declaration of the 7th of November, 1918.
- 84 (a and b). Photographs of two documents, one of 1837 and one of 1912, containing mention of the Burak.
85. Extract from "Ul Jamea" of the 1st of November, 1928, being a statement by the Committee for the Defence of the Burak al Sharif, addressed to the Moslem Congress held in Jerusalem.
86. Translation of a pamphlet issued in October, 1928, by the Defence Committee of the Noble Burak.
87. Extract from "Ul Jamea" of the 15th of August, 1929, containing telegram from the Mufti of Nablus to the High Commissioner regarding the alleged delay in carrying into effect the provisions of the White Paper of 1928.\*
88. Extract from *Palestine Bulletin* of the 9th of September, 1929, containing a statement of an interview granted by the Mufti to a representative of Reuters.
89. Analytical Tables of unemployment figures for the years 1927, 1928, and 1929.
90. Statistical statement of the assessment of tithes of certain villages in the Northern District for the years 1919 to 1927 ; and the commuted tithes of these villages for the year 1928.
- 90A. "Protocols of the Learned Elders of Zion," "The Truth about the Protocols," and a French book about the Protocols.
91. Statement of Tithes collected from certain villages in the Northern Districts from 1919 to 1929.
92. Judgment of Supreme Court given on the 20th of November, 1929, in the case of 37 Arabs marching from Tيره towards Bath Galim.

93. Record of proceedings before the Examining Magistrate in case of Arab alleged to have been killed between 12.30 and 1.0 p.m. on the 23rd of August.
- 94a. Extract from "Doar Hayom" containing resolutions passed by demonstration at Tel-Aviv on the 14th of August, 1929.
- 94b. Daily Intelligence Summary of the 15th of August, 1929, giving an account of the above demonstration.
95. Arab Congress Resolutions.
96. Collection of telegrams passing between the Palestine Zionist Executive and Zurich and London from the 24th of July to the 5th of September, 1929.
97. Communiqué issued by the Palestine Zionist Executive on the 18th of August, regarding the demonstrations of the 15th and 16th of that month.
98. Letter (with five annexes) of the 25th of July, 1929, from Mr. Braude to the Palestine Zionist Executive at Zurich regarding the new doorway near the Wailing Wall.
99. Communiqué of the 31st of July issued by the Palestine Zionist Organization regarding the new doorway near the Wailing Wall.
100. Communiqué of the 21st of August issued by the Palestine Zionist Organization regarding the incidents connected with the funeral procession of that day.
101. Extract from "Doar Hayom" of the 7th of August, 1929.
102. Communiqué issued by the Palestine Zionist Executive on the 21st of August, 1929, in supplement of that issued on the 18th of that month.
103. Extract from "Doar Hayom" of the 9th of August, 1929.
104. Extract from "Doar Hayom" of the 19th of August, 1929.
105. Extract from "Doar Hayom" of the 21st of August, 1929.
106. Extract from "Doar Hayom" of the 12th of August, 1929.
107. Instructions to Committee appointed to consider and make recommendations for the reform of the Supreme Moslem Council regulations.
108. Open letter of November, 1928, from Va'ad Leumi to Moslem community in Palestine.
109. Letter of the 14th of November, 1929, to Chief Rabbi Kook from Society for the Defence of the Mosque Al Aqsa.
110. Official translation of article in "Doar Hayom" of the 18th of August reporting a conversation with Chief Rabbi Kook.
111. Letter (with enclosure) of the 28th of September, 1929, from the Director of the Mandates Section of the League of Nations to the Supreme Moslem Council and the General Moslem Council for Defence of Burak.
112. Deed No. 266 of the 11th of August, 1925, being a declaration relating to the sale of lands known as Jidrou and Kurdani.
113. Extract from Official Communiqué to the Press regarding the Protection of Tenants Ordinance, 1929.
114. Letter of the 21st of July, 1929, from Mr. Cust to Chief Rabbi Kook regarding the new doorway near the Wailing Wall.
115. Letter of the 4th of August, 1929, from Chief Rabbi Kook to the Colonial Office on the same subject.
116. Document of the 10th of October, 1924, witnessed by the Acting District Officer, Nazareth, recording a discussion between representatives of the American Zion Commonwealth and the people of Afule village in regard to the sale of land at Afule.
117. Draft proclamation prepared by representatives of certain Jewish colonies, to be addressed to their Arab neighbours.

118. Letter of the 9th of May, 1929, from Chief Rabbi Kook and two other persons to the Palestine Government regarding the Wailing Wall.
119. Minutes of an interview between the High Commissioner and Colonel Kisch on the 4th of May, 1929, on the subject of the Wailing Wall.
120. Minutes of a meeting between the High Commissioner and the Mufti on the 6th of May, 1929, on the subject of the Wailing Wall.
121. Letters from Mr. Hyamsen to Mr. Stoker regarding immigration.
122. Letter of congratulation sent on the 2nd of October, 1929, by Colonel Kisch to Major Saunders.
123. Application, with enclosures, from the Palestine Zionist Executive for the admission of immigrants under the Labour Schedule.
124. Letter of thanks from Chief Rabbi Epstein to Mr. Kardous.
- 125 (a). Telegram from Auni Bey Abdul Hadi to King Faisal about a letter which His Majesty was said to have written to Mr. Frankfurter.
- 125 (b). Reply to Exhibit No. 125 (a).
- 126 (a). Letter from King Hussein forwarding Exhibit No. 126 (b).
- 126 (b). Copy of a letter of the 8th of February, 1918, from Colonel Basset to King Hussein.
127. Decision of Magistrate's Court, Haifa, in the case of Mahmoud ben Fattash and 42 others.
128. Agreement between Kamel Dajani and other parties regarding lands in Jidru.
- 129 (a-e). Copies of five declarations made by cultivators of lands which were sold to the Zion Commonwealth Company.
130. Depositions of Constable White regarding incidents in Jerusalem on the 23rd of August, 1929.

---

#### APPENDIX V.

##### Statement of British Policy in Palestine issued by Mr. Churchill in June, 1922.

The Secretary of State for the Colonies has given renewed consideration to the existing political situation in Palestine, with a very earnest desire to arrive at a settlement of the outstanding questions which have given rise to uncertainty and unrest among certain sections of the population. After consultation with the High Commissioner for Palestine the following statement has been drawn up. It summarizes the essential parts of the correspondence that has already taken place between the Secretary of State and a Delegation from the Moslem-Christian Society of Palestine, which has been for some time in England, and it states the further conclusions which have since been reached.

The tension which has prevailed from time to time in Palestine is mainly due to apprehensions, which are entertained both by sections of the Arab and by sections of the Jewish population. These apprehensions, so far as the Arabs are concerned, are partly based upon exaggerated interpretations of the meaning of the Declaration favouring the establishment of a Jewish National Home in Palestine, made on behalf of His Majesty's Government on 2nd November, 1917. Unauthorized statements have been made to the effect that the purpose in view is to create a wholly Jewish

Palestine. Phrases have been used such as that Palestine is to become "as Jewish as England is English." His Majesty's Government regard any such expectation as impracticable and have no such aim in view. Nor have they at any time contemplated, as appears to be feared by the Arab Delegation, the disappearance or the subordination of the Arabic population, language, or culture in Palestine. They would draw attention to the fact that the terms of the Declaration referred to do not contemplate that Palestine as a whole should be converted into a Jewish National Home, but that such a Home should be founded in Palestine. In this connection it has been observed with satisfaction that at the meeting of the Zionist Congress, the supreme governing body of the Zionist Organization, held at Carlsbad in September, 1921, a resolution was passed expressing as the official statement of Zionist aims "the determination of the Jewish people to live with the Arab people on terms of unity and mutual respect, and together with them to make the common home into a flourishing community, the upbuilding of which may assure to each of its peoples an undisturbed national development."

It is also necessary to point out that the Zionist Commission in Palestine, now termed the Palestine Zionist Executive, has not desired to possess, and does not possess, any share in the general administration of the country. Nor does the special position assigned to the Zionist Organization in Article IV of the Draft Mandate for Palestine imply any such functions. That special position relates to the measures to be taken in Palestine affecting the Jewish population, and contemplates that the Organization may assist in the general development of the country, but does not entitle it to share in any degree in its Government.

Further, it is contemplated that the status of all citizens of Palestine in the eyes of the law shall be Palestinian, and it has never been intended that they, or any section of them, should possess any other juridical status.

So far as the Jewish population of Palestine are concerned it appears that some among them are apprehensive that His Majesty's Government may depart from the policy embodied in the Declaration of 1917. It is necessary, therefore, once more to affirm that these fears are unfounded, and that that Declaration, re-affirmed by the Conference of the Principal Allied Powers at San Remo and again in the Treaty of Sèvres, is not susceptible of change.

During the last two or three generations the Jews have recreated in Palestine a community, now numbering 80,000, of whom about one-fourth are farmers or workers upon the land. This community has its own political organs; an elected assembly for the direction of its domestic concerns; elected councils in the towns; and an organization for the control of its schools. It has its elected Chief Rabbinate and Rabbinical Council for the direction of its religious affairs. Its business is conducted in Hebrew as a vernacular language, and a Hebrew Press serves its needs. It has its distinctive intellectual life and displays considerable economic activity. This community, then, with its town and country population, its political, religious, and social organizations, its own language, its own customs, its own life, has in fact "national" characteristics. When it is asked what is meant by the development of the Jewish National Home in Palestine, it may be answered that it is not the imposition of a Jewish nationality upon the inhabitants of Palestine as a whole, but the further development of the existing Jewish community, with the assistance of Jews in other parts of the world, in order that it may become a centre in which the Jewish people as a whole may take, on grounds of religion and race, an interest and a pride. But in order that this community should have the best prospect of free development and provide a full opportunity for the Jewish people to display its capacities, it is essential that it should know that it is in Palestine as of right and not on sufferance. That is the reason why it is necessary that the existence of a Jewish National Home in Palestine should be internationally guaranteed, and that it should be formally recognized to rest upon ancient historic connection.

This, then, is the interpretation which His Majesty's Government place upon the Declaration of 1917, and, so understood, the Secretary of State is of opinion that it does not contain or imply anything which need cause either alarm to the Arab population of Palestine or disappointment to the Jews.