Ya'acov Salomon

In My Own Way

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The Gillie Salomon Foundation
Haifa

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Contents

		Page
	Foreword	9
	An Appreciation	11
	Introduction	13
1	Four Generations in Jerusalem	15
2	The Balfour Declaration and its Aftermath	22
3	The Return Home — and First Steps as a Lawyer	30
4	Redemption of Land	36
5	The Baron's Lands	59
6	The 'Black Sabbath' and its Aftermath	75
7	A Tale of "Illegal" Immigration	95
8	Attempts to Join the British Army	98
9	Haifa at War	101
10	The Sylvester Case	165
11	The Isser Be'eri Case	179
12	The Lavon Affair	204
13	Trials	220
14	My First and Last Attempt at Political Involvement	233
15	A Missed Opportunity — the Dead Sea Resources	237
16	The Urge for Action	242
17	Neglect upon Neglect	248
18	Gleanings	253
19	The Salomon Family in Eretz Israel	256
20	My Efforts to Rebuild the Hurva	284
	Index to Names	289

To My Wife Sara
On Fifty Years of Companionship

Foreword

My husband, Ya'acov Salomon, devoted most of the last six months of his life to writing the Hebrew version of this book. Unfortunately, although he had approved the final proofs for press, he did not live to see it completed. He died two weeks before publication on his seventy-fifth birthday.

He had always intended that the book be published in English, so that his many non-Hebrew speaking relatives, friends and colleagues in Israel and abroad could read it. I have therefore taken it upon myself to fulfil Ya'acov's intention to have the book translated and published in English in accordance with his wishes. We have also added a few maps.

Prior to the publication in Hebrew, Ya'acov had written a letter recommending the book to his friends as of historical interest and showing his involvement in events. He stressed the desire to see as wide a distribution as possible for the purpose of dedicating all the income, royalties etc. to those institutions for under-privileged children, neglected babies, hospitals and others in need of help. A fund to this purpose had already been created.

I wish to thank the many friends who have so warmly responded and who have helped and encouraged me to publish this book.

Haifa, April 1982 Sara Salomon

An Appreciation

Excerpts from an address delivered by Judge Haim Cohn on the occasion of the Salomon Bequest to the Israel Museum, February, 1982

In the very first chapter of his memoirs, Ya'acov Salomon tells us of the passage in Isaiah which he read for his bar-mitzvah. I think the first verse of that passage might serve as a leit-motif for the man and a summing up of his life. It is "Ha-ba'im yashresh Ya'acov...", which has been translated: "He (God) shall cause them that come of Jacob to take root..." I would submit to you that this verse can be construed in a different sense, namely that Jacob took root from those who preceded him. Ya'aẹov Salomon's whole life was one great continuation of the beginnings and foundations laid by his father, Haim, and his grandfather, Yoel Moshe and his great-grandfather. The pride and veneration with which he spoke and wrote of his forefathers and their generations bear a vivid testimony to his own approach and ideology. Above all, he wanted to be worthy of them: a bearer of the torch; the proud heir of proud predecessors.

It is no coincidence that one of the projects which engaged his attention during his last years, and to which he devoted much of his physical and material resources, was the reconstruction of the Hurva synagogue in the Old City of Jerusalem which had been built by his great-grandfather. I shall always remember his almost childish joy when he persuaded one of the era's greatest architects, the late Louis Kahn, to do the job for him. A portion of this book is devoted to his and Kahn's joint efforts to rebuild the Hurva synagogue which would, like the first one, be not only a place of worship, but the real spiritual centre of Jewish life in Jerusalem. The greater is the pity that he should not have lived to see his lofty plans ripen into reality.

I have spoken of his veneration for his elders, of which we learn a great deal from reading his book, but those of us who had the good fortune to see him in

his parents' house in Jerusalem know that there never was anybody who matched him in fulfilling the commandment: "Honour thy father and thy mother". He did indeed surround them not only with love, affection and admiration, but even with an almost tangible aura of honour, as if he were in the company of royalty, as beloved as revered.

Ya'acov Salomon was a man of many facets. He was an excellent lawyer and he rightfully testifies of himself that he succeeded in climbing to the pinnacle of his profession. His foremost strength lay in his forensic talents: never has such an accomplished master in the art of cross-examination graced the Bar of this country. He brought with him the English tradition (in which he perhaps unconsciously imitated his much-admired teacher, Richard Levy) of examining the most difficult and stiff-necked witness as if he were holding a conversation, over a cup of tea, with a friendly elderly lady — and the poor witness did not even notice how soon and how thoroughly he was being buried.

The impeccable style of his pleading, the conciseness and clarity of his argument, and his sovereign mastery of law and precedent, made him a leader of the Bar even if he never aspired to any office of honour or prominence there. I can testify from my own treasured memories, both as an advocate in Palestine and as a jurist in Israel, that it was a pleasure to appear against him. And even a pleasure to *lose* against him — and that is the greatest compliment that one attorney can pay to another.

Ya'acov Salomon was not only a great lawyer. He was a patron of the arts. His house on Mount Carmel is a miniature archaeological museum and I know that prominent museums in Israel have been very happy to acquire from his estate some of the bounty of his collection. The Maritime Museum in Haifa is his own creation. He conceived the plans for it, he built it, he equipped it. He made it into an institution of which the city of Haifa is now rightly proud. I suspect that Salomon came to his love of the arts from his love of life. There was indeed no real pleasure which he did not at least once try — and when he liked it, adopted it into his own life-style. He was a connoisseur of good food, he liked to travel around the world, he had an easy way with people of all tongues and all civilisations. And he enjoyed, more than anything else, the beauty of nature. It can indeed be said of him — as was said of one of our ancient sages — that there was no fruit created by God Almighty for the enjoyment of man of which he had not partaken.

While Ya'acov Salomon had his roots firmly in the past, the following prophetic utterance by Isaiah can no less be applied to him: "Israel shall blossom and bud and fill the face of the world with fruit". Salomon took his roots from the past, from his great ancestors, but he soon blossomed on his own and budded and filled the face of the world with beauty and joy. Those who knew him and enjoyed him will always cherish his memory.

Introduction

Until a year ago, it had not even occurred to me to write about my life. Of course, I knew there was a lot I could tell my children and grand-children — as well as the public at large. My life over the past fifty years has been linked with affairs central to Israel from the battles of the Yishuv against the Arabs and the British and public events thereafter.

From time to time, my family would suggest that I find time to write my memoirs. I would excuse myself, pleading lack of time or saying that I did not think I was qualified to do justice to the story. But recently I have decided to try.

Among the reasons which spurred me to do so was what I read of the battle for Haifa during the War of Independence. Army commanders and others who described the event ignored the civilian role in this decisive encounter. Incidentally, they also left out my own role, and this — I confess — irked me deeply. Fully aware of the saying "Be praised by others and not by your own mouth", I nevertheless decided to tell the story as I remembered and witnessed it. Following this beginning, memory piled upon memory — and a book was born.

I have concentrated on relating events in which I was directly concerned. I have tried to reconstruct a chain of occurrences with the perspective of a man who has always kept his distance from politics, speaking my mind frankly and unburdened by party considerations or desire for personal publicity. Despite my profession of attorney, I have written only briefly about my legal activities: except where these have historical or public significance. I develop my story from childhood to professional maturity and involvement in public life, highlighting reminiscences from my youth where these serve to illustrate the background to my personality and some of the more important stepping-stones in my life.

It is my hope that this will explain some of the forces which moulded and drive me to this day, and which, so I believe, have found expression in my public and national endeavours.

Haifa, December, 1979 Ya'acov Salomon

1 Four Generations in Jerusalem

I was born in the seventh month of my mother's pregnancy on the 26th of Tevet 5665 — January 3rd 1905. She was visiting Petah Tikva and fell off the donkey she was riding to father's orange grove. She was rushed from Petah Tikva to Jerusalem to the famous midwife, Madame Yitzhaki. There was a family saying about the circumstances of my birth: Ya'acov was in a hurry to come into this world and he has been running ever since... There is a great deal of truth in that!

Nahlat Shiva

I was born in one of the first houses in the quarter called Nahlat Shiva, which my grandfather built outside the walls of the Old City of Jerusalem more than one hundred years ago. Our apartment consisted of two rooms and living room, shared with my grandparents. Our small narrow kitchen was a tin structure taken up mainly by the clay baking oven which was stocked with coal or sticks of wood. In the centre of the kitchen stood a primus stove for cooking and laundering. Drinking water, which the Arabs brought in leather-skin bottles, loaded on donkeys or on their own backs and sold by the measure, was kept in a large cruse.

At the age of three I was sent to the *heder,* (religious elementary school), attached to the first Ashkenazi Synagogue outside the walls. I clearly recall the red-bearded *melamed* (teacher). He held a stick, which served him both as a pointer to mark the place in the prayer book and to tap gently at some mischievous boy or at a pupil who halted over his reply. I can still hear the echo of the voices of children chanting the *alef bet* (alphabet) or prayers — depending on their age — and the noise and commotion...

I see before my eyes the neighbourhood oven, which was located at some distance from our home — on the site now known as Zion Square. This

glowing oven served the different communities for baking bread and cakes on weekdays and for simmering the *hamin* (cholent, slow-baking stew) on Friday evening for the Sabbath meal.

I remember Hanka the shopkeeper and her husband Rav. Abraham, who ran the general store. She was a short, friendly woman, and he helped her. It was a treat to be sent off by a grandparent to get something from the store. Kind Hanka would offer a sweetmeat to the small errand boy and on rare occasions even a small bar of Tobler chocolate.

I recall the quarter vividly and with nostalgia as if it still stood on the main road from Jerusalem to Jaffa. Jaffa Road today is Jerusalem's main thoroughfare. Then it was a dirt road... Clouds of dust were raised by the horses' hooves, the plodding camels and the wheels of the carriages. There were few houses; half a dozen along the main road and a few more behind in the direction of the Moslem cemetery near Mamilla. Overgrown courtyards, paved alleyways, it was a poor quarter, yet beautiful in its modesty. All around lay open stretches of vineyards, olive trees and the wheatfields of the Arabs of the village of Lifta and its environs. Open space in all directions, apart from the Russian Compound opposite our home, with its typically Russian churches and buildings which, when I was a child, seemed like castles from a fairytale. Walls closed off this area, where black-robed monks and nuns were to be found, as well as Russians pilgrims — stocky farmers, old and middle-aged women in the cumbersome garments and black kerchiefs of far-off Russia. From a distance we could see the buildings of the Ratisbonne monastery and school, (named after the Jewish apostate Ratisbonne) — now in the heart of the Rehavia quarter.

In contrast to all this, I recall with yearning the joyous chanting of prayers arising from the Ashkenazi, Sephardi and Bukharan synagogues.

As children, we played mainly in grandfather's courtyard. It was exciting to be allowed to enter grandfather's printing press — where, now more than a century ago, he published the first Hebrew newspaper — "Ha-Levanon" and later "Yehudah ve-Yerushalayim", preceding the Zionist movement by calling for the return to the Promised Land to farm and labour. The press printed books, leaflets and even engravings of the Wailing Wall, the Cedars of Lebanon, Rachel's Tomb. We children were curious to see how the wheels of the printing press turned, and enjoyed the opportunity (sometimes granted us) of turning the 'giant' wheel and collecting remnants of paper or ribbons with pictures on them.

From the *heder* I moved up to the Hadar Torah School. This school, established in Jerusalem by father and his friends, was the first institution to teach 'Hebrew in Hebrew'.

In our free time we would go down to the Salomon-Levin 'drogerie' by the

Jaffa Gate. What fun it was to help father arrange boxes, pour liquids into small or large bottles or even sweep the floor...

And at home there prevailed a loving spirit and observance of the values and ceremonies of our age-old traditions. My mother, whose hair fell to her knees when she unpinned it to comb it out, was the focus of our lives. Father was a handsome man with a sweeping moustache and a blond beard — a Jerusalem student who had dared, after his marriage, to wear European garments instead of the long kaftan of orthodox Jews, as was the custom of his community. He had mostly studied alone, without a teacher — and knew English, French and German fluently. The noble personality of my grandfather presided over us all. I am imbued with memories of festive meals, melodies, the benediction on the eve of the Day of Atonement: "May the Lord make thee as Ephraim or Menasseh" of family celebrations.

Above all — there was father's devotion to the bible. He read to us from the bible every day: the weekly Pentateuch portion, the *haftara* (portion of Prophets) with the biblical accents, the *mishnayot* or the *gemara* (commentary) with a melodious incantation. Sometimes, when he was in an expansive mood, he would successfully emulate the Sephardi incantation, like his comrades, the Sephardi students. Even now I still remember how he sang. My grandfather used to enjoy testing me on my knowledge of Torah...

Jaffa and Tel Aviv

When I was seven, the family moved from Jerusalem to Jaffa. We settled in an imposing house on the border of Neve Tzedek and the little town of Tel Aviv, a house belonging to the Chelouche family.

Friendly little Tel Aviv. The houses were scattered among the sand dunes. We lived at the end of what is now Yehuda Halevi Street, by the Eden Cinema. At some distance from the centre of Tel Aviv lay our school, the Municipal School for Boys, and beyond it — what a glorious sight — Herzl Street. Little villas here and there along the gravel road, with blossoming trees and verdant gardens. At the end of the street there rose in all its splendour the 'enchanted' tower of the Herzliya High School.

The Municipal School for Boys was much more advanced in studies than our *heder* in Jerusalem. There were eight grades, and the curriculum included both secular and religious studies as well as sports. We ran about barefoot except on Saturdays and festivals.

A football was a rare possession. Lighthearted competitions were held between us and our contemporaries at the Herzliya school. Sometimes we engaged in peeping into the neighbouring girls' school.

The First World War broke out, and Turkey entered the fray on the side of

Germany: the French warship "Jeanne d'Arc", with its six funnels, shelled the German workshops in the German Colony, on the Tel Aviv-Jaffa road. This warship returned several times to bombard the town. The result was intimidation rather than actual damage. I smile at the memory of one of the sights of the times: when the great warship was sighted on the horizon, my brother Nahman, two years my senior, would snatch my one-year-old sister Naomi from her crib and run to the sand dunes for fear that a shell might hit our house. The house was beyond the railway tracks, and the German workshops — the target of the bombardment — were about a hundred metres across the tracks, but one could not rely on accurate pinpointing of the target.

Towards the end of 1915 the Turkish commander, General Jemal Pasha "the Little" (Kotzuk) decreed the expulsion of all Jews from Jaffa and Tel Aviv.

Exile in Petah Tikva

Our entire family left Tel Aviv-Jaffa with our household and furniture. The carriages were harnessed to mules which dragged them through the sands of Petah Tikva. At that time this was a beautiful settlement, bathed in greenery, with avenues of trees. The main synagogue was the pride of the colony. The wine cellars were located by the central square, where the orchestra made music with its trumpets and drums. The houses were one-storeyed and of rural appearance. Beside each house was a large courtyard crammed with chicken-runs, a cowshed and stable, a wagon, snorting horses and braying donkeys. The country smell was refreshing. The settlement's herd of cattle would return at evening from the distant fields. As it reached the square, it would break up, the bullocks and cows raising clouds of dust as they turned into their owners' courtyards.

The two years in which we lived in Petah Tikva (1915-17) were years of discovery for me, for I made the acquaintance of a new world: that of nature. Because of the war we studied less than usual. Our main occupation was working in father's orange-grove, plus adventures and mischief.

My older brother and I attended the Alliance Israélite school in Rothschild Boulevard, Tel Aviv. We studied only two to three hours a day, since most of our teachers were absent. As Turkish nationals, they were forced to hide for fear of being caught by the Turkish gendarmes who roamed the villages seeking evaders of military service. One could obtain exemption by paying a ransom *(bedel)* but few were able to afford this sum. Young men caught without exemption documents were arrested. Some were transported to distant places where they would chop wood to fuel the railways, build roads, construct fortifications, or drive mules and donkeys for the Turkish army.

This army was fighting the British, who were advancing north from Egypt along the coast, after crossing the Suez Canal.

In the season we picked oranges. We collected and packed them in our own small packing house — a clay structure at the end of the orange grove. Most of the customers were Bedouin who arrived by camel caravan from Jordan and the Hauran. In return for the wheat and barley they brought, we loaded onto their camels giant sacks of oranges and lemons. In the fields we picked grass for the donkeys which carried us from the settlement to the grove and back, or ploughed among the trees. We also collected edible grasses for salads, as did the Arabs. Leaves of the apple trees were used in tea, after being toasted and ground.

The day began with the whistle of the water pumps in the grove wells. Each grove had its own characteristic sound, and in due course I learned to differentiate between them. I could recognise our own pump from a distance. There was a symphony of sounds from the groves of Salomons, the grove of my uncle Mordechai, the Gissins, the Raabs etc. Every boy recognised the whistle from his own father's grove, just as he could identify the braying of his own donkey or the neighing of his horse...

Father spent most of his time travelling, mainly to Jerusalem. He sometimes went as far as Beirut or Damascus to sell the medicines which reached us, in a trickle, from Germany, as well as drugs which he manufactured in his small factory. This was the beginning of an industrial endeavour — the modest debut of the pharmaceutical industry in this country. From this seed grew mighty trees: companies such as Assia and Teva which have grown to international dimensions.

Father inculcated in us good manners and respect for others as a way of life. He instructed us, with his pleasant manner, in tradition, in love of our country and people. In my mind's eye I see him leaning affectionately over my bed, singing a favourite lullaby: "Fall asleep, my beloved son, listen and I'll sing you a song. In ancient times there was a city far away. Your forefathers once lived there — a people whose land lay beneath their feet". Or else he sang Bialik's 'To a Bird', nostalgically: his slightly hoarse voice was captivating in its emotion. "Hail to thy return, lovely bird, from the lands of heat to my window — How my soul yearned for your melodious voice, In winter when you abandoned me... Sing to me, tell me, dearest bird, tales of the distant enchanted land...".

He loved to read us the poems of Yehuda Halevi and Bialik. His greatest love was the bible. He would say: "My sons, if you do not go to the synagogue every day, I will forgive you, but at least read one chapter of the bible every morning". Sometimes, instead of going to morning prayers in the synagogue, he would read with us a chapter or two of the bible. He knew it by heart. On

the Sabbath and festivals he would softly sing a traditional melody he had learned in his parents' home.

In this way he implanted in me the things which were important to him; respect others, love labour, love your family, be devoted to your people and your country. Later, when we were grown up, he warned: beware party politics and hypocrites. Your party is the people of Israel. We learned our practical Zionism from him. Pure spiritual Zionism we absorbed through our mentor Shlomo Schiller, principal of the Hebrew Gymnasium in Jerusalem.

Return to Jerusalem

September-October 1917: the British Army under General Allenby advanced northward, and the Turks retreated. The battles for Gaza and Beersheba were at their height — the echo of the guns reached our house in Petah Tikva at night.

One evening father arrived hastily from Jerusalem — "Hannele — pack at once whatever you can — wrap up the children (Nahman, Ya'acov, Avraham and Naomi) and let's hurry back to Jerusalem. We must leave before dawn".

We were all alarmed: Only a day or so previously another Jewish family had tried to take the same route in a wagon loaded with bundles and children. Turkish soldiers had attacked them — the driver was murdered, the baggage looted, and the survivors had returned in panic to Petah Tikva. My uncle Mordechai tried to stop us, but father was adamant: "We must go home to Jerusalem". He had obtained an official transit permit. On it was affixed a photograph of the family and it stated, in Turkish, that Haim ben Moshe Salomon, German national, was permitted to travel from Petah Tikva to Jerusalem with the members of his family appearing in the photograph. Years later I found the *'vasika'* — the original document — among father's papers.

In Jerusalem we lived in a modest apartment on the outskirts of the town, several hundred metres to the west of the defence fortifications of the Turkish Army.

I returned to the Hadar Torah, but studies were erratic. There was famine in Jerusalem. In each quarter there was a tap from which water was measured out to the residents, under strict supervision. There was no kerosene for heating water, even for tea. No coffee was available, nor of course was there sugar. Flour was distributed to the poor from the funds of the charitable Ezra Fund established by the German and American Jewish communities. The same was true of hot water, a few cups of which was ladled out after hours of waiting in a queue which snaked around the centre of the quarter.

Some ten thousand Jews perished of hunger in Jerusalem alone during the First World War.

The Turkish Army fell back. On December 7th 1917, the first victorious British forces entered Jerusalem. The rejoicing cannot be described in words. From a rickety balcony in Mahaneh Yehuda, overlooking Jaffa Street, I watched the columns of soldiers, led by the Australian troops riding their giant horses; their equipment — mortars and field guns — was loaded on camels and mules, wagons and carriages. We were amazed by the giant cannons, the heavy howitzers, each dragged by three pairs of thick-maned horses. What excitement for us children! We all tried to express our friendship for the foreign soldiers in broken English. I was among the privileged few — my mother had come to Palestine from the United States several years before her marriage — and she still spoke English at times. She had taught us a few words and expressions. This was the beginning of my education in the English language, and I felt like a true Englishman. I addressed the soldiers in their own language — making every effort to pronounce the words properly: welcome, how are you etc. I felt very proud.

A week before the British victory I celebrated my thirteenth birthday. There was no possibility of holding a bar-mitzva ceremony. The British were still shelling the enemy lines, and since the Turkish positions were not far from our house, we heard the whine of the bullets and shells as they passed over. At that time father was teaching me my portion of the law *(haftara)*.

I studied diligently and repeated the words after him to his satisfaction, but always too fast. Father warned me: "Don't hurry, speak fluently and calmly". And in Yiddish he wrote on the page where the *haftara* began: "Hapt nisht" (Don't grab! don't hurry).

Since then I have regarded this phrase as an exhortation for my entire way of life, and I repeat it to my children, my students, my friends and clients: Hapt nisht — Don't hurry, or in other words, "The words of wise men are heard in leisure". But although I preach to others, I would be stretching the truth if I denied that I myself sometimes fail to observe this advice.

2 The Balfour Declaration and its Aftermath

On the second of November 1917, several weeks before the liberation of Jerusalem by the British Army, Lord Arthur Balfour — the British foreign secretary — sent his famous letter known as the Balfour Declaration, to Lord Rothschild. "His Majesty's Government views 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".

Wonderful words, I think to myself, like those of King Coresh 2,500 years before. But the document ends with a brief sentence which later was to undermine the historic commitment and enbroil the Yishuv in troubles, so that only rebellion and armed struggle could bring deliverance and independence. The document concluded: "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".

Hopes and burgeoning disillusion

The Yishuv was stirred to the core. In those parts of the country liberated from the Turkish yoke, the emotion erupted into a burst of joy at the hope of salvation. This translated into friendly feelings for the British troops, and the desire to fight shoulder to shoulder with them until the German and Turkish foes were trounced.

The Yishuv was summoned to join His Majesty's Forces. Ze'ev Jabotinsky delivered fiery public speeches, calling on the younger generation to join up. I used to climb one of the trees in the spacious courtyard of the Lemel School in Zikhron Moshe and listen, enraptured, together with the large crowd, to Jabotinsky's recruiting exhortations. I cheered with the crowd, and sang Hatikva fervently with the others.

Legends are rife about the Jewish Brigade. Representatives of the Yishuv proclaimed that this was a sacred cause. Young teachers, including the staff of the Hadar Torah, joined the forces. They, and their fellow recruits, wore wide satin ribbons of blue and white, with a golden star at the centre. There were parades of recruits in the streets, the flags of Britain and of the Yishuv were borne aloft, while youngsters followed waving their own little flags — "and there was rejoicing among the Jews".

The leaders of the Yishuv organised a popular fund-raising campaign to which everyone responded. Women peeled off their jewels: bracelets, rings and earrings of gold and silver were collected in the streets or handed over at the Beit Ha-Am or other collection centres. What enthusiasm; the slogan was: "Any gift is welcome in times of danger".

A Zionist Commission, headed by Chaim Weizmann, arrived in Palestine. The Yishuv was intoxicated — the Messianic era had arrived...

I recall how I rushed from parade to parade — perched on the fence, I observed meetings and celebrations. We paid no attention to studies, particularly since most of our teachers had signed up for army service.

Months passed and disillusion crept in. The British military authorities, headed by General Sir Louis Bowles, British Commander in Chief, took a dim view of the idea of a National Home, which was to become a Jewish state, and placed obstacles in its path. The C in C ignored the Zionist delegation and its activities, but the cruellest blow was the arrest of Jabotinsky and his associates and their incarceration on a charge of carrying arms. The defenders of the Yishuv were the forerunners of the Haganah (which preceded the Israel Defence Forces).

When military government was rescinded and civilian administration established in June 1920, spirits rose again. Sir Herbert Samuel, a Jew, was appointed first High Commissioner. Enthusiasm reached its height when he attended the Hurva synagogue, the national house of prayer, on the first Sabbath after his arrival in the country. When he was called up to the Reading of the Law, he — the High Commissioner, the true King of Israel — read the *haftara* in Hebrew: 'Comfort ye, comfort ye, my people, saith the Lord. Speak unto the heart of Jerusalem...' (Isaiah Chapter 40). We could not believe our eyes and ears: it was like a dream. I, although a young boy, was present in the congregation. My father was one of the wardens of the Hurva synagogue, of which my great-grandfather had received a *firman* (imperial decree) from the khedive, Muhammad Ali, to commence construction. My grandfather had completed this task.

The soldiers of the Jewish Brigade began to return home and their pennant was raised in the Hurva.

The Arab resistance to the National Home and the Yishuv spread and

gained momentum. There were riots against the Yishuv in Jaffa and Jerusalem in 1920-1, and again during the pilgrimage of Moslems to Nebi Mussa, and on other feastdays. We began to mourn our dead.

We retaliated — and the battle continued almost without a lull until the War of Independence. It still goes on — and who knows when it will end. Gradually a Jewish fighting force was consolidated.

The Birth of Jewish Defence

In early 1920 I was sixteen years old. It was time for me to learn the art of war — and not with bow and arrow... I was a troop leader in Young Maccabi, the Jewish scouts of those days. The Haganah gave us tasks: to carry messages and equipment to various defence positions in the town, to transfer arms clandestinely etc. I was appointed messenger to the 'headquarters' of Pinhas Ruthenberg, who had moved to Jerusalem to lead the Yishuv in its fight against the Arabs and to conduct negotiations with the British during the riots.

We began our training in secret. We were taught how to use small arms — a parabellum (automatic pistol) and sometimes an old-fashioned revolver and clubs — the typical weapons of the period. We learned flag signalling and morse — and I found myself in the Haganah.

During Passover 1921, at the height of the riots, when a curfew had been imposed, I was sent to the Old City, carrying, in addition to written messages, several revolvers and ammunition. The assumption was that I would not be stopped and searched. Army patrols were roaming the Old City to prevent incidents between Arabs and Jews. The soldiers were mainly Indians, their beards listening with oil, their braids wrapped round their heads in a kind of cap. I was instructed to reach the headquarters in the Hurva synagogue. I set out about an hour before sunset and before curfew hour in Old and New Jerusalem. I passed through the Jaffa Gate, and down the steps of David Street. On my way to the Street of the Jews I was stopped by a patrol. I stammered something in my broken English... and reached the Hurva safely. There I handed over the precious arms which were strapped to my stomach and thighs.

The sun was setting. I turned back hastily — the commander tried to detain me. "The curfew has begun" he said "and you mustn't be found here". But I insisted — "I must go home — they'll worry about me". I slipped away, crossed the Street of the Jews and began climbing the steps of David Street on my way to the Jaffa Gate. The streets were empty, apart from the British patrols. An Indian sentry stopped me. He told me emphatically that the curfew had begun: "What are you doing out here? Go back to the Street of the

Jews". "But I live outside the City", I pleaded. "My mother and father will worry about me". A junior British officer approached, looked at me and nodded — "Run". I increased my pace. Soon I reached David's Tower — and again an Indian soldier stopped me. I tried to avoid him, and began to run — it was not far to the Jaffa Gate. But the soldier chased me, his rifle with fixed bayonet aimed at me. From afar I could see my father, accompanied by a police officer. He was standing by the Jaffa Gate, peering in my direction. He recognised me and ran towards me: I was saved. I fell into his arms. Despite the curfew, he had received from the British Governor, his friend General Storrs, permission to search for me with a police officer. At home there was rejoicing. I told them of my adventures — "I was almost searched on the way to the Old City", "I was a stonesthrow away from death, when the Indian chased me with his fixed bayonet". Father confirmed my story, having seen the last stage as I ran from David's Tower.

This was my baptism of fire as a 'Hebrew fighter', a boy in the ranks of the Haganah. Not a bad training for more serious deeds later in the service of the Yishuv.

At the Hebrew Gymnasium

At the beginning of the 1919 school year, I entered the Hebrew Gymnasium in Jerusalem, then housed in Zikhron Moshe, and later in the Bukharan Buildings, under the inspired leadership of a great educator, Shlomo Schiller. I discovered new horizons. We studied not only physics, chemistry, algebra and other subjects — but concentrated on the history of the Hebrew Enlightenment, the new Hebrew literature, the development of Zionism: Kalisher, Pinsker, Herzl, Ahad ha-Am. Schiller preached integrity, spirituality and Zionist action to hasten redemption. The words he often used to conclude his speeches moved us greatly:

"On the Jordan and in Sharon Arabs now reside. This country will be ours and you will be among the builders".

We were filled with admiration for this bent, moustached old man, with his high brow, but also feared his wrath, and he did not spare us his tongue.

Like my father, Schiller's greatest love was the bible. He regarded the bible as the Song of Songs of the people, expressing love of the country and yearning for redemption. Because of my family tradition in studying the bible from early childhood, I was one of Schiller's favourites. He was quick to forgive my misdeeds, sometimes after a light reprimand, and occasionally even after having threatened to send me home. I cannot deny that I was the most mischievous boy in the school, but I was also a diligent student and above all, a bible scholar — and what could be more important even to Schiller? He was

delighted when I responded accurately to questions, about the location of a certain verse or elucidation of a text. He would rub his hands in satisfaction when I answered correctly. These were also moments of pride for me, which I reported enthusiastically to my father. He too was pleased — "This is Torah and this is its reward".

Adulthood and studies

In 1922 I graduated from high school. My parents and I were faced with a difficult question — what now? There was no doubt that I would continue my studies. But what should I study and where? In the previous year the administration in Jerusalem had opened a law school. A number of law offices had also been opened, half a dozen by Arabs and a similar number by Jews. Father hoped that as a result of my legal studies and work in this profession, I would continue the traditional family involvement in public affairs. It was decided, therefore, that I would enter law school. The classes were held in the evenings, since most of the students were older people, legal clerks or others who worked during the day but were attracted to the profession. I spent the daytime hours in the law offices of Harry Sacher — in order to fulfil the requirements of articled clerkship without which I could not become an attorney in Palestine.

Harry Sacher was an interesting man. In his youth he was a talented journalist, one of the most brilliant assistants of C.P. Scott, editor of the great Liberal daily, the "Manchester Guardian". Dr. Chaim Weizmann spent the years of the First World War in Manchester and Sacher was among his closest associates. This friendship marked the beginning of his Zionist career: he aroused in Scott a sympathy for Zionism, at a time when the aid of the Liberal Party in Britain was vital to spur Lloyd George's government to recognise the Zionist movement. In actual fact, this recognition was a deliberate political calculation, aimed at rallying Jewish public opinion to aid of the British in their fight against the Germans. Weizmann and his group were in close contact with Scott, who enjoyed considerable clout in government circles, because of his dominant personality and the influence of his newspaper. Harry Sacher wrote of the ties between the two men: "The connection between Weizmann and Scott was an act of divine providence, for they lived in the same town (Manchester). In the decisive days of the Zionist movement, Scott stood beside the Zionist leader. Scott favoured the fulfilment of the Zionist dream. Through the instrument of the most influential newspaper at his disposal, and thanks to the respect he enjoyed, Scott was able to extend great help to the Zionist cause".

I quote these words with a certain bitterness: just as we have rather failed to

educate our younger generation in Zionist values, so we seem to have forgotten those 'righteous gentiles' whose support for the builders of the state was vital and perhaps decisive.

Sacher came to Palestine from England in early 1920. He had studied law at Cambridge and was a member of the Bar, but decided to make his home in Palestine. His office was in Mamilla (now Agron) Street in a typical Arab apartment with two spacious rooms and a small attic. This attic was allocated to the two students — I being the younger. I was therefore entrusted with all the errands, cleaning the office, dusting the tables, replacing books. Sacher's room was the sanctum. In the second room sat Shalom Horovitz, a brilliant lawyer, also from Manchester. I owe him a great deal as regards the moulding of my character and my advancement in the legal profession, having always tried to emulate his spirit and dedication.

I spent nine months with Sacher and Horovitz, 'at their feet', studying, listening, learning to appreciate the positive aspects of the legal profession. They were great teachers. To outward appearances, Sacher was a withdrawn man, not easily intimate with others, not even his close associates, but deep inside lay a warm heart. He was an eloquent speaker, but his greatest talent lay in writing. He was logical, erudite, rich in spiritual resources, and possessed of a sharp, analytical, uncompromising mind.

To my amazement, Sacher called me into his room one day, and said: "My dear boy, you have wasted enough time at law school. You must go to England to study law and forge ahead. I will give you an introduction to my friend, Professor Chambers, one of the best teachers in England, a professor of literature at University College, London. He will take you under his wing". On the spot he wrote a letter of recommendation to Chambers. The last paragraph I found astonishingly generous on the part of a man who was always sparing of compliments: "When Salomon returns to Jerusalem, I will be happy to take him back into my office. He will soon become a partner".

England

I spent my first months in England studying day and night for the matriculation examinations. I passed them successfully and then registered as a law student at London University. Professor Chambers received me warmly and followed my progress during the year I spent at his university. After this year I moved to Liverpool, where two of my cousins, Avram Levin and his brother, Yisrael, were also attending the law faculty. Because of poor health, resulting perhaps from overwork, I was forced to choose between returning home or joining my cousins in Liverpool. I chose the latter alternative.

Unlike some of my fellow students in England I undertook a heavy load of

study. My few leisure hours were spent at the theatre, or at concerts and lectures, and I also joined the Zionist youth movement, Hovevei Zion, in Liverpool. The money sent to me regularly from Jerusalem sufficed for a modest lifestyle and for my studies. I earned a little extra from teaching Hebrew to one or two pupils.

Upon receiving my L.L.B degree I registered for an L.L.M degree, in order to specialise in maritime law. I also began my studies as barrister at Gray's Inn in London. On May 2nd 1928 I took silk (became a barrister) and could now appear in British courts.

I completed my studies with distinction, received an honours certificate (indeed an honour) and was offered a position as assistant lecturer in law at Liverpool University. To the astonishment of the law department, and particularly Professor Batt, chairman of the faculty, whose protégé I had been, I turned the position down. Professor Batt considered his offer to be an exceptional compliment in itself, opening up to a young foreigner a brilliant legal career. "How can you prefer to work in little Palestine" he asked, "rather than here where all the doors are open for advancement to the highest ranks of your profession? Few receive such an offer". My answer was that my place was in my own country, Palestine.

In London I attended the law courts daily. I was deeply involved in my profession, and observed with admiration the dignified performance of the lawyers and the responses of the judges. I was impressed by one tall and handsome young lawyer from whose lips flowed pearls of legal wisdom, and who displayed precision of thought and persuasive eloquence. He captivated both judges and juries. This was Richard Levy (later my mentor). I decided that, come what may, I was going to become articled to him for one year.

In spring 1928, I visited his chambers and told him how much I wanted to become articled to him. Out of the goodness of his heart and with some amusement he agreed to accept me and to place a small table in his study for my use. I would act as his 'devil' — as barristers' clerks are called. Their task is to save, as much as possible, the precious time of the barrister by classifying evidence and other documents and preparing memoranda on factual and legal material for appearances in court.

Richard Levy devoted an unusual amount of time to my legal education. He instructed me mainly in interrogation of witnesses, an art of which he was one of the outstanding practitioners in England in the twenties. He knew how to slant his remarks in interrogations or in summing-up for juries so as to focus attention on those details or points which he regarded as vital for his case. He would direct his gaze at the judge as if there were a direct dialogue between them. During those years he appeared at trials which aroused great public interest. He attracted crowds to the courtroom, keen to observe him in action.

A friendship grew between us which lasted till his death. Eventually, in 1948, our paths crossed in Jerusalem at the espionage trial of the electrical engineer, Sylvester, and his associates.

3 The Return Home - and First Steps as a Lawyer

As a reward for my six years of diligent studies in England, my father gave me both permission and financial assistance to travel to the United States. I particularly wanted to meet my mother's family in Cincinnati — from whence she had immigrated to Palestine in the eighteen-nineties. I had very little money — in fact almost none, and lived very modestly, helped by a loan from a relative in New York. This was in July-August 1929. While I was in Cincinnati rumours reached me of the riots in Palestine, slaughter of Jews in Hebron and Safed, unrest in Jerusalem which commenced with clashes between Jews and Arabs by the Wailing Wall. The reports were terrible and I lost no time in returning home — in fact, only ten days which was incredible for that period.

In the midst of the imbroglio, I returned to Harry Sacher's office. He was involved in urgent political affairs, as representative of the Zionist Organisation and the office was being run by Shalom Horovitz, who had meanwhile become a partner. I now assisted Horovitz in preparing documentary and legal material on Jewish rights of access to the Wailing Wall, collating documentary evidence on the Arab preparations for the 1929 riots, and other material which was required as evidence for the Shaw Commission.

In the same period I was obliged to devote time to preparations for the 'external examinations,' which lawyers trained abroad were required to take in Palestine. They were not particularly difficult for someone who had studied British law, since this legal code had been superimposed on the Ottoman code of law, which the Mandatory Government had inherited and recognised as the basis for Palestine law. But, in addition, I was called up for duty in the Haganah.

The Shaw Commission

The Arab riots erupted on August 16, 1929, when an inflamed Arab mob burst

out from the Mosque of Omar to the Wailing Wall, beat up the beadle and the Jews praying there, ripped and burnt Torah scrolls and prayerbooks. On the following day, tension rose. At the Omar and other mosques, Arab crowds were incited to attack Jews. On Friday, August 23, the riots intensified and claimed several victims in Jerusalem, while the police refrained from intervening. The following day, the Sabbath, witnessed the slaughter of yeshiva students and other Jews in Hebron. The riots spread from these towns to other places, particularly Safed, where many Jews were murdered, and part of the Jewish quarter was looted and burnt.

On September 13, 1929, the British colonial office appointed the Shaw Commission, in order to "enquire into the immediate cause which led to the recent outbreak in Palestine and to make recommendations as to the steps necessary to avoid a recurrence".

The chairman of the commission was Sir Walter Shaw. Its members were representatives of the three largest political parties in Great Britain: Liberal, Conservative and Labour. The opposing sides were: the Arab Executive Committee, on the one hand, whose representatives were two British lawyers, assisted by two senior Arab lawyers; on the other, the Zionist Organisation and the Va'ad Leumi (National Council), represented by two renowned British lawyers: Sir Frank Boyd (later Lord) Merriman, a distinguished judge, and Viscount Earlie, son of Lord Reading, assisted by my mentor, Shalom Horovitz.

The Commission's sessions opened in Jerusalem on October 25, 1929. The chairman, and at least one other member, Hopkin Morris (representative of the Conservative party) were not sympathetic to our cause. Their statements during the deliberations often led to sharp exchanges between the chairman and Sir Frank.

The final incident occurred at the end of Sir Frank's concluding speech, when the chairman intervened and cut him short while he was defending the right of the Jews to pray by what remained of their Temple, invoking their age-old hope of returning to rebuild their homeland. While Sir Frank was holding forth, with sincerity and fervour, Sir Walter Shaw interrupted him with a sarcastic question. Sir Frank gave as good as he got and angrily, almost furiously, asked him to refrain from interrupting, and concluded: "By your undeserved interruption, you burst the bubble of my peroration".

During the deliberations I sat behind Horovitz, who was seated beside Sir Frank. I often felt the urge to jump up and express my views out loud, but I curbed myself, since I was only a tiny cog in a representative machine which carried out its task with dignity and intelligence. I must single out here two eye witness accounts delivered to the Commission, because of their importance to me, even though they were not of profound significance for the proceedings.

My mother, Hanna Salomon, was called to give evidence on a certain point. The Arabs claimed that the Arab attack on Jews at the Wailing Wall on August 16 and the subsequent anti-Jewish riots, had been spontaneous, a response to Jewish provocation. We denied this and argued that the riots had been planned in advance by the Mufti of Jerusalem, Haj Amin el-Husseini. It so happened that two days before the first attack, an Arab peasant woman from Malha (now a Jewish quarter of Jerusalem) had come to our home, as usual, to sell us fruit and vegetables. Somewhat apprehensively she turned to my mother and said: "Um Yaakub ('Mother of Ya'acov' — as my mother was called by the Arab village women), in another day or two (bukra o badu) things will not be good, you will be slaughtered, don't go out of doors", and she ran an imaginary sword across her throat. My mother repeated these words and the accompanying gesture in her evidence before the Commission, in order to substantiate our claim that it had been well known among the Arabs that violence was imminent. Mother gave her evidence quietly, reporting the facts as she knew them. The British lawyer who represented the Arabs, tried to confuse her or to make a laughing stock of her with such questions as: 'What does *bukra* mean?' etc. At first I was nervous for her but mother acquitted herself excellently and I was proud of her.

Shalom Horovitz appeared as a witness under the following circumstances: at the beginning of August of that year, the sixteenth Zionist Congress had been held in Zurich, and almost all the members of the Zionist Executive were out of Palestine attending the Congress. Horovitz was provisionally appointed a member of the Zionist Executive in Jerusalem and, in this capacity, appeared before the authorities. Several meetings were held with the chief secretary to the government, Harry Luke (later Sir Harry) who was deputising for the High Commissioner, Sir John Chancellor, then on vacation.

The chief secretary was one of the witnesses on behalf of the British authorities. In his evidence he denied that at the meeting in July and August, representatives of the Yishuv had told him of their fears and asked for increased guard patrols by the Wailing Wall during services and for a ban on processions and demonstrations. Mr. Luke did not have the courage to admit that such warnings had been voiced or to relate that other vital matters had been discussed. In several cases he evaded questions, and when pressed replied, "I don't recall. To the best of my recollection that is not so" etc. When Horovitz was interrogated on these same incidents and confirmed what Luke had roundly denied or evaded — the British counsel asked him sharply: "Mr. Horovitz, how can you say that, when Mr. Luke, deputy to the High Commissioner, has said the opposite?" Horovitz replied bluntly and with undisguised anger: "I stake my memory against Mr. Luke's lack of memory". The implication was clear.

The recommendations of the Shaw Commission came as a surprise and a bitter disappointment to the Yishuv. In violation of its guarantee that the Commission would restrict its recommendations to those matters within its jurisdiction, it now encroached into the political domain. The majority report distorted facts and drew conclusions which undermined the foundations of the National Home. Inter alia, it proposed restricting Jewish immigration and land purchase. These recommendations later served as sanction for the Passfield White Paper which decreed the restriction of Jewish immigration and rights to purchase land in large parts of Palestine.

Sara

My wife Sara, née Forman, was born in Brooklyn, to parents who had emigrated from Russia at the end of the last century in the wave of Jewish refugees from pogroms. Her father, Yehiel, and her mother, Shoshana, maintained a traditional household. Her elder sister had immigrated to Palestine and taught at the Evelina de Rothschild school in Jerusalem. Her brother also went to Palestine to study for the rabbinate at the Slavodka Yeshiva in Hebron. In 1929 Sara graduated in America as a teacher. When she learned from her sister that most of the staff of the Jerusalem school, who were foreign nationals, had fled the country because of the riots, and that the school urgently needed an English teacher, she decided to leave her post-graduate course at Cornell and immigrate to Palestine, of which her father had always spoken with warmth and enthusiasm. Sara arrived in November 1929.

One evening, in early January 1930, I attended the birthday party of one of the teachers at the Evelina de Rothschild school. I was struck by the appearance of this young woman who had come to Palestine from the United States at the height of the riots in order to join the staff. She was full of life and a natural gaiety and had a delicate beauty, at least in my eyes. I was never bashful, even in the company of young women. In the course of the evening I went up to this charming girl and asked her to reserve the next dance for me. She agreed, and I waited till the end of that number, but before I could claim her, I saw — to my amazement and jealousy, that she was dancing off lightheartedly with someone else. I fumed inwardly and when the dance ended I went over to her and said a little sharply: "You promised that dance to me", and I tapped her lightly on the cheek, (or was it merely a tap which turned into a caress?). She did not appear alarmed in the least. With a smile she proffered her other cheek and said: "See how good I am to you — here's the other cheek for you to slap, if that will appease you and make you forgive me". Intriguing words to a Jerusalem boy! I did not take up her challenge, but took her in my arms to complete the dance, showing off a little. When it was over, I told her

the truth about my character. She still recalls my remark and quotes it word for word, affectionately or cynically as the occasion merits, to confirm how right I was, "My dear girl, you'd better like me now or never, I don't improve on acquaintance".

At a late hour I escorted her back to her apartment. This was the beginning and we have never been parted since. After I had established my own office in Haifa and was able to rent a suitable place to live there and to furnish it from my own earnings, we were married at my parents' home in Rehavia in November 1931. Since this book is not the story of my love, I will not dwell on my happy marriage to a woman of valour, a devoted mother and generous wife. I will say only this: in the course of the half century we have spent together since our first meeting, we have been comrades and partners through hard times and good. We have travelled a considerable distance together in our own lives and the life of our country. It has been a stimulating period: we have been part of the struggle to build a free nation and we have helped each other along.

My Exile to Haifa

In 1930 the Mandatory government carried out extensive development projects in Haifa, and, inter alia, began to reclaim the sea shore. The dried-out area was intended to become a commercial centre and the site of the new Haifa port. The main thoroughfare of the town — Kingsway, now Independence Way — was built there. The main junction of the railway and the railway workshops were transferred to Haifa and construction of the port commenced. The headquarters of the railways and of the customs were located in the town. People spoke of Haifa as the 'city of the future'. Harry Sacher, my employer, decided to open a branch of his office there, and I was asked to run it. As a Jerusalemite I did not welcome this particularly since the move to Haifa took me away from my Sara. It was therefore agreed that my exile was to last only two years and that I would then be replaced by my cousin Avram Levin, who had joined the Jerusalem office in the same period. Avram was originally from Haifa.

Haifa was then a pleasant small town. Its population was about twenty thousand, half Jews and half Arabs. The residents were a unique type, quiet, hard-working people far removed from politics and subversion. Until the unrest of the mid-thirties, Haifa had never known riots or community uprisings. In the municipality, Jews and Arabs worked side by side almost up to the very moment when fighting flared up in the town after the November 1947 partition resolution.

Physically, Haifa was a jewel. Most of the community lived at the foot of

Mount Carmel. Only about a dozen pioneering families actually lived up the mountain. Hadar Ha-Carmel, halfway up the slope, was in the early stages of development, and was pleasant in atmosphere with its little red-roofed houses. Herzl Street, the main thoroughfare, was a quiet street with about a dozen little houses of two storeys at the most. The other main streets were Nordau and Jerusalem, both attractive in their simplicity, with their houses of stone and their lovely gardens. The centre of town, the commercial area, was the Arab market which was surrounded by a wall and was always crammed full with people. The shops evoked the bazaars of an oriental city, large cavernous stores for wholesale commerce in grain, oil, cloth, imported and exported goods. Jews and Arabs lived peacefully together. This 'commercial centre' was eventually nicknamed the 'Old Centre' after a 'New Business Centre' was built on the site of a former public garden — Bustan el Insharah.

It was near the market in the 'Old Centre' that I opened my office in November 1930 on the second floor of one of the first buildings in the quarter. My office consisted of two rooms, housing me, a clerk and a secretary. Above us was the office of 'The Labour Directorate of the Labour Centre', the forerunners of Solel Boneh. Almost at once, it fell to my lot to conduct some of the most prominent cases of that time, (renowned even to this day), concerning the fight for the redemption of national lands from Metullah in the north to Hadera in the centre of the country.

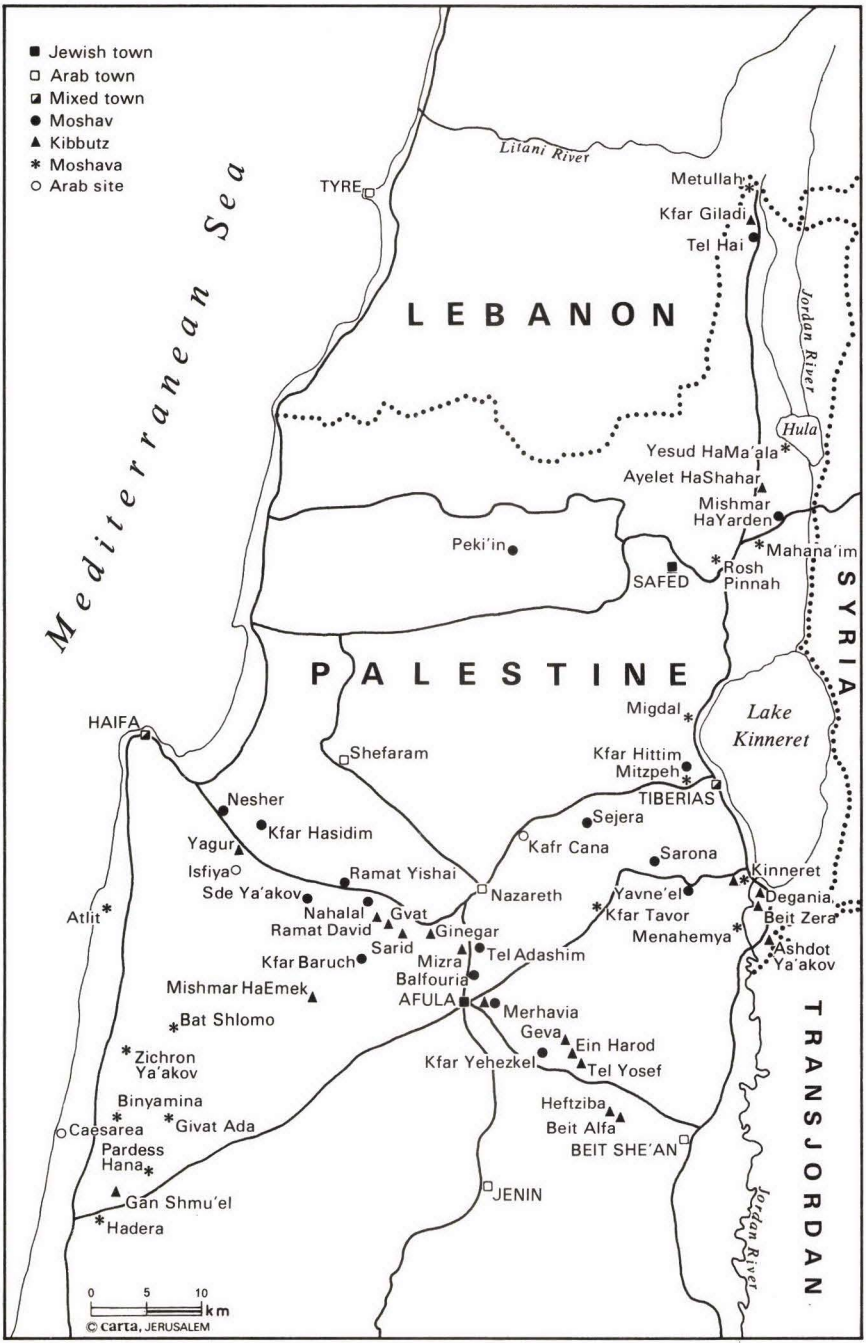
After the two trial years I had the alternative of returning to my native Jerusalem, or adopting Haifa as my home. I chose to remain in Haifa — for both spiritual and practical reasons. Here I faced the challenge of being my own master, building something up from the foundations, and above all, continuing the responsible, complex and even hazardous task I had undertaken, which was to become for me a sacred task, an obsession... the redemption of land.

4 Redemption of Land

Large expanses of the lands of Palestine, particularly in the north of the country, had, since the days of the Ottoman Empire, been owned by several rich Arab families. These effendis lived in luxurious homes in Lebanon and Syria. Most of the lands had been purchased from the Ottoman government at public auctions and were neglected and uncultivated tracts. The land was controlled by means of agents or lessees, who cultivated it in primitive fashion through poverty-stricken fellahin and Bedouin. The tenant farmers barely scraped a living. In most cases the price they paid for the privilege of working the soil was one-third to one-quarter of the yield. Those areas which were non-arable, sand or swamp, served as pasture for nomadic Bedouin flocks. They paid a fixed sum per capita for the right to graze, to gather reeds or *samar* grass for weaving baskets, mats and suchlike — important items at that time.

In 1925-1930 extensive adjacent stretches of land were bought by our national institutions. The tenant farmers were paid compensation. In order to ensure that they vacated the land they were asked to sign receipts and notarised guarantees. In most cases Jewish farmers did not take over the land immediately, so the Arabs remained there or returned after an interval claiming ownership (*hazaka*) by right of occupation. In many cases removal of these tenant farmers and trespassers was neglected. The steps required to preserve ownership of the land were not taken, namely continuous cultivation and adequate guarding. It thus became necessary to redeem these lands for the second time.

In Haifa Bay, the Jewish National Fund and the Haifa Bay Society purchased the lands of the Jidro, as it was then called, stretching from the Kishon river to Nahal Na'aman near Acre, basically a sandy area. They also purchased the adjacent land: Raqaik, Kurdani, Kufrata (now Kfar Ata) and parts of the lands of Manshiyeh, east of Acre on the way to Safed. All in all, these were large stretches of territory.


Jewish town
Arab town
Mixed town
Moshav
Kibbutz
Moshava
Arab site
Litani River
TYRE
Metullah
Kfar Giladi
Tel Hai
LEBANON
Jordan River
Hula
Yesud HaMa'ala
Ayelet HaShahar
Mishmar HaYarden
Mahana'im
Peki'in
SAFED
Rosh Pinnah
SYRIA
Mediterranean Sea
PALESTINE
Migdal
Lake Kinneret
HAIFA
Shefaram
Kfar Hittim
Mitzpeh
TIBERIAS
Nesher
Sejera
Kfar Hasidim
Yagur
Kafr Cana
Sarona
Isfiya
Ramat Yishai
Kinneret
Nazareth
Yavne'el
Degania
Sde Ya'akov
Atlit
Nahalal
Gvat
Kfar Tavor
Beit Zera
Ramat David
Ginegar
Menahemya
Sarid
Tel Adashim
Ashdot Ya'akov
Kfar Baruch
Mizra
Balfouria
Mishmar HaEmek
AFULA
Merhavia
Bat Shlomo
Geva
Ein Harod
Zichron Ya'akov
Kfar Yehezkel
Tel Yosef
TRANSJORDAN
Binyamina
Heftziba
Caesarea
Givat Ada
Beit Alfa
Pardess Hana
BEIT SHE'AN
JENIN
Gan Shmu'el
Hadera
Jordan River
0 5 10 km
© carta, JERUSALEM

On the outskirts of Galilee and in the Jezreel Valley, the JNF and other bodies bought tens of thousands of dunams — the lands of Sheikh Abreik (now Ramat Yishai and its surroundings), Kuskus-Tivon (now Kibbutz Alonim and Tivon) and the Jezreel Valley lands from Nahalal to Afula up to Beit She'an (Beisan). Most of this territory, now the home of fertile agricultural and urban settlements, then consisted of barren sands or marshland.

From 1931 onward, for some two decades, I worked tirelessly, appearing in numerous cases in local courts, before land settlement officers and in appeal courts. I was also a participant in the fierce battles on the land itself, to restore it to Jewish ownership and drive off the trespassers. Another of my tasks was to conduct the fight for recovery of land purchased by the late Baron Edmond de Rothschild in the north, from Metullah along the Jordan Valley, and in the centre of the country: Caesarea, Kabra and elsewhere. I represented PICA (the Palestine Jewish Colonisation Association) founded by the Baron, the 'father of the Yishuv'. He had assigned to this association the task of settling the lands he purchased.

The risks I undertook during those twenty years, in my struggle with the Arabs, their own institutions, and the British administration, are an integral part of the historical fight to redeem and cultivate the land: a vital stage in the effort for independence.

The Fight for Kuskus-Tivon

The bitterest land disputes, from the legal, political and physical aspects, were those arising out of the attempts of Jewish owners to gain possession of the lands of Kuskus-Tivon for settlement purposes. In this case the owners were Meshek (a building society) and the Jewish National Fund. The disputed land covered an area of approximately 3,000 dunams (750 acres). In 1925 the land was purchased by Meshek, a subsidiary of the American Community of Zion, and at about the same period this group also bought the Sheikh Abreik lands, later known as the Jedda lands, on which now stands Kibbutz Ramat Yishai. The former owners of these lands were members of the Bustrus family from Beirut, a prosperous Christian family which wielded considerable economic and political influence in that country. Other Lebanese 'notables' also sold their lands, which were subsequently registered legally in the name of their Jewish purchasers. The sellers obtained notarised waivers from the few tenant farmers who had cultivated limited sections of the land. Among those claiming right of possession, and eventually right of ownership, were Bedouin who, under the previous owners, had occasionally pitched their tents in the area, mostly for grazing purposes. The main centre of settlement of these Zabidat Bedouin was on the Shfar'am lands north of Kuskus-Tivon.

In passing, I must mention that my father, and a group from Jerusalem, had conducted negotiations in 1913 with the Bustrus family, with an eye to purchasing the Kuskus-Tivon lands. When I was entrusted with the legal, political and practical task of redeeming these lands, my father would recall half-forgotten incidents from that far-off time. How impressed he had been with the rich soil, with the ancient oaks on the hills which ringed the area. He particularly described his journeys with his comrades on horseback from Haifa to Kuskus-Tivon to tour the area, and their contacts with the agents of the Bustrus family. Incidentally, the main street of Jaffa was once called Bustrus Street (now Yefet Street) after that same family, and they owned most of the buildings in the boulevard, then considered one of the most beautiful in the country.

Between 1925 and 1930 the new Jewish owners took no steps to 'seize' the land or establish ownership by continuous cultivation. They contented themselves with mapping the area, setting up new border markers, and continuing the employment of the Kurdish watchman, inherited from the Bustrus family. I first met this watchman at the end of 1930, when he was at least seventy. He was an impressive figure with his upright carriage, handsome features and white beard. His rifle was always slung over his shoulder, even when he was astride his pedigree mare. But he did not intimidate the local Arabs and they, both fellahin and Bedouin, disregarded his pleadings not to intrude on the lands he guarded. And thus the flow of usurpers increased, and included fellahin and Bedouin who had been tenants on the land, or had grazed there, whether with the permission of the agents of the Bustrus family or against their wishes.

Several months after my arrival in Haifa the directors of Meshek asked me to undertake the legal task of removing these Arabs from the Kuskus-Tivon lands. As a first step they accepted my recommendation that the area would be more scrupulously guarded by Jewish watchmen. One Jewish watchman was taken on, and when the fight stepped up — several more. But this was not enough. The watchmen were powerless against the troublemakers. For practical and political reasons it was essential to submit an appeal for eviction to the Haifa magistrate's court, and simultaneously to attempt to take over the area by force. Fortunately for us, (and not entirely by chance) most of the cases were heard by a Jewish magistrate. The Arabs were represented by well-known lawyers, advised and financed by the Supreme Moslem Council.

Concurrently with the protracted litigation in the various courts, efforts were made on our part to take over the land and cultivate it. These efforts encountered violent resistance on the part of the Arabs, who were incited and supported by the Supreme Moslem Council. Their leader was Miflah Ahmed el-Mussa, one of the Bustrus tenant farmers, who at the time of the land deal

had signed a notarised declaration waiving any ownership rights in return for compensation. He was supported in the fight by members of his extensive clan. Miflah was a courageous and sharp-witted man, an extremist nationalist, ready to advocate the use of arms and making sacrifices in battle. I encountered him many times in court and on the land itself. He was no less acute or intelligent than the experienced lawyers who defended him and his men against the charges I brought. As was then the custom among the Arabs, he conducted in his tent 'rehearsals' of the court sessions, as if a judge were present.

His hatred for me grew as I gradually gained the upper hand. He regarded me as the main foe, slowly prevailing over him, an enemy whom it might be necessary to annihilate. His threats were conveyed to me directly by mutual 'friends'. Sometimes these threats took the form of deliberate violence in the fields of Kuskus-Tivon, when I went out there with the watchmen or farmers.

Miflah Ahmed el-Mussa served the Arab nationalists, headed by Haj Amin el-Husseini, Mufti of Jerusalem and president of the Supreme Moslem Council, as a spearhead in the national struggle. The Arabs intended to exploit the Kuskus-Tivon affair so as to demonstrate the 'Jewish plot' to take over Arab lands and to 'dispossess', as they termed it, the true owners, replacing them by aliens, the final objective being the establishment of a Jewish national home. Miflah and I were rivals, each stubbornly fighting his own cause with all the means at his disposal — and there was mutual esteem between us.

I could not confine my battle to the courts. I urged the political department of the Jewish Agency to recognise how acute the situation really was and to present our claims to the central British authorities in Jerusalem. Failure in the fight for Kuskus-Tivon could threaten all our hopes of settlement in extensive and vital areas of the country.

Meanwhile, I tried to make sure that our charges that were heard by a Jewish magistrate, Judge Harkavi. This was the precondition for a fair trial. Judge Harkavi, a short agile man, lively and quick to anger but very shrewd, acted with the greatest circumspection. In contrast to normal practice, he listened patiently to the lengthy arguments of the counsel for the defendants, who did not confine themselves to legal arguments, but delivered political speeches and proclamations. Numerous witnesses were called who reiterated the same evidence over and over again, and had been coached in hyperbole or falsehood. But the judge did not lose his patience and maintained exemplary composure. The verdicts were given in Arabic and were more detailed than was usual with Harkavi. They confirmed the right of the Jewish plaintiffs to ownership and possession, and ordered the removal of the trespassers. The verdicts were submitted to the execution office, whose task it was to carry out the transfer of the lands to the plaintiffs with the aid of a court officer. If

necessary he called on the assistance of the police, in accordance with law.

On the date officially determined for the transfer of the land, we brought reinforcements of manpower and equipment from kibbutzim and moshavim, in order to plough the lands. In every case, without exception, we encountered violent and vociferous opposition, screams and threats by crowds waving iron bars and clubs, axes and daggers. Clashes inevitably occurred. A few of our opponents were tenant farmers, workers or local shepherds, but the remainder were local Arabs recruited in good time for the struggle. Our people were mainly injured by the stones hurled at them. The Arab women also joined in the fray. In addition to screaming and stonethrowing, they often lay down on the ground in the path of the tractors. The police who had accompanied the court officer, were ordered to avoid force and to try persuasion. Naturally enough, words were of no avail. When the situation deteriorated into bitter hand-to-hand combat and even shots were fired, the British district officer, Lees, ordered the police to leave the scene. The police officer in charge ordered me to ensure that my own people also left. My appeals to the district commissioner and the police HQ were fruitless, probably because of orders from above, from the administration in Jerusalem.

I maintained constant contact with the political department of the Jewish Agency in Jerusalem, which from 1931-1933 was headed by the late Haim Arlosoroff. Although he had contacts among the authorities and was received cordially by the high commissioner, the chief secretary and other senior officials — his requests fell on deaf ears. In his 'Jerusalem Diary' he relates something of the events.

9 March 1932

In the middle of the meeting — new 'trouble'! A telephone call about a clash on the Kuskus-Tivon lands. The lawyer of the Meshek Company informed us that after lengthy litigation... after the court had decided in our favour, after the Arabs had tried to hamper us from ploughing the area, after the police had ordered both sides to abandon the area... after all this Mr. Lees, District Officer, informed him today that the police would not regard the Kuskus-Tivon lands as 'forbiddable of access' and had told both sides that since it could not protect them — they were both permitted to plough... if this takes place — not only does the Palestine Government appear to be abandoning its task, but it will be impossible to prevent a clash between the sides, since they will certainly take the law into their own hands.

Thursday 10 March 1932

I telephoned Moody* and asked him about the instructions he gave Lees yesterday. He said that he had contacted the police in Haifa and ordered them to be on their guard at Kuskus-Tivon. I told him that this was definitely not enough, and that if the orders were not changed, a clash would be inevitable.

Meanwhile, from early morning, telephone calls from Kuskus-Tivon describing the two rival camps (both of which have received government permission to plough) confronting one another in the field. The Arabs started work at six a.m. The Jews

* deputy secretary to the government

waited in the deluded hope of Lees rescinding his stupid and provocative order, which started with stone-throwing by the Arabs and retaliation by the Jews and ended in a fight in which several people on each side were injured, including a boy of ours from Kfar Baruch, quite seriously. Eventually Harrington** came and ordered both sides to leave the fields. This is perhaps the best way of dealing with the affair, but it is to be doubted if a wise government would act thus!

Wednesday, 16 March 1932
I went with young Salomon to meet the chief secretary concerning the Kuskus-Tivon lands. Once again we gave him a detailed description of the latest development. Young promised to contact the district commissioner and to keep in touch with events. Generally speaking, he directed us to the Land Dispute Order*** which will come into effect in today's official Gazette.

** deputy superintendant district police
*** Land Dispute Order (Possession) of 17 March 1932.

Arlosoroff also described his conversation with the High Commissioner — Gen. Wauchope:

18 March 1932
I told him that land disputes are a much graver indication of the state of lawlessness which prevails than the murder at Kfar Hasidim*. I mentioned, for example, the case of Kuskus-Tivon and I told him that, generally speaking, I do not tend to make accusations against individual officials, but Mr. Lees of Haifa, who is dealing with the matter, is known among British, Jews and Arabs as a man with a strongly anti-Jewish outlook... all the amendments in the land laws seem to be aimed at weakening the status of landowners. Soon a landowner will need to ask forgiveness for having the right to his land. Anyone who seizes something unlawfully is protected by the administration, which helps him to keep it.

* The murder of a Jew a few days before by men of Arab el-Zabidat

The Land Dispute Order (Possession) of 17 March 1932 was enacted as a result of the disputes I have mentioned. Although its proclaimed purpose was to prevent 'breach of the peace' because of land disputes, it was used by the authorities in most cases so as to leave the Arabs in possession, at least temporarily. The law empowered the district commissioner, upon receipt of a report from the police or any other information suggesting that a breach of the peace was imminent, to summon the involved parties to appear before him. They then had to submit their arguments and bring witnesses to attest to the most recent legal possession of the disputed land, and until a decision was reached, the Commissioner could declare that the status quo be retained, namely that the most recent possessor (before violence erupted) remain in possession.

The authorities were not long content with this step. After the administration came to realise that in the end, after protracted litigation, the courts would rule in favour of the Jewish owners, a new onerous law was passed,

despite the opposition of our national institutions in Jerusalem and London. This law, also passed in the course of the disputes about the Kuskus-Tivon and Jidro lands, was the Cultivators (Protection) Ordinance of 31 August 1933. It was aimed at hedging us in even more stringently than the previous law, since, for the first time, it granted protection and permanent legal possession to a new status of 'statutory tenant' which included, as defined in the Ordinance: "any person, family or tribe occupying and cultivating a holding otherwise than as the owner thereof... who pays a renumeration in money... or a portion of the produce".

According to this law, disputes between owners and 'legal tenants', were referred to an appointed Board. The law established that as soon as a dispute broke out, magistrates, execution officers and clerks acting under the 1932 Land Disputes (Possession) Order were prohibited from issuing an order granting possession to the owner until the completion of clarification under the new law. All verdicts or orders were subject to the decision of an appointed commission. According to the law a 'statutory tenant' was a man etc., as above, "who has occupied and cultivated a holding for a period of not less than one year save... when the High Commissioner is satisfied that the tenant has other land sufficient to enable him to maintain his customary means of livelihood... or that compensation has been paid to the tenant for the holding or subsistence area declared minimal by the High Commissioner".

It is quite obvious what the intentions of the legislation were — and the negative consequences of it.

In the struggle to redeem the Kuskus-Tivon lands and other areas, I was obliged to plead my case before several official bodies: courts, land settlement officers and district officers in accordance with the Land Dispute Order (Possession) 1932 and the appointed committee specified in the Tenant Law Order (Protection) 1933. This was a stubborn, nerve-racking campaign, which demanded constant effort, persistence and was sometimes even risky. In addition I was among the first on the spot when trouble erupted and was one of the last to leave, even in the event of actual fighting or orders from above to quit. In this context I recall two incidents.

On the day after my wedding in Jerusalem on 17 November 1931, I hastened to Haifa with my young wife. On the next day I was out of town from six in the morning until after dark. Sara, my bride of two days, had hoped that I would find time for one or two days of vacation, for a kind of honeymoon. When I left home at dawn and did not appear for lunch, she enquired at my office as to the reason for my absence. She was given various excuses. When I returned home, my clothes crumpled and my appearance attesting to fatigue and excitement, I told her about the events of the day. Soon she, too, was to play her part in this arduous national task.

During the incidents of 10 March 1932, which Arlosoroff described in his diary, a member of Kfar Barukh was severely injured and died several days later. He had been hit while standing by his plough, and I had been standing only two or three metres away from the spot where he fell. Some of the Arabs claimed that they had been aiming at me.

On 20 June 1938, the group which was to establish Kibbutz Alonim pitched their camp on these lands. On the 18th I had been engaged in trying to obtain the permission of the district commissioner for this move, the Arabs having lost their case at all the legal and administrative levels. Permission was granted on the 19th. It was necessary to organise the young men and women settlers of the new kibbutz for whom most of the Kuskus-Tivon land was earmarked. It was also essential to recruit the defensive force which circumstances dictated.

It was a great day — when these boys and girls (who are now grandparents), set up their 'tower and stockade'* which was to grow into a flourishing settlement, with fields of grain, groves and plantations, and even an impressive industrial plant. On the hills across from the kibbutz there later arose Tivon, which after its amalgamation with Kiryat Amal, became the garden city of Kiryat Tivon, a verdant suburb of Haifa.

The fight for the Kuskus-Tivon-Alonim lands lasted fourteen years, ending in November 1944. It ended only after the Tenants Committee handed down a final resolution rejecting the Arab claims to tenancy, land cultivation and grazing rights. Having exhausted all the legal and quasi-legal procedural possibilities, withstood all the hardships, suffered all kinds of adventures, attacks on property and on life, we did not now rejoice in our victory. The price had been high; on 10 March 1932 a member of Kfar Barukh was murdered; on 11 July 1938 Alexander Zeid, the watchman, was murdered while making his way on foot from Sheikh Abreik (Ramat Yishai) to Alonim; on 13 March 1939 two members of Alonim were killed by a mine hidden in a dirt road leading from the main highway to the kibbutz camp. Even after all these incidents, the Jewish National Fund gave in to government pressure and paid the Arab claimants financial compensation "in return for final and complete renunciation" of any claims or demands.

* Settlements, built from dawn to dusk to conform to the British rule of "no permanent structures"

Redemption of the Haifa Bay Lands
(Jidro, Raqaik, Kurdani, Kfar Ata, Manshiyeh and the environs)

The Jidro lands, stretching from the Kishon crescent near Haifa to Nahal Na'aman near Acre, were purchased by the JNF and the Haifa Bay Society in 1925 from the Sursuk family in Beirut. This was one of the richest and most

noted families in Lebanon. The lands bordering on the east and north: Kufrata (Kfar Ata), Raqaik, Kurdani and part of the Manshiyeh lands, were also purchased in 1925-1926, by the JNF, and other settling bodies, from noted Arab families, who lived in Lebanon and Syria: in other words, absentee landlords.

Here as well, the institutions did not make a serious effort after the land purchase, to establish ownership by planning and development. I was instructed by Shalom Horovitz, acting for the owners, particularly the JNF, to take all necessary steps to obtain possession. In this case this also entailed receiving legal endorsement of ownership.

In the struggle for Jidro, unlike the Kuskus-Tivon case, I was greatly assisted by the representative of the JNF in Haifa, Avraham Yaeli, and the chief watchman — Moshe Sher. Here too our efforts to take over the lands, fence and develop them, build roads and structures, lay water pipes, dry out swamps and begin cultivating the arable areas, encountered opposition and violence. The style was similar to that adopted in the Kuskus-Tivon affair.

On most of the land — the Jidro area — our antagonists were Bedouin from the Guarna tribe and 'black' families of African origin. The Bedouin claimed ownership by possession, for purposes of grazing for their sheep and cattle, and also by right of cultivation of tiny plots for their livelihood, particularly watermelons and melons in the rainy seasons. The 'blacks' claimed ownership because of their cultivation of swampy areas along the Kishon river and around the Kurdane springs. Arabs from Shfar'am claimed plots on the border of Kfar Ata and several Arabs from Acre and the environs claimed large areas of the northern lands: Raqaik and Manshiyeh, mostly agricultural lands. As regards possession, our situation was slightly better than in the case of Kuskus-Tivon, since immediately after the purchase of the land in 1925, the JNF had made attempts to plough along the borders. Unsuccessful attempts were also made to plant rows of eucalyptus trees, particularly in the swamps. Here too clarifications were held in accordance with the Land Dispute Order, criminal charges were submitted against the Bedouin and other Arabs for trespassing, and eviction cases were tried by magistrates. In order to sort out the opposing claims to ownership, the high commissioner announced early in 1935 that most of the lands were subject to 'land settlement' in accordance with the Land Settlement Order 1928-1933. This particular case was known as the 'Jidro regional land settlement' (Guarna). Jidro was the name of the area under its previous owners, and the addition 'Guarna' came from the tribe which used the Bay area for grazing.

The legal and administrative deliberations in which I took part most of the time, lasted more than ten years. The main court case related to the claims of the Guarna Arabs and others to the lands north of the Kishon to Na'aman.

More than a hundred court sessions were held, presided over by the current land settlement officer. Most of them acted honestly and impartially, despite pressures from the Supreme Moslem Council, and despite the obvious political implications of recognition of the rights of the registered owners, particularly the Jewish National Fund.

The hearings took place in a hut built by the JNF on a sand dune. There was no regular transportation to the site. We were forced to walk long distances, trudging through the sand and swamps in order to debate and hear witnesses. The Arabs received legal assistance from the best Arab lawyers in Haifa and Jerusalem, which was fully paid for at the expense of the Supreme Moslem Council. Their arguments did not lack a political note; they were, however, less emotional than in the Kuskus-Tivon affair, or in the Caesarea case which followed.

The lands involving 'blacks' were less valuable but the cases were most interesting. The 'blacks' were essentially of slave origin, mostly from North Africa brought by Lebanese effendis. They were employed as watchmen or in cultivating plots by the Kishon and Na'aman rivers, near the Kurdane springs and in the swamps. The black *hamoulas* (clans) were headed by a woman. She was said to be fifty or more, but looked no more than thirty. Her beauty, or to be more precise, her noble demeanour, impressed all those who met her. She was upright, her face full but delicate and glowing, and her voice was dignified. The British magistrate, ostensibly a cold man, admired and respected her, not necessarily because of her sex, but because of her vibrant personality. Her tribesmen respected her like a queen and meekly accepted her authority. She chose to conduct her case without the aid of lawyers. Nonetheless she was obliged, under pressure of cross-examination, to admit the facts, which were legally to her disadvantage. Before the case ended, and in the light of the recommendation of the magistrate, the case was settled by payment of a considerable sum in compensation...

In the course of the land settlement deliberations, interim court orders were given, at our request, granting us possession over large stretches of land. As a result construction and development projects on a wide scale proceeded in Haifa Bay without interruption. They were carried out gradually from south to north.

A handful of people were entrusted with the task of redeeming a tremendous national resource. This was a heavy and exhausting responsibility. The pioneers who survived, these first settlers who ploughed and built, all recall events of those trying times with gratification. They remember the barren land, the sand dunes, the swamps and 'jungles' (as they were then called), and their reward lies in their satisfaction at the sight of the flowering expanses which they helped to redeem.

The Beisan (Beit She'an) Valley — and the water issue

In early 1933 the JNF stepped up its efforts to purchase land for settlement in the Beisan Valley. The Valley is rich in water, but centuries of neglect had turned the springs and rivers into swamps. Settling water issues such as ownership were of vital concern to the Jewish Agency and the JNF. Without water there could be no agriculture. Water was essential to any settlement project in the region, and was in fact the key to development. Those who held this key could draw a sustenance from the land. Water sources were abundant, but the Bedouin who roamed the area with their flocks and the Arabs who cultivated the surrounding lands, including those of the Jiflick (government property), had been incited by the Arab national institutions. They obstructed the development work — purifying of the springs, draining of the swamps, concentration of the water in ponds and other reservoirs and installation of irrigation systems.

Although money was in short supply at the time, our boys and girls set up 'camps' on the land, the first of the 'tower and stockade' settlements (as at Alonim). Sometimes they did so without a Jewish Agency resolution and even despite the warnings of our institutions. As a consequence of this situation, when the act of settlement was disputed and the settlers encountered resistance from the Arabs and obstruction on the part of the authorities regarding water supply, I was asked to come to their aid in legal matters and in contacts with the government.

This was in 1936-1939, the years of the 'Arab revolt'. For lengthy periods the town of Beisan was on strike in response to a call proclaimed by the Supreme Arab Committee. The grain fields of our young settlements were set alight. The trees they planted were uprooted. The first settlers in the Beisan valley — the young pioneers of Tel Amal (now Nir David) and their comrades in neighbouring settlements at the foot of Mount Gilboa — deserve admiration and respect, since despite the dangers to which they were exposed during the riots, they laid the foundation for the settlement of the Valley. Journeys to Beisan (then an Arab town) and appearances in court there were risky undertakings. But I continued throughout these troubled times to do so in Beisan — and also before the British district officer and the district commissioner in Nazareth.

The magistrate was an Arab notable from Haifa, a member of a family closely associated with the Nashashibi group, which was hostile to the Mufti. To his credit I must note that in those cases in which I appeared as counsel his decisions were fair. These included criminal and civil cases, connected to land issues in general and water in particular, involving our Arab antagonists.

An illuminating example of the hostile approach of the administration is the

following case. The settlers of Ein Harod, Hefzibah and the surroundings decided to construct a reservoir near the Harod spring, not far from that part of the Haifa-Jordan Valley-Transjordan railway line which cut across the Valley. Despite the refusal of the district commissioner to permit the construction of the reservoir, our people erected the embankments. The commissioner was furious, and was backed by the senior British officials of the railway service, who claimed that the reservoir would seriously endanger the railway line. Their argument was that there was a likelihood that Italian and German enemy aircraft (this was in 1942) would deliberately bomb the earth embankments so that the water would break out and flood the railway line. This line was vital to the British army communications at the height of the war.

"Rubbish" I replied, and this was the view of our experts as well. But the commissioner cited this argument in Beisan Court when he requested an order for cessation of construction work on the reservoir. Our counter-arguments, based on expert opinions, were to no avail. I had no choice but to ask the aid of a senior British engineering officer with the rank of brigadier, who was an instructor at the Staff College located in the Teltsch Hotel on the Western Carmel, near our home. He and I had become friends, so I confided in him and asked his professional advice. The railway authorities had not yet summoned military experts even though their case rested on the military pretext. Our friend agreed to discuss the matter with the chief engineer of the railways. He may have been 'exceeding his authority' thereby but he did it informally at a cocktail party. The chief engineer's response undermined the case of the administration, particularly after I announced that I was going to summon him as an expert witness in order to prove how baseless were the claims of the other side. The Arab magistrate, who was unimpressed by the prosecuting counsel's arguments, ordered a recess after hearing the first witnesses, and recommended that the prosecution consider whether to continue its present line of argument... The case was shelved and never resumed.

In gratitude and appreciation, my late friend Franz Lederer (later Zvi Dar) from Kibbutz Hefzibah, who was the chief architect of the reservoir, presented me, on behalf of the kibbutzim of the Jordan and Beisan Valleys, with the gift of a landscape painted by a member of his kibbutz.

Our struggle against the Mandatory administration in Palestine was provoked by British reneging on promises and disregard for our rights, which policy reached its treacherous nadir in the White Paper of 1939.

On November 2 1917, towards the end of the First World War, the Balfour Declaration was bestowed on the Jewish people. At the Peace Conference convened after the Allied victory over Germany and her satellites, it was decided to place Palestine (then including Transjordan) under British trusteeship. The conditions of this trusteeship — the Mandate — were discussed and



Grandfather Yoel Moshe Salomon, builder of Nahlat Shiva in Jerusalem and a founder of Petah Tikva





The Salomon family in the courtyard of their house in Nahlat Shiva, 1906. Centre: grandmother Fruma and grandfather Yoel Moshe Salomon. Second row above left: the parents Haim and Hanna, with baby Ya'acov in his mother's arms.



Above: Nahlat Shiva. Left: the Ashkenazi Synagogue and opposite it, the Sephardi and the Bukharan synagogues. 'Shai' Agnon (in *Temol Shilshom* — "Only Yesterday") wrote: "These seven buildings are neither splendid in appearance, nor imposing in dimension, but they have a more important quality, which is that they extended the border of Jerusalem and succeeded in strengthening the Yishuv"

Opposite: the *vasika*, the certificate granted to Haim Salomon allowing the family's return to Jerusalem at the end of the First World War

غونه نومرو: ۲

داخلیه نظارتی اجانبه مخصوص اقامت تذکره‌سی امنیت عمومیه مدیریتی

عدد

اسم وشهرتی	تابعیتی	رفاقتنده بولنان زوجه واولادینك عددی	اقامت ایتدیکی شهر ویا قصبه

..... ك اصولنه موافق اوله رق اعطا ایتدیکی بیانامه یه مقابل ..... پولیس مركزندن ویا ..... قضا قائمقاملغندن یدینه اشبو اقامت تذکره سی ویرلمشدر

سنه شهر محلی





The author as a young barrister at the start of his legal career



Sara



The swamps of Afek



Kibbutz Afek today

analysed by the victorious Powers at numerous sessions of the Peace Conference in 1918 and 1921. Various formulations were proposed, and the principles of the mandate were finally determined in a document ratified by the League of Nations on 24 July 1922.

The preamble to the mandate notes the agreement of the Allies that the mandatory power (Great Britain) should put into effect the declaration "originally made on November 2, 1917, (the Balfour Declaration) by the Government of His Britannic Majesty, and adopted by the other Allied Powers..." concerning the establishment of "a national home for the Jewish people in Palestine", the mandatory to be responsible for placing the country "under such political, administrative and economic conditions as will secure the establishment of the Jewish national home".

The main text of the mandate imposes on the administration in Palestine the task of facilitating Jewish immigration into Palestine, and encouraging, in cooperation with the Jewish Agency, (or Zionist Organisation) "the close settlement of Jews on the land", (article 6) to include state lands and those lands not occupied and not required for public purposes. It should be emphasised that nowhere does the mandate mention the 'Arab' population, but only refers to the "inhabitants of Palestine", and (article 7) "the facilitation of acquisition of Palestinian citizenship by Jews". The Zionist Organisation was recognised as the Jewish Agency until the actual establishment of the J.A. in 1929.

The first constitution of the civilian administration in the country, after the mandate, was published in the King's Order-in-Council on Palestine 1922, taking effect on 1 September 1922. The preamble to this basic constitution reiterates the statement of the mandate.

But on 18 May 1939 the British government published the White Paper, in which it repudiated the implications of the Balfour Declaration, the Mandate and the King's Order-in-Council. In effect the government proclaimed its intention to carry out a policy which would dash all hopes of establishing a Jewish national home in Palestine. This policy included decrees and restrictions on immigration and land purchase, and gave preference to the Arab population. The White Paper recognised that the conditions of the mandate, and the British declaration of policy which followed in its wake in 1922, were aimed at facilitating Jewish immigration, but this was made conditional on not harming the economic status of the local population. And although, according to the guarantee of the British government in its letter to Dr. Weizmann of February 1931, the sole restriction on immigration of Jews was the economic absorption capacity of the country, and the despite the mandate's proclamation that the trustee should encourage 'close' settlement of Jews on the land, the British government now decided that, taking into

account the natural increase of the Arab population and sales of land to Jews in the past, there was no further room for transfer of Arab lands in certain areas. It further decided that such sales should be restricted in order to safeguard the economic status of the Arabs and to prevent a considerable proportion of the Arab population from becoming landless. In order to provide legal sanction for the White Paper policy, the King's Order-in-Council 1922 was amended by the addition of paragraph 16D, which empowered the high commissioner to issue regulations on immigration and land sale, emanating from the proclaimed policy of the 1939 White Paper. The Regulations for Land Transfer 1940 were accordingly brought into effect on 28 February 1940 (retroactively from 18 May 1939, the day on which the White Paper was published). These regulations placed restrictions on the transfer of land to all purchasers other than Palestinian Arabs in two areas defined as Areas A and B, which constituted the greater part of Palestine.

The political proclamations in the White Paper and the 1940 Land Transfer Regulations were a bitter blow to the Yishuv. The Jewish Agency and the Va'ad Leumi (National Council) protested, but to no avail. It was all the result of British surrender to Arab terror activities: the revolt of the nineteen-thirties.

On 3 September 1939, the British government declared war on Germany, following the German invasion of Poland. This placed the Yishuv in a dilemma. On the one hand it was our supreme obligation to join in the effort to defeat the Nazi foe, but on the other hand we regarded the British as our enemy, since they had imposed restrictions on immigration which hampered our efforts to rescue Jews from Europe and to develop the Yishuv towards the establishment of a national home or state. Seeing no alternative, the Yishuv chose to rally to the aid of those fighting the Nazis, but did not abandon its efforts to save the remnants of European Jewry, to step up the 'illegal' immigration, and to try, by all possible strategems, to foil the decrees against land purchase.

The man who organised the campaign against the British restrictions was my late friend Joseph Weìtz, and I helped him actively. The campaign continued until Israel was declared an independent state in 1948.

The Butimat Lands

On 2 July 1946, Joseph Weitz wrote in his diary: "The affair of the Butimat registration ended today. (Judge) Stromze announced that the 'Land Settlement' has also registered the land in the name of the Jewish National Fund. Salomon's tactic has proved successful".

What was this tactic which succeeded after a long haul? The Jewish

National Fund was interested in purchasing a stretch of 3,500 dunams in Butimat village in the Menashe region. This land, owned by a notable Arab family from Haifa, was in Area A. The family drew up a contract with the JNF for sale of the land, and signed a power of attorney in the name of JNF trustees in order to enable them to take the necessary steps for transfer. The owners, who were friends of mine, were trustworthy people, opposed to the extremist Mufti and ranged in the Nashashibi camp. The Jewish National Fund did not wait for implementation of the transfer, which was prohibited by the Land Regulations, but took steps to obtain possession for a kibbutz which was earmarked for this land.

In 1942 the area was declared subject to the Land Settlement Order (Right of Ownership). In accordance with this Order, the sellers submitted a request to be registered as owners. On the same occasion the JNF submitted a claim to ownership, and the sellers confirmed in writing that they agreed to register the JNF as owners. But the British settlement clerk decided that since the land was in Area A, any transfer would be invalid and in violation of the 1940 regulations. In the light of this decision I was asked to take steps to implement the transfer of ownership to the JNF.

In accordance with my advice, the JNF and the sellers signed a document of arbitration on 9 May 1946, appointing me as arbitrator in all disputes between them relating to the Butimat lands. I was accorded unrestricted authority to rule as I saw fit, and to hand down verdicts and instructions concerning ownership and implementation of all orders. I soon handed down a detailed judgment, which was read out to both parties on 29 May 1946. In it I established that the JNF had purchased the Butimat lands lawfully, and that the land should be transferred to them. I gave instructions that the JNF be registered as owners in the Land Register (Tabu) and in the table of rights of the Land Settlement, after annulment of the registration of ownership of the sellers.

My judgment was submitted for approval to the Tel Aviv District Court. Choice of this court and of a Jewish judge was deliberate in the light of the situation then prevailing. With the concurrence of the defendants, namely the Arab sellers, the court ratified my judgment and ordered that the land be registered as owned by the JNF. As required the judgment was submitted to the Tel Aviv Execution Office. The chairman, a Jewish district judge, ordered implementation of the verdict. On 25 June 1946 the order was dispatched to the registrar of lands, Haifa, and to the settlement officer. The former amended the registration in the Land Registry and issued a certificate of ownership in the name of the JNF, after annulling the previous registration of ownership. The British settlement officer meanwhile delayed his implementation of the order in the Table of Rights of the Land Settlement Office.

In any event, the sellers were subjected to pressure and threats on the part of the Supreme Arab Council. In fear for their lives they signed a power of attorney, appointing an Arab lawyer, recommended by their 'National Fund', to take steps to prevent implementation of my verdict. The Arab National Fund had been set up by the Mufti and his associates in conjunction with neighbouring Arab countries, to collect money for the fight against the sale of Arab lands to Jews. The sellers were concerned at having violated the trust placed in them for many years. The head of the family met with me several times, and told me that if I could find a way of mending matters, of registering the verdict in the Land Settlement Office as well, his conscience would be relieved — he would have fulfilled his moral obligation. The settlement officer refused to acquiesce to the appeal of the representatives of the Arab National Fund, who claimed, ostensibly on behalf of the sellers, that my judgment should be overruled. But he did allow the representative time to appeal to the supreme court in Jerusalem, in order to obtain an order proclaiming the illegality of the sale, (since it was in infringement of the Land Transfer Regulations 1940) and annulling the verdict.

The Arabs accordingly appealed to the High Court of Justice in Jerusalem. The court refrained from discussing the basic question raised in the appeal, namely whether the Land Transfer Regulations (1940) were legal or illegal. But it accepted the request of the Arab representative of the sellers (appointed by the Arab National Fund) and ruled that the Tel Aviv District Court had not been authorised to confirm my arbitration judgment, since only the Haifa District Court was empowered to do so.

The Arab representative of the sellers submitted a request to the Haifa District Court for annulment of the verdict. The deliberations in the supreme court, the land settlement office and the district court, continued for years. It was the height of the Second World War; the settlement officer held infrequent meetings, and we, too, were not anxious to speed things up.

Thus 1947 came. The resentment in the Yishuv against foreign rule, our rebellion against the British and the report of UN Commission recommending partition, provoked renewed tension between Jews and Arabs. In January 1948, before fighting flared up in Haifa, I was contacted by the head of the family which had sold the land, who informed me that they were being forced to leave town because of threats to their lives by the Supreme Arab Committee — the Mufti's men. The late mayor, Shabtai Levi, and I tried to reassure them. We promised them that if they chose to take refuge in a Jewish quarter, we would guarantee their safety.

On 19 January 1948, the head of the family signed a power of attorney, appointing me and my associate and partner, Napthali Lipshütz, as his representatives in all matters, so as to enable us to complete the Butimat deal.

In early March 1948, as fighting intensified from house to house, and the sellers increasingly feared for their lives, they decided to leave the country. They went north to Lebanon, with their wives and children, before the battle for Haifa ended. The Butimat lands became the undisputed property of the JNF.

The Butimat affair is a good example of our fight against the unjust decrees of a foreign administration, but it also shows that there were personalities among the Arabs, men of truth, who risked their lives in order to honour their obligations to the Jewish national institutions.

Concerning the Butimat affair, Golda Meyerson (Meir), then provisional head of the Jewish Agency political department, wrote to me on 27.2.47:

Congratulations on your victory in the first stage of the land case! May we be privileged to see you win the second stage. I shall be happy if you will come to see me when you next visit Jerusalem. In friendship, Golda Meyerson.

My last efforts to fight the White Paper

In several cases which I fought in law courts and in the land settlement office, it was ruled that transfer of lands in contravention of the Land Transfer Regulations of 1940 was invalid. I was sometimes successful in evading these regulations. The final decision as to the legality or illegality of the Land Transfer Regulation 1940 was within the jurisdiction of the Privy Council alone, which sat in London. Such a decision had not yet been handed down. I therefore undertook, on a voluntary basis, with my partner Avram Levin of Jerusalem, to challenge the legality of paragraph 16D of the King's Order-in-Council and of the Regulations of 1940, in the highest courts, namely first in the Supreme Court in Jerusalem and later, if required, before the Privy Council in London.

In order to establish the facts which would provide the pretext for our challenge we devised a scenario as follow: Mr. Bernard Rosenblatt, a US subject, and a veteran leader of the American Zionist Organisation, drew up an agreement with Mr. Edmond Levy, a land dealer from Haifa, for a plot in Tira near Haifa - (now Tirat ha-Carmel). We chose an American citizen as purchaser because of the treaty between 'His Britannic Majesty' and the US President, signed on December 5, 1925. This treaty was based on the decision by the League of Nations (to which the United States did not belong) to entrust the mandate over Palestine to Great Britain, and reiterates the wording of the mandate regarding the obligation of the government to "place the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home". The treaty declared that as a result of the Balfour Declaration, the League of Nations Resolution and the Mandate, there has been recognised the "historical connection of the

Jewish People with Palestine and... grounds for reconstituting their national home in that country".

The first clause of the treaty determined that the "Mandatory shall have full powers of legislation and administration, save as they may be limited by the terms of this mandate". The second clause of the Anglo-American treaty repeated the above-quoted obligation of the Mandatory, and also cited the words regarding the relaxing of immigration restrictions and the "close settlement of Jews on the land". The treaty adds that the United States agreed to the administration of the country by His Britannic Majesty on condition that all the provisions of the mandate were fulfilled, and that no modification would be possible without the assent of the United States.

We thought it desirable that the landowner, Edmond Levy, who agreed to transfer the land to Mr. Rosenblatt, should also be a Jew and that the property which he guaranteed to hand over to the American subject should be in Area B near Haifa. The registrar of lands in Haifa refused to approve the transfer of the plot as had been agreed between the Jewish seller and purchaser, arguing that the contract was not valid and that, according to the 1940 regulations, it was null and void.

Avram Levin and I appealed to the High Court of Appeal in Jerusalem (appeal 19/47) requesting that the court instruct the registrar of lands, Haifa, and the director of land registration to register the transfer. On February 24, 1947 the supreme court issued an order nisi, calling on these parties to declare why they had not approved the request of Mr. Bernard Rosenblatt, the plaintiff, that his purchase be registered in the Land Register.

The court proceedings were impressive. Michael Hogan, the deputy legal advisor, a sharp and experienced lawyer (of Irish origin) represented the respondents, the Palestine government. Presiding were Sir William Fitzgerald, the doyen of the justices and Judge de Comarmond — both learned men.

Levin devoted his speech mainly to the historical aspect of the case in hand and to the facts of the matter. It was my task to go into detail, to justify our legal claim as to the invalidity of the 1940 regulations. The sessions lasted several days, and the speeches were heard with great interest. Both sides had prepared diligently for this decisive battle since a victory for our side would have spelled the end of the 'White' papers, the decrees against Jewish immigration and against transfer of land to Jews, and of the laws passed on the basis of the powers of 'His Britannic Majesty' according to the Palestine Order-in-Council 1922 and the Amendment of 1939. The detailed verdict of the supreme court was delivered on June 9th 1947.

In their preamble to the verdict the judges stated:

The case was argued at great length, and we are indebted to Mr. Salomon for the

industry he displayed in its preparation and the lucidity with which he presented it. The issue is undoubtedly a matter of considerable public interest because of its political aspect, but it is scarcely necessary to emphasise that this court is concerned solely with the legal questions involved.

After analysing our arguments the supreme court declared that courts in Palestine were not empowered to examine the legality of paragraph 16D of 1939, which was an addition to the King's Order-in-Council 1922, just as they were not authorised to examine the validity of the King's Orders-in-Council.

Although the court declared that the subject was of vital importance, it refused to permit us to appeal to the Privy Council in London. In accordance with current civil procedure, we were now obliged to approach the Privy Council in London directly and request permission to submit an appeal against the verdict of the Supreme Court of Justice in Jerusalem.

The law firm in England to which we entrusted the appeal, chose a renowned and erudite Anglo-Jewish barrister, Phineas Quass, to represent the plaintiff, Bernard Rosenblatt. Quass devoted all his attention to the appeal, since he believed — as we did — in the justice of our cause not only from the moral point of view but also from the purely legal aspect.

But meanwhile a political upheaval had occurred. On November 29, 1947, the UN Security Council decided on the partition of Palestine and the establishment of a Jewish state in part of the country. In practice our appeal was now superfluous. Nonetheless, and perhaps in order to test the 'justice' of British courts, we asked the English barrister to plead the case.

It was heard on December 18 1947 by the Privy Council and Quass pleaded succinctly and effectively. The justices accepted his arguments and granted permission to appeal, but uncompromisingly rejected the appeal itself without giving any reasons, in itself a rare occurrence.

On January 13 1948 Quass sent me a personal letter. In it this experienced lawyer, who was careful not to malign the honour of the court, emphasised that by arriving at a verdict without giving any reasons, while having granted him permission to appeal, the court had, in effect, handed down no decision at all. And he added: "I have no doubt that if the court had considered any appeal from any other country apart from Palestine, such a thing would not have happened". He concluded: "I give you my opinion (which undoubtedly bears out your own) but ask you not to convey it further".

On January 28 1948 I wrote a private and confidential letter to Joseph Weitz, to which I attached a copy of the letter from Quass:

"I have just received a private letter from Phineas Quass regarding our 'defeat' before the Privy Council. Although Mr. Quass asks that I should not make the content known to anyone else, I think it worthwhile that you be aware of what happened. In my naïveté I did not believe that such perversions

of justice could occur in the highest of English courts. I am slowly learning".

We suffered many such experiences before we achieved our independence, and all the more bitter since the state was established. I fear that we have not yet learned our lesson!

Criminal cases — thoughts after the event

The legal disputes over land which I have described related to Jewish ownership of vital areas of tens of thousands of dunams — from Metullah in the north to Hadera in the centre of the country. This was a vast land continuum. In addition, I also appeared as counsel in numerous criminal cases, connected with the selfsame struggle to redeem the land. These included charges against watchmen, ploughmen and pioneering settlers who moved onto the lands to establish their presence there and build settlements.

The guiding line in my actions in land disputes (and I adhered to it firmly and instructed others to do so, even if force were required) was that the onus of proof was on the claimant. I emphasised that no effort should be spared to ensure that we were first on the land and that whenever possible we should see to it that the other party was the claimant in criminal charges of trespassing or in civil cases of eviction. Nonetheless in most cases, mainly because of negligence (as I have explained) we were forced to be the claimants in charges of eviction in magistrates courts, or lawsuits in the land courts.

The criminal cases in which I represented our people were numerous — there were charges of trespassing, seizing of land illegally or by force, or cultivation of planted areas. Arabs would move onto lands ploughed and sown by our people and turn out the seeds; our people would then plough again. The *aliyah* (going up) onto the land to establish possession sometimes occurred at night — hasty ploughing and sowing in order to establish preliminary rights. These actions led to violent clashes which in turn led to criminal charges and sometimes also to charges of physical assault, manslaughter or even murder.

The murder trials at which I appeared as one of the defence counsels caused me great anxiety. Sometimes the defence was represented by myself and an additional lawyer, or several Jewish lawyers, according to the number of defendants. When the areas involved were well-known, such as the Kuskus-Tivon, Jidro or Caesarea lands, the civil cases were reported at length in the press. The authorities usually intervened in a manner which was hostile to us. But the criminal trials also won considerable publicity — particularly the murder charges. I told myself I must dedicate myself utterly to these cases, which called for clear thinking and strenuous effort lest, Heaven forbid, I should err in evaluating the situation, or on some legal point.

One of the criminal suits which caused me concern was connected with the redemption of the Kuskus-Tivon lands. One night in June 1936, some forty Arabs moved onto the lands of Kuskus-Tivon in order to plough up an area which had been ploughed on the previous day by our people. The guards encountered these Arabs beside 'a big carob tree' and tried to drive them off. The Arabs responded with force and a hail of stones and brandished clubs. A scuffle broke out, in the course of which one of the guards fired a shot from a hunting rifle and hit one of the Arabs, who died several days later. The five Jewish watchmen were accused before the Haifa District Court of murder and conspiracy to murder.

Several defence counsel represented the defendants — and I was the youngest among them. My seniors feared the outcome and after negotiations with the prosecutor were on the verge of compromising and agreeing that one of the defendants plead manslaughter. The charge against him would be changed from premeditated murder, which, in the event of conviction, entailed the death sentence, to manslaughter, for which the maximum sentence was fifteen years' imprisonment. This arrangement would cancel the charge against the other defendants.

I tried to assert my view that we should plead innocence for all the defendants because of the circumstances: trespassing on the part of the Arabs and their violent behaviour; I was also not afraid that the murder charge would be proved. I believed that the prosecution witnesses could not identify the watchman who had fired the shot. A fierce debate raged between me and my colleagues. All three were my seniors, and were renowned in the Jewish community as first class lawyers, though not necessarily experienced in such serious criminal cases as murder trials. I was acquainted both with the area, and our Arab opponents, and had experience of criminal cases arising out of land disputes. I held firm for two reasons. I could see no moral justification for the decision that one of the guards should take the blame and thus free his comrades. I also guessed that there was a relatively good chance that if our witnesses, the guards themselves, stood up well to examination and cross-examination, there would not be sufficient circumstantial evidence to convict them. The Arab witnesses claimed to identify the four watchmen as accomplices in the attack but could not identify which of them had fired the shot.

There was also the question of who would be singled out. Each of the accused men was ready to admit to manslaughter.

Despite my protests, which reached the point where I threatened to resign as one of the defence counsels, the majority view prevailed, and was approved from Jerusalem. Yitzhak Hankin, the youngest of the watchmen, son of one of the leaders of Ha-Shomer, undertook to confess to manslaughter. I was not satisfied with Yitzhak's agreement but demanded that his mother be taken

into our confidence. She came to my office, and I described the situation and also told her that I did not agree with the majority view... I did not try to influence her. It was unnecessary and would have been unfair and impractical. She said that the decision rested with her son alone. Hankin admitted to manslaughter and was sentenced to eight years. He was released after six years and, upon leaving prison and before going home, he came to my office. To my amazement, he thanked me for my efforts during the trial. Although I had acceded to the majority view, he felt no anger or resentment. He did not regard his action as a 'sacrifice' but as the natural thing to have done.

Whenever I drive from Haifa to Nazareth, I look out towards Alonim Kuskus-Tivon and seek the 'big carob tree'. Then I recall the struggles for the land and the trial of Hankin and his friends. To this day my conscience troubles me — did I fulfil my obligation towards the youngest of the defendants?

5 The Baron's Lands

The town of Caesarea — the dream and the awakening

Theodor Herzl, the visionary of the Jewish national home, envisaged the city of Haifa as the 'city of the future' of the Jewish state — its commercial and industrial centre. Baron Edmond de Rothschild, 'father of the Yishuv', dreamed of the establishment of the unique town of Caesarea on the lonely sand dunes along the Mediterranean coast, as a cultural centre and urban-agricultural settlement. The late James de Rothschild, son of the 'father of the Yishuv', who continued his father's tradition, yearned to the end of his days to realise the dream of the town of Caesarea.

The efforts of the Baron to purchase government lands from Caesarea to Atlit began during the Ottoman regime. Before the First World War, a concession agreement was signed between Baqir Sami Bey, ruler of the Beirut region, on behalf of the government of the Ottoman Empire, and Mr. Yosef Bonfil, concerning the 'drying of the swamps of Dor el Zerka, Kabbara and el Malaha in the Haifa district' and development of these lands. Bonfil, an Ottoman subject, was acting on the instructions of the Baron and on his behalf, as part of the latter's settlement plans.

After the establishment of the civilian mandatory regime in 1920, the Baron renewed negotiations, this time with the high commissioner, Sir Herbert Samuel, so as to obtain a long-term concession for the lands. On November 2, 1921, a concession agreement was signed between the mandatory government and ICA, Jewish Colonisation Association, representing the Baron, with the aim of settling Jews on lands he had purchased in Palestine and the Hauran region. The first contract with the government granted ICA leasing rights for 200 years to 'the sands of Caesarea', an area of more than 30,000 dunams, stretching to Nahal Hadera in the south, Kabbara in the north, the sea in the west and Zikhron Ya'akov and Pardess Hanna in the east. This contract was

not registered at the time in the Land Register, since disputes broke out immediately after it was signed. The tension was fanned by Arab nationalistic elements. Political disputes, emanating from Palestine, spread to London and the League of Nations in Geneva.

The chief Arab *agent provocateur* for more than two decades was the Haifa lawyer Wadia el Bustani, at one time editor of the Arab paper, "Falastin". This paper declared a crusade against the concession and took the side of Arab el Damaira, a nomad tribe which pastured its lean and meagre flocks in the area. "Falastin" also campaigned on behalf of several Arabs who owned small plots scattered over the area which were cultivated after the rains, once every three or four years, mainly for growing watermelons. The bulk of the area consisted of barren sand dunes. The leasing conditions obliged the lessor to develop the area for the purposes stipulated in the concession — almost identical with the aims laid down in the Ottoman concession agreement.

In 1924 ICA's rights were transfered to PICA (also founded by Baron Edmond de Rothschild), which continued the settlement efforts. PICA's attempts to develop the area and prevent dune erosion by establishing plantations, draining the soil, drying swamps, flattening sands and so on, encountered violent opposition, incited and supported by nationalistic Arab elements.

Efforts to settle Arab claims by peaceful means proved fruitless. PICA expressed its readiness to waive rights to the scattered plots, to which individual Arabs claimed ownership by possession, on condition that the development work was not hampered. But the Arabs did not agree to this. Under these circumstances it was regarded as a desirable solution that the area be declared open to land settlement. In 1936 the high commissioner proclaimed a settlement regarding the Caesarea lands, which endured until 1956.

In the pre-state years the land settlement dispute continued between PICA, represented by myself, and in effect representing the government, and the Arabs, particularly the Arab el Damaira tribe, represented by lawyers appointed for this purpose by the Supreme Moslem Council. The claimants to ownership included several Jews who had ostensibly purchased 'rights' from Arabs — including some who actually possessed certain plots, some of whom financed the legal battle as land profiteers through a wellknown land broker, Sharif el-Shanti (who was murdered by Arabs in 1952).

The Second World War slowed down the legal proceedings. The sessions presided over by the land settlement officer continued sporadically. The actual encounters, disputes and clashes ceased for the duration and the development work was suspended.

Throughout these years I represented PICA as legal advisor and attorney. Until the state was founded I appeared before the settlement officer, in ancient

Caesarea, in dozens of lawsuits. No less complicated than the claims financed by the Arab national institutions were those backed by the land profiteers I have mentioned or people including Jews who had purchased 'rights' from the Arabs.

In early 1948 the settlement officer delivered his overall verdict on an area of close to 10,000 dunams, east of the old highway from Haifa to Tel Aviv. I was enjoined to ensure that the land was registered in the name of the high commissioner and that on the same occasion the official lease be registered in the name of PICA in the land registry in Haifa. At that time this office was already non-operative. It was located in a building near Hamra (now Paris) Square. Access was risky. The Arab clerks were the first to abandon the office, while the Jews feared for their lives and only agreed to come to work in urgent cases under escort. The last such action was taken only one month before the mandate ended.

After the establishment of the state, the legal deliberations were confined to some 2,000 dunams, because Arab claimants to some 20,000 dunams had disappeared. A final verdict in favour of the state and PICA was handed down after the establishment of the state by a Jewish land clerk. In it he denounced the intrigues of the land broker, Sharif el-Shanti.

In order to put an end to the tedious and obstructive legal deliberations, even after the pro-PICA verdict — it was agreed between the government and PICA that all the Caesarea lands should be confiscated and PICA's leasing rights legally approved and registered. PICA undertook the costs of the confiscation, including payment of compensation to those people who had proved their right to certain plots. The government action, in conjunction with PICA, was expedited at the request of James de Rothschild, who hoped to witness in his lifetime the realisation of his father's dream.

Over a period of ten years, from 1948 until James de Rothschild's death on May 7 1957, I visited London at least once a year. On these occasions I would inform him that I was in town, and ask if he wished to see me. I would immediately receive an affirmative answer and an invitation to his home in St. James Place where he would receive me in his spacious and impressive study. The butler, elegantly dressed as was the custom, would usually inform me in advance how much time had been allotted for our meeting, half an hour at the most. But after we had conversed on general matters, on events in Israel, sometimes touching on politics: the feelings of young Israelis towards the British and whether we had forgotten what they had done to us, or more mundane matters, the conversation would eventually turn to Caesarea. Then we would talk for an hour or more. His questions were penetrating and concise, — on the situation in Caesarea, the reason for the delay in the legal proceedings, when would the land confiscation be completed and development expe-

dited, and so on. — His tone was one of complaint, impatience, expressed in oblique fashion; it was as if he felt there was little time left...

Several days before his death, James de Rothschild drew up a 'spiritual will' in a letter to David Ben-Gurion. I shall quote this letter in full but first I must relate briefly the history of Caesarea since James de Rothschild decided, just before his death, to suspend PICA's settlement activities in Israel. Apart from the Caesarea lands, PICA handed over to the Jewish National Fund the great bulk of its lands all over the country. These became state lands. As for Caesarea, the Rothschild family decided to try, with the encouragement and cooperation of the government, to continue to work for fulfilment of their dream.

On October 15 1958, an agreement was signed between the State of Israel and the House of Rothschild, summarising the desire of both parties to work together for the development of Caesarea. This agreement marked the beginning of a preliminary trial period of three years. At the end of this period it was agreed that Baron Edmond de Rothschild, grandson of the 'father of the Yishuv', would receive the 'House of Rothschild' rights to Caesarea lands, in order to continue to develop Caesarea with government cooperation, and that the fruits of such development would be dedicated to higher education in Israel.

On January 24, 1961, a further contract was signed between the Israel government and Edmond de Rothschild; the Israeli signatory was Levi Eshkol, then minister of finance. As a result, the Caesarea Fund was established and PICA's land rights in Caesarea were transferred to this fund.

While PICA was still active, the Caesarea Development Company had leased a large part of the Caesarea lands to Kibbutz Sdot Yam — now a flourishing agricultural and industrial settlement. At the request of the government, PICA allocated part of the Caesarea lands for the establishment of an immigrant township: Or Akiva. At the encouragement of PICA, an industrial area was established near Or Akiva — which remains limited in scope. James de Rothschild donated the Caesarea Golf Club with the intention that it should serve the general public and, so I have been told, in order that weary cabinet ministers could enjoy his favourite sport, golf. Young Baron Edmond de Rothschild, who bears the name of his grandfather, built the Caesarea Hotel. Three years ago my own role in the unfinished symphony of the development of Caesarea came to an end. I ask myself whether enough has been done, both in a conceptual and practical fashion, since the January 1961 agreement, to bring closer the realisation of the Caesarea dream. I see in my mind's eye a man who, for decades, gave of his time and energy to the redemption of the Caesarea lands — I deeply regret that the full realisation of his dream is a long way off yet.

The will of James de Rothschild

On July 15 1957, Mrs. Dorothy de Rothschild, widow of James de Rothschild, sent the then prime minister, David Ben-Gurion, a letter written by her husband shortly before his death. It read as follows:

My dear Prime Minister,
My father began his colonisation work in Israel 75 years ago. The work which was then begun has been continued to this day. When in 1924 my father set up the Palestine Jewish Colonisation Association — PICA — he assigned to it the task of colonising all his landholdings. It fell to me to preside over PICA ever since its inception.

In the years that followed, the marshes were drained; the rocky hills and barren wastes were turned into fertile soil. All these lands were then colonised by PICA. Today there is no cultivable land left to PICA for further colonisation. The task set to PICA has been fulfilled.

As I cast my eyes back over our work, I think that I may fairly say that we have adhered to two principles which well bear restating:
the first, that we did our work without regard to political considerations, and the second, that we endeavoured to give to Israel and her people all that we could, without seeking anything in return — neither profits, nor gratitude, nor anything else.

The colonising task of PICA having been fulfilled, the question that lay before me was to decide on the future of PICA. The State of Israel has since been created and the national institutions have emerged to take over the major colonisation effort in Israel.

Weighing all the elements, I have reached the conclusion that, with the completion of its task, the right course would be to terminate the activities of PICA, instead of duplicating the work which is done now, on a far larger scale, by the national institutions. PICA is a private association, but all its efforts have been directed to the benefit of the public. For this reason I though it right to inform you of my decision first. For the same reason, I also propose to transfer now all the remaining PICA lands (leased and not leased) to national institutions.

I look upon the termination of PICA s work as a mark of fulfilment, not as a withdrawal. I would like to underline this by a special act of identification with the aspirations of Israel and her people. We intend to provide the sum of IL.6 million for the construction of the new Knesset building in Jerusalem which, I understand, it is proposed to set up. Let the new Knesset building become a symbol, in the eyes of all men, of the permanence of the State of Israel.

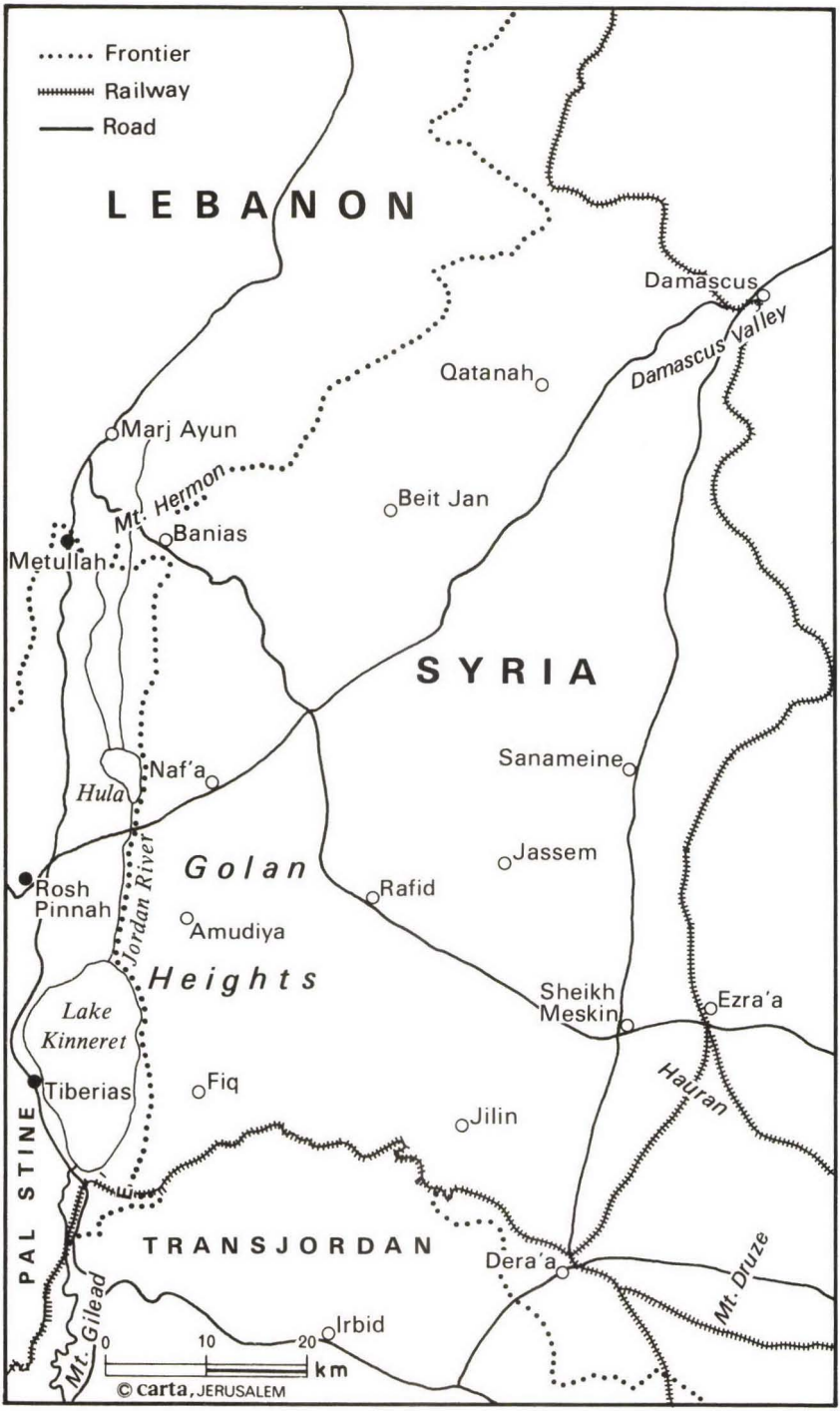
With all this done, PICA will withdraw from the scene of Israel in the knowledge that the work which was begun 75 years ago is being carried on by the state and the people, supported by world Jewry.

With this letter I meant to inform you of my decision. I do not intend, with this letter, to take leave of you or of Israel. My interest in the development of Israel is abiding. Even if PICA must cease to operate, I shall remain as close to you all as I have always been. Your cares will be my cares and your happiness will be my happiness.

Indeed, I shall want to examine whether I shall be able to make some modest contribution, in the future, towards the advancement of science, art and culture in Israel — all matters which, I know, are near to your heart. However, these are but thoughts for the future. I am not yet fully decided on them but may revert to them as soon as these thoughts become cristallised in my own mind.

The foundations of the state have been well and truly laid. I am confident that, by the grace of the Almighty, the new chapter in the history of our people which began with the creation of the state, will be glorious and enduring.

Sincere words, reflecting a wondrous history.


Frontier
Railway
Road
LEBANON
Damascus
Damascus Valley
Qatanah
Marj Ayun
Mt. Hermon
Beit Jan
Banias
Metullah
SYRIA
Sanameine
Naf'a
Hula
Jassem
Golan
Jordan River
Rosh Pinnah
Rafid
Amudiya
Heights
Sheikh Meskin
Ezra'a
Lake Kinneret
Tiberias
Fiq
Jilin
Hauran
PAL STINE
TRANSJORDAN
Dera'a
Mt. Druze
Mt. Gilead
Irbid
0 10 20 km
© carta, JERUSALEM

To my gratification I played a certain part in carrying out this will, mainly as advisor and attorney, furthering the activities of the Yad Ha-Nadiv Fund 'in science, art and culture', including educational television, the Open University, the Centre for Educational Technology, libraries in border and immigrant settlements, the Rothschild Prize and other worthy projects.

The Hauran — my role in the attempt to redeem the area

Hauran is the Arab name of the biblical land of Bashan. The important town in this region, the district town, is Dera'a, the ancient Adra'i. The Bashan is an extensive territory, reaching the border of Damascus Valley in the east, the Hermon range and Mount Druze in the north, the mountains of Gilead to the south, and the Golan range and slopes to the west. I cannot hazard a guess at what motivated Baron Edmond de Rothschild ninety years ago to choose the Hauran as a place for Jewish settlement, ten years after the first settlement at Rishon le-Zion, one of his first colonies in Palestine. I often pondered this question during the long hours I spent travelling, in 1943-46 throughout the Hauran, from Damascus to the villages of Bashan (Julan) purchased for the Baron in 1892. I thought of the biblical verse "Who smote great nations and slew mighty kings... and Og king of Bashan... And gave their land for an heritage unto Israel his people" (Psalms 135) or "the cows of Bashan" of the prophet Amos or Isaiah's "oaks of Bashan". This was the period of the Baron's colonisation activities in Palestine, the establishment of Jewish colonies from Gedera and Ekron in the south to Metullah in the north. The purchase of the Hauran lands appeared to be an effort to create a continuum of Jewish settlements from Metullah northward, echoing the vision of the Apocrypha to the Book of Genesis found in the Judean Desert: "And from the river of Egypt and Snir from the great sea to Hauran... to thy seed will I give this land and they shall inherit it for ever".

Before describing my involvement in the Hauran lands bought by the Baron, I would like to describe in brief the ownership problem, from the time of the purchase in 1892 until 1942, the year in which a land settlement was declared on the Hauran lands in general, and the Baron's territory in particular.

In 1892, the Baron bought the lands from Ahmed Shamsha Pasha. They were registered in the name of Emil Frank, one of the Baron's closest advisors. This man had been appointed to manage the first colonies in the Ottoman Empire, including the Hauran lands. But Emil Frank was a foreign subject, and as such was not entitled to buy land in the Ottoman Empire, without permission from the Sultan. This being so, the grand vizier in Constantinople issued a special edict in April approving the purchase. The land transfer was

carried out in August 1892 by the authorities, as a result of a sub-edict by the governor of the Hauran.

After the death of Emil Frank, the lands were registered in the name of Solomon Reinek, who succeeded Frank as trustee of the Baron or his settlement society — ICA. This transfer was similarly confirmed by decree of the Constantinople authorities in 1905. The lands included areas purchased freehold from the Moslem Waqf (Moslem Religious Trust) in Damascus. In the early nineteen-twenties Waqf trustees and others tried to dispossess the Jews from these areas. Upon intervention of the French high commissioner of Lebanon and Syria, ownership by the Baron's trustees was reconfirmed.

The area comprised 80,000 dunams and included the villages of Jilin, Saham el-Golan, Mazra'a, Naf'a, Beit A'akar and Boustas. After the founding of PICA in 1924, steps were taken in 1929 to transfer ownership from Solomon Reinek to PICA. The Syrian authorities, which were Arab nationalistic in tendency, made every effort to prevent this transfer. As a result of instructions handed down by the French high commissioner to Sheikh Taj el Din Hassani, president of the ministerial council of the Syrian government, the land was eventually registered in the name of PICA. Up to the Second World War PICA cultivated its lands in the Hauran through Arab tenant farmers. It was forced to act thus since the attempt to settle Jews in one of the villages (which was given a Hebrew name 'Tiferet Binyamin'), failed.

In 1942 a land settlement was imposed on the Hauran. To this end a special magistrate was appointed, whose task was to clarify the ownership claims. In addition to the Waqf trustees, other elements now questioned PICA's right to ownership, including fellahin who had leased lands from PICA. When legal clarifications commenced, I was asked by PICA to coordinate the defence. I appointed Syrian lawyers in Damascus for this purpose. However, from the outset it was clear that we could not hope for a fair verdict.

On January 12th, 1946, the Syrian judge handed down his verdict, annulling PICA's ownership of the land, and the freehold lease to the lands which PICA held. As for the registration, the judge ordered that the lands be registered in the name of the Syrian government. This judge, who lived in Damascus, was a Christian. When we were informed of the date on which the verdict would be delivered in the Dera'a court, and contacted the judge's chambers in Damascus, he asked if he could join us on the journey to Dera'a. En route we conversed. He was frank and told me with a smile: "In my right pocket, (patting the pocket) I have the text of a verdict in your favour, which I would like to read. In my briefcase is the verdict which the minister of justice edited and which I have been informed is to be my verdict".

Our fears were confirmed. The verdict in the briefcase annulled PICA's ownership of the land.

Throughout the deliberations from 1942 to 1946, efforts were made to prevent me from reaching Damascus or travelling from Damascus to the Hauran villages. The French consul in Haifa held the authority to grant entry visas to Syria and Lebanon. Until mid-1945 the Syrian authorities could not question this authority but subsequently orders were given not to grant me an entry visa without the authorisation of the Syrian Arab authorities in Damascus.

My last trip with an entry permit granted by the French consul in Haifa took place on May 19, 1945. I carried with me numerous documents, including a secret paper intended for Gamil Mardam bi Mardam, then a respected minister in the Syrian government. When I reached the Syrian customs house above the Bnot Ya'akov bridge I was scrupulously searched and the documents in my briefcase were confiscated. At first I was forbidden to continue my journey to Damascus. I greatly feared another search which might reveal the secret paper, written in French. Since my trip was vital in order to submit the documents to the court, I asked the Syrian intelligence officer to permit me to travel to Kuneitra, and from there to make contact with the PICA lawyers in Damascus, so that they could get in touch with the authorities and revoke the order against my entry into Syria. After some argument, I was allowed to continue to Kuneitra and from there under escort to Damascus. I was ordered to present myself immediately at the chief office of the intelligence service. Again I feared that the secret document might be found. As I entered the office I asked permission to go to the toilet. I was afraid to tear the document and flush it down, so I tore it into small pieces, chewed and swallowed them. But I was seized with nausea and vomited. With great caution I flushed the toilet, washing away the few scraps of paper I had brought up. I was taken into the office of the head of the secret service. Before my arrival, instructions had been received to release me and give me back my documents. The reason for this instruction was a hefty bribe to those responsible for my detention.

I set out to meet my legal colleague, who had found various ways of obtaining permission for my entry into Syria and preventing the confiscation of my papers. I reported this story in writing on 23 May 1945 to Robert Gottlieb, the director-general of PICA at that time. While I was in Damascus, street fighting was going on between Syrian nationalists and the French army. Although I was familiar with the conduct of the British from their activities in Palestine, I was stunned by their hostility towards the French, their comrades-in-arms in the war then approaching its close. This was a period of rivalry and hatred between the French and the British in the Middle East; the British in Syria and Lebanon were commanded by Gen. Sir Edward Pears. Damascus was closed down because of a general strike and there was sniping and gunfire between the rival camps.

In my report to Mr. Gottlieb I wrote: "There can be no doubt that the Syrian authorities will not give justice. In our case the verdict was prepared in advance in conjunction with senior officials. Political importance is attributed to our case. No judge in this country will dare to decide in your favour, nor will any official dare express a sympathetic view or give instructions that justice be done".

In the light of this situation I recommended another tactic to the Baron's representatives. James de Rothschild was influential in England. His legal advisor there at the time was Lord Nathan, who had served as a minister during the Second World War. It was essential to approach the British authorities in London; if as a result of such an appeal some slight hint was conveyed to the Syrian authorities in Damascus, we might even win a favourable judgment. The British exerted some influence in Syria at the time of the rebellion against the French. In my letter I added that an appeal to the French authorities would be fruitless, in fact could only cause harm. The British foreign office was reluctant to intervene directly but promises were given that if I contacted the British ambassador in Lebanon and the British consul in Damascus, they would extend to me whatever assistance they saw fit to give. This on condition that the Syrians would not regard this act as intervention in their internal affairs in general, and their legal proceedings in particular.

I had one meeting with the British ambassador in Beirut and met the consul in Damascus several times. These meetings were sometimes held while fighting raged in the towns. I visited Damascus more than a dozen times over a period of eighteen months and each trip was an adventure in itself. But the high point of it all occurred during my last journey in September, 1946.

After the main verdict in the case of the Hauran lands had been handed down — favouring the Syrian government vis-à-vis the Waqf lands and certain individual Arabs regarding lands in other villages, — and the settlement officer had revoked PICA's ownership documents, it became increasingly urgent for me to visit Damascus. The Syrian authorities had instructed the consulate in Haifa not to grant me an entrance visa. They were aware of the purpose of my trip and wanted to foil my plans. And they prevailed, despite the recommendations of the British consul in Damascus.

There were numerous complications regarding the appeal. The precondition for acceptance of appeal papers by the court was the depositing of a certified monetary bond with one of the judges of the appeal court. According to the Syrian constitution, (which had not yet been amended despite the rebellion), the Mixed Court of Appeal in Aleppo was the authorised appeal court. This court heard cases in which one of the parties was a foreign subject, this being a relic of the French legal code. In effect the court no longer operated although it had never been officially abolished. Nonetheless, the

Syrian lawyers claimed that, formally speaking, the bond and appeal should be submitted in Aleppo.

The lawyer representing PICA, Mr. Bitter, made every effort to obtain the bond but without success. He could not locate a bank or a reputable businessman willing to act as guarantor, despite his readiness to deposit in cash the sum of the bond and to pay a considerable 'commission' in reward. The only possible solution he envisaged was to obtain a guarantee from a Jewish banker in Aleppo who was also the leader of the local Jewish community. I was summoned to Syria immediately by any possible means. Since I had been refused an entry permit in Haifa, on orders from the Syrian secret service, I decided to try my luck in Beirut. In Haifa I succeeded in obtaining an entry permit for Beirut. Once there, I turned to one of the best known lawyers, Kamil Ida, who had helped me in PICA matters in Lebanon. Ida, one of the leaders of the Christian community, a politician and first-rate lawyer, advised me not to try to obtain a Syrian visa. Since Lebanese residents did not require a visa for Syria, he offered to obtain for me a *titre de séjour* (permit of residence) — which, together with the Lebanese visa, would render me eligible to enter Syria. He took the trouble to go with me to the Sûreté Générale in Beirut. There I was immediately granted the *titre de séjour*. I decided not to enter Syria on the Beirut-Damascus highway but through the border on the road to Aleppo. Moreover, I had to go to Aleppo in order to deal with the matter of the bond money.

On September 4 1946, after dark, I reached the Syrian border post. My driver was a veteran Haganah member from Haifa, who had shared with me in all my adventures in Palestine. He stuck with me through thick and thin, was fluent in Arabic and closely acquainted with Arab customs.

Fortunately for us, we were able to time our arrival at the border after the officials had left for the day. Everything went smoothly: no authorised official was present who could have examined our papers and our belongings. We passed through swiftly without even showing our permits. For miles after we crossed the border, I felt as if we were being chased. I urged the driver to increase speed, and we reached Aleppo soon after midnight, exhausted but pleased with ourselves. It was very cold in the town. I reached my hotel where an assistant of Bitter's awaited me, planning to approach the banker who was leader of the Jewish community on the following morning to ask his help in recruiting the bond money. I also had the appeal papers with me. Next day, when I reached the home of the community president and told him my story, he placed his hand over his heart and swore by all that was dear to him, that if he acceded to my request he would bring down catastrophe on his own family and the entire Jewish community in Aleppo. I replied that I could not believe him and that he was trying to shirk his duty with a baseless excuse. He then

asked me to accompany him to a Christian lawyer named Skal, president of the Bar Association in Aleppo. Skal confirmed the story of the elderly community president and added that at no price would I be able to find a Christian, and certainly not a Moslem, who would be ready to provide a bond, for fear of the authorities.

I hurried to Damascus. After much effort and in return for considerable remuneration, one of the city's merchants finally agreed to sign the bond. Equipped with this document and with the appeal papers, Bitter went to Aleppo to submit them to the court. I awaited his return in Damascus. When he got back, as we sat together in our hotel, two Syrian detectives appeared, arrested me and took me to the central office of the secret service. There I was interrogated by the head of the service, Ali Bey el Ayubi — grandson of Ibrahim Pasha, who in the eighteen-eighties had been the intermediary on the Baron's behalf in the Hauran land affair. Ali Bey informed me that I had been arrested because I had entered Syria without a permit, that I would be charged and might even be accused of espionage. I reminded him that he was the grandson of a man who was friend and confidant of the Baron, but I fear that my words had little effect. After the interrogation I was taken to a detention cell, but not before asking Ali Bey to permit me to contact Bitter. He acceded to this request.

About an hour after I contacted Bitter, an endless hour during which I grimly pondered my fate, I was summoned back to Ali Bey. "You are fortunate", he said. "I have received instructions from the president himself, Fars el Khouri, to release you. Within an hour at most you must leave Damascus and cross the border to Lebanon, otherwise you will be arrested at the border, and held in detention in Damascus until the hearing of the criminal charge against you, as I explained before". I replied briefly: "Thank you, Ali Bey, your words will be remembered with appreciation". I then added, and to this day I wonder at my own impudence (this was in September 1946): "Ali Bey, one day the Jewish state will be a neighbour to your country. You will be a free nation and so will we. If for any reason you try to enter our country and cross the border clandestinely and are arrested, I promised you fair treatment. My help is guaranteed in advance". I saw a half-smile on his face. I left the office rapidly, packed my cases and took my leave of my colleague. Within forty-five minutes I had crossed the border to Lebanon — fifteen minutes ahead of my deadline.

Shortly afterwards the Mixed Court of Appeal at Aleppo was disbanded. Authority to try appeals was transferred to the Native Court of Appeal in Damascus, which was composed of three Arab judges. I appealed in writing to the British consul and asked his help in obtaining an official Syrian visa so as to assist us in our activities, this time more political than legal, in anticipation

of the hearing. The consul replied that the Syrian authorities refused to permit my entry, claiming that "you jumped the Syrian frontier on the 4th September (1946)". A sufficient argument to justify refusal. On October 9th I sent a detailed letter to the consul, explaining the incident hinted at in his letter. I noted that I had in fact been granted official entry permission. I told him of my arrest and claimed (which he already knew) that the accusation was merely a pretext and that the true reason was political — to prevent me from doing my best for the appeal.

It goes without saying that we were prevented from continuing to deal with the appeal. Bitter feared for his life and did not attempt to contact us even through Beirut. The unjust verdict was carried out, and most of the land was registered in the name of of the Syrian state.

During those years, I dealt with settlement of PICA lands at Marj Ayun, the area north of Metullah cultivated by Metullah farmers. In this case there were no complicated lawsuits. We continued to pay taxes as demanded until two years after the establishment of the state of Israel. Subsequently the Syrian authorities refused to accept the money, sent indirectly through PICA's central office in Paris. I hope that when peace with Syria comes, these lands will be annexed to Israel, or that Metullah farmers will be permitted to cultivate them in peace and a spirit of good neighbourliness, as in the good old days.

In 1957, when PICA decided to suspend its settlement activities in Israel and to donate its lands to the Jewish National Fund or the state, the company signed documents which appeared to us to suffice to ensure that, when peace came, its rights to land in Lebanon and Syria or their value would be transferred to the state of Israel. If one may be permitted to dream, let me say that if we act wisely and courageously, we may some day see the dawn rise over the Golan and Bashan.

A touch of history

I would like to survey briefly the story of Jewish settlement in the Hauran — a little-known subject.

The Baron obstinately rejected all recommendations, even from the most senior of his employees, for the sale of the Hauran lands or their exchange for land in Palestine. After the purchase, groups of Jews began to organise in order to settle on the Baron's lands in Hauran. The first group — Jews from Yekaterinoslav in Russia, planned to settle in Naf'a which was renamed Tiferet Binyamin (Glory of Benjamin) after Baron Edmond (Benjamin) de Rothschild. A group of Jews from Romania and Bulgaria set up an association in order to settle in other villages in the Hauran. Some twenty families of

pioneers went up to the Hauran at the end of the last century but were forced to abandon their homes after less than a year. The Bedouin intimidated them and the authorities in Damascus harassed them. The arduous conditions at the site on the border of the desert, the distance from Jewish settlements, the solitude, threats of the Bedouin and heavy hand of the authorities, led the first settlers (who were also the last) to abandon the project. Several families were transferred by the Baron's officials to other of the Baron's colonies in Palestine — mostly to Yavniel and Rosh Pinnah.

At least twice I spent some time in PICA villages in the Hauran on legal matters. Jilin was the Baron's 'administrative' centre, where his representative Nakdimon Altschuler of Rehovot resided. He visited the area often during the year, and always during the wheat harvest. The peasants would bring him the crop of the fields leased to them. The agricultural produce was divided up roughly on the spot: two thirds to the farmer and one third to the owner or the chief Arab agent of the owner. When the security situation deteriorated, PICA leased the harvesting rights to a Damascus notable, a thickset Kurd named Abu Shahin, in return for annual payment. This was ostensibly a leasing fee but in fact was payment for guard duties.

The nights I spent at Jilin were unforgettable. Nakdimon Altschuler was liked by the local Arabs. A friendly man, he loved to sing and celebrate with his Arab neighbours particularly after a drink or two.

On those evenings the local fellahin would gather near the 'master's house' (in Arabic 'dar el Mualem'). A bonfire would be lit in the courtyard around which sat the guests. Nakdimon was a generous host. Chickens were slaughtered, sheep turned on the spit, it was a mouthwatering feast. The gentle desert breeze, the smell of the meat, the aroma of coffee, sipped with sighs of satisfaction, and the liquor, all inspired Nakdimon and, in his wake, all the other participants. Nakdimon would lead the dancing, gird his loins and begin a debka. Soon the young and the not-so-young would join in, each holding on to the shoulder or the belt of the dancer in front. As the circle expanded, the stamping of feet and the cries of the dancers resounded through the night. The air was clear, a breeze blowing from Mount Hermon. The celebration would continue until the fire died out. The dancers, having eaten their fill and whirled to exhaustion, would take their leave with their renowned courtesy, uttering traditional blessings.

As the court case dragged on and times became more difficult from the security point of view, Nakdimon Altschuler was barred from returning to the Golan he loved so much.

PICA and the Hauran

In May 1947, the UN Security Council appointed a committee of eleven members: 'The Special Committee on Palestine', to examine the situation which had been reduced to chaos under mandatory rule. This committee, like the Peel Commission in 1937, recommended the partition of Palestine and the establishment of two states, Jewish and Arab. The report was approved by the Security Council at Lake Success on November 29, 1947, in its partition resolution — the Jewish state to be, of course, Israel.

In the course of its sessions in Jerusalem in July 1947, the Special Committee heard various witnesses and received memoranda. PICA submitted a memorandum entitled: "A description of our experiences with the Syrian Republic in regard to our Hauran property, to which we attach great importance and believe to be a good example of what may be expected if we should be compelled to work under the authority of a hostile regime".

This memorandum, prepared by me (but shortened and somewhat toned down by the PICA directorate), described in detail the development of PICA's ownership over the Hauran lands, the court cases, the obstacles placed in our path by the Syrian authorities, the injustice and denial of PICA's ownership rights after more than fifty years. It also touched on the intolerable plight of Syria's Jews, as reflected in some of my reports.

The following are excerpts from the PICA memorandum:

It is understood that the realisation of our aims and the exercise of our work depend on favourable legislation and mode of government. The effect of an unsympathetic government and of discriminatory legislation can be seen in our experience with our property situated in the Hauran (Syria).

Some 52 years ago Baron Edmond de Rothschild purchased 80,000 old dms. situated in the Hauran district of Syria which was not then differentiated from Palestine... In 1942 Land Settlement began to operate in the Hauran. The PICA had an incontestable right to these lands, having enjoyed undisturbed possession for more than half a century. In spite thereof, certain villages and the Waqf Administration counterclaimed. The government then appointed a special judge whose exclusive duty it was to deal with the affairs of PICA. He gave judgments against PICA and dispossessed it of all the 80,000 dms., buildings and plantations which it had acquired in the Hauran... The PICA had no other choice than to appeal against these judgments which were incompatible with logic, equity and any elementary idea of the laws and ordinances in force. All sorts of difficulties were created at Damascus during the procedure for the presentation of the appeals... We asked for a bank guarantee. The Bank at first agreed against our payment of LS.10,000 but later refused, and we then understood that the government had intervened. Since custom permits such a guarantee to be furnished by a merchant registered at the Chamber of Commerce, we made arrangements accordingly but the Chamber of Commerce refused to accept it and even advised our friend not to sign any deed in favour of Jews...

Our lawyers who have been forty years in our service and know all the details of this matter have asked for visas to assist our Damascus advocate but, in spite of the

intervention of the British consul, these visas have been refused. They are, therefore, unable to defend our interests before the Court...

This experience which we have described demonstrates that even a non-political association like the PICA requires a government free of any tendency to racial discrimination, one adopting a correct and sympathetic attitude to all inhabitants, if it is to continue its work.

Because the PICA directorate was anxious to avoid appearing a party to political controversy, the memorandum was worded tactfully, and omitted details on the fanaticism and hostility of the authorities towards us and the burgeoning signs of the oppression of the Syrian Jewish community.

The Syrian government in the north has always been and continues to be one of our chief enemies. It is incumbent upon us, therefore, to hold on to the Golan Heights to forestall whatever the future may hold, for "from the north shall evil appear".

6 The 'Black Sabbath' and its Aftermath

Saturday, June 29th 1946, was the day that went down in the annals of the Yishuv as the 'Black Sabbath'. In the dawn hours of this day of rest, the British military authorities in Palestine, on instructions from the foreign secretary, Ernest Bevin, backed by the British cabinet, set in motion an intensive campaign to subdue the Yishuv. A manhunt was instigated against leading political personalities — the leaders of the Yishuv, the Jewish Agency and the Va'ad Leumi (the pre-state governing body) and against senior members of the Haganah and the Palmach — the military forces of the Yishuv. Thus did Great Britain respond to the rebellious defiance of the Yishuv, which had been exacerbated by Britain's reneging on her undertaking to implement the recommendations of the Anglo-American commission of enquiry. Several weeks previously, the commission had recommended unanimously: the establishment of an international trusteeship over Palestine, the repeal of the land purchase restrictions stipulated in the White Paper, and the granting of 100,000 immigration permits to Jewish refugees. These recommendations, which in retrospect appear lukewarm and of little practical value to the Jewish national cause, were greeted at the time with reserved gratification by Dr. Chaim Weizmann, president of the Zionist Organisation, and by many of his supporters.

The major initiative of the Jewish underground movement was the Palmach operation on June 16, 1946 ('the night of the bridges'). Palmach units simultaneously attacked fourteen bridges linking Palestine to neighbouring countries, destroying ten of them. The British, under Gen. Evelyn Barker, C in C Palestine Forces, retaliated in unprecedented fashion on June 29th. This military action, code-named Operation Broadside, came to be known in the Yishuv as the 'Black Sabbath'. At least 17,000 troops, backed by tanks and armoured cars, took part. A countrywide curfew was imposed, and telephone communications were cut. The manhunt for leaders of the Yishuv and senior

Haganah officers was underway as the sun rose, and those kibbutzim suspected of being centres of Palmach activity were placed under siege. Several members of the Jewish Agency executive as well as other prominent personalities were arrested and taken to the detention camp in Latrun. During searches in kibbutzim throughout the country, over two thousand people were arrested and incarcerated in the Atlit and Rafiah camps.

The Siege of Kibbutz Yagur

At first light, more than two thousand heavily-armed troops surrounded Kibbutz Yagur near Haifa. The siege lasted seven days. Backed by tanks, the force broke through the main gate, dragging aside the agricultural machinery which had been blocking access. The defenders were pushed back by the tanks, and came under the onslaught of arms and teargas. The troops, commanded by Major West, assaulted both men and women, and wielded flamethrowers loaded with oil. The men, women and children of the kibbutz retreated to the dining hall and most of them were pushed forcibly inside the building, which was then surrounded by soldiers. As the troops began to prepare for decisive action, the kibbutzniks, spontaneously, started singing the national anthem. One of the defenders later wrote in his diary:

> It is hard to describe those moments. On few occasions can 'Ha-Tikva' have been sung with such fervour and emotion. The British soldiers, equipped with gasmasks, began to hurl teargas bombs and to squirt oil through the three apertures into the dining hall. The atmosphere in the crowded hall grew more stifling. Children sobbed, men and women fainted.

The British eventually broke down the door, dragged the defenders bodily out of the hall and began loading the men by force onto army trucks. Most of the women were also arrested and detained in an open-air pen east of the kibbutz. After waiting all day in the blazing sun, they were transferred at nightfall to the Jalami police station, where detention pens were set up for all the Yagur detainees. Later, more than 300 settlers, including thirty women, were taken to Atlit. The rest of the women and children were returned to the kibbutz, which they found deserted and dark. The women moved into the children's quarters, to try and comfort them.

The kibbutz was bereft of most of its work-force and administrators. On Saturday evening the troops began a painstaking search for arms caches. The search lasted a week, encompassing the entire kibbutz area and even the cemetery. Every inch of soil in the main courtyard was examined with magnetic devices, spades and scrapers, compressors and hydraulic equipment. In the living quarters, floor tiles were ripped up and walls knocked down, and many gardens were destroyed. The main cache was eventually uncovered in

the central courtyard. The British seized and confiscated 80 mortars, 325 rifles, several dozen sub-machine guns, hundreds of thousands of bullets and other arms: the Haganah's choicest weapons, on which the survival of the Yishuv depended.

Alarming rumours were rife in Haifa about the situation at Yagur. The Jewish community council in the town decided to contact the besieged settlers and to send food and medical aid, but found themselves unable to do so.

The British C in C Northern Command was Gen. Richard Gale, Commanding Officer of the First Airborne Division. I was on friendly terms with him, in my position as commodore of the Haifa Jewish community's Carmel sailing club. The British staff officers had a sailing club of their own, the Haifa Yacht Club, and used to race our vessels and sometimes sail with us. General Gale also enjoyed these joint excursions. He was a gifted man, who had been brought up on the bible, and was later to write a book about biblical wars. He loved to converse with me about the country's past, its historical sites etc. and as amateur archaeologists, we found much to discuss when he visited my home. It was on his recommendation that I had been granted a military travel permit, authorising me to move about freely during curfew.

I drove my car from Haifa to Yagur at noon the day following 'Black Sabbath'. At the kibbutz gate I was stopped by a junior British officer, who refused me entry. Just outside the kibbutz fence I saw a more senior British officer and his men engaged in altercation with several members of the kibbutz. I recognised Dr. Shraga Ogolnik (now Ogen), the kibbutz doctor, by his white physician's overalls. He was refusing to board the truck which was to convey him to Atlit, and the soldiers were trying to use force. I went over to the officer and tried to explain to him that it was vital for the physician to remain in the settlement, mainly for the sake of the children. The officer was enraged by my interference, brandished his pistol at me and ordered me to make myself scarce. My expostulations fell on deaf ears. I returned to town and telephoned to request an urgent appointment with Gen. Gale at his HQ at Stella Maris on the French Carmel. He received me several hours later. I was upset and angry and the general proved 'sympathetic', as he termed it. I explained the situation at Yagur and warned that if a representative of the Jewish community was not permitted to visit the kibbutz to see for himself what was happening, and to arrange for medical aid and food supplies — then the entire Jewish population of Haifa would march on Yagur. Neither curfew nor military action would deter the angry crowd. I pointed out that a confrontation could lead to the massacre of civilians and to open rebellion throughout the country with grave consequences.

The general's aide-de-camp accompanied me to Yagur that same night. I reached the besieged settlement at about ten o'clock. The dining-hall was in

ruins. The electricity had been cut off and everything was dark. The silence was eerie. I was taken to one of the children's houses where most of the women and all the children were gathered. By flickering candlelight, I saw them lying on beds or benches or sitting on the floor. The tense, apprehensive faces tugged at my heart. I tried to seem cheerful and called out: "Shalom, shalom, I've come to bring you regards from the outside world". I knew several of the women through the Haganah and other Yishuv activities. When they heard my voice speaking Hebrew and recognised me, they cried out in joy, "It's Salomon", and crowded around me. It was difficult to calm them down.

The first thing they did was ask after their detained menfolk. I hid my feelings of hostility towards our oppressors. I was comforted by the fact that I had brought a ray of hope to these people.

As I have noted elsewhere I did not keep a diary at the time or note the details of events, however important, apart from notes, letters or reports dictated by special circumstances. In order to lend an official tone to the appeals on Yagur to Gen. Gale, I drew up several reports which were ostensibly addressed to the president of the community council at that time, my uncle Moshe Guttel Levin, for conveyance to the general and the British district governor. In actual fact I delivered them directly.

This is that part of my report which is confined to your requirements from the Military to make every effort to reduce the undoubted suffering of the Yajjour (Yagur — Ed.) people on the spot generally and to maintain their economy in particular.

Following the conference at your offices with the District Commissioner and G.S.O.I., 1st Div., Major Davies, M.C., G.I. contacted the General immediately and when I reached home at about 7 p.m. last evening I had a message to get in touch with Major Davies, whom I met at his office shortly afterwards.

Arrangements were made for my immediate contact with Yajjour, when I was taken to Yajjour by a Staff Officer. This visit is independent of another visit which I shall be making to-day at 10 a.m. in company with an Officer of the 3rd Brigade.

When I arrived at Yajjour I found in session the O.C. (Major) in charge of the operations within the settlement precincts with his staff and police officers, discussing with representatives of the settlement — one male and two females — the minimum requirements for the maintenance of the settlement within the limits of the limited zone of the settlement in which members of the settlement are allowed at present restricted (very restricted) movement.

My presence facilitated substantially the discussions and an agreement was reached about to-day's farm work in the settlement.

I found that the very minimum indeed is allowed both owing to military operations and the fact that escorts could not be spared to-day for the various purposes required in connection with the services of the settlement.

It was arranged for the first time that a Tnuva truck will be allowed to take the milk from the settlement to town at 9 o'clock from the settlement gate. No such arrangements existed to date and the milk so far as not used by the settlement had to be poured away. No such arrangements could be made for to-day in regard to other produce.

Arrangements must be made with the officer-in-charge on the spot for similar

facilities to-morrow and extended facilities for the following days in regard to other produce which is absolutely essential.

The question of water is of the utmost importance. There has been a misunderstanding between the settlement and the O.C. in regard to water, which I hope has been cleared up. It is absolutely essential that two installators should proceed immediately from Haifa to the water installation, which is outside the occupied zone, and remain in charge of the water installation, as it appears that the installation is not functioning at the moment sufficiently or efficiently and there is not even enough water for the cowsheds and chicken coops whilst water was always sufficient for these purposes and for the irrigation of the fields. The installation must be put into working order immediately in order to supply water as in normal days, not only to the settlement but to the fields, including the vegetable fields and orchards. This is the planting season for vegetables and unless the fields are attended to immediately the whole season will be lost.

A mechanic for the electric installation must also be secured immediately. Permission must therefore be obtained for an electrical mechanic and two persons to be responsible for the water installation to be allowed limited access to the settlement itself (the compound).

I ascertained from the officer-in-charge that as far as he is concerned there is no objection to any number of persons being engaged on field work, including vineyards, orchards and arable lands, as these are outside the zone of operations. This, however, is also outside his jurisdiction and may require the approval of the competent authority. Personally, I cannot see why there should be any limitation to the working of persons in the fields (which term would include vineyards, orchards, etc.), provided these persons have no contact with the settlement so long as the Military deem it necessary and either live in the fields or go back to Haifa before curfew hours.

I ascertained from the settlement the immediate requirements in regard to such field workers, and the following is their view:

30 persons for the vineyards. This is the height of the grape-gathering season and unless the grapes are gathered immediately and despatched to town, the crop will be lost.

25 persons for the vegetable fields. The present is the planting season and they must be attended to immediately.

5 persons for the orchards.

15 persons for the fodder. My impression is that a lot of the fodder has already either been destroyed or stolen, as it has been in the fields without any protection for the last three days (including nights).

some 20 persons for the arable fields, including tractor drivers.

20 men for duty in and about the above and other services outside the settlement, including the immediate supervision of the workshops, which are across the road and which have not been attended to or protected by watchmen during the last three days and the settlers apprehend that a substantial part of their assets in the workshops have already disappeared.

The settlers feel that for the above purposes it is essential that the key-men of each economy, say, vineyards, orchards and vegetable fields, should be allowed to return from their detention camps — at least two for each branch, making a total of eight. I was given the names of the persons whose immediate return is essential. If the Military have no objection to their return to the compound, they should be allowed to return to Haifa and attend to the work daily.

Another point which should be attended to immediately and on which the co-operation of the Military should be secured is the return of the doctor. The doctor was detained by the Military yesterday and removed from the settlement on the ground that he failed to co-operate in that he reported to the Military that certain persons were sick

and should be allowed to stay in Yajjour when, in fact, they were not sick. The settlement is insistent that their own doctor, who is required particularly for the children and the sick persons — and there are a number of sick persons — should be allowed to return to the village. I think this request is reasonable.

The above is a bare outline of the necessities re-field work as from to-morrow morning, 3rd July, at the latest. The necessary permission should be obtained for the work to proceed and the workers allowed to do their work. From my discussions with the Military I cannot see any reason why the work within the above limits should not be proceeded with at the latest from to-morrow morning.

I recommend the submission of the above to the District Commissioner and the Military for decision, if possible before 3 p.m. to-day, with the necessary facilities, as we shall require several hours to organise the workers, some of whom will have to be lent by adjoining settlements and most of whom will have to be obtained from town.

The Military can be assured that all these persons will have identity cards. Their names will be supplied to the D.C., the Military and, if necessary, to the police.

In connection with the above and still more so for the purposes of the persons in the settlement, it is most imperative that a young man, preferably a lawyer who should be recommended by you, should be in the settlement at least during the day at all hours in order to serve as a liaison with the Military on the spot. I understand that the Military are delegating one of their officers, with Major's rank, to look to the needs of the settlement, but the aim will not be gained unless someone from outside who can appreciate the needs of both sides is there at every hour to serve as liaison and to dispel misunderstanding and overcome difficulties. From my short contact, I am satisfied that both misunderstandings and difficulties could be overcome by such an arrangement, which must be put into effect immediately — the first step in an attempt to restore what may be called a normal life within the very limited facilities available.

This report is limited to the Yajjour economic requirements.

I should add that the persons at present in the settlement are as follows:

520 children (including children up to the age of 17).
300 females.
15 sick males.
15 other males.

The children include the children of the Tietz School.

As regards the disputes with the army on water, I would like to describe an incident I witnessed at the kibbutz courtyard on July 1st. A fierce argument was raging around one of the water taps between the kibbutzniks and an army officer. An elderly woman representing the kibbutz (called Houma) was arguing with Major West.

He claimed that the residents should content themselves with using one tap. Houma was furious after the major's remarks were translated for her. As I arrived on the scene she turned to me and cried: "Tell this Englishman that we are still the owners of this place and we will decide how much water we need and where to take it from within our own kibbutz. This is our home — and he can go home to his own country and the sooner the better". She uttered some more remarks, translation of which would not have improved matters.

It was easier to placate the officer by rendering a more delicate version of Houma's remarks, with a few words of my own. But secretly I enjoyed the

forcefulness of her response in these difficult circumstances and after the traumatic experience she and her comrades had endured in the past two days.

STRICTLY PERSONAL AND CONFIDENTIAL

Haifa, July 2nd 1946

Dear Mr. Levin,

In addition to my report on the immediate requirements of Yajjour (Yagur — Ed.) for the purposes of maintaining their economy, by which term I mean the livestock, fields, and orchards, I think something must be done immediately to maintain the morale of the people from within.

Everybody will agree, and the Military would be the last to deny, that the people who are now in the settlement have undergone considerable hardship, both physical and mental, and are carrying on under the most exacting conditions. Apart from physical inconvenience caused, upon the details of which I do not desire to dwell at this moment, there is the mental strain, particularly in regard to the following: inability to have any contact with the outside world and no information as to what is happening in Palestine. Just as much as rumours circulate in the towns, where there is no restriction, rumours circulate from house to house and from room to room in the settlement as to what is happening in the country.

(1) The first anxiety of the people in the settlement is not so much their own immediate plight but what is happening to the Yishuv. The stories that come to them or which they imagine are almost fantastic and they should be allowed the minimum outside contact and, as suggested by me, there must be a man of some standing from the outside, preferably a lawyer whom you should recommend, to serve as liaison and also to quieten the people who, in any event, have reached almost nerve-breaking point.

(2) Anxiety about their menfolk now under detention, from whom they have had no information at all. Every effort should be made to secure the release, even if not the return to the settlement, of the great majority, if not all the settlers, with the least possible delay.

(3) The apprehension that the persons in the compound will be forced to leave the settlement. On this point one and all are agreed not to leave the settlement under any circumstances, even if force is applied. I have grave apprehensions on this point and nothing should be spared to convince the Military of the sincerity of the settlement people in their resolve not to be ousted from their homes. I have no doubt that should an attempt be made to so oust them it will lead to grave consequences which will have most undesirable repercussions.

(4) A rumour appears to have reached the people in the settlement that some of the houses might be blown up. Every effort should be made to convince the Military not to do this as, to put it in the words of the person (female) to whom I spoke — "we shall go down with our houses".

Connected with the above is the request not to be moved again from their present houses, as they have been shifted backwards and forwards, and particularly not to remove the children from their homes as they are, in any event, in a rather bad state. The people in the settlement will not part with their children or allow their children to be removed at any cost.

I feel that the above should be brought to the General Commanding 1st Division, who I am satisfied is doing everything possible, with the assistance of his staff, not to cause any further hardship or greater hardship than what appears to the Military to be necessary from their point of view, and that the General should be impressed on all the above points and requested to take such immediate action as may be necessary to

alleviate the apprehensions and to prevent steps being taken which might lead to catastrophe.

I should place on record the exceptional promptness with which the matter was dealt with by General Officer Commanding 1st Division and his staff and their sympathy with what requests have been made in the short while since we contacted them late yesterday afternoon.

I feel confident that with co-operation and understanding all the above points could be solved and should be solved within the next day or two.

P.S. I have reason to believe that although there was in fact a suggestion for the demolition of some houses, the General was against it and as things stand at present this will not be done. I am anxious to be in a position to assure the people in the settlement that this is, in fact, the case.

On July 11th representatives of Kibbutz Yagur sent the following letter to the district governor, through the community council.

Meshek Yagur
11th July, 1946

The District Commissioner,
Through the Chairman of
The Jewish Community Council of Haifa

We wish to record our profoundest protest and indignation upon the desecration of our cemetery during the course of the Military operations on our lands.

This was discovered by us as far as the old cemetery is concerned only on the 9th inst. in the evening when for the first time we happened to go there and as far as the new cemetery is concerned we only discovered this fact this very morning.

We could not believe our own eyes when we ascertained that the graves of our dearest had been despoiled by the Military and that the place that is holy to all of us had been trespassed upon by the Army. This shocked us to the depths of our souls.

The Assistant District Commissioner and Colonel West — who was in command of the operations at the place — and other officers accompanying them visited the cemetery at our request and saw these things with their own eyes.

The scene that was unfolded to those present will not easily be forgotten.

The attempt of Colonel West to place responsibility for these deeds upon his officers or soldiers who had allegedly acted without order cannot, of course, affect the position.

We hereby ask you to inspect the cemetery and to report the matter to the higher civil and military authorities.

We expect steps to be taken immediately that will adequately represent the reaction which must be caused by deeds of this description in those to whom they should be reported.

Yours faithfully
MESHEK YAGUR

It goes without saying that the authorities did not bother to justify themselves or pay compensation. There was a lengthy siege, with barbed wire in the streets of the towns, apartments were confiscated and Jewish residents evacu-

ated. There were acts of malice by the henchmen of Gen. Barker prompted by the British CID and by senior British officials whose anger was growing and who increasingly harassed the Yishuv after the explosion in the King David Hotel on July 16th. But there were always some British officers who displayed courtesy and understanding despite their military commitment.

With the Atlit detainees

In that period — approximately up to mid-September — I devoted most of my time, day or night, to alleviating the suffering of the detainees. The men were held at Atlit and Rafiah and the women, most of them from Yagur, were held at Latrun B camp. In the first few weeks after the 'Black Sabbath' I concentrated mainly on Atlit, the largest camp, most of whose inmates were from Yagur and other kibbutzim in the north.

The situation in Atlit was very bad at first. The CID controlled the camp, and were trying to identify the leaders of the Haganah and the Palmach commanders. Their first step was to try to obtain the fingerprints of the suspects. The Haganah had instructed its members not to reveal their identity and not to permit identification through fingerprints. When the interrogators encountered refusals, they used force.

The following is the testimony of Shraga Ya'ari of Kibbutz Beit Ha-Shita:

On 29.6.46 I was taken out with a group of men from the camp for identification. They asked my name and I said that I was a Jew, a member of Kibbutz Beit Ha-Shita. I received a questionnaire, a number and a card and went out. They asked me if I agreed to be photographed, and I replied in the negative. I was taken to a room where they had concentrated all those who did not agree to give their names and fingerprints. One of our group was taken out and shortly afterwards we heard his screams. When he returned, pale and shaken, a second man was taken and again we heard screams. We responded by yelling out and decided that we would not go in voluntarily to another interrogation. The third was taken by force. His screams and our shouts reached the ears of other comrades who had just been brought to the camp, since the interrogation hut was located near the entrance to the camp. When it was realised that the noise was having an adverse effect on the new inmates, the interrogations were transferred to the army camp. We were taken in to this hut one by one and the others sat outside and heard the screams and groans of their comrades. From time to time the soldiers in the interrogation room would be replaced since they were worn out from the hard work. I was taken into the room. There were ten soldiers there, an interrogator, a police officer and an Arab policeman who was interpreting. He demanded that I give my name and fingerprints. I declared that I was not willing to do so under those circumstances as long as I was not informed of the charge against me. I demanded to be brought before a court or released. It was explained to me that even if I was not found guilty but only called upon to give evidence, I was obliged to give my name. I said that I did not wish to give evidence, that I had nothing to say to anyone. I was given one minute's ultimatum. I refused and I was seized from behind by the hair, hit on the testicles, arms, legs and asked again: 'Ready?' I again refused and shook off the soldiers who were gripping my arms and my testicles. I was flung to the ground on my stomach and kicked. Attempts

were made to beat me on the genitals again and when they saw that I was defending myself, they beat me on the nape of the neck, pulled my hair and ears and twisted my leg. I did not respond. They stopped hitting me and asked again: 'Ready?' I shook my head. Again I was thrown to the ground and beaten severely. I started shouting in the hope of arousing their compassion, but they responded with laughter and tried to stuff a cap into my mouth. After severe beating and twisting of my leg I gave my name and fingerprints. I told them that the Germans who had taken me to a concentration camp had not treated me like the soldiers of the British Empire, but there was an atmosphere of merriment and triumph in the room and I was taken out to be photographed and to the camp, limping on my left foot, my body and testicles aching. I was in pain for more than twenty-four hours.

When I heard what was going on at Atlit, I protested to Gen. Gale and asked for an entry permit for myself and my colleagues Hoter-Ishay and David Geiger. Fortunately he agreed. He instructed the commander of Atlit camp, Brig. Molcher, to make things easy for me, to grant me free access to the camp and the detainees, to permit supply of food and medication, books and clothing, and in general to respond to my requests aimed at alleviating the plight of the detainees — this was a humanitarian approach. I must note with appreciation that Brig. Molcher and his staff subsequently tried to carry out their task as guards in the most positive fashion, in the light of Gen. Gale's instructions. By responding to my demands or recommendations they were apparently easing their consciences, which troubled them because they were incarcerating people who had not been accused of criminal actions, what they termed 'intelligent' people.

The release of the Palmachniks from Atlit

In the course of one of my meetings with Gen. Gale at that time, I explained to him that there was no point in detaining elderly men and boys. I asked him to instruct Brig. Molcher to release them. The general gave orders to the commander to release detainees over forty-five years old as well as under seventeen. To the brigadier's query as to how he could determine the ages of those to be released, the general replied: "You can take Salomon's word for it". I prepared a list of the older men and most of them were sent home.

The delicate problem was how to determine the ages of the young boys. There were several hundred Palmachniks among the detainees. We wanted to smuggle them out under cover of those whom I confirmed as being under seventeen.

I conveyed the instruction to those in charge in each hut. I asked them to ensure that those of youthful appearance — even if they were over seventeen — should appear at the parade to be held by the C.O., in my presence, to select candidates for release. I asked that those who were bearded (and many were) should appear cleanshaven at the parade. The tall boys should try to appear

shorter and come barefoot, wearing short trousers etc, so as to appear as young as possible.

The parade was held as scheduled. Each group of 'boys' assembled by their hut. I passed among them with the brigadier and his aide-de-camp. He surveyed each row of candidates for release. Several times he glanced at me slyly as if to say: "Salomon, my friend — are you trying to trick me — is he only seventeen?" Several times he drew my attention to specific cases, where it was hard to argue that the boy was only seventeen. In those cases my reply, accepted 'with understanding' was — "My friend, the general himself told you that he trusts me to convey the facts correctly".

I emphasised that young men in Palestine looked more mature than in other countries, particularly since they had undergone harsh experiences — and this showed in their faces. As far as I remember, none of those who had been chosen as candidates for release, most of them Palmachniks, were disqualified. This was some contribution to the approaching military effort: the War of Independence which began slightly over a year later.

I did not note the number of detainees released but I believe that it was more than three hundred.

The Escape of the Three Haganah Leaders

Among the detainees at Atlit were several leaders of the Haganah, including members of Yagur, who were in charge of the 'sliks' (arms caches) which had been earmarked for defence of the north. There was a grave risk that they would be identified and, perhaps after torture, would be forced to reveal the location of the 'sliks' which had not yet been uncovered in Yagur, or even the entire network of arms caches and other military arrangements of the Haganah. We decided to smuggle the leaders out of Atlit on the following Friday, when all the detainees would be concentrated in one place for evening prayers. Hoter-Ishay was assigned the task of planning the escape from the camp.

On the first Friday, therefore, a public prayer service and a party were held for all the detainees. It took place in an open space near the camp kitchen. Permission was granted after I explained to the CO that there were a considerable number of religious people among the inmates and that according to tradition, a celebration must be held after the service. The CO even agreed to permit a rabbi to come from town to conduct the service, and to the provision of food, particularly fruit (it was the grape season) for the meal.

The Atlit camp was divided into enclosures with several huts in each. The inmates were housed according to their home kibbutzim: Yagur, Sdot Yam, Ein Harod, Tel Yosef, Beit Ha-Shita, Mizra, Afikim, Gvat and so on. The

party brought all two thousand people together for the first time. The CO and his entourage were also invited.

In order to divert the attention of the commander and his staff from events, I obtained permission from him to invite my wife Sara, and my sister Naomi, to attend, Sara and Naomi knew nothing of the escape plan or of their role in diversion.

The coming together of detainees from the various enclosures and the community singing after the service lent the evening a ceremonial atmosphere. At the same time, the unloading of the fruit caused a great commotion. Nobody noticed the three escapees, Yitzhak Yaguri, David Ben Ari and Zalman Yeshurun, crouched under the empty crates, as the truck drove off.

As a gesture of thanks for the invitation, the brigadier invited my family to visit the officers' club for a drink. We left the party with him and his entourage while the celebration was at its height, and the truck was just leaving with its clandestine load. We walked over to the club, chatting to the officers, while my heart pounded. I feared that something might still go wrong.

The hour we spent with the officers was a very long hour for me. I thought that news might arrive that at one of the road blocks between the camp and Haifa, the 'load' had been discovered. Hoter-Ishay accompanied the truck all the way, to help it through the roadblocks. This was a dangerous task. I felt somewhat relieved when time passed and no message arrived. I assumed that they had got through safely.

Only after we returned home, close to midnight, did I reveal to Sara and Naomi the secret of the prayer service and the party attended by the camp commander and his officers. I explained their role in diverting the attention of the British, and the importance of our presence in the officers' club in the event of failure of the scheme, which would have required 'gentlemanly' intervention by the brigadier.

Visiting the sick

In my capacity as liaison officer to Atlit, I concerned myself with transferring the sick to the military hospital in Haifa. They awaited my visits so as to give voice to their complaints or requests and in order to receive news from the outside world. My wife Sara, who throughout the war had worked daily as a volunteer nurse in the Haifa military hospitals, cared mainly for the severely wounded, who regarded her as an angel of mercy rather than a nurse. She visited the military hospital nearly every day and did everything she could to help them.

On July 16, I met at his HQ with Lt.-Col. Kaulbek, CVO, Gen. Gale's chief military aide-de-camp (G1). On the general's instructions, I submitted a list of

those then hospitalised. There were five severe cases and three others whom I thought should be considered for release.

Only on the 19th were the patients examined and screened by the CID. They were photographed and fingerprinted, and most of them were released. Those who had recovered and were not released were sent to the Rafiah camp.

The disbanding of Atlit camp

In the second half of July, the Atlit camp was vacated. On July 10th, I wrote to Brig. Molcher.

I have now returned to my work at the office after a strenuous ten days, a great part of which I spent with you or at Atlit Detention Camp while it was under your command.

Unfortunately, your letter of introduction and my various efforts to secure admittance to the Rafiah camp did not prove successful. This relieved me of the duties which I assumed voluntarily on 1st July 1946, but I apprehend that the detainees at the camp will be disappointed, as the good work we did cannot be continued there although it is required just as much as it was necessary at Atlit Camp.

The command of Atlit camp must have been as unpleasant a job as could be entrusted to any officer, and I know very well your reactions and feelings and those of the officers who served under you. It was not only a difficult task but in the circumstances a most unpleasant and ungrateful one, and I fully appreciate the strain under which you and your men worked.

You on your part no doubt appreciated my feelings on seeing behind barbed wire some of the best men of my community who should never have been taken to the camp. This, however, does not in any way detract from my appreciation of your attitude towards these men as I saw it.

I have already told you verbally that I could hardly have expected a sincerer human approach to the difficult problems which faced you and your officers and a greater desire to assist these people who were undergoing a severe mental strain and test far beyond the physical discomfort. I could hardly expect greater cooperation than that shown by you and those under you to my colleagues, Mr. A. Hoter-Ishay and Mr. David Geiger, and to myself in an effort to reduce this mass and individual human suffering to the very minimum possible in the circumstances.

May I ask you to convey to your officers my appreciation of their understanding and cooperation.

I hope you will call on us as promised when you come to Haifa.

And on July 18th, I sent the following letter with a messenger to Gen. Gale who had invited my wife and myself to a cocktail party at his HQ in Haifa before leaving the town:

Dear Gen. Gale,

I was delighted to receive your kind invitation for this evening. I regret that I shall be unable to attend. Mrs. Salomon hoped to meet you, since I had told her of my recent personal contacts with you and with members of your staff, describing your kindness and the help you have given.

I have been travelling about unceasingly during these last days, mainly in an effort to

prevent the hunger strike by the detainees at Rafiah and subsequently to try and bring about its cessation. I returned to Haifa this morning after eighteen days of strenuous work following recent events. I do not feel up to appearing at a celebration, but hope you will appreciate the reason for my absence.

Mrs. Salomon hopes that you will soon visit us for a drink or dinner.

In friendship,

J. Salomon

Rafiah and Latrun camps

On July 7th I had asked Brig. Molcher to provide me with a letter of recommendation to HQ in Jerusalem. On the spot he produced the following handwritten letter to a colleague there:

7.7.46

My dear Paddy,

This is a note to introduce Mr. Solomon (sic), Advocate. Please be kind to him as he is not coming to worry you about his routes!

Mr. Solomon has been appointed a sort of L.O. (Liaison Officer) by General Gale and has been visiting Yagour & Athlit so as to be in a position to dispel unfounded rumours etc. He would also like to visit Rafa (Rafiah), so would you be kind enough to arrange with the Authorities i.e. yourself or the Military, facilities for Mr. Solomon to carry out a visit.

All the best —

My first visit to Rafiah took place on July 13th, after I had been issued an entry permit by Jerusalem. My colleagues, Hoter-Ishay and Geiger, were not accorded similar permits, but in any event were preoccupied with other matters in the north.

In the wake of the arrest of the Jewish Agency and Va'ad Leumi leaders, a committee for emergency action had been organised in Tel Aviv consisting of Golda Meir, Yosef Sprinzak, A. Katznelson and other personalities. I asked them to appoint an additional liaison officer for Rafiah. They appointed Simha Even-Zohar, then secretary of the Histadrut Executive. He, too, was granted an entry permit and a certificate of free passage during daytime curfews. My permit covered night-time as well.

I have found several pages dating from that period, as I dictated them at the time in English to my secretary. This is a kind of diary for July 13th, 14th, 15th and 16th, which speaks for itself:

10 a.m. Met Brig. Roe at GHQ, to whom I explained the decision of the Rafiah detainees to start a hunger strike on Saturday night, the 13th inst. They had decided to start the strike on Friday, the 12th, but were told not to do so owing to the fact that no fast may start on Saturday. I explained the reason for the proposed strike — delay in releases; although about 600 men had identified themselves, only eight were released on Friday. Told the Brig. that apart from the condition of the striking detainees, in case of strike the danger lies with possible repercussions outside which, in my opinion,

ought to be avoided. Brig. Roe promised to pass on representations to the General (Barker) forthwith, including my request for passes for Hoter-Ishay, Geiger and myself in respect of Rafiah Camp. Conference lasted about an hour. Rang up Brig. Roe at 12 noon for a reply. Reply was as follows: General grateful for the personal interest which I and my friends take in this matter. General was not prepared to hold out any promises re expediting releases. They will be dealt with in the usual way in accordance with Military requirements.

General took note of my opinion as to possible repercussions. General not prepared to grant permits to Hoter-Ishay or Geiger but would give me free admission on the understanding that this would be merely for welfare and social arrangements and that I would not in any way disturb conditions from political, etc. point of view.

1 p.m. issued with permit for free admission to Rafiah and a pass for Latrun to see women detainees 14.7.46.

In connection with the above saw Maj. Quinn, G.S.O. (Int), who stated that the detainees did not co-operate in any way and have themselves to blame. The detainees give false names, according to him, and this leads to difficulties in checking, etc.

Proceeded to Rafiah at about 2.30. Long meeting with ten representatives of camp. After discussion persuaded them to postpone strike till Monday afternoon to see what progress is made on Monday. Don't expect any progress on Monday as, according to latest information, only 22 will be released on Monday. Number of detainees at Rafiah 1,662. Expecting an additional 300 from Atlit on Monday.

Returned to Tel Aviv late at night. Meetings. Decision to pass the matter on to the joint meeting of the Jewish Agency, Jewish National Council and Va'ad Hapoel which was to be held on the following day for other business. Even-Zohar to get S's (Joseph Sprinzak's — of General Welfare Committee — Ed.) view and I to proceed to Jerusalem before the above meeting.

Sun., 14th July. Left for Jerusalem as arranged. 10.30 a.m. at Va'ad Leumi (National Council). No meeting till 11.15. Conference with representatives of Agency and Va'ad Leumi before whom details placed. Instructed to return at 2 p.m., when the whole matter would be discussed at the General Meeting.

Proceeded to Latrun to see the women detainees in Camp B, which is the old prisoner-of-war camp. Rabbi Goldman with me. Arrived at Latrun at about 12.30. Met Major Luke, who is doing everything possible for the detainees. Girls complained that they had been on hunger strike for 86 hours — from Sunday till Wednesday — asking for me and ceased strike on being assured by Rabbi Goldman that I would be coming the same day. Why had I not turned up? Told them that I had had no notice of the strike till Sunday evening, when I read it in "Davar" and even then had not believed it.

Discussed with detainees position and particular problems affecting some of them. Had lunch with the girls. Conditions appear to be very satisfactory, though girls refused to identify themselves, except Mishmar Hasharon (19), who had already identified themselves before the arrival of the Atlit detainees. Requested knitting materials, literature, etc. All of good cheer — actually exceptional, including elderly women, and some expectant mothers.

Returned to Jerusalem at about 2.30 p.m. Meeting still going on — till about 3 p.m. At 3 o'clock — Even-Zohar gave meeting greetings of Latrun detainees. Also ascertained from Even-Zohar that S is against hunger strike. In his view no excuse should be given for any future allegation that our action has delayed release.

3.30 — decided to return to Haifa through Latrun, as must proceed on the following day to Rafiah for the whole day. Purchased knitting materials, chocolates, games, books, etc. Great reception at camp at 4.30 p.m. Demand for further knitting wool, particularly white and blue.

Arrived Haifa 7.30 p.m. At 9.30 p.m. — telephone call from E. Zohar. Decision will be given tonight. Meanwhile had telephone call from Rafiah requesting three buses for tomorrow.

Outlook more hopeful.

Mon., 15th July. Left at 6 a.m. for Yagur in order to pass on to the settlement the greetings of the detainees — men and women — and to take clothing and other small things urgently required by the women detainees at Latrun B. 6.30 a.m. — breakfast at Yagur with representatives of the settlement, who asked to inform the detainees that Yagur is being rebuilt. The dining hall which a few days ago was in a chaotic condition is being renovated and repainted. Generally, except for people's worries about the detainees, they are prepared to look forward to continue their life in the same pioneer spirit and with added zest.

Left Haifa at about 9.15 a.m. for Tel Aviv. Meeting at Tel Aviv with the General Welfare Committee, (Sprinzak, Golda Meir, Katznelson and others) at which arrangements were made for the regularisation of supplies and other matters affecting the detainees.

Left for Rafiah at about 12 noon. At about 2 miles from Rafiah saw three buses and jeep, the buses being the returning buses which were sent earlier in the morning for collection of released detainees. The leading bus was empty, as could be seen from a distance. This was our first shock. We stopped the buses and convoy and ascertained that the leading bus was indeed empty. In the centre bus there were only 21 released detainees — the last bus was also empty.

The detainees included some who identified themselves on Tuesday and others who identified themselves on the following days, including Friday. Outlook very miserable, as quite clear that we could not hold out to the detainees hope of early release. In camp at about 3 p.m. Interviewed O.C. and C.O., Major Sinai and Major Law. Major Sinai advised us that he had received a message earlier from the brigadier to convey to us not to hold out any promises on behalf of the Military for early substantial releases. He also informed us that a military committee consisting of three officers, a colonel and two majors, including himself, had been set up to check the detainees after lists had been passed by CID and GHQ. It is not quite clear whether this new body is intended to make an additional check up after the Military at HQ or on behalf of HQ. My impression is that this is an additional check up and I expressed anxiety that this may cause further delay. The Committee appears to have sat for three hours that morning and went through 100 names. No further identifications took place on Monday, as CID had moved to Latrun for identifications there.

4 p.m. — meeting with 10 or 11 representatives of the camp. Passed on to the detainees the views of S. that no strike should take place and the decision of the meeting of the Va'ad Leumi and the Jewish Agency that if a strike is to be held it should be "a warning strike" of 24 hours and no more, pending further developments. The detainees are not prepared to declare merely a warning strike. Considerable discussions — different opinions expressed, some for immediate declaration of strike — indefinite — others prepared for a limited strike but not to be called a warning strike. Generally, the impression gained is that disappointment has caused considerable depression in the camp and a state of mind which is very disturbing.

Complaints have been expressed as to the sanitary conditions. These are bad in two camps at least, owing to bad sewage arrangements which have not been remedied and repairs appear to be going on very slowly. Complaints of not enough brushes and other sanitary appliances. Apprehension of an epidemic of 'flu. Food arrangements also deteriorated. Mental anxiety in regard to lack of understanding of conditions by Yishuv or its representatives and that the Yishuv does not identify itself with them. Particular complaint that the press appears to have overlooked the detainees entirely

and why did not the representatives make any protest or take other official steps?

Great resentment against A. Katznelson for his communiqué and broadcast in regard to "excellent conditions at Rafiah Camp". He was in the camp for about half-an-hour — saw little, and should not have made this statement. One would be led to believe as a result of the statement that the detainees are happy where they are now. All the detainees are in agreement that the strike must take place and should not be delayed. They all decided to strike, to start at 7 p.m. All food will be collected from huts and placed outside, so that there should be no question of anybody breaking the fast.

Even-Zohar and I left the representatives of the detainees at about 6 p.m. with very heavy hearts. We felt that their decision to go on hunger strike was reached after considerable deliberation and is not a matter which could be argued with them any further. It is their conviction that the strike is necessary — whether it will be helpful or not is immaterial. We are very worried about general conditions in the camp, particularly the mental condition of the detainees, including the leaders. Apprehensive of substantial number of sick as well as unforeseen happenings within camp or without, which ought to be avoided. Surprised at hard attitude of the Military in refusing to give assurances at all. Proceeded to camp hospital. Our depression, which was pretty bad, increased. Why these people should be in the camp at all is incomprehensible. Chronic cases of asthma, one paralytic who is bedridden and other cases so bad as to be beyond human comprehension why Military do not dispose of them by returning them immediately to their homes or sending them to civil hospitals. Commandant recommended five to HQ for immediate release but all ought to have been outside a long time ago. Saw doctor (Dr. Haim Sheba — Ed.), who is dissatisfied with sanitary conditions in two camps. All blame the officer responsible for the sanitary arrangements, but this does not appear to be of much help. Doctor promised to file a complaint. This does not improve conditions.

Left Rafiah at about 7 p.m. Arrived in Tel Aviv at abut 10 p.m. Meeting with representatives to discuss conditions. Short communiqué for the press.

Left Tel Aviv at about midnight. Arrived Haifa at 2 a.m. Before leaving Tel Aviv I was told that the foreign press representatives were advised by the authorities that if they should receive information that a hunger strike had been declared at Rafiah they should not believe it, as no such strike was pending.

An incident in Latrun B

As I have mentioned, some fifty women were detained at Latrun B, mostly from Yagur. They had first been incarcerated at Atlit, then taken to Latrun some three days after their arrest. When the convoy reached Latrun, the women refused to descend from the trucks. They struggled with the soldiers who dragged them off forcibly. In protest the women declared a hunger strike and announced that they would not give up until Salomon came.

My first request to Supreme HQ in Jerusalem for a permit to enter Latrun met with refusal. Only after Gen. Gale interceded with Gen. Barker, was I granted permission. One of the women kibbutzniks from Yagur wrote in her diary that "the women comrades ended their strike only after Salomon arrived as representative of our institutions".

When I got to Latrun, as at Atlit, I was filled with admiration for the courage of our women. Every day they were interrogated by the CID, who

insisted that they identify themselves. The CID held detailed lists of members of the Haganah and Palmach, including women, and were seeking certain people. At Latrun they were looking for Palmach women who carried out coding, secret missions and other delicate tasks.

The camp commander, Major May, was a courteous and decent man. He found his task repugnant and told me of his disgust at "this messy job". He was eventually transferred because of the following occurrence.

As I have noted, Haganah and Palmach people were under permanent orders not to identify themselves, whatever pressure might be exerted by the CID and the army. In Latrun there was fear that interrogation might expose a woman member of the Palmach who was in charge of coding at Kibbutz Mizra. Her name was known to the CID but not her identity. They assumed that she had fallen into their net among the women detainees from the northern kibbutzim. I was asked to help smuggle her out of the camp as soon as possible before she was identified. I did not take part in planning the details of the escape but I was asked to obtain permission from Major May to evacuate a 'pregnant' detainee by Magen David Adom ambulance which would arrive from Hadassah Hospital in Jerusalem. The major acceded to my request, and the ambulance duly arrived, with a physician and two nurses. We claimed that the woman was in labour and should be transferred to Jerusalem with all haste. In a camp hut, one of the nurses exchanged her uniform for the clothes of the woman Palmachnik, who was smuggled out with the pregnant woman, or was the pregnancy false? I am not clear on that point.

That same day the escapee was brought to our home in Haifa on the assumption that it was safe there. After a week she was taken to Tel Aviv. We were told that she underwent 'cosmetic' treatment to disguise her: permanent waving, make-up and lipstick, which transformed her almost into a 'glamour girl'. In any event the Palmach command breathed a sigh of relief.

At the beginning of August 1946, Gen. Gale was transferred to Supreme HQ in Jerusalem, as Acting Supreme Commander, in the absence of Gen. Barker. There too, he was always ready to assist me. At the request of my father, who was chairman of the Jerusalem Jewish community council, I approached Gen. Gale on October 24 and asked if the curfew imposed on Jewish Jerusalem could be raised for the forthcoming elections to the Zionist Congress, which were to be held on the 28th. I wrote:

> As you know, these are the first post-war elections to the Congress the world over. The polling booths are normally open till 10 p.m., to enable electors, particularly workers, to participate, since most of them cannot go to the polls until after work, namely, until after 6 p.m. or so. The elections must be completed on the same day, so that should the curfew be maintained in Jerusalem on that day the majority of the electors will not be in a position to participate.

My father, as representing the Community, would therefore like the curfew to be lifted altogether, but if this cannot be done, could you give directions that it should not start before, say, 11 p.m.

Gen. Gale agreed at once. On August 27th he sent me the following handwritten letter:

My dear Salomon:
You will have seen the announcement that the curfew is to be lifted for the polling. I hope before I leave Jerusalem that I shall have the pleasure of meeting your father.
Your wife by now will presumably be in New York. I trust you have good news of her.
Yours sincerely, Richard N. Gale

A few days before, my wife Sara had flown suddenly to New York to see her elderly mother, who was ailing. Gen. Gale knew of this since in the absence of civilian flights out of the country, she had been obliged to travel to Cairo and fly to New York from there. Gen. Gale had facilitated her rushed departure. Sara reached New York several days before her mother's death.

Beginnings and ends

On the day after the 'Black Sabbath', June 30th, I set up a sort of liaison office in premises of the Haifa Jewish community. Our group included my devoted colleagues David Geiger and Hoter-Ishay, who took great risks, and Ya'akov Shimshon Shapira, who often held the fort in my absence. Of the members of the community committee we made minimum demands: not to hamper our work but to enable us to represent them officially before the military authorities. I myself maintained exclusive contact with the army. We were augmented by volunteers from the kibbutzim. We worked tirelessly; our headquarters were open and active twenty-four hours a day: we also produced quasi-official British army travel permits.

One day Golda Meyerson (Meir) appeared in our office. I gave her an up-to-date report, just as I had reported to her and her comrades in the emergency committee in Tel Aviv. In her presence I signed several documents which I had written in English. Golda looked at them and asked "Ya'acov — what are they?" I answered that they were permits for our people to travel during curfew. To her query as to whether I did not fear that the forgery might be exposed, I replied that I was not actually forging documents. I was merely confirming facts and signing my own name. The documents which I produced in their dozens in those days read as follows:

ROAD PERMIT
This is to certify that bearer is proceeding on duty
Ya'acov Salomon. By order.

I also told Golda that if one took into account the number of documents I had written, signed and issued, I was liable in any case for thousands of years imprisonment if caught, so that a few more years would make no difference one way or another.

7 A Tale of "Illegal" Immigration

The immigrant ship Attrato and its captain

I was involved in several cases connected with 'illegal' immigration, criminal charges against sea captains and confiscation of their vessels. I shall describe the first of these cases: the story of the Attrato and its Greek captain Dimitrio (John) Veronikos Papadakis.

The Attrato was one of the first vessels leased by the 'Mossad' (Secret Service) to carry out the 'illegal' immigration activities known as Aliyah Bet. The Veronikos family were veteran Greek seafarers. They had been involved before in daring adventures: the rescue of Venizelos, Greece's veteran democratic leader, smuggling him out of Greece and finding him a refuge; helping the Spanish government in its struggle against General Franco during the Civil War. The Veronikos brothers agreed (in return for payment) to place two vessels at the disposal of the Mossad: the Attrato and the Colorado. Both ships made several successful trips to Palestine with illegal immigrants. Unfortunately the Attrato was apprehended during its final attempt.

On June 2nd 1939, a criminal charge was submitted to the Haifa District Court against Capt. John Papadakis. He was accused, as captain of the Attrato, of having deliberately, and without legal sanction, "aided and abetted" a number of people to enter Palestine in contravention of the Mandatory 'Immigration Ordinance' of 1933. On May 28, 1939 at 20.40 he had deliberately allowed 403 illegal Jewish immigrants to disembark in Palestine on the Netanya shore, and, as captain of the same ship, had "helped illegal Jewish immigrants to violate the Immigration Ordinance by transporting in his vessel from Bogaj in Romania to Palestine four hundred and three illegal immigrants". I am quoting from the charge sheet.

The salvage boat Attrato was apprehended by the British destroyer HMS Sutton which awaited it in ambush off the Netanya beach. The intention was

to permit the Attrato to enter territorial waters at a distance of less than three miles off shore, and immediately afterwards to board the ship and catch it 'in flagrante', with 'illegal' immigrants aboard.

Captain Papadakis fell ill shortly after his ship passed through the Straits of Bosphorus. He did not rely on his crew but ordered that his bed be carried to the bridge, from where he navigated the ship. He tried to evade the British destroyer, but was eventually captured and kept in Haifa for more than five months. Papadakis revealed, in addition to an impressive command of both navigation and maritime law, a resourcefulness and intelligence which enabled his attorneys to obtain his acquittal and to save his vessel from confiscation.

Papadakis' defence was that he had taken on the 400 passengers, Jewish refugees from Poland, close to the Romanian coast, when he was asked to tow a broken-down steamship which was carrying them, and which had called for aid in a stormy sea. He claimed that the ship had been wrecked in the Black Sea off Romania by the village of Bogaj, after the passengers had been transferred to his own vessel. Papadakis argued that transportation of these passengers was forced upon him as a humanitarian obligation, and that he had brought them to Palestine after the authorities of Romania, Bulgaria and Turkey had refused to permit them to come ashore and that he would not have let them disembark in Palestine before receiving permission from the local authorities. He had assumed that under the special circumstances he had described, such permission would be granted on humanitarian grounds.

My colleague Ya'akov S. Shapira (later first Israeli attorney-general and subsequently minister of justice) and I accepted the defence of the captain and undertook to do everything possible to ensure that his boat was not confiscated. By law his conviction would have entailed confiscation.

Our efforts to obtain bail for him were unsuccessful. Only after great effort, and medical examinations which determined that Papadakis needed to undergo an operation, was he taken to hospital. He maintained constant contact with us, teaching us navigation, the art of measuring distances at sea and other maritime skills, so as to enable us to prove that the vessel had been apprehended outside territorial waters. After lengthy debate, the court ruled in favour of the captain, stating that it had not been proved that the Attrato had been caught inside territorial waters.

The Mandatory Immigration Order included certain clauses introduced shortly before these events, as part of the British campaign against immigration. Paragraph 12A permitted the commanding officer of a British warship to pursue, inside territorial waters, any ship which appeared to him to be transporting people likely to enter Palestine illegally. This clause empowered the commanding officers of British warships to board such ships inside

territorial waters, and to use force to apprehend the ship and force it to enter port, and to arrest the captain and potential illegal immigrants.

While they were still on the high seas, the commander of HMS Sutton, Captain Temple, hailed the captain of the Attrato, by loudspeaker, and ordered him to change direction towards Haifa port. When Papadakis ignored the order, several warning shots were fired from the destroyer's guns. The salvage boat stopped, the captain of the destroyer and a dozen armed sailors boarded it and forced Papadakis to sail to Haifa.

The prosecution argued that it had proof of the intention of the captain to bring about the illegal immigration of his passengers: he was sailing by night along the shore of Palestine without lights — not even those lights which maritime law requires for reasons of safety; the lifeboats were hanging over the ship's side at the ready, the gangway was also down, to permit disembarkation at a lonely spot on Netanya's northern shore.

Shapira and I enjoyed the lessons in navigation, on ascertaining the position of the moon and stars, on reading maritime maps and other skills which we acquired during the trial, and which served us well during other immigration trials until shortly before the establishment of the state. Capt. Papadakis was released and returned home with his ship to serve his country during the Second World War.

8 Attempts to Join the British Army

When the Second World War broke out in early September 1939, I felt unhesitatingly that despite Britain's betrayal of the Jewish people in general and the Yishuv in particular, every Jew should play his part in the war effort against the Nazis. It took two years before the young men of the Yishuv were officially called up to auxiliary units and some four years before they were permitted to establish their own Jewish units. The delays did not result from any hesitations on our part, but from calculations of the British political and military authorities in London and Palestine, who feared Arab reactions.

I made up my mind to join the British Army shortly after the war broke out. I was forced to ask the help of friends who had contacts with senior military officers in the Middle East to facilitate my recruitment. At the time our friends, Sir Arthur Downes and his wife, Lady Florence, were living in Haifa. They had settled on the Carmel just before the war. They were attracted to Haifa's beauty and the view of the bay from Mount Carmel. I dealt with their legal affairs, and now turned to them for help in joining the British Army.

Sir Arthur, an impressive man of eighty, had been the chief army surgeon in India during the First World War. Lady Florence was the sister-in-law of Lord Allenby, conqueror of Palestine during that war and once commanding officer of Lord Wavell, who served in 1940-1941 as Supreme British Commander in the Middle East. Sir Arthur and his wife tried to dissuade me. They claimed that the war would be a lengthy one and that we would face hard times in Palestine as well, and that my help would be required at home more than in the British Army. In the army, they said, I would be only 'a cog in a heavy machine'.

When Italy joined the war, I became even more determined to join up. An additional appeal to Lady Downes brought results. She wrote a letter of recommendation to Gen. Wavell, asking him to take me into his Cairo headquarters.

Several weeks later, I was summoned to HQ in Jerusalem, where I was informed that my request to Cairo had been approved and that I was to be called up as deputy chief military attorney at Supreme Cairo HQ with the rank of captain. My partners were disappointed. My wife was unenthusiastic but understanding. I made arrangements for my absence from my legal commitments, and sold part of my property in order to leave some money at the disposal of my family and office.

I was informed of the details of my task, my rank and other arrangements to be made for me in Cairo, billeting etc. Several weeks passed and I eagerly awaited orders to travel to Cairo. To my amazement I received a letter on September 9 1940 from the advocate-general of the British Forces in Palestine and Transjordan, informing me that it was impossible to determine precisely the date on which I was to take up my post in Cairo, and that he therefore advised me meanwhile 'that from the point of view of the national interest it was feasible under the circumstances for me to resume normal civilian life'.

I was greatly disappointed. I was eventually informed by a relatively reliable source, that the enigmatic reply was sent after the then high commissioner, Sir Harold MacMichael, who was far from being friendly to our cause, commented to Cairo, in the wake of a complaint from the Supreme Arab Council, that it was not advisable for a man known for his Zionist sympathies to be stationed at Supreme HQ with close access to sensitive documents. I cannot confirm the veracity of this story, but I have reason to believe it. The truth is that I regarded this position as more than mere involvement in military legal procedure. I had hoped that I would be able to make the acquaintance of senior officers and that, when the time came, I would be in close proximity to volunteers from Palestine and would be able to act on behalf of the Yishuv.

In any event the advocate-general at Jerusalem HQ was right in advising me from the point of view of the 'national interest' to return to civilian life.

More about my 'war effort'

In early 1942, the Palestine Volunteer Force was set up in Haifa, consisting of British and Jewish local residents who volunteered to serve in military units to assist the British in the defence of Haifa. During the war the town was the main dock for British warships. When Italy joined in, German and Italian planes bombed Haifa. The anti-aircraft defence was concentrated mainly in the port area, based on battleships and an anti-aircraft artillery unit.

More than a hundred Jews and twenty Englishmen joined the PVF, which was welcomed at the time. The commanding officer was Roy Spinney, owner of the Spinney chain of food stores.

An attempt was made to appoint British subjects only as officers. I was the

only person to react sharply to this, both in writing and verbally. I protested that if discrimination were practised against the 'natives', this would lead to disbanding of the unit. It was eventually decided that only Spinney would receive officer's rank, and the others would be sergeants and privates. I was given the rank of sergeant. My fifteen-man platoon assisted the British platoon in charge of No. 3 gun (one of three) in Charley City (the anti-aircraft unit at the port). We worked at the gunsite from six p.m. to six a.m. in two shifts — seven men per shift. We kept this up without interruption for three years.

In December 1943 the PVF was disbanded. On May 14, 1945, I was awarded a certificate, thanking me for my efforts as a dedicated volunteer in the defence of freedom. Similar certificates were awarded to all volunteers. When the war ended all members of the volunteer unit were awarded 'Defence Medals' of the British Empire.

I could now devote my time to the Yishuv at this vital period of pre-state activity.

9 Haifa at War

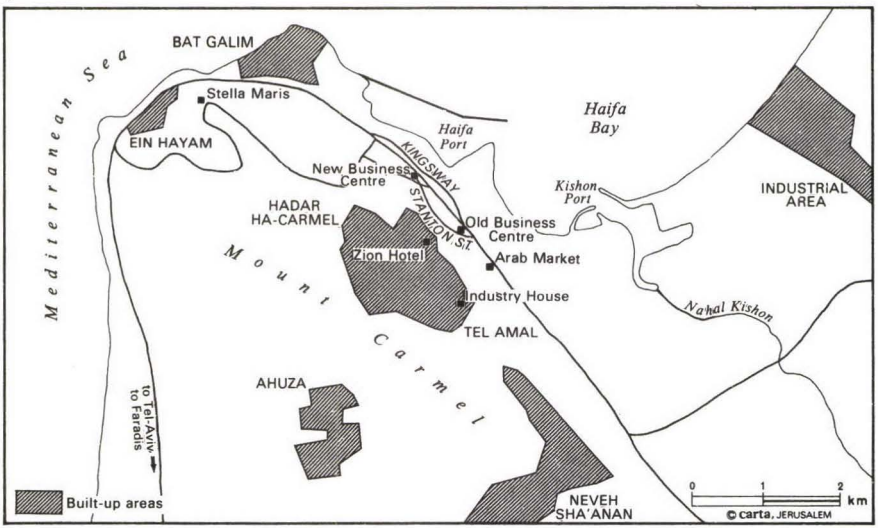
The present chapter deals with the activities of the urban Jewish population during the struggle for the liberation of Haifa. My own involvement in this struggle, serving in a central security position during the months from the UN resolution of November 1947 until the departure of the last British soldier from Palestinian soil at the end of June 1948, reflects something of the spirit of the times.

When military experts write about the events of the War of Independence, they usually emphasise military action and laud the fighting forces. They often disregard the role of the 'man in the street', whose patience, and effort to continue his day-to-day tasks despite the dangers surrounding him, and the volunteer defence work in guarding camps and checkposts, in hospital and fire-fighting services were often of crucial importance in defeating the enemy.

Haifa and its inhabitants

After the British occupation in 1918, Haifa developed from a town with a largely Arab population to a multi-national port. When we came to settle there in 1930 the population was 40,000, of whom 15,000 were Jews. At the end of 1947 the population was approximately 130,000, about half Arabs and half Jews. There was a considerable international colony of English, French, Germans and others, engaged in industry and commerce, as well as government officials.

Governmental and international concerns were set up in the town: the port and the oil jetty, the railway headquarter and workshops, the refineries and the Iraqi oil pipeline, the central offices of the oil companies, the maritime trade companies and heavy industry in Haifa Bay. All these were concentrated in the town and its suburbs and hence Haifa was neither predominantly Jewish nor Arab in character.



The relations between communities in Haifa differed from those in other parts of the country. In Haifa, Jews and Arabs were partners in commerce and labour: in the port, maritime services, land and sea transportation. Neither politics nor intrigues could spoil the relatively tranquil atmosphere and the desire for co-existence. Haifa was the town which, until almost the very last days before its capture by the Haganah, had a joint Arab-Jewish municipality which operated in comparative harmony even in times of bloody clashes between Jews and Arabs. In Palestine and abroad the relations between Jews and Arabs in Haifa were considered the symbol of the possibility for Arab-Jewish co-existence in the country as a whole.

Haifa engaged in widescale commerce with the neighbouring Arab countries. The harbour also served the import and export trading with Syria and Transjordan. From Egypt, Syria and Jordan and from villages in the north there was growing Arab migration to Haifa, almost paralleling the rate of Jewish immigration to the town. There was in fact a kind of competition between the communities to maintain at least numerical equality, with the aim of achieving numerical advantage and economic superiority.

Every year the number of Arabs from the Hauran and from Egypt increased, in addition to those who came from the northern villages. By the end of 1947, there were concentrated around the port, the railway workshops

and the oil concerns, more than 100,000 Hauranites and other villagers. This was in fact a mob which, easily incited, might become a source of trouble during riots or war. This was later demonstrated by the slaughter of Jews at the refineries in late December 1947

With the aid of the British, the Arabs were predominant in the port as stevedores and porters, and held the monopoly on these jobs for many years. They played a decisive role in the railway workshops and in the oil industry and held senior positions in government offices.

The Jewish population of Haifa also grew, but its size was not commensurate with its economic or national importance. The main reason was lack of vision, even neglect on the part of the bodies empowered to direct immigration to the town and to encourage the establishment of economic institutions of national priority. Nonetheless progress was achieved in these spheres as well, under pressure from individual pioneers, who made the breakthrough to work in the port and in fishing, in industry and trade. Thousands of Jewish workers were employed in industry in the town and the bay, and were rooted in the town itself, its suburbs and on Mount Carmel. The old-established Arab quarters ringed the Jewish quarters. The routes to the port, the main sources of supplies of the Yishuv, passed through Arab quarters and these also dominated the entrances and exits from the town.

The old Arab town, in the heart of lower Haifa, the Arab quarters from the 'Shell Bridge' to the 'old commercial quarter' near Kingsway served during the months of fighting as a shelter for Arab fighters and rioters. The Arab headquarters were located in the old town, and the workshops making arms and boobytraps were in operation there. Jews had no access to the Old Town from 1936-1939, and from the end of the Second World War until the town was liberated in April, 1948.

Ascent to Hadar Ha-Carmel (halfway up the mountain) was through the Rushmiyeh bridge. The Arab quarter of Halisa cut Hadar off from the neighbourhoods by the bay, and was also liable to block the road to the east and north of the country. On both sides of Salah a-Din (now Ha-Gibborim) Street were Arab buildings, which from the beginning of the riots served as posts for armed Arabs. Above and below this road, and on the Shemen beach, there sprouted the shanty towns of the Hauran villagers and others.

The exit from the town to the Jezreel Valley was also easily blocked. The inhabitants of the nearby village of Balad el Sheikh (now Tel Hanan), which was situated on the main road, were notorious during the riots and attacks of 1938-39, the years of the 'Arab rebellion'. The tin-hut towns of the Arabs at the 4½ km. mark also stretched along both sides of the Haifa-Nazareth road. Without the slightest effort they could block access to the town from east and north, and cut it off from its daily food supplies.

South of the town lay the village of Tira (now Tirat Ha-Carmel). This was a nationalistic Arab village, whose population claimed numerous victims by sniping at traffic on the road from Tel Aviv. They disrupted transportation along this road in the months preceding the decisive battle in April 1948 and for close to two months afterwards, until the village was captured by the Israel Defence Forces.

Hadar Ha-Carmel, the centre of Jewish settlement, did not border on the western exit of the town. The German Colony, which had a mixed Arab-international population, separated it from this exit. Along Jaffa Road and Allenby Street were the Arab quarters of Tahanat Carmel, Zeitun and Wadi Jamal. All of them provided cover for attacks on Jewish transport. The situation was exacerbated during the battle for Haifa in December 1947 and up to the end of April 1948. The Jewish population was hemmed in by Arab quarters on the lower slopes of the Carmel but enjoyed military superiority when taking the offensive since they were located above these densely populated Arab quarters.

At the end of 1947, the Arab population of Haifa was almost equally divided between Christians and Moslems: thirty thousand of each. The Moslems were mainly workers and craftsmen, the Christians businessmen, or officials. Since the British occupation in 1918 (and the Balfour Declaration which preceded it), the Christians had paid lip-service to the Moslems in their fight against the Jews. Their main concern was to maintain their economic advantage within the Arab population. They left the actual fighting to the Moslems, since they did not regard this struggle as their national fight. As far as they were concerned, peace and quiet were to be preferred to war. Although in peace time the Christians dominated the Arab population, in times of trouble and rioting the Moslem Arab mob and its leaders intimidated the Christian community.

Until the partition resolution in November 1947, day-to-day life in Haifa continued unabated. Jews mingled with Arabs and Arabs with Jews, and at least outwardly they did not appear to be affected by the winds of change.

Institutions and people in Haifa

The Hebrew Community Council was the elected community institution of the Jewish population, in accordance with the constitution of "Knesset Yisrael", 1928 (the Yishuv). It was the supreme body of Haifa's Jews, headed by loyal citizens who were, however, far from understanding what the situation demanded: vision, daring and practical action.

The community council collected taxes and supported religious institutions: the rabbinical offices, the Hevra Kadisha (burial society), the charitable

institutions and other public bodies. The community leaders represented the Yishuv with the authorities, and delivered protests in times of trouble, but more as interceders than as people with true executive authority.

Two additional elected bodies dealt with community affairs: the Hadar Ha-Carmel Committee and the Municipality.

The Hadar Ha-Carmel Committee had a rich background and also owned considerable assets. But in the years immediately preceding statehood it rested on past laurels rather than engaging in development activities. Hadar Ha-Carmel was the centre of the Haifa Jewish community. For more than two decades the Hadar committee was a kind of Jewish municipality for the needs of its residents. It supplied water, built roads, organised refuse collection and other public services, but both the community council and the Hadar committee lacked the necessary vitality to carry out the tasks required in the face of the anticipated military struggle. An attempt was made to reinforce the Jewish leadership of the town by establishing an 'emergency committee' of members of both bodies. But by its very nature it was not qualified to carry out the special tasks required during the pre-state struggle.

Haifa Municipality was an Arab-Jewish body with ten members: five Arabs and five Jews. The last mayor before the state was established was the late Shabtai Levy, and he had two deputies, a Moslem Arab and a Christian Arab. It was necessary to conduct municipal affairs while maintaining the balance between communities. Levy was most skilful at this task.

Among the Arabs the situation was somewhat different. Until the beginning of the riots they had no central civilian public institution, apart from a branch of the Supreme Arab Council in the town. When the riots began in 1933 there evolved around this branch a quasi-military political body, 'The Arab National Committee', led by Rashid Haj Ibrahim, who represented the Mufti, Haj Amin el-Husseini. In his civilian capacity he was manager of the Arab Bank. He was one of the old guard, educated in Turkish schools, a zealous Moslem. His speech was soft and aristocratic, but the content was nationalistic fanaticism and hatred for Jewish endeavours in Palestine. At the same time he understood that as long as he was not sure of Arab military victory over Jewish Haifa, he would do well to participate in efforts to restore peace to the town, however temporary and illusory, and at the same time to prepare the basis and the resources for the conquest of the town by an Arab army which would come from outside, together with the local Arab National Guard.

Before the battle

The battle for Haifa during the War of Independence differed from the fighting in other towns. As the main port of the country, Haifa was not only o

supreme commercial importance but also of vital international strategic value to the British, the Arabs and the Jews. All three recognised the decisive significance of Haifa in the fighting which broke out immediately after the UN resolution on partition.

In certain circles in Britain, both military and political, it was hoped that even after the UN resolution the town would remain in British hands and that the British would be able to maintain a naval base there, or at least that in the final settlement, Haifa would be declared an international city where the British would enjoy special influence. In any event, since Haifa was earmarked as the evacuation port for the British when the mandate ended, the British authorities felt it essential to prevent hostilities between Jews and Arabs there, or at least to confine their scope to the extent that they were liable to damage the port, the army installations and other vital spots, such as the airfield, the refineries, and other British and international concerns. As a result, the war office in London ordered the military command in Palestine to guard these installations to the very last moment and to ensure evacuation of British civilian and military personnel by sea without incident.

The Moslem Arab leadership of Haifa, which supported the Mufti, was the body which determined whether the Arabs would seek peace or war. They too were not anxious to initiate an offensive, since they hoped that the town, with all its installations, would fall into their hands when the Arab armies entered the arena to annihilate the Jewish population of Palestine. The Arab HQ in the town intended at first to confine its activities to harassment and minor skirmishes in order to preserve the Arab areas until salvation arrived from outside. A considerable number of Iraqi 'irregulars' and other foreign fighters joined local civilian fighters and members of the Arab National Guard.

The Moslem leaders hoped that by maintaining an Arab fighting force in the town and by acts of harassment, they would prevent the occupation of the town by the Haganah. They assumed confidently that Haifa would then fall into the hands of the Arab armies or Kaukji's 'Army of Liberation', perhaps with the aid of the British, who made no attempt to interfere with the entry of Arab fighters into the town, on the eve of the decisive battle. British officials in London and Palestine, and the supreme HQ in Jerusalem, also believed that the Arab force would prevail within a relatively brief period. The common assessment was 'within two weeks'.

Despite the partition resolution, international political deliberations continued at the UN on the future of Palestine. In January 1948, discussions commenced in which the United States played a major part on the rejection of partition and the establishment of an international trusteeship over Palestine. We felt that it was urgent to establish the fact of partition, even before the establishment of a Jewish state. To this end it was necessary to keep Haifa as

tranquil as possible while preparing to take over the town.

In the interim we maintained almost daily contact with representatives of the Arab community. We hoped, if not for absolute quiet, at least to reduce to the minimum skirmishes and clashes which could paralyse the port and clog up interurban transport lines. but even more essential was the contact with the British command in the region, and the need to have them guarantee neutrality in the absence of outright help.

The pro-Arab policies of the British were brewed in the foreign office in London and in the high commissioner's residence. The military HQ in the King David Hotel, Jerusalem, acted on the inspiration of London. Right under the nose of Gen. MacMillan, C in C of the British Forces in Palestine, battles raged near the King David Hotel at the end of November 1947, immediately after the partition resolution, but the British did not intervene. Jewish property was plundered and burned in the Jerusalem commercial centre a few hundred yards from the British HQ. They did nothing. Their objectives were obvious: to disrupt the partition plan by encouraging chaos, while backing the Arabs.

The British Army HQ in the north was located on the French Carmel in Haifa. Soon after fighting broke out, I was asked by the Haganah to maintain contact with the British and with leaders of the Arab community. I accepted this task and set up a limited liaison and intelligence unit.

Links with the British developed organically from preliminary contact with the military commander and his staff, with the CO of the district and the town commander to the lower ranks. The activities of the liaison unit were aimed at achieving the occupation of Haifa at the most propitious time, without widescale fighting. It was certainly useful to have all these operations under one roof.

Our success in the complex campaign in Haifa was made possible to a large extent by our constant links with the military HQ. It was also achieved thanks to the objective attitude of the British CO in the north, who was opposed on grounds of conscience to a policy of fomenting unrest. But in the final analysis, what was most important to him was the responsibility borne by him to ensure the peaceful evacuation of the British forces through Haifa port upon termination of the mandate.

From the first few months after the partition resolution, the British military authorities in the north adopted a more or less neutral stand. They contacted representatives of both sides, and demanded that each refrain from widescale aggressive action. They also endeavoured to prevent provocations by either side. They assumed that minor skirmishes were inevitable but hoped that the situation would not deteriorate to the point where it might endanger their own troops and installations or their evacuation route. If such a situation should

develop, they would act in their own interests, without considering the consequences for others. In order to further their aims the British established, in addition to their main HQ on the French Carmel, a sub-HQ in the lower town. At first it was housed in the British naval camp at Bat Galim, then at the central railway station in Plumer Square. They also set up military positions at the vulnerable spots between Jewish and Arab quarters and on the roads to and from town from the mountain to the port.

First 'official' contacts with military and police headquarters

The British HQ on the French Carmel was located at Stella Maris. The CO was Gen. Hugh Stockwell, with the Sixth Airborne Division under his command. The District CO was Brig. Rome and the garrison commander was Col. Birkbeck. The police HQ was located in Kingsway.

The Arab HQ was housed in the Arab market where no Jew ventured during 1936-39 or since the end of the Second World War. The sub-HQ was in the Najada House, east of Rushmiyeh Bridge.

The Jewish Agency representative in Haifa was my friend Harry Beilin. His official task was defined as political liaison officer of the Jewish Agency to the British civilian and military authorities. His ties with these were confined to meetings with the military commander on a ceremonial and social basis. His task, as representative of the Haganah, required varied and many-faceted efforts. The aim was to enable the continuation of relatively normal life for Jewish civilians. My task was to deal with the British army and police on security matters related to the intensifying struggle between the Haganah and the Arabs of Haifa and its environs, and sometimes of the Jezreel Valley and Galilee as well.

The British police

In my liaison work with the police I would fall back on my experience as a lawyer. For many years I had dealt with serious criminal matters, which required meetings with the district police HQ. Thus I was already acquainted with the CO and his senior staff. I can scarcely claim that it was particularly pleasant to meet the CO and his deputy in the police 'fortress' on Kingsway. Duty sometimes dictated my running from one police station to another. But I have warm memories of several Jewish policemen who served at HQ and who secretly conveyed to me information on operations planned by the British police or army. This provided us with the opportunity of taking preventive action.

The hostility of the British police towards the Yishuv was well known. In Haifa, too, they sometimes made life difficult for us, particularly the junior

officers among them who sympathised with the Arab cause. It was necessary to counter their influence insofar as possible, by intercession with the CO and his deputy and this was achieved to a large extent.

Let me cite one example out of many. In the early days of the riots the British police made trouble at our checkposts. On several occasions they confiscated the arms of the checkpoint guards and even smashed barriers. Before we finally settled this matter officially with the military, we tried to win the cooperation of the police. The following is a letter which I wrote to the superintendant of police on February 22 concerning the roadblocks.

P.J. Meehan Esq.
Superintendant of Police
District Police Headquarters, Haifa

Some six weeks ago I submitted to you and to the military a detailed scheme of roadblocks, including an indication of the places which should be blocked off entirely, like alleyways leading off Stanton Street, Shabtai Levy Street and other vulnerable points. I also requested permission to be allowed to have roadblocks in various parts... but as far as I know, nothing has been done, although promises were made.

In view of what has happened in Jerusalem, the police and the military must appreciate that something should be done about roadblocks, namely that Jews ought to have their roadblocks and they must have roadblocks in the New Business Centre, which is open on all sides. Jews cannot go into Arab quarters because of roadblocks which, as far as I understand, are also guarded by armed Arabs. Arabs can go through to the New Business Centre on foot and in vehicles unchecked because we are not allowed by the authorities to have the minimum road check on Bank Street and Ein Dor Street. This state of affairs must not be allowed to remain as it is.

You will remember that the New Business Centre has already suffered considerably in the form of numerous fatal and other casualties when explosives were placed near the bus park. We should take minimum precautions to secure the place and the police and the military must not be in our way.

I should therefore like your cooperation in placing and maintaining adequate roadblocks which would leave free passage to authorised persons and permit a proper check in respect of all entries and exits.

My remarks on 'what happened in Jerusalem' referred to the outrage in Ben-Yehuda Street in the centre of Jerusalem. Three lorries loaded with explosives were parked in the street in daylight in January 1948 and detonated. This led to the death of dozens of men and women and caused great damage. Similar atrocities were perpetrated in Haifa at this time against the civilian population: the blowing up of boobytrapped vehicles and attacks on Jews using public transport.

On January 14, six Jews and two Englishmen (a British policeman and an employee of Spinney's) were killed and some forty other people injured at a bus stop in the New Business Centre in the lower town of Haifa. On the following day Arab gangs attacked Jewish public transport at various locations in the town. Six more Jews were killed and sixteen injured. Nonetheless

our public transport continued to operate although for a time it was escorted by armoured cars. The Haganah was not slow to retaliate. Concentrations of Arab vehicles in the town were put out of action until the fighting ended.

My contacts with all ranks of the army

It was vitally important to ensure unbroken liaison with the British forces. A report of the first 'official' meeting I had with Gen. Stockwell on January 19, 1948, as representative of the Haganah, illustrates the positive turn which events took from then on until the fighting terminated with the occupation of the town by the Haganah.

I knew Gen. Stockwell and his senior officers from the Carmel Yacht Club and from previous contacts in the sphere of sports. I had originally met the general through my friendship with Gen. Richard Gale, who was CO Northern District from 1946-47. Gen. Gale was a devout man, who loved the bible and was sympathetic to our cause. Moreover, the Haganah had learned of certain remarks made by Gen. Stockwell after meetings with the 'emergency committee' of the Haifa Jewish community. He had described the representatives to his staff in mocking terms as 'old women'. It was said that the general had expressed surprise that in the light of the complex military situation in the region, these representatives had come to see him on matters which were really the concern of the Haganah.

Gen. Stockwell therefore welcomed my appearance, when I told him that this time I was representing the Haganah and that I would continue to represent the Jewish military force in liaison with the security authorities.

Present at this meeting was Capt. John Linklater, who was in charge of field security for the British Army in the north. Until that time he had been known to be unsympathetic to the Jewish cause in general and to the Haganah in particular. After the meeting, and as a result of our contacts, his attitude gradually mellowed and later became openly friendly. After his ties with us became known, the general was obliged to transfer him from Palestine. This was at the end of March, 1948.

Immediately after the meeting, I sent the following report to the Haganah HQ:

Haifa, 19th Jan., 1948

Strictly Confidential

I met Maj. Gen. Stockwell at his office, Stella Maris, Haifa, 19.1.48, at approximately 9 a.m. The meeting took place at my request. Capt. Linklater, Security Officer of the 6th Airborne Division, was present throughout the interview.

The general explained his position to me. It is his duty to preserve the peace within his area and he is doing his utmost in this direction. He is no politician and as a soldier

is not entitled to allow his activities to be dictated by any opinions he may hold. On the other hand he is fully cognisant of the fact that Palestine, at least the part that we were discussing, will be part of the Jewish state and that he would eventually have to harmonise his activities as a soldier to fit in with the situation.

He said that he appreciated that the Haganah was a military force which would eventually be the background of the Jewish army. For the time being, however, it is the British army that has to keep peace and it is his duty not to allow any other party to cross his path and to prevent anybody interfering with the exercise of his functions.

He considers the Haganah a substantial force, probably properly trained, which could meet the emergencies which it may have to face, and he also appreciates that it may require training meanwhile, but this would have to be done "on paper". When I intimated that as a general he ought to know that such training "on paper" is of little use and that we have to train and that we do train our people properly, he suggested that ways and means could be found for such training to be carried out even within the area of his command. If a proper scheme were submitted to him then, apart from giving his advice — which he feels is not inconsiderable — he could also afford facilities and prevent difficulties. He cannot, however, countenance the usurpation of his powers in regard to keeping peace and on that he must stand.

He did not like very much the blowing up of the three houses on Thursday of last week, even though the operation might have been successful from the so-called military point of view as far as the Haganah is concerned.

He can deal with the situation within his area. It is his duty, as he appreciates, to clean up the place and hand it over tidy to the Jews, and the time will inevitably come when such matters can be discussed and harmonised, but this was not yet the time.

He laid stress more than once on his duties — that he is impartial; that he is not a fool and does appreciate, as we ought to understand, the future political position and the future standing of the Haganah, and would be prepared to consider schemes which are submitted to him, even — though he did not say so expressly — operations which might be considered helpful. He felt that his troops and their operations were not adequately appreciated and was particularly upset about the press reports, especially those of "The Palestine Post" — although the actual name of the paper was not mentioned — that the military are always on the scene just a little too late or after the show, or not at all, and that no due appreciation is given of their achievements and the difficult conditions. Such reports, which are circulated also through news agencies abroad, can only lead to misunderstandings. He feels that an appreciation of the activities of the military should be more adequate on the part of the public and the publishers and credit should be given where it is due. Access to him is not difficult and he is surprised that no greater active contact is made with him or his staff. He would appreciate any specific requests if they aimed at assisting him to carry out his tasks and even on matters which would affect the security of the Jewish state in the future.

He expressed the fact, however, again and again that the Haganah must appreciate its place in the sphere of security, namely, that it has no legal standing. He feels that the first approach should be the police and then the military. The public appears to have little confidence in the police, and this is a matter which should be changed. He intimated confidentially that there is going to be a change in the police command in Haifa. The military come in when the police cannot act, and the police should have the respect of the public. He had given instructions that the easy approach which had existed till now to junior commanders, including company commanders, should be discouraged. Any approach on matters of security should be to headquarters — either to himself or the brigadier — and in extreme cases only to the junior commanders.

The above may perhaps be a somewhat optimistic description of the interview. I should say, however, that the general and his men could be of assistance if proper contact is kept with him. Frankness on important points might not be misplaced.

In the spirit of this conversation, and encouraged by it, I stayed in touch with the general and his senior staff until they left the town at the beginning of May. Despite orders to junior officers stationed in the town to refrain from direct contact with the Haganah people in charge of those districts, I introduced an acceptable procedure whereby if the situation called for it, officers of lower rank could be contacted.

My liaison staff was very small: two people, one from the Haganah, a former British officer, and the other an English-speaking infantry company CO who was loaned to me. The work load was considerable but varied and was carried out efficiently in cooperation with the town command intelligence unit (Hadari) and the Carmeli Brigade, and, when necessary, also directly with the high command and our 'foreign office' (the political department of the Jewish Agency).

Gen. Stockwell's readiness to come to our aid in times of trouble is attested to by the fact that when we received information on the siege of Kibbutz Mishmar Ha-Emek by Fawzi Kaukji's 'Army of Liberation' at the beginning of April 1948, he acceded to my request, perhaps not without hesitation, to send several tanks and armoured cars to patrol the road to Mishmar Ha-Emek. This was a show of force against the Arabs. Colonel Pool, who commanded this military convoy, tried to arrange a temporary ceasefire which lasted for twenty-four hours. The lull was vital for the kibbutz defenders. Col. Pool met with Kaukji and with the Haganah CO of the kibbutz for this purpose. The respite gained by our fighters enabled the evacuation of women and children to Haifa, and a Palmach unit was brought in, which trounced the 'Army of Liberation'.

Following that first official talk with Gen. Stockwell, I submitted to Brig. Rome our special demands concerning the safeguarding of the Haifa Jewish community and our relations with the British military authorities. The following is my report on the meeting with Brig. Rome on 22.1.48.

Strictly Confidential

Haifa, 22nd January, 1948

INTERVIEW WITH BRIG. ROME, 1st Inf. Brig.,
9 a.m., Thursday, 22nd January, 1948.

The following is merely a summary.

Liaison: I intimated that the present prohibition against intimate liaison between our liaison officers and the junior commanders has led already to substantial misunderstanding, unnecessary and unreasonable searches of trucks and premises and undesirable demolition of road blocks, causing apprehensions, suspicions, etc.

The Brigadier replied that so long as things are on the whole normal it is due to the

police and the district administration to serve the public and deal with the public. It is only in cases of emergency that the Military come in and in the latter case he is prepared to remove the prohibition, but until then he would like the liaison to be on a higher level, either through the superintendent of police or through himself, but not the immediate company officers or even the town commander.

I pointed out that I propose to have two or three more persons who would be responsible to me and whom I could trust to constitute a so-called liaison group and that I hope that they will be given all facilities for liaison in all necessary circumstances and that they may be trusted implicitly once they are recommended by me.

I understood that the ban on liaison on a lower level might be relaxed and that in any event contact could be kept through the Brigadier, which is very important, as he appears to be friendly and certainly understanding.

Road Blocks: Arrangements are being made for our proposition regarding road blocks, including the blocking up of passages to be considered, and I think that our proposals will be accepted.

Stanton Street: This street, according to the Brigadier, is fairly well protected.

I pointed out that for morale and convenience it should be open for Jewish traffic.

The Brigadier pointed out that whilst the street can be stated to be fairly safe, he would like that only essential Jewish transport should use the road. On the other hand, if it is felt that all traffic should go through this street and the security arrangements improved, this could be done.

NOTE: I went through Stanton Street with the police this morning. I think the area between the Borovsky House and the Automatic Telephone Exchange is fairly well protected, especially if the permanent blocks should be fixed on the Arab side. There is an armed car with a Hotchkiss gun at the crossroads, opposite the Exchange. The next permanent patrol is at Freres Street — Company Headquarters. I personally think that if a further permanent post is fixed opposite Maronite Street, Stanton Street would be well protected. It should, however, be mentioned that all Arab traffic goes along Stanton Street from east to west and trouble may arise in the case of an accident, etc., which would lead to friction between Jews and Arabs. On the other hand, it is important that Stanton Street should be open generally.

Security Generally: The Brigadier pointed out that he is anxious that Haganah should leave the Arabs to him and he feels that he could deal with them adequately. His difficulty is that when general sniping starts from both sides his soldiers are between two fires. If the fire were to come from one side only, the Arab side, he would be able to stop it and deal with the snipers effectively, which he is prepared to do. On the other hand, if the fire comes from both sides, his task is rendered more difficult and his troops then carry out searches, which result in the seizure of Jewish arms, which he is not anxious should happen.

Searches: His instructions to the troops are not to search for arms, but these instructions are not always observed, and arrangements have been made for seized arms not to be delivered to the police but to be kept by the military to be returned, if possible, at a later date. Searches for arms will continue in premises from which firing takes place unless it is abundantly clear that the firing is in self-defence.

P.E.C. and Other Essential Transport: I complained about the searches of P.E.C. trucks and other vehicles carrying materials or personnel at night time and referred to a particular incident on the night of the 20th inst.

He stated that the incident had been brought to his notice and he gave some explanation that the driver was a little at fault in not making clear what his duties are. He stated that to avoid similar happenings the police were directed to issue special certificates to drivers of essential transport at night time and these, when shown to the army, would be sufficient to enable the vehicles to proceed without delay.

(Arrangements should therefore be made with the police regarding these transports,

of which a list should be made by us, including the names of drivers, registered numbers of the vehicles, etc.).

I also understood that instructions have been received from higher authorities to allow institutions such as Shemen, P.E.C. and other bodies, which require special guards, to appoint such guards and licences will be issued in respect of any firearms which may be handled by these guards.

(Arrangements should therefore be made for each of these institutions to apply for the necessary licences for firearms for these guards. I don't know if firearms will be issued by the police, but pressure should be brought in this direction, as to secure firearms in the open market will be practically impossible.

I also understood that arrangements could be made for one licensed firearm to be carried in each bus by the second driver. This is also a matter which should be pressed with the police, as they now have instructions to grant the necessary facilities.

NOTE: I hear from many sources that the English "Kol Yisrael" broadcast is very poor indeed. I suggest that it should be stopped altogether, if creditable presentation cannot be effected.

There had been numerous searches for arms in Jewish homes, particularly in the lower town. Sometimes they were trying to pinpoint the source of gunfire, but often the search was initiated as a kind of sport or out of a desire to harass, when a junior officer simply fancied springing a search on some household. In one case, British soldiers entered an apartment in the old commercial centre for no visible reason and created havoc there. When I was hurriedly summoned I found the officer in charge still there. I complained and he threatened to arrest me on the spot. I did not give way and took his name, rank and details of his unit. I mentioned this incident at my January 19th meeting with the general. I argued that it was essential that he instruct his officers to refrain from conducting searches of Jewish homes. Such an order was in fact given and was generally respected except when the search was called for by a claim that gunfire had emanated from that source.

Interesting incidents

One evening in March 1948 I received a telephone call from the Hadari HQ informing me that despite the promise of 'our general' that Haganah posts would not be searched, 'red berets' had just entered the Technion. The Technion (Higher Institute of Technology) was then the sub-HQ of the Haganah and contained a large arms cache. I was asked to telephone immediately to the British CO and ask that the search be called off. I knew how important the post was to us and since it was in the heart of Hadar Ha-Carmel nobody could claim that it was a firing position. I immediately telephoned and asked to meet the general or his chief aide-de-camp. I was ready to use blunt language to express my resentment at the violation of a promise.

I was informed that neither the general nor his aides were at HQ but that they would be informed of my request on their return. As soon as I replaced

the telephone receiver there was another call from Hadari. "Ya'acov" — they said urgently — "we hope you haven't spoken to the general yet. There has been a mistake: the troops who arrived by jeep wearing Sixth Airborne Division uniforms were our own men, dressed like British soldiers. They drove into the lower town in order to blow up an Arab garage which had been fabricating boobytraps".

I will not describe my feelings or what I said to my colleagues who had given me false information. I was horrified to think of what might have transpired if I had spoken to the general; what would we have looked like after an investigation? My wife, who was standing close by, saw my reaction. I told her the story. We agreed that it was necessary to learn a lesson from these events, particularly in such troubled times: 'Don't jump to conclusions'. We adopted this as a motto.

Thinking back to those days, there are some stories which even I find rather tall — but they happened.

At the beginning of March 1948 I was approached by Col. Birkbeck, then Commander of Haifa, with a complaint. He claimed that the saleswoman in the textile store of Falkowitz and Goldin in Hadar Ha-Carmel had refused to sell a length of cloth to a British sergeant. She had said that she would not sell anything to a member of the Sixth Airborne Division who, because of their rough behaviour towards illegal immigrants and members of the Haganah and civilians during the curfew, on the 'Black Sabbath' and other occasions, were not particularly popular among the Jewish public (to put it mildly). I found it necessary to clarify this for Col. Birkbeck, who had shown sympathy for our cause and had on several occasions rescued our people from predicaments. I wrote to him on March 3 1948 as follows:

Following our conversation of yesterday when you passed on to me the complaint of one of your officers against Messrs. Falkowitz & Goldin, I went straight to the latter's shop to find out the truth.

I am satisfied that neither the manager of Falkowitz & Goldin nor their lady assistant said anything of the kind suggested. Your sergeant asked for a certain length of material which, if taken off the remainder of the roll, would have rendered the rest of the material useless for a dress length. I think that the message passed on to your man by the lady assistant of the second shop, where your man actually bought some material, to the effect that F & G refused to sell the material because they will not sell anything to paratroopers was a mischievous lie of the lady assistant of the second shop, probably to explain her own failure to produce the piece of cloth, which was refused to her by Messrs. F & G for the same reason that it was refused to your man... I return herewith your sketch, and in case you cannot make out what Messrs. Falkowitz & Goldin have written on it, I quote their endorsement herunder:

'It is not true that I said that I do not want to sell to paratroopers. On the contrary, I sell to troops and wish to sell to them. I never even suggested that I don't wish to sell to any troops. I did not sell on the occasion as the sale of the required part would have spoilt my length for a dress'.

I am anxious that the truth should be told to the officer and the man concerned.

At the beginning of April, the Haganah command decided to blow up the Arab Oriental Council, Najada House in Salah a-Din Street, east of the Rushmiyeh Bridge. This building, which overlooked the bridge, the main route from Hadar Ha-Carmel eastward and northward, was an Arab position. Nearby were additional Arab positions which harassed those travelling to and from Hadar.

In order to blow up the building, a barrel of explosives was loaded onto a truck with the intention of rolling it down to the building and setting off the gunpowder. But there was a mishap and the barrel rolled off the truck before it crossed the bridge. It fell into the wadi under the bridge. Our saboteurs were helpless. They feared that the barrel would be detonated by Arab snipers, thus destroying the bridge and blocking a vital traffic route. It was highly dangerous to climb down into the wadi and 'rescue' or dismantle the barrel for fear of British interference or Arab sniping. I was called to HQ for consultations. I decided that under the circumstances it was advisable to approach the British town commander directly and ask his assistance. He appreciated my fears that the barrel might explode and the bridge be destroyed or weakened and sent a platoon of sappers from his brigade. Several British tanks were stationed alongside Najada House close to the Arab positions, in order to deter the Arabs from firing at the bridge or its environs, while the British sappers and our men were engaged in removing the troublesome barrel.

I stood with the British CO by 'Industry House' above the bridge to the west and watched the drama unfolding in the wadi with apprehension. The British tanks were ready for action in the event that the Arabs opened fire. The Arabs apparently failed to grasp what was going on. In any event, because of the presence of the British tanks, they refrained from opening fire. The British sappers clambered down into the wadi, and with the help of our own disappointed saboteurs, raised the barrel to road level. It was reloaded onto the truck and taken to the seashore. There it was detonated harmlessly.

It is not difficult to imagine the confusion and panic on Hadar Ha-Carmel at the sight and sound of an explosion in the wadi, particularly if damage had been caused to the bridge. Our sappers could not forgive themselves for this misfortune for quite some time.

The Haganah was forced to change tactics in direct offensive against Najada House at dawn on April 21st, when the British evacuated the position at 'Industry House'. This was the preamble to the Haganah onslaught on lower Haifa in completion of the occupation of the town.

And now for another story. The 'White House', as the building on the corner of Kisch Boulevard and Golomb Boulevard in Ramat Hadar was called, was a British lookout post. One evening a jeep drove past this building, with several armed young men and one young woman, all Palmachniks. The

sentry by the barrier in front of the building claimed that the jeep had halted for a moment and that the girl had spat at him. The guards immediately arrested all the passengers in the jeep, took them into the building, confiscated their arms and brought them before the duty officer. The latter contacted his CO who telephoned my home and told me of the incident which, he said, had angered his men. He warned me that 'the gang' would be kept in detention until the matter was clarified and our people punished. When I arrived, I found that valuable arms had been confiscated — a heavy Czech machinegun, which had recently arrived clandestinely from Czechoslovakia, two or three revolvers and a large number of bullets. Precious booty for those times. What should I do? When I asked the young people what had actually happened, I decided that it would be wiser not to translate their remarks. I had no choice but to tell the officer that the girl was ill, that she had been seized with an attack of severe coughing just as the jeep halted at the barrier, and that I apologised for the regrettable misunderstanding. I then invited the officer to join me at a café on Mount Carmel. At my request he telephoned the CO and told him that there had been a misunderstanding and recommended that the detainees be released. I joined in the conversation and asked that the arms also be released — and this was done. This may have been only an act of mischief on the part of these young Palmachniks but in our delicate situation, particularly in relations with the junior ranks, it could have led to a serious charge of possession of arms without a permit and to other worries.

The following incident is a typical 'Tale of Chelm'. In February 1949, the late Katriel Salomon (son of my cousin Avraham) received orders to recruit a company and train it for action. Katriel had been an officer in the Jewish Brigade and was a veteran Haganah fighter, talented and full of energy.

One morning he came to see me and demanded that I find him a camp close to town in which to train his men. I told him to seek a suitable place inside Haifa and, when he found it, to report back to me. On the same day Katriel returned with news. The British camp near the Reali High School had been almost entirely evacuated: there remained only a sergeant-major and a platoon of soldiers.

After some hesitation I wrote out a note which I handed to Katriel. It read:

To the NCO in charge of Camp... (here I gave the relevant number)
You are directed to hand over the Camp to Captain Salomon who will deliver this Order to you. BY ORDER, Y. SALOMON

That evening Katriel arrived at our house and cried out jubilantly: "Ya'acov — a miracle", and burst out laughing. As soon as he could speak, he explained that before entering the camp he had donned his British officer's uniform (from his Brigade days) and had taken a comrade also dressed in

British uniform to drive him in a jeep. Katriel handed over my note to the sergeant-major in charge, who took it, saluted and asked for a few hours' respite for his men to pack their belongings and evacuate the camp. Katriel agreed but remained on the spot to ensure that the evacuation was expedited and to keep the sergeant-major busy lest he decided to check on the order by telephoning his HQ. Within two hours the camp had been handed over to Katriel. That evening he brought in the first of his men and continued to hold camp. We were all highly amused.

Several weeks later Katriel was severely injured by sniper fire from Bald el-Sheikh while driving in a jeep from Haifa to the Jezreel Valley.

At the beginning of April 1948, on a Saturday afternoon, six Haganah sappers went out to an area where house to house fighting was going on. A British patrol caught them while they were preparing a large amount of explosives. The boys were arrested with the explosives and their own weapons. At the same time I was at home entertaining the garrison CO, Colonel Birkbeck. He was called urgently to the telephone by his HQ and told about the great catch: — the arrest of six Haganah men in the act of preparing explosives. At my request, the colonel took me along in the small armoured car which had brought him to my house, and we sped to the scene of the arrest.

While we were standing there, the colonel interrogating his men and I briefing our men to prepare them for their interrogation, a young British officer rushed up in panic and pushed me against the wall. When I queried this, he said that a moment previously he had entered an apartment whose window overlooked the alley in which we were standing less than two metres from the window. By this window stood an Arab, gun in hand, aiming at my head. The officer pushed the rifle barrel aside and the Arab fled. I thanked God and the young officer for saving my life. Col. Birkbeck looked me in the eyes with an ironic smile and said "You lucky man". He then ordered his men, who had also heard the story, to leave our men alone and continue their patrol, after confiscating the explosives. The weapons were not taken, and our men returned to base. They undoubtedly breathed a sign of relief and also thanked Providence for the miracle.

As I have noted, the roadblocks which the Haganah set up in the town were essential to our security; they prevented the entry of boobytrapped vehicles and the infiltration of armed Arabs and even hostile British troops into Jewish areas. It was necessary to maintain an armed patrol by every roadblock, at the entrances to Jewish quarters and at other key points. The Arabs also set up roadblocks, manned by armed members of the Arab National Guard. Our own roadblocks were manned day and night by volunteer civilians. British soldiers and policemen often harassed our people. In several cases they confiscated weapons. My complaints to Gen. Stockwell helped to some

extent. I was a little surprised by the argument cited by the CO to justify confiscation. He said that since our people were dressed as civilians they could not be recognised as official guards and moreover, they had no documents proving them to be Haganah fighters.

I informed our command of this claim and asked that the situation be remedied at once. The roadblock guards began to wear khaki. I handed over to those in charge of the roadblocks documents in English which read as follows:

THIS IS AN OFFICIAL ROADBLOCK. All persons, including officers and men, will identify themselves on request. BY ORDER, Y. SALOMON

Those papers did the job. As soon as the roadblock patrols were equipped with them, British officers and men respected them and identified themselves on demand. The harassment also ceased.

One evening in March 1948, a British officer knocked on our front door. When I opened up he saluted. Behind him stood a platoon of armed soldiers. The officer informed me that he had been sent by Brig. Rome, District CO, to arrest me and bring me to him. My wife, who was standing at my side, watched the scene with amused resignation. We parted in silence.

When I entered the brigadier's office on the French Carmel, Rome (who was a frequent visitor at our home) informed me that, on instructions from Gen. Stockwell, he was required to detain me until the Haganah returned two British sergeants who had deserted to the Haganah.

The story was as follows: that morning two British sergeants from Field Security had deserted to the Haganah. They arrived at one of our posts in town, and announced that they sympathised with our cause and wanted to fight on our side against the Arabs. At that time British soldiers were deserting, with their weapons, to the Arabs as well.

In response to the brigadier's demand that we hand over the two deserters, I responded that the two sergeants had in fact come over to us and that, although we were not interested in their cooperation, since they had taken the risk of coming over and offering to help us, we could not hand them over to the British. "The Jews are not ingrates. Despite your threats, and even if you carry them out, we will not repay good with evil".

Brig. Rome insisted that we hand over the deserters and I reiterated stubbornly that under no circumstances would we force the sergeants to return to base, whatever the consequences. Then the brigadier told me that the general had ordered my banishment and that a place had been prepared for me on a destroyer due to sail on the following day from Haifa. He asked if I had a "last request". I said that my sole request was to enable me to contact my wife and take my leave of her and ask that she send me a toothbrush and other essential

articles. The brigader fumed at first, but then tried again to persuade me in friendly fashion that, for my own good, it would better to ensure that the sergeants returned to camp.

We finally agreed to enable a British intelligence officer to visit the deserters in order to try and persuade them to return to camp. I said in all sincerity that we too would be happy if he succeeded in persuading them to change their minds, since we would be rid of an embarrassment. Brig. Rome accepted my suggestion. He immediately telephoned my wife telling her that there was nothing to worry about, since I was about to return home safe and sound. Her reply was: "I wasn't worried", to which he retorted: "Mrs. Salomon, you are the coolest cucumber I know".

The sergeants were granted refuge in a house on the Carmel. A British intelligence officer was taken there escorted by our own intelligence people, his eyes bound with a scarf. The officer urged the deserters to change their minds, and even promised them that if they were court-martialled, they would be sentenced lightly. They refused, however, to return and remained with us even after the British evacuation. I was informed that they took part in certain battles on our side. I do not know what happened to them subsequently.

A touch of miracles

An integral part of my work was to rush out of town and back both day and night. Despite my protests, headquarters provided me with a young body-guard who was an expert marksman, one of a select fighting unit which was at my disposal for special action. He made every effort to stay close to me for my protection at all times and I often tried to evade him. He usually prevailed — and remained a loyal companion until the fighting in the town ended.

Although I had no spare time for my professional work, I tried not to miss visiting my office in the lower town every day. I used to drive down demonstratively, encouraging other cars to follow my direction. My office served as a meeting place with the Haganah command in the lower town. From there, almost daily, I would make my way, crouching and running, through the streets and alleys of the Jewish quarter, in order to encourage those who had remained there, those who had come down from Hadar Ha-Carmel to work and in particular, the Haganah fighters at their position in the commercial centres along Port Street.

For purposes of liaison with the army, I established a sub-liaison office in the Savoy Hotel on Bank Street, in addition to the office at Hadar. The second office also served the commander of the lower town and those in charge of defensive positions. Here they could keep in touch with each other and entertain at the hotel bar the British CO's of patrols and positions in the lower

town and the port area. This place was useful to the intelligence service of my unit and of the Haganah staff as well as for liaison with the Arabs.

On our descent through the town, the Arabs sniped at us from houses and positions. Though there were injuries I do not recall anyone being killed in these convoys. On the other hand, many were killed in public transport, in convoys out of town or en route to the town, on the outskirts of Haifa and on roads near Arab villages.

In at least two cases I witnessed injuries to passengers in cars travelling close to my own car in the convoy to the lower town. In one case my friend Sharon Weitz was hit and was rushed to the Rothschild Hospital. At that time, and throughout the war, my wife was working as a volunteer nurse in this hospital, just as she had worked in a military hospital during the Second World War. When Sharon was carried on a stretcher into the operating theatre for extraction of two bullets from his back, Sara recognised him. She asked him what had happened and he replied: "They got me with bullets intended for Ya'acov". This was neither the first nor the last miracle which occurred as I travelled to and fro through the hectic days and nights of 1946 after the 'Black Sabbath' and in 1948 during the War of Independence.

A miracle also befell my partner Napthali Lipshütz, who had resolved to visit the office although there were no work demands there. Opposite the main entrance to our office building in the new commercial centre, at a distance of only a few dozen yards, were Arab positions. We were unable to enter or leave the building by the main entrance, but slipped in and out through a back door which faced an alley surrounded with buildings, a kind of tunnel, leading to Bank Street. On March 3rd, at 3.30 p.m. Naphtali left the office, and I stayed behind. Several minutes later I heard a shot. The terrible thought flashed through my mind: "They have assassinated Naphtali". I peeped through the window overlooking the alley and saw Naphtali lying wounded by one of the walls. I ran to him with a companion. A Magen David Adom vehicle was summoned and arrived within a few minutes. We transferred him to the Carmel Hospital in Ahuza. His condition was grave. The bullet had pierced his neck and exited under his right ear; a little deeper and it would have killed him. It took him four months to recover and he immediately volunteered for public service, especially guarding of abandoned Arab property and aid to the Arab population which remained in the town.

Several days before the attack on Naphtali, while I was in my office in the lower town, a bullet whizzed through the window overlooking Allenby Street. It passed through the office of the typists (who had not come to work), and into my room. At that moment I happened to be standing just where the bullet entered, about a foot and a half away. The hole can still be seen in the wall, since I have left it unrepaired and unplastered in memory of those times. When

I contemplate the past, that hole seems to confirm my fatalistic beliefs.

The passerby can still see hundreds of bulletmarks in our office building.

Military trials

In the difficult months from December 1947 until the British departed some seven months later, when most of my time was devoted to security matters, I organised the legal defence of Jews, members of the Haganah and others, who were apprehended with weapons and brought before British military tribunals. Possession of weapons was an offence for which the maximum sentence was death. Numerous civilians and soldiers were caught redhanded, in many cases with explosives, grenades, sten-guns and other weapons. Sometimes my colleague Geiger shared the defence with me. The trip to Allenby Camp at the end of Allenby Street, was hazardous. The more difficult cases required my personal appearance in court or direct intercession with the district CO or the Northern Area commander. The very fact that the judges, British officers, knew that I had contacts at HQ, made it easier for me to approach them directly and accorded me special status during the deliberations. I must note to the credit of most of the judges that only rarely did they turn down my request to restrict their sentence to a monetary fine. At over one hundred and fifty military tribunals where I appeared or was represented by a member of my staff during the first six months of 1948, sentences of imprisonment were passed in only two or three cases. In one case, where a Haganah member was sentenced to several months' imprisonment, we obtained bail for him until the hearing of his appeal. We also made sure that the appeal was not heard before the British evacuation.

A case which preoccupied me greatly occurred in January 1948, when I appeared before a military tribunal at Allenby Camp. More than half a dozen cases were scheduled for that day, all charges of illegal possession of arms, Among the defendants I saw bearded a young man, who looked familiar. He turned to me: "Ya'acov, I'm Danny Cousins". Danny was the only son of my wife's dearest and closest friend. I asked what he was doing there. Danny was then eighteen years old, a member of the Palmach. He told me that he and two companions had been caught by a British patrol, while he was driving a truck to the Jezreel Valley with a load of weapons. I feared the outcome of his trial, but Danny said: "Ya'acov — don't worry about me. I've got British nationality. I'll get out of it somehow. I'm more worried about the other two".

I had known Danny since his birth. He was like a son to us. He was the only child of veteran Zionists: his mother had come from the distant plains of Canada and his father was a Scottish Jew, who had been an officer in the 38th Battalion of the Jewish Brigade and fought at Gallipoli.

I decided to solve the problem in unconventional fashion. I went into the chambers of the judge, a young major. I explained to him frankly my personal and family interest in Danny and his comrades. I stressed that he was an only son, and particularly that his father was a true Scotsman. It transpired that the major was also a Scot, and was due to be demobilised and to return home within a few months. He decided on the spot that he could not cause grief to a Scottish family on the eve of his departure.

We went into the courtroom. I entered a plea of guilty to the charge of possession of one revolver. The details of the arms load were somehow omitted from the minutes and from our plea. The defendants were fined fifty Palestine pounds each, which I immediately paid. I drove Danny and his friends to our home on the Carmel where they luxuriated in a hot shower to wash off the dust and rested briefly. My wife treated them to an excellent meal, and tearfully sent Danny on his way.

Several weeks later Danny was killed in the battle for Degania, leading a platoon which was fending off the Syrian attackers.

Preparing for battle

In the difficult months from December 1947 until the British departed some loaded with explosives in inhabited areas. An Armenian expert made bombs and boobytraps for them in the old town of Haifa. This conduct enraged the British. The Haganah was not slow to respond: explosive devices and wides-cale explosions paid them back twofold. Under these circumstances the British regarded our reaction as justified.

On March 17 1948 the Arab town commander, Muhammed el-Hamad el-Hanifi and his chief assistants were killed near Kiryat Motzkin on the Acre-Haifa highway. They had been en route from Beirut to Haifa with a convoy of trucks loaded with arms and explosives all earmarked for the battle for Haifa. After the death of the commander, a Druze officer, Amin Iz el-Din, was appointed to replace him. Formerly an officer in the Jordanian Border Force, he tried to reorganise the dejected Arab fighting forces in the town, and to imbue them with battle spirit and the hope of victory.

A carload of explosives which the Arabs detonated four days later, killing six people and injuring twenty-eight, brought the day of reckoning closer. The British regarded this as an act of grave provocation on the part of the Arabs, violating the promise to guarantee the tranquillity of the port area.

The Haganah displayed efficiency in discovering boobytrapped cars and barrels of explosives and detonating them on the spot or confiscating them without incident. This amazed the British, who regarded these actions and our success in house to house fighting as indications of courage and resourceful-

ness. They also expressed their admiration for our intelligence services (which received some of their information from my liaison unit).

In March and early April the Arabs tried 'to climb Hadar' as they termed it. They tried to capture positions with the intention of surrounding us by a 'ring of Arab fighters'. The Haganah responded with even greater impetus than usual. The house to house fighting in Hadar and in the east of the town caused the British great problems. They found themselves under fire from both sides, and some of their men were hit, mostly by Arab snipers.

In April 1948, the bloody battle to occupy Haifa from outside commenced with the activities of Kaukji's 'Army of Liberation' near Mishmar Ha-Emek, anticipating an attack on Haifa from the east, while a Druze battalion infiltrated from Syria, preparing to fight near Ramat Yohanan on the northern outskirts of Haifa. These operations served as a preamble to the decisive Arab campaign for Haifa but several events which occurred in the town changed the face of things. In a garage in the heart of the Old Town the Haganah blew up an Arab boobytrapped vehicle, which had been destined for Hadar Ha-Carmel. Another two tons of explosives were discovered in Western Carmel on April 16 1948, planned for Herzl Street on Hadar Ha-Carmel on Friday afternoon when the street would be packed with people. It would have caused mass carnage. The defeat of the 'Army of Liberation' at Mishmar Ha-Emek in mid-April and the routing of the Druze forces near Ramat Yohanan on the 16th also tipped the balance of political and military events in our favour and prompted reassessment of the situation by the British. The British HQ in Haifa felt that the foreign office in London were as off the track as HQ in Jerusalem in their conviction that we were about to be defeated. They now thought that we would gain the upper hand not only in Haifa but perhaps throughout the country.

The British garrison force in the north was replaced at this time. The Second and Third Battalions of the Sixth Airborne Division, whose officers and men had experience of skirmishes in Haifa, now handed over to the Guards Regiment. This regiment had won a glorious reputation but most of its men were now raw recruits, who had joined up in November and December 1947, reached Haifa in March 1948 and taken up positions in mid-April. They did not quite see what they were doing in this fight between Jews and Arabs. Their intervention to put a halt to hostilities between the side was not over-cautious and as the fighting hotted up there were casualties among them.

Col. Birkbeck now handed over his command to Brig. Chandos-Pole. At a farewell party which I held at my home in mid-April for the departing CO, his staff officers and the company CO's, Colonel Birkbeck handed me a handwritten poem of greeting which he had composed (with inspiration from Rudyard Kipling) in honour of his successor.

To The Town Commander
If you can keep the peace when all about you
Are breaking it and blaming it on you.
If you can take a bomb and gently roll it
'Impartially' first at Arab, then at Jew,
If you can go to sleep with a 'not to worry'
While the sounds of battle rage throughout the night,
Yours is the Town and everything that's in it
And — you'll be a better man than I am, Chandos-Pole.

The battle hots up

We were almost ready to enter the final phase of the battle for occupation of Haifa — but for the continued British presence in the town. Only if the Arabs stepped up their provocation to the point where our response would be hailed as undeniably justified, could we force the British to withdraw, let the two sides fight it out, and confine themselves to guarding their own evacuation route.

I informed our headquarters that this chain of events could be expected about now.

Because of the flare-up of fighting in the town in early April, the British feared that their evacuation plans might be disrupted. On the recommendation of Gen. Stockwell, CO northern area, to Gen. MacMillan, supreme commander in Jerusalem, conveyed to the ministry of defence in London and approved by Fieldmarshal Montgomery, (then chief of staff), it was decided that British forces would immediately abandon the positions dividing Arabs and Jews and concentrate on guarding the essential transport routes. The intention was to allow the battling forces to solve their problems as they saw fit. This British decision was approved by Gen. MacMillan in Haifa on April 19 1948, and came into force on April 20th. That same night the British began to evacuate their positions, in a discreet military operation, and to move to locations on routes leading directly to the port as well as to the outskirts of the town.

The decisive battle and the ceasefire negotiations

The Haganah also began to prepare for the final battle at dawn on April 20th, immediately after the evacuation of the British positions, most of which they took over at once. In the morning hours of the 20th, Gen. Stockwell held separate talks with representatives of the Arab community and the Jewish population. He informed both sides of the evacuation of the positions as follows:

To: The Arab and Jewish Executives in Haifa

During the last fortnight Arab-Jewish clashes have been occurring with considerable frequency. These must stop if peace and order is to be maintained in Haifa. It is not my intention for military or police to become involved in any way in these Arab-Jewish clashes.

I intend to secure routes and areas which are necessary to me to complete, during the next three months, the British evacuation from Palestine through the Port of Haifa.

I shall be ready and willing at all times to assist either community in any way they may desire for the maintenance of peace and order in this area.

The routes I shall use are as follows:-

Stella Maris — Mountain Road — Vine Street — Carmel Avenue — The Port — Harbour Street Police HQ Building — Shell Marketing Road — Shell Bridge — Airfield Road — Jaluma Road.

The following areas:

Bat-Galim — Germany Colony, Port — Eastern Railway Station — Shell Marketing Area — Mount Carmel Zone — Airfield.

I have today deployed the military and police so that I shall secure these routes and areas, and I shall take such measures as I may deem necessary at any time to ensure no interference is made by either community to them.

There must be no interference with the public utility services and I shall take steps if necessary to ensure their smooth and efficient working.

It is my wish that the withdrawal of the British from Haifa shall be carried out smoothly and rapidly and that our good relations may continue in the future and that we may carry away the respect and comradeship of both communities.

Sgd. HJ. Stockwell
Major-General
Commander North Sector

21st April, 1948

Amin Iz el-Din Bey, commander of the Arab National Guard, represented the Arabs at the meeting with Gen. Stockwell. He spoke somewhat arrogantly and said that the situation which had been created would force him to occupy Haifa immediately. Our representatives, at their meeting with the general, merely listened in silence.

The meeting of the Arabs with Gen. Stockwell took place at 11 a.m. on April 20th. The Arab commander announced that he would start fighting for the town at once, but at 1 p.m. that day, even before the battle started, he fled to Beirut to summon aid. This was the sign for a general collapse of the Arab defence. From the morning of the 21st there was a mounting flow of Arabs fleeing the town through the port and by the Acre road. The confusion was intensified by the desertion of their commander and most of their leaders. Arab civilians approached their Jewish friends and asked their help in obtaining transit documents from the Haganah. Such documents were supplied to all those who requested them.

By the evening of the 20th April the border lines between the two sides were

clearly defined. At zero hour — 1 a.m. on the morning of April 21st — the battle began.

Our main offensive was preceded by a war of nerves, directed at the Arab fighters and combined with reassurances to peace-loving citizens. Loudspeakers warned the Arabs of the consequences of launching an offensive. Our pleas to the inhabitants of the Arab quarters beneath Hadar Ha-Carmel were not phrased in bellicose terms, but combined caution with assurances of our peaceful intentions. We demanded the surrender of the fighters. We promised that once peace was restored their safety would be guaranteed and all Arab inhabitants would enjoy full equality. The same sentiments were conveyed in leaflets distributed in the Arab quarters and in telephone conversations with Arab leaders and friends.

The plan of attack was carried out successfully. The town fell into our hands on the morning of April 22nd.

Shortly before 9 a.m. on the 22nd, Gen. Stockwell asked me at the request of the Arabs, to inform him by 10 a.m., what the Haganah's terms were for a truce. By ten o'clock our conditions had been submitted to him.

The echo of the Haganah victory in Haifa reached Lake Success, where the representatives of the United Nations were assembled to debate trusteeship over Palestine. The news was received with amazement and disappointment by our enemies, and gratification by our friends. Both the British and the Arabs were gloomy. The military and political implications of our achievement were beyond our wildest dreams. This victory spelled the end of the plan for internationalisation of the country, and of the UN plan to set up a 'temporary' trusteeship.

The encouraging news reached the besieged city of Jerusalem, as a gift for Passover. A new spirit of hope entered Jerusalem.

Report to the Prime Minister: the Arab situation in Haifa

Various stories were told at the time and have been bandied about since the battle and the negotiations for a ceasefire between the Jews and the Arabs after the occupation of Haifa. The Arabs reported acts of atrocity on our part, but in actual fact we appealed over and over again, almost pled with the Arab population, not to flee the town. We promised them peace and equal civil rights.

On October 11 1948 and April 1 1949 I reported to the then foreign minister, Moshe Sharett, on the situation in Haifa in the days preceding the battle, on the ceasefire negotiations (which the Arabs denoted 'the surrender agreement') and on our treatment of Arab civilians when the fighting ended. I prepared these reports at his request, as a result of deliberations being held at

the Security Council, where slanderous rumours were being disseminated about the fighting and the situation of Arab civilians.

The gist of these reports is contained in my letter of June 19 1961, to David Ben-Gurion, then prime minister and minister of defence. I wrote to Ben-Gurion as follows:

Sir,

I have been informed of your desire to receive from me a report on the Arab flight from Haifa during the War of Independence in general and on the eve of the occupation of the town by the Haganah immediately afterwards, in particular.

At the time I was serving the Haganah HQ in the North and Haifa District as liaison officer with the British Army HQ, Northern Sector (General Stockwell), in an attempt to restore peace and quiet to the town. I established contact with leaders of the Arab community in Haifa, including representatives of the Arab National Committee, headed by Mr. Rashid Haj Ibrahim.

I was the main spokesman of the Haganah and the Yishuv representatives at the official negotiations held in the municipality in Haifa on 22.4.48 on the signing of an agreement between the Haganah and executives of the Arab community, after completion of the occupation of the town by the Haganah.

A large number of Arabs, mainly prosperous but also the fairly well-to-do, had left the town at the end of 1947 and beginning of 1948, while the British were still responsible for law and order, and maintained military posts and patrols in Haifa to prevent the spread of hostilities.

At the beginning of April 1948 the Arabs embarked on serious attacks in the environs and in the town itself, aimed at occupying Haifa. You will recall Kaukji's attacks on Mishmar Ha-Emek and the Druze attacks on Ramat Yohanan. Simultaneously with these actions and as part of their overall plan, the Arabs stepped up their attacks on the Yishuv in Haifa, mainly through Iraqi 'irregulars'. At the same time there began a mass exodus of Arab inhabitants of Haifa in order to escape injury as the fighting intensified, particularly after they were promised by their leaders that their departure was temporary and that they would shortly return with the victorious Arab 'Liberation Army' which would seize Haifa from the Jews.

The clashes in the town placed the British Army in a difficult situation, since they came under crossfire. The situation reached the point where the British HQ in the north decided, with the concurrence of the central HQ in Jerusalem, to abandon the British Army positions dividing Arabs and Jews, and to guard only the main access routes to Haifa and the port. (see Gen. Stockwell's report of 21.4.48 enclosed).

The battle for Haifa began on 21.4.48 and ended on April 22nd.

On the 22nd I was asked by Gen. Stockwell to submit to him the Haganah's terms for a truce with the Arabs. That same morning I submitted the terms to him, (herewith attached) and these were conveyed by him to representatives of the Arab community.

The same evening, a meeting was held at the municipality between representatives of the Haganah and the Jewish community and representatives of the Arab National Committee and the Arab community, presided over by Gen. Stockwell, and on his initiative, in order to discuss the Haganah's terms. The mayor, the late Shabtai Levi, took part in the meeting at the request of both sides.

The meeting was opened by Gen. Stockwell, who noted that the aim was to restore peace to the town which had been occupied by the Haganah. He noted that the need of the British Army was to safeguard the entry to and exit from Haifa and access to the port, and to endeavour to help the parties to arrive at a settlement.

Shabtai Levi spoke of the peaceful and friendly relations between the two communities. He noted that Haifa had a good name in this respect of which it could be proud. He

added that after the fighting died down, both sides had asked him for a meeting to prevent further hostilities and to arrange for peace and that he hoped we could arrive at an agreement which would satisfy the whole population including representatives of the British authorities (I am quoting from notes I made at the time).

I then spoke on behalf of the Haganah. I explained that we wished for peace, that our terms were aimed at restoring quiet and that we promised the Arab inhabitants of the town safety for their persons and property and equal rights.

My remarks were directed mainly at representatives of the Arab community, most of them my acquaintances and friends for many years. I reaffirmed on behalf of the Haganah and the Yishuv that there was no room for fear, that their personal safety. honour and property would be safeguarded and that we were asking them to remain in the town, where they would enjoy equal rights.

The representatives of the Arab community refused at first to discuss the terms submitted to them, and announced that they would not conduct negotiations for a truce with the Haganah, since the Arab nation did not and would not recognise the Haganah.

Gen. Stockwell explained to the Arabs that they must accept the fact that they had lost the battle and added that in fact the terms offered by the Haganah were not those of a conqueror but rather those of people interested in peace.

Discussions on the terms of the truce then commenced, with the participation of Gen. Stockwell as mediator, and agreement was obtained between the parties in accordance with the enclosed text. The Arab executives requested two hours to consider their response. After the adjournment, the Moslem representatives did not return. The Christian representatives returned to the municipality and reiterated that there was no possibility of signing an agreement with the Haganah, since they did not recognise Jewish rule; consequently they would order the Arab population to leave the town immediately. They asked that the Arabs be granted safe conduct and assistance.

I repeated the Haganah's promises of peace and equal rights for the Arab population, and the Haganah officer attending the meeting on behalf of Northern HQ — (Mordechai Makleff) also repeated our reassurances that we wanted law and order and would grant the Arabs equal rights and safeguard both them and their property. The mayor also spoke again and said that he regretted the decision of the executives of the Arab community and noted that he had been a resident of Haifa for forty years and that throughout this period the Jewish and Arab communities had lived together "in peace, understanding and friendship." He regretted that one side had decided to leave and was asking the help of the other in order to do so. The mayor went on to say that he hoped that his Arab friends would reconsider and change their decision to leave. He concluded in the name of the Jewish delegation: "We do not want even one resident of Haifa to leave. It is our intention to put an end to attacks. To our regret we know that people came from outside (i.e. Iraqi volunteers) and these we do not want. I beg all of you to take this into consideration." Despite the appeal of the mayor and the Haganah representatives, the Arabs repeated that they would advise the Arab population to leave Haifa.

The Arab representatives had arrived at the municipality that day under the protection of the British forces, but on leaving the building the Christian Arabs asked me to drive them to their homes in my car so that we could continue to discuss the matter. En route I stressed again that we were interested in peace, and wanted those Arabs who had not left to remain and those who had already left, to return. My Arab passengers (lawyers Mu'ammar and Koussa, the brothers Victor and Fred Khayat, and Mr. Farid Saad) said that the Moslem representatives who had taken part in the early deliberations, including Sheikh Murad of the Supreme Moslem Committee, had left Haifa, and that from their conversation with him they had understood that the Arab community should be instructed to leave the town, so they had acted accordingly on returning to

the municipality after the recess. I assured my friends that I had no doubt that they themselves would remain with their families since they knew that there was no reason to fear for the safety of the Arab community under Jewish rule. It was painful to me that nonetheless they felt it their duty to urge the remainder of the Arabs to leave. And, in fact, that same night the Arab leaders continued their propaganda efforts to persuade the Arab population to abandon Haifa, saying that after their departure the fighting would be renewed by the Arab armies who would bombard the town from the air and return as victors with the Haifa Arabs.

Among the British command there were also officers who believed that the Arabs were going to recapture Haifa within a few weeks, immediately after the British evacuation, and the Arabs were aware of this.

On the following day, 23.4.48, representatives of the Arab community again asked the assistance of the Haganah and I spoke in Arabic to crowds in the Arab neighbourhoods. I emphasised that I was authorised to guarantee their safety and I asked them to stay put and not to believe idle promises.

Before I left for this tour of the Arab quarters, my friends who had attended the meeting the previous evening warned me that it was pointless to appeal to the masses and that I should avoid visiting the Arab neighbourhoods if I valued my life. Nonetheless I spent several hours of April 23rd and 24th among the Arabs, trying to calm them and assuring them of our peaceful intentions.

The mass exodus of the Arabs from Haifa took place mainly at the beginning of April and intensified on the 21st, 22nd, 23rd and 24th, continuing right up till June 29th, 1948, the day the British left. Up to that date the Arabs could have returned to Haifa at any time they chose. Between the end of fighting on April 22nd and the British evacuation on June 29th no Arab resident of Haifa was harmed.

The Haganah rallied its efforts to restore law and order, supplying food to the Arabs, operating bakeries and kitchens and providing armed escort for those who wished to leave the country through Rosh Ha-Nikra. The mass exodus was mainly the outcome of incitement on the part of the Arab leaders based on:

a) threats that if Arabs remained in Haifa the Jewish authorities would not observe the peace terms;

b) promises to the Arab population that their departure was only temporary.

This report has been compiled by me on the basis of my personal knowledge and all details are correct.

Y. Salomon

The terms of the truce

The following is the amended version, as submitted by us to the Arab delegation in the course of the negotiations at the municipality on 22.4.48. This version differs only slightly from the first version submitted to Gen. Stockwell on the same morning, which the general described as highly fair and worthy of being accepted by the Arabs.

Terms of the Haganah Command for a Truce in and Applicable to Haifa between Jews and Arabs.

1. Complete disarming of all Arab arms, including weapons of all kinds, all explosives, military vehicles and other military equipment without exception.
2. All arms within the above description, with the exception of licensed arms, a list of which will be shown to the Haganah by the District Commissioner, Haifa, must be

delivered by 12.00 hours 23rd April, 1948, at the following places of assembly. This time limit may be extended to 17.00 hours, 23rd April 1948, at the discretion of the G.O.C., Northern Sector.

(i) Near the Rushmiyeh Bridge opposite the offices of the Eastern Moslem Council;
(ii) Corner of Stanton Street and Bourj;
(iii) Entrance to old Business Centre;
(iv) Egged Station, Carmel Avenue.

These will be held in trust to the Haganah and handed to them at the discretion of the G.O.C., Northern Sector not later than midnight 15/16 May, 1948.

3. Removal forthwith of Arab roadblocks and freedom of traffic undisturbed will commence forthwith under supervision of the Military Authorities.
4. All foreign Arab males wil' concentrate at places of assembly to be fixed by Haganah and will leave Palestine within twenty-four hours under military control.
5. European Nazis will be delivered to Military.
6. A twenty-four hours curfew will be imposed by the Military Authorities on Arab quarters and houses to assure complete disarming.
7. Non-delivery of arms within the time specified will be treated as an offence and will be punishable.
8. After the house curfew each person in Haifa will be free to carry on his normal business and way of life.
9. All persons will carry on their work as equal and free citizens of Haifa.
10. Any joint meeting will take place in the Town Hall.
11. This truce comes into effect immediately.

The truce negotiations held at the municipality on that April evening were impressive and moving. Thousands waited outside, and cheered at the sight of the representatives of the Jewish community, of Gen. Stockwell and his entourage and of the Arab executives who arrived in an armoured car. There was dancing. Exemplary order reigned.

We sat in the municipal council chamber at a horseshoe-shaped table: the general and his entourage in the middle, the Jewish delegation to their right and the Arabs to their left. It is hard to describe the emotions of those present. We tried to conceal our elation so that the Arabs would not feel that we were rejoicing at their downfall. They were depressed, but since we were acquainted in our everyday lives, and in the light of the speech of the mayor and my own conciliatory remarks, the atmosphere was relaxed. Gen. Stockwell and Commander Peachey tried to mediate between the parties, and the general suggested a few amendments to the document we had submitted. As a result, some small changes were made.

Sometime later I received from the foreign ministry a copy of the Egyptian weekly "al-Gumhuriah", containing a photograph of that occasion. It shows Gen. Stockwell, Cdr. Peachey, my secretary and myself standing by the general's table perusing the draft of the document and discussing it.

As I have pointed out, victory in Haifa came at a most opportune time, when there was danger to the UN resolution on partition and the plan to establish a Jewish state in part of Palestine because of an American scheme for

internationalisation of the country. Our victory led to reassessment of the matter, and the new scheme died a natural death. Partition was implemented and a Jewish state established on May 15th.

Our achievement also foiled the schemes of the British foreign secretary, Ernest Bevin, who hoped that the British evacuation would create chaos, the Arab armies, particularly Abdullah's Arab Legion, would invade and conquer large portions of the country and, out of gratitude to the British, permit the latter to return and wield decisive influence in the region.

The political implications of the occupation of Haifa

At first I thought it would suffice to relate events as I saw them and participated in them, and to draw my own conclusions. But as I write, I have come to realise that few people appreciate the importance of the occupation of Haifa for the very establishment of the state, that it is a subject virtually ignored by historians. I have therefore decided to cite the views of distinguished foreigners who took part in the events in London and at Lake Success.

In his memoirs, Fieldmarshal Montgomery writes:

On the 22nd April 1948 a flood of Press reports came during the day describing heavy fighting in Haifa where, it was said, a massacre of Arabs was taking place. At 7.30 p.m. that night, just as I was leaving my flat for the Mansion House to deliver a speech in support of the Army Cadet Force, I was sent for by the Prime Minister (Clement Attlee — Ed.). At No. 10 were also Ernie Bevin (Ernest Bevin, Minister for Foreign Affairs — Ed.) and the Minister of Defence (Mr. A.V. Alexander). The P.M. opened the ball by asking if I had read the newspaper reports about the fighting in Haifa. I replied that I had, but that I did not believe all I read in the papers; I relied on reports from the generals and I had received none. At this Ernie became very worked up: he said 23,000 Arabs had been killed and the situation was catastrophic; he demanded to know what I was going to do about it. I said that as the War Office had received no reports, it was clear to me that he must be greatly exaggerating the situation in Haifa. I added that the first thing to do was to get an accurate report, and that until we had it it was useless discussing the matter further. I then went to the War Office and set in motion the machinery to obtain the report that was needed.

At 9 a.m. the next morning, I went again to No. 10. Ernie Bevin was even more agitated than he had been night before. He said that the Army should have stopped any nonsense in Haifa and that the massacre of the Arabs had put him in an impossible position with all the Arab states. I replied that all reports received up to date went to show that the whole affair was grossly exaggerated, and at no time had the situation got out of hand. Ernie then blew up, and concluded his outburst by saying that he had been "let down by the Army". I got very angry and said that he would have to withdraw the insult.

In his book "The Birth of Israel", Jorge Garcia-Granados, then Guatemalan representative to the UN and member of the UN Commission which recommended partition, wrote:

Although we were assured that Great Britain would not obstruct the United Nations decision (in favour of partition), Britain actually obstructed partition on both military and political levels.

In January certain State Department officials in Washington began to hint that partition was not feasible. On February 24th, Sen. Austin (United States delegate to the UN) declared that the UN would not be able to carry out partition. In mid-March certain persons in the USA began to contribute to British sabotage activities. The Americans gradually revealed their scheme, and proposed that a special session of the UN be assembled for renewed discussions of the future regime in Palestine. This was a serious volte-face.

On April 26 1948, Sen. Austin summoned the Latin-American UN delegates to a meeting to exert pressure on them to support the American scheme for the internationalisation of Palestine. Granados strongly objected to Austin's proposal and to the evaluation of the situation which he presented to the ambassadors. In a lengthy speech, Granados said, inter alia:

I am not so foolish as to say that Britain will abandon Palestine entirely. If I can venture to guess at her plans, she will withdraw openly from Palestine, only to return through the back door on the skirts of Abdullah, who will try to seize as much territory in Palestine as he can.

On the same occasion, Granados declared, that — *on the basis of the Haganah's victory in Haifa* (emphasis mine) — partition was being carried out in practice and there was no possibility of restoring the status quo ante, even by use of the military force at the disposal of the UN. To prove his point he said:

On April 15, 1,000 Syrian and Iraqi troops and 500 Palestine Arabs had besieged Mishmar Ha'emek, and had been repulsed, though they used artillery and armoured vehicles. In one battle after another, the Jews showed their superiority. Within two days, the Haganah had occupied the Arab quarters of Haifa, thoroughly defeating the combined local and foreign Arab armies.

Granados went on to say that the outcome of Austin's meeting with the ambassadors did not meet the expectations of the State Department.

The fight conducted after this meeting by Granados and a handful of statesmen who remained loyal to the partition plan, delayed the passing of a resolution for internationalisation of Palestine. The supporters of partition relied mainly on those same evaluations which had impelled Granados to claim that partition was in fact being carried out — citing Haifa as an example — and also on the declaration of independence by the provisional government and the establishment of Israel on May 15 1948, several weeks after the battle for Haifa was won.

The truce negotiations in Arab eyes

It is interesting to note the views of the Arabs. I quote from a report in Arabic sent by the Haifa Arab Emergency Committee on 30.4.48 to the Supreme Moslem Council in Damascus, concerning the negotiations on the 'surrender treaty' of April 22nd. This report was obtained for me by my late friend George Mu'ammar, the lawyer, who together with another Arab lawyer, Elias Koussa, acted as liaison officer between the Arab National Guard in Haifa and the British HQ. These two notables had indeed remained in Haifa after the mass exodus of their brethren.

At 11 a.m. on Wednesday 21.4.48, Gen. Stockwell, at his headquarters on Mount Carmel, received a delegation of the Arab National Guard in Haifa, consisting of Amin Bey Iz a-Din, Commander of the National Guard, Yunis Naf'a and George Mu'ammar. He gave them an announcement (copy enclosed) of the British decision to evacuate Army positions and to concentrate on keeping the routes leading to the port free for British military traffic...

Gen. Stockwell informed the delegation that after the realignment of the British forces, the British Army would not intervene in clashes between Arabs and Jews, unless they hampered British Army movement. The same was true of the police.

The Arab delegation claimed that it was the obligation of the British Government to maintain public order and to guard life and property until the Mandate ended. It should continue those arrangements agreed upon with the Arab National Committee and its Haifa Headquarters.

12 o'clock the meeting was over and Amin Bey Iz a-Din left for Beirut and handed over command of the Arab National Guard to his deputy, Yunis Naf'a. At 3 p.m. Farid Saad asked the District Commissioner, Mr. Law, for an urgent meeting together with the British CO, concerning the announcement of the British evacuation of the positions dividing Jews and Arabs.

At 9.30 p.m. the Arab National Committee was informed that Gen. Stockwell would receive their representatives at 9.30 a.m. the following morning (April 22nd).

At 7 p.m. the Jews had begun to bombard the Arabs and the Jewish attack intensified from hour to hour. At 11 p.m. the Jews shelled Arab homes in the lower town.

The Arab National Committee tried to contact Gen. Stockwell, to ask him to put an end to the Jewish attack.

At 6.30 a.m. the Arab National Committee complained to the District Commissioner about the non-intervention of the British Army to prevent the Jewish attack. The Moslem Committee also contacted the Syrian consul in Haifa and asked him to inform the governments of Syria, Jordan and Egypt of what was going on in Haifa and to ask their aid.

The Jewish attack continued more fiercely on the morning of 22.4.48, and there then began the flight of the Arab inhabitants of Haifa through the port and by other routes.

At 7 a.m. the Arab delegation sent a letter of complaint to the general, signed by Victor Khayat, George Mu'ammar, Farid Saad, Anis Nasr and Elias Koussa, (copy enclosed).

At 10 a.m. on the morning of the 22.4.48, the Arab delegation came to Gen. Stockwell's HQ, and Sheikh Abdul Rahman Murad, deputy of Rashid Haj Ibrahim, chairman of the Supreme Moslem Committee in Haifa, was also expected to attended. He was unable to arrive, however, because of the fighting in the town. The British were represented by District Commissioner Law, Consul Marriott, Brigadier Johnson and

other British officers. A complaint in writing was delivered to the general, with a demand for his immediate action to prevent the continuation of the Jewish attack.

The delegation asked the general to sign a copy of the complaint as well as the minutes of the meeting, which also cited the general's declaration that he could not intervene in fighting between the combatants but that he would prevent the entry of 'armed men' from outside to aid the Arabs and that he was ready to mediate between the Jewish and Arab authorities on the signing of a truce on condition that both sides so wished.

The general also promised to contact the Jews and went out of his office into another room. He soon returned holding a copy of the terms for surrender handed to him by the Jewish authorities. The Arab delegation had several objections and noted in particular that signing of the truce should not be taken as recognition by the Arabs of the Jewish command or of any change in the political status of the country. Gen. Stockwell noted the comments of the Committee and decided to call a joint meeting of the Jewish and Arab delegations, in the presence of the district commissioner and the mayor of Haifa, in order to discuss the surrender terms, at 4 p.m. that day. He promised to give immediate instructions for a ceasefire on the part of the Jews.

At 12 o'clock the Committee returned to the home of Victor Khayat. Sheikh Murad presided over the meeting. Those present discussed the truce proposed by the Jewish authorities. It was agreed that they would not discuss any surrender terms whatsoever until approval was received from Taha Pasha el-Hashem. It was agreed that the delegation to the ceasefire meeting would include Sheikh Murad and Muhamad Abu Zeid, as representatives of the Moslem community.

The signing of the cessation of hostilities between Jews and Arabs in Haifa took place in the municipality building at 4 p.m. in the presence of Gen. Stockwell, Brig. Johnson, Consul Marriott, District Commissioner Law, the mayor, representatives of the Haganah and the Jewish community. Gen. Stockwell read out the ceasefire terms from a version amended in accordance with his comments and which the Haganah representatives had approved. A lengthy debate ensued. The Arab representatives claimed in general that the terms affected the rights of the Arabs. The Jews refused to accept the Arab demand that signing of the surrender treaty should not be taken as Arab admission of any change whatsoever in the political status of the town or the rights of its Arab population. The Jewish representatives refused to introduce changes of this nature which had been approved by the general.

The Arab delegation asked for twenty-four hours in order to decide whether the Arabs were ready to accept the terms, and to enable them to contact their brethren in Arab countries.

The Jews and Gen. Stockwell refused to accede to this request and insisted that the surrender treaty must be signed that same evening. Meanwhile news reached us of additional Arab injured and dead. A postponement till 7 p.m. was agreed upon.

The delegation returned to Victor Khayat's house, and in the presence of additional representatives of the Arab population the terms of the truce were read out. After serious deliberations those present agreed that if there was no other alternative, the National Committee should act as it saw fit in the light of the dangerous situation in Haifa. The Arab delegation returned to the municipality, having decided that the representatives of Haifa's Arabs would not sign the surrender document as the Haganah demanded, since the Haganah represented a conquering government.

The delegation announced that it could not sign the Haganah's terms, and asked the assistance of the British and the Haganah in effecting a ceasefire to enable the Arabs to leave Haifa.

The following is a summary of the content of the above memorandum, as submitted by the Arab National Committee.

a) The Jewish attack on the night of April 21st "was planned with the British military authorities;"
b) The British military authorities deliberately refrained from preventing the Jewish attack on the Arabs and from extending aid to the wounded and evacuating the dead, "in order to force the Arabs to sign the surrender treaty."
c) The terms of the surrender treaty submitted by the Haganah and by the British authorities were in the hands of Gen. Stockwell even before he received the Arab delegation at 10 a.m. on April 22nd.
d) The Arabs suffered some 100 dead and 200 wounded.

And the memorandum explains the situation as follows:

a) Weakness of the Arab command and the few fighters at its disposal. According to them there was only one Arab officer with military experience in the town. The other fighters were totally inexperienced.
b) There were insufficient Arab armed men to defend a large town such as Haifa, with an Arab population of 86,000. They claimed that there were not more than 650 Arab fighters.
c) Despite a shipment of arms and help from outside, most of the weapons were unsuitable and arrived late. "The Arab defenders did not have artillery to face the Jewish artillery."

I shall not attempt to refute certain details in this statement by the Arab National Committee. My report, as quoted above, gives the true picture.

British apologetics

As a result of the British foreign secretary's confusion at what had occurred, Sir Alan Cunningham, the last British high commissioner, was asked to report to the colonial office. He cabled as follows on April 23rd:

The Jewish attack on Haifa was a direct consequence of continuous attacks by Arabs on Jews in Haifa over the previous four days. The attack was carried out by the Haganah, and there was no massacre.

Arabs in Haifa were thus themselves responsible for the outbreak in spite of our repeated warnings. Far from refusing to intervene, the Military Commander at Haifa did everything possible to stop the fighting by negotiation, and himself presided at two meetings yesterday in an endeavour to arrange a truce.

The terms demanded by the Jews are surrender of arms and evacuation of Arab foreigners from Haifa. These are not the terms demanded by the Military Commander, who is prepared to impound Arab arms and not hand them over to the Jews if a truce can be got on this basis. It will be remembered that at Kfar Etzion arms surrendered by Jews were seized by Arabs. Arabs appealed to the Military Commander to assist in evacuating Amin Hospital. The Commanding Officer of the Coldstream Guards was wounded in this operation, and two other officers were wounded while supervising evacuation by sea.

As always, the army is completely impartial and any suggestion that they are taking sides is not only untrue but deeply resented.

Casualties reported at present are 14 Jews killed, 40 wounded, approximately 100 Arabs killed and 100 wounded. It is not yet known what casualties there were among women and children who were involved in the battle, but there was no question of a massacre.

Some critical remarks

I cannot conclude this chapter without referring to certain remarks by Moshe Carmel, then CO Carmeli Brigade.

In his book "Northern Battles", he describes the clashes in Haifa which preceded the decisive battle between the Haganah forces and the Arabs, as well as the battle itself. I would like to note here that Gen. Stockwell was amazed to discover that only 400 Haganah fighters had taken part in the battle. He said: "Such daring action with only a handful of men was close to madness. I would have put a division into the fight and expected the battle to last a week".

As to the ceasefire negotiations, Gen. Carmel writes:

"In the early morning hours Gen. Stockwell, CO British forces, through the Haganah's Jewish lawyer, asked for the Haganah's surrender terms, since the Arabs were asking his intervention to stop the fighting. This amazed us and we were most mistrustful. We knew that we had the upper hand in the battle, but objectively speaking we did not think that the Arab forces were collapsing so rapidly. Nonetheless, and with a sense of precious time wasted at the height of the fighting, I found a few minutes to jot down the surrender terms".

It is with a certain smile, and perhaps a bitter aftertaste that I reread these remarks. The following is the true story of how Moshe Carmel found "a few minutes" to "jot down" the surrender terms.

The Brigade headquarters was several hundred metres from our home. As I have related, at about 9 a.m. on April 22nd, Gen. Stockwell contacted me and asked me to send him the Haganah's terms for surrender of the Arab fighters, so that he could convey them to representatives of the Arab population who were already waiting in his office. I decided, for this purpose, to invite Moshe Carmel and Abba Khushi to my home. Khushi was a predominant personality in the Haifa Jewish community and was respected by Gen. Stockwell. I hastened to Carmeli HQ and told Moshe Carmel of the general's request. I asked him to come to my house at once, and I informed him that I was also inviting Khushi. Carmel was displeased at the suggestion that Abba Khushi, with whom he was not on good terms, also take part in drawing up the surrender terms, although I stressed that it was desirable that Khushi take part.

Carmel duly came to our home, but when I telephoned Abba Khushi to invite him to the meeting, I was told that shortly before he had been injured jumping over a stone barrier on the Carmel while on his way to a telephone exchange captured by our forces. He had been taken to hospital and would not be able to come to the meeting, and was thus also absent from the negotiations that evening at the municipality.

The news I brought Carmel concerning the Arab readiness to surrender called for immediate action on his part. As far as I recall, he contacted the Haganah HQ in Tel Aviv to pass on the news and ask for instructions. The first draft in Hebrew of the truce conditions was in fact written by Carmel.

I continued alone to prepare a more detailed document in English. I rushed with it to Stockwell's HQ and handed it to him. The general read it in my presence and said that our terms were very fair. He went into his office, where the Arab representatives were waiting and gave the document to them.

If Carmel really did not believe on April 22nd that victory was ours, and felt that the presentation of terms for surrender to the Arabs was premature, it would appear that he did not take into consideration the weaknesses of the Arabs on the eve of the decisive battle, the moral disintegration of Arab civilians and fighters, the flight of the masses and the desertion of volunteer soldiers and of the Arab town commander. Nor did he take into account other information sent to his HQ, based on data which suggested that the final reckoning was at hand. However, his reactions at the time did not suggest to me that he grudged the time to "jot down the surrender terms" at the height of the fighting. I must assume that poetic licence affected his description.

Just as Carmel did not give credit to the role of civilians in the campaign and in the victory, he fails to mention anything of my own activities or those of my unit in those months, [apart from the brief allusion quoted above.].

Ben-Gurion in Haifa

On June 30th, after the last British soldier had left Haifa, Ben-Gurion visited the town to attend a celebration at the port and the hoisting of the Israeli flag in place of the British standard. He conveyed the greetings of the Israel Government to liberated Haifa and concluded his speech by saying: "We await in confidence the days to come, and what the Haganah has done in Haifa — our army will do throughout the country."

On the following day he toured the town, accompanied by the Haganah commander, Hadari, and expressed his amazement that the town had fallen into our hands after so brief a battle and without serious losses. He questioned us on the activities preceding the campaign, particularly the reasons for the collapse of Arab morale and the mass exodus.

Several days later the foreign minister, Moshe Sharett, visited the town. At the Zion Hotel he met the UN representative sent to take over Jerusalem, which had been placed under UN trusteeship. As a result of the fighting in Jerusalem, the representative was staying in Haifa. He asked Sharett for some document or letter of instruction to our people in Jerusalem so that upon arrival there, he would be able to carry out his duties without interference by

the Yishuv or the Haganah. Sharett sat with him for a long time to phrase the letter. I was asked for help in having it typed.

I recall that during Ben-Gurion's visit, I asked him which city he would choose as capital of Israel after the UN decision to internationalise Jerusalem, the choice lying between Tel Aviv and Haifa. Ben-Gurion replied that although Jerusalem was destined to be the capital of Israel and centre of the Jewish people, in the situation that had arisen he preferred Haifa to Tel Aviv as the political centre of the Jewish state. It is strange to think now that the great men of the pre-state period, including Ben-Gurion and Sharett, did not then believe that Israel would soon prevail over the Arabs and that Jerusalem would shortly become the capital of Israel.

The Haifa enclave

The task I had undertaken did not end with the declaration of statehood on May 15th. I continued to carry out my duties, at a time when the British military authorities in the Haifa enclave were increasingly inflexible, and I sometimes even succeeded.

On the eve of the termination of the mandate, the supreme British commander, General MacMillan, came up to Haifa from Jerusalem. During his term of office he had been known to be hostile to us. I think that he accepted my views, more often than I adapted myself to his. Where Gen. MacMillan was concerned I can safely say that 'his bark was worse than his bite'. Nor did the district CO and the town commander show themselves hostile to our requests.

When Gen. MacMillan arrived in Haifa, he began to issue ordinances applicable to the Haifa enclave, aimed at permitting the smooth departure of the British forces through Haifa port. One ordinance at least was intended to hinder our cause (No. 7 of May 23, 1948). Ostensibly aimed at preventing the disembarkation at Haifa of any persons apart from His Majesty's forces, or people authorised by the port commander, it was actually intended to prevent the entry into Haifa of ships bringing the illegal immigrants from camps in Cyprus, Marseilles and elsewhere in Europe. These orders were issued after the establishment of the state and within the territory of Israel, and in practice were not legally valid. According to the Order of Government and Law 1948, the first order of the provisional state council, these orders were 'unpublished law.' "They do not have and never had any validity". Very few authorities still recognise them.

On May 26, the Hebrew press reacted to this malicious order. I quote from "Davar" of that day:

Yesterday it was announced in Haifa that General MacMillan was about to issue an

order forbidding the disembarkation of passengers at Haifa port. The shipping companies, shipping agents and general public resent this announcement, the attempt by the general to impose 'White Paper' restrictions after the abolition of the Mandate. There is a limit to the powers of an army in occupied territory, and the general cannot interpret onesidedly regulations which he has promulgated for the convenience of his military evacuation. There is sufficient room at the port. A petty law, which bars the arrival of immigrants, does not further the main objective of the authorities regarding the evacuation. It is clear that the law was published under pressure from the Arab states, and that the general is only the instrument for imposing a maritime blockade on the state of Israel.

The same paper then published the following announcement:

The foreign office spokesman in London denies the report of the imposition of a ban on the entry of Jewish immigrants through Haifa port. He claimes that the foreign office has not sent instructions on such a prohibition and that the British authorities in Palestine have issued no such instructions.

I was asked by the provisional government to approach Gen. MacMillan to register the protest of the government and demand that the decree be annulled, in order to enable immigrant ships to anchor at Haifa or even outside the port, and to take passengers by boat or raft to the Shemen beach. Gen. MacMillan did not agree to receive me for urgent discussions. He directed me to Mr. Pollock, his civilian adviser in the 'Enclave.' I was well acquainted with Mr. Pollock, who had served for several years as civilian governor of Haifa district and subsequently as governor of Jerusalem district. Pollock explained the general's standpoint to me, saying that MacMillan feared that if immigrant ships were allowed to enter the port or even to anchor outside, the Egyptians would bomb the port and disrupt the British evacuation. I was not surprised at this reply, knowing from experience MacMillan's approach to our cause, which reflected the hostile attitude of the British civilian authorities inspired by Ernest Bevin, our arch enemy.

It is interesting that despite the foreign office denial which I have quoted, the assistant chief secretary to the mandatory government wrote the following letter to the Jewish Agency in Jerusalem on May 10th:

Dear Sir,

I have had to rely on a verbal question which was put to us recently by Mr. J.N. Bachar of your emigration department and I hereby inform you that there is no objection to your using the ships "Andrea" and "Dolores" in order to begin evacuating the illegal immigrant camps in Cyprus when the Mandate comes to an end.

I have to point out that during the period of the evacuation of Palestine by His Majesty's Forces, Jewish immigrants arriving by ship from any port whatsoever will not be permitted to use the port of Haifa or the harbour beyond the port.

I am

Your faithful servant
J.Fox-Andrews
On behalf of the First Secretary
c.c. HQ British Forces in Palestine

Note: translated from the Hebrew; original English document lost — Ed.

On May 30th, the Kedma arrived at Haifa port with about one thousand immigrants aboard, brought from a camp near Marseilles. Throughout that day I tried, in talks with the general and his senior staff, to counter the decree and obtain permission for the immigrants to disembark in the port or outside it, but to no avail.

At dead of night I sailed with the Kedma and its human cargo in total silence and darkness to Acre. The murmur of the waves and the whispers of the mothers soothing their babies created an atmosphere of melancholy combined with restrained elation. When our feet bathed in the waters of Acre Bay as we disembarked from the raft, quiet singing was heard and relieved murmurs. These were moving moments; 'When the Lord returned the captivity of Zion'. I stood stock still in the water and in my mind's eye I saw Rabbi Shlomo Zalman Zoref, my great-great-grandfather, patriarch of our family, who one hundred and thirty seven years previously, in 1812, had arrived after all his wanderings and adventures with his wife and children in a small sailboat at Acre beach. As in a dream, I saw him fall on his face and kiss the soil of the Holy Land...

British deeds

On April 16th 1948 Sir Hugh Dow, emissary of the foreign office, arrived in Jerusalem. He brought two aides with him: Cyril Marriott, British consul-general in Haifa, and an embassy secretary. Several days before the Haganah occupied the town, Marriott had moved to Haifa. I had numerous opportunities to meet him and clash with him before and after the British left.

Upon termination of the mandate, Marriott served as political advisor to Gen. MacMillan, from his arrival in Haifa until he left the country at the end of June. Marriott refrained demonstratively from contact with the Israeli authorities, claiming that his government had not yet recognised Israel. Like other Englishmen in official positions emulating Ernest Bevin, who had been described by those who knew him as hating us 'to the point of insanity', Marriott hoped that as a result of the chaos ensuing after the British evacuation and the invasion of the country by Arab armies, we would be defeated. It would not surprise me if he believed that in this event he would enjoy a high position, and would perhaps serve as mediator in the negotiations for our surrender in the Haifa area. This assumption (and it is, of course, nothing more) is based on the fact that a similar task had been earmarked by the British foreign office for one of the notables of the British community in Jerusalem, who was to serve as go-between for arranging the 'capitulation of the Tel-Aviv Government' to the Egyptian army after the latter's victory. This has been confirmed at first hand. In the course of the negotiations for the Arab

surrender on April 22nd, Marriott was a silent observer at the municipality. Only his face betrayed his feelings.

The following is an interesting memorandum I wrote at the time, in the heat of the events. I would like to note as background that on the morning of Saturday, May 22nd, Marriott telephoned our house and informed me that since the Amman airfield was "exclusively in British hands," I should warn the Jewish military authorities to refrain from bombing the aerodrome.

Immediately after this conversation I contacted the liaison unit of the Carmeli Brigade in Haifa and asked them to convey Marriott's remarks in my name to Tel Aviv headquarters.

I was assured that this would be done, and I took no additional action. Here is my conversation with Marriott as I recorded it on June 1st. The moment Marriott started talking, I asked my wife to listen in on the extension.

Note on conversation between Mr. Marriott, British Consul General, and Mr. J. Salomon at approximately 10 p.m., Tuesday, 1st June, 1948

Mr. Marriott asked me what I thought about it — meaning the bombing of Amman by Jewish aircraft. I replied that I had come to town only at about 5 p.m. and had no details of the bombing and that I assumed that the bombing was of the town of Amman. He replied that the aerodrome was also hit, not withstanding the warning given through me. I then said that if the aerodrome had been hit as a military installation, then I assumed that my message had not reached the proper Jewish authorities. He then got very nervous and said that on the same day, namely, 1st June, 1948, he had sent a warning or warnings to the mayor that if Amman should be attacked again the strongest steps would be taken. He said to me — should you bomb the aerodrome at Amman or hit any British craft, we shall blast every Jewish aeroplane in the air or on land all over Palestine. This was what he said almost to the word.

I said to him that I did not consider that the mayor was the proper authority through whom to convey messages to the Jewish fighting forces and that I thought that it would have been more appropriate in order to get the desirable result, to contact the state of Israel direct. He replied that he does not know of the existence of the State of Israel and that to him the proper authority was the mayor. This discussion about authority went on for a time, when Mr. Marriott insisted that he would not make any contacts other than the mayor without asking the mayor to transmit the matter to the proper authorities. I said that the mayor might leave the message in his drawer. The reply was — in which case you would pay for it. I asked whether the same threats were made to Egypt — that all Egyptian planes wherever they may be in Egypt, on land or in the air, would be blasted should a British craft be hit. His reply was that proper warnings had been given to the Arab states. I suggested that he might refer to the Jewish authorities proper and that the threat as conveyed to me was in the first instance vague and, secondly, excessive; that any action of the nature threatened by him would merely be a confirmation of the undeclared war on the part of Britain against us and in support of Abdullah. He was again vehement in his declaration and repeated more than once that the strongest measures would be taken tantamount to the annihilation of the Jewish air force. I stated that whilst this is possible, in view of British might in the air as compared with the Jewish, history is a long chapter. I stated that I am prepared to assume that the message was not passed on at the time and that in any event such messages, and

particularly the exceedingly threatening statement now made by him, should reach the State of Israel by direct contact or through the American Consul.

I told him that as the United States had recognised the State of Israel and Britain has not, the usual thing, according to my limited knowledge of diplomacy, was that the power which had not recognised the State should contact the State through another power which had given appropriate recognition. Mr. Marriott hesitated for a moment and then said that he would not do anything of the kind and that as a lawyer I would probably not make such a statement to a client honestly if I were to be consulted. I replied that like any advice to a client, this was an honest suggestion. Mr. Marriott ended the conversation by saying that he would like me to think over it during the night and tell him what I thought of it in the morning, and that if there should be no change in attitude he would inform the military and draw certain conclusions. I told him that my attitude in this matter did not matter at all, as I had no official standing whatever. What mattered was the attitude of the Jewish people through their representative and that it is for him to see that his representations reach the appropriate Jewish authorities. He again said that he had already given the warning and that he would like me to think the matter over again and contact him.

At the end of May 1948, Nobbie Clark, president of the British Community in Haifa in the months preceding the evacuation, handed me a letter which attests to the malice of the British authorities, including the C in C. It read as follows:

On 28 May 1948 His Majesty's Consul-General in Haifa called an urgent meeting of all British residents. The meeting took place at the British Club which now occupies a confiscated private house in the 'security sector' on Mount Carmel.

At this meeting, Mr. Marriott stressed the vital urgency for every British subject to make all necessary arrangements to leave the country by the middle of June, 1948. The reason given to justify this mass exodus was that the moment we were no longer under the protection of the British military authorities, our lives would be in grave danger from two terrorist organisations, the "Etzel" and the "Stern". The bewildered British subjects were told that after a certain date, which for security reasons could not then be divulged, His Majesty's Forces would no longer be able to assume responsibility for them, and there would then be no way to leave the country, whether by land, sea or air. When Mr. Marriott was asked whether, in his position as British consul, he could not discuss with the Jewish government the protection of British subjects and their property, he replied that he could not, since he did not recognise a Jewish government.

In the course of the argument which broke out following the consul's announcement, it emerged that General MacMillan had intended to issue a decree on evacuation of all British civilians, but that Mr. Marriott had explained to him that he did not have the authority to do this. The thought which naturally occurs to anyone hearing such an announcement is: are the British authorities *once again** planning some aggressive action against the Jews at the last minute, something which might provoke the Jewish population to such a degree that the lives of British subjects would be endangered? If so, the consequences of such an act would be the responsibility of the British authorities.

*I wondered to what Clark could have been alluding in his emphasis of the words "once again"? Some British atrocity, or the actions by the authorities during the Black Sabbath, or something else? Apparently, the hint sufficed.

It must be recalled that during the last eighteen months, government sources have been conducting a vigorous campaign to convince both British subjects and the world that British civilians will not be able to live safely in a Jewish state without the protection of the British army.

Note: Translated from the Hebrew, original English document lost — Ed.

These remarks, recorded by a responsible British subject, who was in close contact with the central authorities in Jerusalem and with the senior military echelons and the government in London, provide clear evidence of the venomous hostility of the foreign secretary and his senior civil servants as well as of the British mandatory administration in Jerusalem. The letter also bears witness to their hope that some pretext might be found enabling them to return and restore their rule over the country when the dream of the Jewish state was shattered.

Army camps

On the evening of June 14th I telephoned the British HQ on the French Carmel, and asked Gen. MacMillan to grant me an appointment immediately to discuss an urgent matter. At first he refused but I persisted and telephoned several times. Finally, close to midnight, he replied that the subject I wished to raise was known to him, and that I should approach Brig. Johnson, the operations officer, who could answer my questions or complaints. When I insisted on seeing him personally, he very reluctantly made an appointment for the following morning at 9 a.m.

The meeting proceeded as follows, according to my notes made the same day:

Interview with Lt. Gen. MacMillan, G.O.C. British Troops in Palestine, at 9 a.m., 15 June, 1948

Gen. "Good morning, Mr. Salomon".
Sal. "Good morning, Sir".
Gen. "Sit down, please".
Sal. "Thank you".
Enter Brigadier
Gen. "This is Brig. Willis".
Sal. "How d'ye-do".
Brig. "Now, Mr. Salomon: I understand you want to speak to me on certain points which you discussed with Brig. Johnson".
Looks at notes.
"Now, the first is the question of the Tireh (Tira) Camps. When Brig. Johnson told you that you may enter into these camps, he considered this only from a security point of view. Now that the camps belong to Arabs, the decision has been made and it will stand. Next is the question of our vehicles. We lost a ten-ton Mack truck a couple of

days ago and two other vehicles yesterday. You must see that we get these vehicles back or else I shall have to take certain steps.

I want you to understand, Mr. Salomon, that I have three officers through whom I do my work. One is Commander Peachey, responsible for Navy and Harbour; the second — Brig. Johnson, responsible for operations. The third is Mr. Pollock, responsible for civil affairs. They make known my decisions. I tried to make it clear to you yesterday through my A.D.C. but you did not take 'no' for an answer.

That is all. I have nothing more to say".

Sal. "May I be allowed to say something on these points?"

Gen. "Quite enough".

Sal. "Goodbye".

Gen. "Goodbye".

I had decided before the meeting that I must try to hit the British in their vulnerable spot, namely their respect for the law. I decided to equip myself with official-looking confiscation orders relating to the British army camps. Camp 153 near Tira had been seized by the Haganah several days previously in accordance with an arrangement I had made with Brig. Johnson. Gen. MacMillan subsequently ordered us to evacuate it as a result of a complaint by the Tira Arabs that the camp had been occupied by the British on lease from inhabitants of Tira.

As regards Camp 148, also located near Tira, the general gave instructions to prevent us from occupying it. I assumed that a confiscation order signed by the Jewish district governor as a legal order, and stating that the camps were to be handed over to me, would deter the general.

The late Ya'akov Bergman, district officer in Haifa before the mandate ended, was appointed by the Israeli provisional government as governor of the district. Immediately after May 15th he established his residence in the governor's office opposite Haifa municipality. He was an old friend of mine. Almost against his will I obtained his signature on a confiscation order in English phrased like a typical British order.

The Israel Provisional Governmen.

Notice of Requisition under Regulation 114 of the Defence (Emergency) Regulations, 1945

In exercise of the powers vested in me by Regulation 114 of the Defence (Emergency) Regulations, 1945, I, Jacob Bergman, District Commissioner, Haifa District, being a Competent Authority for the purpose of the said Regulation, do hereby declare that I shall take possession of the property situated in the Haifa Rural Area, known as Camp 153, situated in the locality of Tireh Village, Haifa Sub-District, with immediate effect;

2. And that I have authorised my representative Mr. J. Salomon, advocate, to enter into possession of the said property on my behalf as from the fifteenth day of June, 1948, and until further notice;

3. And I do hereby further order that no person shall exercise any rights over any of the said property, whether by virtue of interest in the property or otherwise, save with the prior permission of my aforesaid representative.

Signed: Ya'akov Bergman

District Commissioner
Haifa District
(Competent Authority)

To: The Mukhtar of Tireh Village
Haifa Sub-District

Mr. J. Salomon
Advocate
Haifa

Shortly after my meeting with the general, I handed in to the British HQ the following letter:

15th June, 1948

Lt. Gen. G.H.A. MacMillan, C.B., C.B.E., D.S.O., M.C.,
Haifa.

Sir,

I have to refer to the appointment which you granted to me this morning at 9 o'clock, of which I enclose a memo.

At that appointment I was not permitted to say anything. I feel it therefore incumbent upon me to put precisely the points which I intended to make at the meeting.

(1) Tireh Camps (Tira)

(a) The Haifa enclave, although at present under British military 'occupation' is within the area allocated to the Jewish State and as such in the State of Israel, and, subject to your military interests in connection with the evacuation, is in effective possession and control of the Jewish security forces.

(b) Tireh Camp 153 was occupied by Israel military forces on Friday, the 11th inst. at approximately 9 a.m., after due notice to Brig. Johnson and with his consent. The Jewish military forces intended to occupy the camp on the preceding day but were advised by the British military to delay occupation till the moment of the evacuation of the camp by your Forces.

(c) In regard to Camp 148, it was also agreed with Brig. Johnson that it would be occupied by Israel military forces as soon as it is evacuated by the Irish Guards at the time fixed — Monday, the 14th inst. The Irish Guards are still in possession at Camp 148, but it is understood that they will be leaving early on Wednesday, the 16th inst.

(d) The arrangement between the military and the Arabs was made on or about the 12th inst., whereby it appears to have been agreed that the Arabs will be entitled to the buildings on the above camps in settlement of any of their claims against the Military. This arrangement cannot affect the effective possession and the right to possession of these camps by Israel's forces.

(e) Your order that Israel's forces must leave Camp 153 by Wednesday, the 16th

inst., at 9 a.m., and that at or about the same time the Arabs will be given possession of this camp as well as of Camp 148 cannot be given effect to for the following among other reasons:-

(i) The District Commissioner has issued requisition notices of these two camps (copies enclosed).

(ii) Should Israel's forces be compelled to leave Camp 153 and not take possession of Camp 148, these Camps will inevitably immediately be occupied by Arab Forces which, in effect, would mean that the British Military Forces have facilitated the penetration of Arab forces into a Jewish area and the disturbance of the status quo during the present truce.

(iii) Whatever arrangement may have been made several days ago between the military and certain Arabs in regard to the ultimate disposal of these camps, an indemnity to the British authorities in relation thereto is hereby offered.

(iv) The arrangement made with the Arabs on or about the 12th inst., after the entry of Israel's forces into Camp 153 and with the knowledge of the British authorities and their understanding with the undersigned that Israel's forces may occupy Camp 148 immediately after the departure of the Irish Guards from this camp, is liable to give the Arab forces a foothold in a Jewish area and on a vital line of communications in the State of Israel, hitherto undisturbed by Arabs, to the detriment of Israel's security and war effort.

The above notices of requisition should enable you in any event not to press the order for the evacuation of Israel's forces from Camp 153 and their non-entry into Camp 148 as suggested above. Should you press your orders, the matter might inevitably lead to an immediate conflict within this area between Israel's forces and Arabs, the responsibility for which will lie entirely on you.

In regard to Camp 148, it may be pointed out that part of this camp is still on Jewish-owned land. In regard to Camp 153, it may be pointed out that it is partly on W.D. land and partly on Arab-owned land.

(2) Theft of Military Vehicles:

Whilst it is regretted that military vehicles are being stolen from time to time, it is submitted that responsibility for such thefts cannot be placed on the Jewish community or the Jewish authorities.

A reference to records will show that there were more thefts of military vehicles prior to 15th May, 1948 than there have been since that date.

It is not established that the two incidents mentioned to me are due to any acts on the part of Jews.

It is unheard of that a community as a whole or its forces should be punished by your authority for thefts or other crimes alleged to have been committed by individuals.

I am to assure you that no Jewish body, official or quasi-official, is in any way connected, directly or indirectly, with the disappearance of the vehicles concerned.

Yours faithfully,

Two tank-carriers and a Mack truck

The general was not slow to retaliate against the 'disappearance' on June 6th of a Mack truck and two tank carriers. I had been summoned to explain the

"theft" and restore the vehicles. I had said that the Haganah was not responsible. The British 'confiscated' several of our heavy trucks at a provisional road block set up by the British forces on the morning of June 16th. Our trucks were transported to the British naval base at Bat Galim. I was summoned to the road block. The officer in charge of the confiscation operation said that he was acting on orders from above and that he had informed the arrested drivers, again on orders, that if they had any complaints they should protest to Mr. Salomon.

I wrote a memorandum for the meeting with the military CO, Haifa District as follows:

Haifa, June 16th, 1948

On 13th June, 1948, Brig. Johnson informed me that a ten-ton Mack truck had been stolen from the army at the junction of Jaffa Road and Allenby Road. He said that the military took a serious view of the disappearance of the truck and that if it were not returned reprisals would be taken. It was understood in the course of the conversation that the reprisals were to be in the nature of the confiscation of similar vehicles belonging to the Israeli Army.
...On Wednesday, 16th June 1948, a captain of the Guards stopped Israeli military vehicles near the roadblock at St. Luke's and 'impounded' them. The loads they were carrying were seized and their drivers arrested. As far as I know, three or four Israeli vehicles have been taken on behalf of the British army: two Mack trucks and at least one White truck. When I enquired of the officer in charge of the First Guards Brigade the reason for the detention, I was told that the vehicles and the drivers will be detained as the military vehicle which had been stolen had not been returned within the time given. I had mentioned this matter in my letter of 15th inst. to Gen. MacMillan.

The officer at the road block had said: "We will continue to impound your vehicles until you return ours."

I added in the margins:

The drivers have since been released. The military are not prepared to give an assurance that no further cars will be 'impounded' (stolen) by the British military.

The last two weeks before the British evacuation were busy ones, requiring constant contact with all echelons of the army. We were obliged to prevent acts of revenge and harassment as a result of the disappearance of military equipment; we were involved in the handing over of military camps and installations, arrangements for access to airfields and other security problems, and in preventive action resulting from rumours of the British intention to blow up vital installations in the port. Only the knowledge that within a few days relief would come and an end to this wearisome game, spurred us on.

The following is a record of my conversation on June 17th 1948 with Brig. Johnson, (CO First Brigade, and the operations officer of the British forces in the Haifa enclave.)

The brigadier said that he understood I wanted to talk to him about the cars taken by the military. I said that it was hardly worth discussing the matter. It left a bad taste and was certainly done in a bad manner. There was no question that the taking of these cars was simple theft or worse, and if it was done by orders of higher authority, then public feeling was justified. Altogether the recent pinpricks on the part of the British military had not assisted the Jewish authorities in trying to curb certain reactions on the part of dissidents and others. In any event, we had made up our minds not to lose our nerve and as we had suffered two thousand years, another ten days did not matter. (The British were due to leave the country finally on June 28th).

The brigadier said that one could not call it theft. It was purely legal, as notices of requisition would be issued. As a result of the theft of military vehicles, the army was short of traction and twelve vehicles would be taken — two for the 'Mack' and five each for the carriers. I said that that still did not put a proper colour to an otherwise unsatisfactory state of affairs — but perhaps the less said the better. It would have been of exceptional interest if world notoriety were given to such action, but this also was not relevant enough. It only showed how badly things were handled by the higher authority in other parts of this country. I said that there was one great gentleman and, as far as I know, a great general, Gen. Stockwell. When I used to get excited about British stupidity or acts which led to the annoyance of the populace, he used to say — not to worry. This was our present slogan.

The brigadier then said that his commanding officer (Gen. MacMillan) had told him that morning that the proper form was requisition and that he should issue requisition notices: would I accept the notices? I replied that it would have been a pleasure to supply the British with trucks to expedite their evacuation. If they had applied for them properly, we would probably not have charged them anything, but it was, however, different with reprisals being covered up as an army necessity. I assumed that the army would now stop such petty acts.

Camps: I was advised that I was to take delivery of Atlit camp, including the police station, as the army would be leaving the next day, or Saturday at the latest. It was agreed that at 9.30 a.m. tomorrow I shall be proceeding to meet Col. Walker, who is in charge of these camps, to make the necessary arrangements. This will be done independently of UNO, as the camps are primarily refugee camps, and in any event I am trying to circumvent the agreement re. the handing over of camps to UNO.

Camp 190, Kurdani: This camp will be delivered to me tomorrow — again independently of UNO. I told the brigadier about rumours that certain camps are being destroyed, including installations. I asked him to see to it that these rumours are not justified.

Police Armoured Cars: After mentioning this point to the brigadier, he said that the general had discussed it with the UNO representative, who agreed that this is military equipment and may be destroyed by the army, and it will therefore be destroyed prior to the evacuation.

As I noted at the time:

"The arbitrary action on the part of the British military authorities in forcibly taking away Israeli military vehicles by way of punishment for theft to which, presumably, British personnel were a party and with which the Israeli army is not in any way concerned, directly or indirectly, is part and parcel of a continuous policy on the part of the British military authorities to annoy and inconvenience the Jewish military within the enclave, whether by way of confiscation of arms, the handing over of camps to Arabs and other prejudi-

cial acts which have shown a consistent policy in that direction since 15th May, 1948."

A righteous theft

In the last few days before their departure the British destroyed large amounts of military equipment, including tanks and trucks. They were however in working condition and it pained us to see them lying shattered in the wadis of the Carmel. We set up 'rescue units' and took whatever could be salvaged without too much risk.

I have shown how the general and his staff reacted to the disappearance of vehicles. In certain cases, in order to prevent retaliation on his part, I complained to the UN representatives. This was done mainly in order to bring our complaint to the knowledge of the general, on the assumption that this might moderate his attitude.

I wrote to the UN representative on June 17th as follows:

17th June, 1948

The United Nations Mediator's Representative,
Zion Hotel,
Haifa

Sir,

I have already brought to your notice verbally recent cases of 'impounding' by the British military forces of vehicles belonging to the Israeli army.

The British military forces allege that three vehicles of theirs have recently disappeared and they assume that these vehicles were stolen by Jews.

The return of the 'impounded' vehicles was demanded through me.

I stated that the Jewish authorities cannot be responsible for thefts committed by individuals, even if those thefts were committed by Jews, which has not been proved.

An ultimatum was given to me for the return of the vehicle first stolen — a ten-ton "Mack" truck — by Tuesday, the 15th inst., at 6 p.m., and it was stated that reprisals would be taken if the truck would not be returned.

Attempts were made by me to find the truck, but these were unsuccessful.

On Wednesday, the 16th inst., the British military put up patrols to seize Jewish trucks. One of the officers who was engaged in the operation stated that the British would continue "stealing" Jewish cars until the British cars are returned.

When I took the matter up with the British military I was advised that it was proposed to take twelve Jewish cars until the three belonging to the military were returned — at the ratio of two Jewish cars for the one ten-ton "Mack" and five Jewish cars for each of the tank trawlers alleged to have been lost by the British military.

In the case of the "impounding" of the Jewish cars, all contents of the cars were thrown off and the passengers of the cars were made to walk to Haifa, in some cases a distance of several miles.

The Jewish military war effort is being substantially impeded by the continued threat of the taking of further trucks and other vehicles, and this makes it difficult for Jewish military traffic and also civilian traffic to proceed through the Jewish area of Haifa, at present under the control of the G.O.C. British Troops.

The matter is causing not only considerable harm to Israeli Military Forces but grave annoyance to the population as an unnecessary provocative act on the part of the British military authorities.

Yours faithfully,

J. Salomon

and I added in the margins:

As far as is known, thirteen Jewish vehicles, most of them belonging to the Israeli Army, have been "impounded" and are in the possession of the British military.

When my representatives proceeded to acquire details of these vehicles, the military (British) refused them access to Peninsula Barracks where the vehicles are to be found, so that details in regard to the description and numbers of the vehicles, etc. are not available.

The vehicles are, however, trucks — three-ton and over — used for Israeli military and essential civilian purposes.

The 'loss' of the thirteen vehicles was made good on the eve of the British evacuation.

The general's courtesy

On June 28 1948 two British Cromwell tanks and the sergeants in charge of them disappeared from the airfield near Haifa. (These tanks were later used by us in the battle for Latrun.)

On the same day, at 5 a.m., I was summoned from home to report to the British District CO on the 'theft'. I was instructed to make arrangements for the immediate return of the tanks. In a telephone conversation with the Haganah HQ in Haifa, I was informed that a British roadblock had been set up at the checkpoint on the eastern outskirts of the town, and that all traffic to and from Haifa had been suspended. A number of trucks had been stopped on their way out of town. This was one day before the British were due to evacuate in ships from Haifa.

I was told at HQ that if the tanks were not returned on the same day, I was liable to be arrested and banished. I claimed that we had nothing to do with it and stressed that all roads out of Haifa were open to the British and they could pursue the tanks and their crews as they saw fit. The staff officers were furious but impotent. After about two hours I was allowed to leave HQ. I made my way to the checkpost by the road block. Shortly afterwards the officer in charge of the roadblock received orders to let traffic through and to release the trucks which had been held up. The young officer was quite polite. As far as he was concerned, the commotion raised only a short time before the final evacuation was absurd. He confirmed that his instructions had been that, if questioned by the angry crowd detained at the roadblock as to the reason for

the hold-up, he was to reply: 'If you have any questions, ask Mr. Salomon.'

The general's frustration at the loss of the tanks caused him, apparently, to forget his manners. Haifa Municipality invited Gen. MacMillan to a farewell reception at the Zion Hotel on the evening of the same day. The general promised to attend, but after the disappearance of the two Cromwells he announced formally that if they were not returned he would not come. At noon the mayor, Shabtai Levi, went out to the destroyer anchored beyond the port, where the general was spending the last day before he left for home. The mayor urged the general to reconsider and not to "punish" an entire community for the misdeeds of a few. The general remained adamant.

The four ships

On termination of the mandate, May 15th, four British vessels were anchored in Haifa port. They were all loaded with large amounts of equipment destined for the British police in Palestine: uniforms and visored caps, blankets, medical supplies. They also carried equipment for the railway administration — spare parts and other vital items. It is difficult to explain why these vessels were allowed to sail from England so short a time before the end of the mandate. But it is a fact that they arrived in Haifa at the end of April, and were then ordered to set out on the journey back to England with their entire cargo.

The late Eliezer Kaplan, minister of finance in the provisional government, asked me to take all possible steps to detain the ships and remove the cargo, which was essential to the needs of the state.

In addition to Gen. MacMillan and his staff, Michael Hogan, attorney-general of the mandatory government, had moved to Haifa in anticipation of the evacuation. Hogan, an Irishman, was a family friend. His legal duties had often brought us together. He was not a member of the group of senior civil servants who were hostile to our cause and despite his official position, he displayed understanding for our objectives. After consulting him at his office, I realised that nothing could be arranged through direct negotiations with the British CO, particularly since the captains of the four vessels had been instructed from London to leave on their return journey. Again I realised that there was no alternative, (and this was also Hogan's opinion,) but to set in motion the legal machinery of the new state. I submitted a claim to the Haifa District Court against the captains of the vessels, the shipping agency and the port director, on behalf of the State of Israel.

I asked for an interim order delaying departure of the vessels, arguing that since the cargo of the ships was meant for the mandatory government and the Israel government was the legal heir of that government, this equipment now belonged to the state of Israel. I asked that it be confiscated, unloaded from the ships and handed over to a representative of the state of Israel.

The order was given at my request and without hesitation by the court registrar on 4.6.48.

Equipped with this order, I proceeded to Hogan's office and handed it over. He was not dissatisfied at receiving it, but asked, in order to be able to recommend that the cargo be handed over to us, that I guarantee payment of the fees due to the Crown Agents in London, who acted as agents of the mandatory government for purchasing goods. I promised Hogan to provide a bank guarantee in favour of the Crown Agents for the sum of £400,000. This was done. The cargo was unloaded and handed over to the representative of the finance ministry in Haifa. Thus to the amazement of the general public, the first Israeli policemen benefitted from this equipment, wearing new British police uniforms and resembling British policemen.

The legacy — the British camps and their equipment

In line with official British policy as laid down in London and, hence, applicable to Jerusalem and the Haifa enclave, Gen. MacMillan was unwilling to hand over army camps and equipment directly to the state of Israel. Once again it was necessary to rely on the mediation of the UN representative. This was a transparent guise, but was accepted by the British. Here, too, Hogan was cooperative.

I would like to quote in full the agreement made between the UN mediator and the late Harry Beilin, representative of the provisional government. As a result of these arrangements, we received all the British army camps and police stations in Haifa and the environs, plus valuable equipment, some of which proved vital for the war effort.

The following is a memorandum of the arrangement made on the 16th June, 1948 between United Nations Mediator for Palestine and the Provisional Government of Israel, consequent upon agreement in relation to the same subject matter between the G.O.C. British Forces in Palestine and the U.N. Mediator.

1. As the British Military Forces withdraw from the present Haifa enclave, such camps, installations and controls as are at present occupied or worked by the British Forces which in the opinion of the U.N. Mediator would improve the relative military strength of the Israeli Military Forces will be taken provisionally into the custody of the Mediator for the duration of the truce.

2. As and when the British Military Forces advise the U.N. Mediator of their intention to release any camp, installation or control of the above-mentioned description the UN Mediator will require the provisional government of Israel to guarantee that such camps, installations or controls will not, except as may be approved by the U.N. Mediator, be used by Israeli Forces.

3. The provisional government of Israel undertakes to provide for the protection of the above-mentioned camps, installations or controls, such security force as the circumstances may require.

4. As regards Camp 153, Israeli Forces now in occupation will withdraw from the camp prior to 0900 hours local time on June 17th, 1948 and Israeli Forces will not

reoccupy that camp until the British Forces have evacuated Haifa or until the British military authorities inform the U.N. Mediator that they are no longer able satisfactorily to provide for its security.

As regards Haifa port as well, a similar arrangement was made and it was handed over, ostensibly to the mayor. This too was a fiction. The UN representative, a pleasant, elderly man who lacked authority or executive ability, resided at the Zion Hotel, one storey above my own liaison unit. He realised that the arrangements were formalities on the part of the military powers, so that they would appear to be observing a neutral stand.

With the concurrence of Shabtai Levy, I agreed with the mediator that I would represent the mayor of Haifa who would formally take over the camps and installations through me, and thus we would be observing the mediator's guarantee to respect the conditions dictated by the British CO. As a result, I signed a receipt for the camps and installations in Haifa and its environs.

In at least two cases, the handing over of camps and military installations was concluded in return for a relatively modest gift to the junior NCO's who were the last to leave the camps, so as to ensure that they were not damaged or plundered shortly before being handed over to us. But in the great majority of cases, the officers or sergeants who handed over the sites were content to receive a receipt signed by myself or David Geiger, ostensibly in the name of the mayor.

The following is the story of one of the essential camps which we took over. A crack unit of the British police was the last unit to remain in Haifa. It was scheduled to leave with the last soldiers by sea in the final week of June, 1948. This unit was evacuated from Haifa and housed in the Arab crafts school near the airfield (now the Air Force Technical College). The school was equipped with up-to-date machinery and instructional equipment. A boarding school, it had been abandoned when the Arabs fled Haifa. The British police unit awaited the evacuation there. Their equipment, transferred to the school area, consisted of numerous vehicles, including several dozen armoured cars of the latest model, some sixty police motorcycles and other valuable equipment. We knew how hostile the British police were towards us and very much feared that before leaving they would destroy or disable this equipment.

I decided, therefore, to enter the camp on the last day before the evacuation and to conduct negotiations with the camp commander, in order to prevent any destruction. To my relief, I encountered two British sergeants whom I had known at police HQ, one of them sympathetic towards us. This sergeant greeted me warmly. I came to the point immediately and explained to him that I had in my possession a document ordering that the camps and installations be handed over to me, but that I feared that before I could take them over some of the equipment might be destroyed. I told him that I was ready to

accept any arrangement which he thought suitable, which would ensure the safety of the installations and equipment. The inference was clear.

The sergeant consulted his sergeant-major who was in charge of the camp. After talking it over, my friend turned to me and said that he wanted no compensation for guarding the equipment until it was handed over, but he was willing to make a gentlemanly deal with me. He and his friend would give me two revolvers which were their personal property, and I would arrange that after their return to England they would receive £800 in payment for them. I did not bargain and jumped at the offer. On the spot I gave them two letters to my friend Fred Nettler of Glasgow. In each I informed Nettler that I owed the bearer £400 and asked him to repay the debt for me. I handed them these notes and they gave me the revolvers.

We proceeded to the school courtyard and I was horrorstruck. Through the windows we saw British policemen running riot in the classrooms, smashing valuable equipment and burning blankets in order to set installations alight. I had arrived in the nick of time to avert the rasing of the camp. In the courtyard before the main building, armoured cars and other vehicles and motorcycles were parked. They were in immediate danger of being destroyed. The two sergeants kept their promise and took vigorous action to stop the rioting, before more damage could be done.

That same evening the police personnel boarded the ship which was to transport them back home. While they were still leaving we brought in a platoon of our men to take over and guard the site.

Fred Nettler informed me some time later that he had paid the debt.

Apart from the takeover of the police headquarters in Kingsway where I was obliged to permit payment of a bribe to the person in charge in order to ensure that the operation ran smoothly, there were no other cases where I was forced to act in an 'unorthodox fashion', to ease the departure of the British.

A spate of kidnappings

At the beginning of January 1948, there was an outbreak of kidnappings. Jewish civilians who crossed the border between us and the Arabs, and found themselves in Arab neighbourhoods, were seized. Other Jews were kidnapped by Arab positions, or in streets bordering on Arab quarters, not even necessarily in exclusively Arab areas.

At least two such wanderers, kidnapped by Arabs, were executed in the Old Town. We responded swiftly. It was decided that in all cases of kidnapping of Jews we would seize at least two Arabs and the Haganah would inform the Arab Command of the names of the Arab hostages and warn that if our people were not returned safe and sound, we would adopt drastic measures.

We were obliged to take hostages. Several times I was asked to deliver warnings through an Arab liaison officer or directly by telephone to the Arab HQ, and to demand return of kidnapped Jews. These warnings of retaliation proved effective. The kidnappings ceased after the first reprisal. But kidnappings of Jews outside Haifa continued. These caused us concern but here, too, we found a solution through an exchange of 'prisoners'.

In the first week of July, after the British departure, the district engineer Etkes, and three other Jews, were kidnapped while driving on the Tel Aviv-Haifa highway near the village of Igzam, which was not yet in our hands. Etkes, an American subject, had served as district engineer for many years. He was held by Iraqi soldiers near Igzam. Through a Druze acquaintance, he sent me letters calling for help. I also received letters from the other hostages, asking for aid, since they feared that they would be executed. We had no alternative but to take eight Arabs from local villages as hostages. An exchange took place and our people came home safely.

These kidnappings, warnings and exchange deals were serious and highly delicate matters. They caused me great anxiety and sleepless nights. To my satisfaction I know of no case in which we were forced to carry out our threats.

The following is a letter from Zvi Koperstock, sent to us on 14.7.48:

Dear Mr. Salomon,

I have already sent you three letters and I am sure that Mr. Etkes has told you about my case. Please arrange the matter as fast as possible because every moment is a year. I'm sure you know the situation... Thanking you in advance, Zvi Koperstock. They are asking for two Arabs back from this village. If they can't be found, then two other Arabs. It's a small thing. And I don't have to suffer so much. On account of this you might be too late... Mr. Salomon, I want you to know you may be too late. The situation here is very tense... And I have done a lot for other people... It is sad for my family who have suffered so much.

As a result of the exchange Etkes, Koperstock and their comrades were released. Shortly after Koperstock's release, I received the following letter from his wife:

Dear Mr. Salomon,

I would like to express to you my great thanks for your help and efforts in restoring my husband to his home. Our family will never forget the good thing you did for us. May peace come soon and may we all be privileged to see our country blossom. Blessings on you. Sara Koperstock.

The occupation of the surrounding villages — at dead of night

Our efforts to capture the villages of Ein Razal, Igzam and Jaba, on the Haifa-Tel Aviv highway, from which the Arabs attacked Jewish convoys even

after the departure of the British, met with failure. At the beginning of July, instructions were received to try and bring about the capitulation of these villages and others by negotiations guaranteeing the safety and continued residence of the villagers in their homes and their equal rights as citizens.

I undertook to convey these terms by peaceful means to the mukhtars of the villages. To this end I was obliged to cross the Haganah fortifications at the end of the Carmel Mountain range. We called them fortifications although they were only dugouts or trenches hastily dug (even, with rabbinical dispensation, sometimes on the Sabbath as well).

I decided to cross the border near Ahuza, to the Druze village of Usafiya and to continue from there, if possible, to the neighbouring villages. The Haganah commander of Ahuza, who was known as Benyamin, accompanied me to the furthermost position. He parted from me by saying "Come back safely, Ya'acov" and looked concerned. I was joined by two companions, both veteran Haganah fighters: one carried a stengun and the other a machinegun. We walked at dead of night for some six kilometres to Usafiya.

All was dark and silent in the village. I knocked on the door of the mukhtar, Sheikh Nagib Mansour (Abu Kamal). He was taken aback when he opened the door and saw me with my companions. I explained why I had come and asked him to help me to transmit my letters to the mukhtars of the neighbouring villages, demanding their surrender within forty-eight hours. The mukhtar summoned his relative, Abdullah Minhal Mansour.

After our two Druze friends had recovered from their surprise, they expressed their concern for my safety, particularly when I proposed that I accompany the emissary who was to carry the letters to the neighbouring mukhtars. After some discussion, it was agreed that Abdullah Mansour would convey the messages, which he did.

Before dawn Abdullah Mansour returned and we returned to our own lines. 'Benyamin' breathed a sign of relief. He had waited all night with several Haganah fighters by the roadblock, fearing for our fate.

To our regret, the villages did not capitulate at once. The villagers fled to the east but on the outskirts there remained armed volunteers and civilians, who continued to fight. Several weeks later we took the villages. The inhabitants had abandoned them before the battle commenced.

I have mentioned that the inhabitants of Tira harassed Jewish traffic on the main Haifa-Tel Aviv road. As long as the British remained in the enclave, we could not attack the village, since there were British camps on village land. Camps 153 and 148 remained in British possession until the last week of June. Strangely enough, these camps, now held by the Israel Defence Forces, are still known by those same nùmbers: 148 and 153.

The Tira Arabs continued to attack Jewish traffic after the British left. In

mid-July the village was shelled with mortars from the Carmel slopes. The foreign fighters and the villagers fled. Those few inhabitants who remained were transferred to safety accross the border near Jenin.

It is my belief that the IDF activities in evacuating the villages have not been explained properly to this day. In our area we attacked only those villages whose inhabitants showed hostile intentions, and attacked passing convoys or other civilians. Let us take for example the village of Faradis, near Zikhron Ya'akov, on the main road between Haifa and Tel Aviv. After the conquest of Jaba, Ein Gazal and Igzam, which we found empty of their inhabitants, the Haganah continued to clean up the road southward. The nearest village was Faradis. To the credit of the people of Faradis, it must be said that they remained neutral and did not participate in attacks on us. To the best of our knowledge they did not support the foreign 'volunteers' and did not interfere with traffic on the main road. I recall that one day in July I stood with Moshe Carmel about one kilometre from the village. Our artillery position was two km. from Faradis. There was silence in the village, even though the population had not left. The officer in charge of the two guns at our disposal asked for permission to fire a few shells at the village. He had been an artillery officer in the Soviet army during the German siege of Stalingrad and did not yet know Hebrew. He kept repeating his request in Yiddish. But the order was not given. Carmel informed the puzzled officer and men that this village had not fought against us and therefore must not be harmed. The village of Faradis flourishes today with its original inhabitants and families of 'refugees' who moved there from neighbouring villages, including Igzam, Ein Gazal and Jaba.

A touch of politics

In my meetings with representatives of the Arab community, all of whom I knew personally, we discussed not only routine and ceasefire arrangements but also political matters. The approach of the Christians was moderate, that of the Moslems varied, depending on whether they supported the extremist Mufti or the moderate Nashashibi and Dajani factions. Face to face they were franker and more tolerant. In public their extremism was striking. Generally speaking, even in those difficult times, when we met in secret or on neutral ground, they showed readiness to compromise, not on the basis of partition but rather on the basis of a bi-national state with an Arab majority.

The senior figure in the Haifa Christian community was Bishop Gregorius Hakim, then head of the Greek-Catholic Patriarchate in the country. This community owned valuable property in Haifa and near Nazareth. I knew the bishop well since I had acted as his attorney in various matters. He did not hesitate to sell or lease land to Jews. Hakim was a shrewd politician, a pleasant

personality, imbued with pride in his status, and of elegant appearance in his priestly robes. He was respected by the British authorities and claimed to be on close terms with the leaders of the neighbouring countries. Because of his position he was granted free passage even during the tense months of the battle for Haifa.

Several months after the British evacuation, the bishop transferred his residence to Beirut, and several years ago the Pope appointed him head of the worldwide Greek-Catholic Patriarchate. Until he left the country, the bishop displayed a friendly attitude towards Israel. To the Arabs he explained his stand as aimed at serving the Arab cause in general and his own community in particular. After he was appointed head of the Greek-Catholic Patriarchate, and settled in Damascus, he became our open enemy. Archbishop Hilarion Capucci, his fellow-priest and second to him in rank, was later convicted of aiding terrorists by smuggling arms from Lebanon to Israel and was sentenced to several years in jail. He was subsequently released at the request of the Pope.

The bishop was one of the first to encourage the flight of Haifa's Arabs. From December 1947 until early 1948, he transferred to Lebanon the community orphanage, boarding school and other schools. The parents and other relatives flocked after the children.

The following is the text of my report to the foreign ministry on the talk I held with the bishop on June 26th 1948:

Archbishop Hakim is the head of the Greek-Catholic community in this country, and known as the 'Bishop of Haifa, Acre and Galilee.' He is the successor of Monseigneur Hajar and appeared before the Anglo-American Commission to speak against us. He has also been on missions abroad, at the request of the Mufti. He is a personal friend of King Farouk, (since he, too, is an Egyptian), and of Arab premiers.

When the unrest began, I met the bishop several times in connection with the negotiations for peace in Haifa. The bishop also travelled to Egypt and Syria at the time. The bishop has offered his services more than once in order to bring about a Jewish-Arab settlement, the terms being, naturally enough, such that it was not acceptable. He also informed us several months ago that he had been asked by the Pope to mediate. The bishop left Haifa at the beginning of March of this year to take a cure in Beirut and to deal with the question of the refugees from Haifa.

Yesterday the bishop appeared in Haifa en route from Beirut. He succeeded in reaching Nazareth by car; in Nazareth he contacted the UN representative in Haifa, who sent a jeep to bring him here. There arrived with him by the same route Mr. Shehadeh Shalah, the Christian deputy of the mayor of Haifa.

I am the bishop's legal advisor, and accordingly we are on friendly terms, and have often discussed current affairs and so on. The bishop told me during our conversation this morning that he has just returned from Beirut and that prior to that he was in Cairo. He came here in order to see if it is possible to arrange for members of the Christian community who are abroad to return immediately to Haifa, and also if it is possible to utilise his services to bring about peace between the Arab and Jewish peoples.

At one time, when we discussed a settlement with him, David Hacohen and I expressed the view that there was room for negotiations on the basis of total numerical and political equality, between the two peoples in a united Palestinian state. This was before partition and at the beginning of the riots. The bishop then rejected this arrangement after he returned from abroad from talks with the Mufti and the presidents of Syria and Lebanon. Now he asked if there was room for discussion on the basis of these terms. He believes that it is possible to conduct negotiations with the Arab governments in this spirit. He claims that the Arab states will not recognise the state of Israel even on the basis of amended partition to our disadvantage. He said that it was Britain's policy not to recognise the state of Israel and it was obvious that Britain's view was that of the Arab states. As he put it: "Just as America backs you and helps you in your politics".

I told him that in my opinion there was no possibility of embarking on negotiations, even for a Jewish-Arab Palestine on the basis of numerical and political equality, as he said had been done in Lebanon, where government posts from the president down are divided up among the communities, Moslem and Christian. I noted that the sole basis is recognition of the state of Israel. On the other hand, we would agree on close economic ties, which would undoubtedly bring in their wake political rapprochement and a mutually positive outcome, and this would some day lead to political union, though not at once.

In response, the bishop expressed the opinion that if there were room for negotiations on the basis we had specified, he would very much like to meet the foreign minister not, so he said, officially on behalf of the Arabs, but as representative of the Pope who wanted to help the parties. The bishop noted that he was returning on Tuesday the 29th to Nazareth and from there would travel to Beirut and fly to Cairo. In Cairo he would meet with Count Bernadotte. He said that Jamal Husseini would also be coming to Cairo from America and he, together with Saliman Bey Toukan from Nablus, and the bishop, would represent the Arabs of Palestine before Bernadotte and express their opinions on Bernadotte's proposals for solution of the Palestine problem.

The second question raised by the bishop was that of the return of the Arabs to Haifa during the ceasefire. Incidentally, he said that the ceasefire would continue for another month. I gave him my private opinion that in wartime we could not contemplate returning the Arabs to Haifa, since they would constitute a burden for us. He said that he was willing to confine the repatriation of the Christians to reasonable figures and to people acceptable to us. I said that to my mind we should not create an apparatus of repatriation. The question of the exiles would undoubtedly be raised when the war ended and then they would decide what numbers could return, but the time was not yet ripe and I myself would not take a favourable view of a decision by the state of Israel to permit the return of exiles.

The foreign ministry response stated, inter alia: "The line you adopted: oppposition to the return of the Arabs in wartime, except in extraordinary individual circumstances, is the line we ourselves have adopted in talks with Bishop Hakim, since your discussion with him and others, and it is the policy which the Foreign Minister has approved as government policy. On this matter there are clear instructions..."

I should like to note that in an interview which the bishop gave in Beirut on August 16, 1948, he said the following: "The Arab refugees from Haifa are convinced that their absence from Palestine will not be protracted and that they will return to their homes within a few days — a week or two. Their

leaders have promised that the Arab armies will shortly crush the Zionist gangs and therefore there is no room for panic or fear of lengthy exile."

This confirms what was common knowledge among the Arabs before the mass flight from Haifa in April, that the Arab leaders had stated that an overwhelming Arab victory was certain, and that in its wake the refugees would return to their homes and take over the homes of the Jews who, as they put it, "would be thrown into the sea".

As regards our relations with the Arabs, I discussed this question with Ben-Gurion and also corresponded with him. In reply to one of my memoranda on this subject from 1949, Ben-Gurion wrote: "It is hard to disagree with most of what you say..."

My ideas were not far from Ben-Gurion's own. It is greatly to be regretted that my recommendations were never implemented by the government, although they were approved by the prime minister and minister of defence.

The end of the road

On June 29th, the day on which the last British soldier left Palestine, I was summoned to the provisional army HQ in the main building of the port. The intelligence officer on Gen. MacMillan's staff asked me for my rank in the Jewish army. He stressed that he had been asked for this information for the sake of the record. His question was: "Are you a general?" I replied: "I am a private in the Jewish army". The officer shook his head and said: "You have misled us quite a bit up to now, and you continue to do so." I replied: "This time you can believe me."

The sensitivity of the British intelligence services towards me after the British evacuation as a result of my activities is attested to by the following incidents.

At the end of September I applied to the British consul-general in Haifa for an entry visa to England, so as to deal with the matter of the 'four ships' which I have described above. My request was refused, despite the intercession of influential friends. On October 9 1948, I received a letter from Marriott, informing me that he had "received instructions to refuse my application for a visa".

At the end of November, I was granted the visa on the basis of an official invitation I had received from the British foreign office to visit London "to accept the thanks of His Majesty's Government". This special invitation came in the wake of my success in the criminal trial where I had represented four British subjects, senior officials in the Jerusalem Electric Corporation, who had been charged with espionage on behalf of the Arab Legion.

The British foreign office asked me to accept the defence, despite the gravity

of the charge. I did not shrink from the task, which was particularly difficult under the circumstances of the time. (see: The Sylvester Case)

After the last of the defendants had been cleared in November 1948 by the High Court in the first criminal appeal heard in the state of Israel, I received a cable from the foreign office in London, via the British consul in Jerusalem, which read as follows:

Please convey to Salomon HM Government's appreciation and inform him that we should like to express our thanks to him in person if he would call at the foreign office when he comes to London. If so perhaps he will communicate with Mr. Marriott — O'Leary.

At that time I was required to visit London to complete the financial settlement with the Crown Agents concerning the afore-mentioned ships. When my turn arrived for a passport check at the airport near London, I presented my passport which contained an entry visa. I showed the official the cable of invitation from the foreign office. He was most courteous and immediately stamped the passport, before consulting the list of 'undesirables' at his side. Several minutes later I saw him running after me. He stopped me politely and said, in some embarrassment: "Excuse me, sir, but I must ask you to return to the counter and wait for a few minutes on the bench over here. I have to check something." This sudden *volte face* did not surprise me. I assumed that after I had left him, the official had studied his list and discovered that I was an 'undesirable', who ought to be detained and sent back.

It was a Sunday. I was detained at the airport for two hours and in the interval someone was summoned hastily from the foreign office to clarify whether I had been telling the truth and had in fact been invited to accept 'the thanks of His Majesty's Government.' Finally the official returned to me with a relieved expression and said: "Please forgive me, sir. *Unfortunately* there has been a mistake."

I forgave him for his error and we parted on friendly terms.

During the week I spent in England I could not shake off the shadow of a British secret serviceman. One evening I went to the theatre and in the lobby met a British officer from Gen. MacMillan's staff, whom I knew. He recognised me, stared at me in amazement and blurted out: "Salomon! Goodness me — did they let you into the country?"

Laughing, I told him that I was in London on the invitation of His Majesty's Government and had been received at the foreign office as an honoured guest. I took out of my pocket the famous cable. We had a drink together and parted with a "Shalom," in Hebrew.

The French also put me on their 'undesirable' list under the following circumstances: on the eve of the departure of the last British soldier, the Stella

Maris building, where the British naval HQ had been located, was abandoned. On the roof of this building, the Haifa lighthouse had stood since at least the beginning of the century. The building belonged to the Carmelite Order and the lighthouse to a French firm with a concession to operate it, granted by the Turks.

Immediately after the departure of the last British soldier, Pierre Lundi, the French consul in Haifa, a vivacious young man whom I knew from his consular duties and my contacts with him during the fighting, hastened to the building. He raised the French flag in place of the British standard. When I learned of this I rushed to the spot and with the help of men from our own tiny navy, I raised the Israeli flag. The consul was furious. He complained to Harry Beilin, Jewish Agency representative, who was now representative of the foreign department of the provisional government, but to no avail. The navy took over and our flag continued to fly there.

The French government did not forgive me my 'transgression' and I was placed on the 'black list'. On 29.7.48 I requested an entry visa to France from the French consulate in Haifa. On August 14th I received a letter from the consul informing me that the ministry for foreign affairs in France had examined my request and did not think it desirable to give me an entry visa. This decision had been taken in France "and I believe that only the intervention of M. Fischer can enable reconsideration of the request. Permit me to assure you of my esteem etc."

Fischer was the Jewish Agency representative in France before the establishment of the state and continued to serve there as representative of the foreign ministry after independence. At my request, the foreign minister, Moshe Sharett, asked Ambassador Fischer to act immediately in Paris to have the order cancelled. In November the ban was lifted and I was granted a visa.

At the end of November 1948 I received the above-mentioned invitation from the British foreign office. Sharett was then in Paris attending the General Assembly of the UN. I decided to travel through Paris in order to consult the minister on my forthcoming meeting at the foreign office. When I asked for his guidance he said: "Ya'acov, I don't have to teach you what to say — tell them what is in your heart." That is what I did.

The "Irgun" detainees

Twelve "Irgun Zva'i Leumi" members were being detained in the British army camp at Bat Galim. At the beginning of June 1948 I was approached by Oved Ben-Ami, then mayor of Netanya, who told me of his concern for the safety of the prisoners. At first he telephoned me and then sent a letter. "I am worried about the health and safety of the prisoners", he wrote. "I am also concerned

for the developments which may ensue if, Heaven forbid, a hair of one of their heads is harmed... Can you not explain, in your wisdom, to the last of the British generals, that it is only weakness and foolishness to detain twelve young men as hostages until the evacuation is completed?... It would be a wise and generous move on the part of Gen. MacMillan to order their immediate release. Act for the lives of twelve of the best of our young men. Act before it is too late."

I did not disappoint the twelve boys.

Even before receiving Ben-Ami's letter, I contacted the British HQ and the officer in charge of the camp where they were being detained. I told the staff officers of the urgent need to release the prisoners. I asked the officer in charge of the camp to improve their living conditions and ensure their safety until their release.

I was delighted when my efforts bore fruit. I eventually received a letter of thanks from Ben-Ami for the help I had given in this matter. This was not the only time I proffered assistance to underground fighters.

The end which was not an end

With the termination of the British evacuation I had, in effect, completed the task I had undertaken in December 1947, continuing day and night until the end of June 1948.

On July 4 1948 I sent the following letter:

Dear Prime Minister,

With the departure of the last British soldier from the country, I have completed the main task I accepted at the beginning of December, 1947. I am ready to undertake any new task connected with the war effort, temporarily for the period of the war. I await your orders.

Yours respectfully,
Y. Salomon

An answer soon arrived —

Provisional Government

July 11 1948

Dear Sir,

This is to confirm on behalf of the Prime Minister receipt of your letter of July 4th. The Prime Minister thanks you for your loyal service throughout these decisive seven months.

Yours faithfully,
Secretary

Short and to the point.... It was the first and last thanks I received (apart from the Independence medal).

10 The Sylvester Case

Return to civilian life

Between November 29 1947, when the partition resolution was passed at Lake Success and June 29 1948, when the last British troops left, I had invested time and effort in the task imposed on me by the Haganah: to maintain contact with the British Army HQ in the north and with representatives of the Arab community in Haifa. This task was split up into various parts; it was varied, delicate, difficult, but also full of interest. After the fighting ended in Haifa, I continued to maintain liaison with the Supreme British HQ which moved from Jerusalem to Haifa on May 15th. The military and political events called for certain modifications in my activities. Nonetheless most of my time was devoted to these duties.

In my day to day life, and my professional or public activities, I was my own master. I organised my work without instruction from above, accepting all the responsibility. In my contacts with foreign security authorities, which were sometimes hostile, and with Arab civilian bodies or personalities, including some who were our sworn enemies, I had no commanding officer to guide me or to whom I reported. I myself formulated and carried out my tasks with all my heart and soul, to the best of my abilities, with tolerance and patience, although the latter is generally not one of my known traits.

At the beginning of July 1948, my office in Lower Haifa began to return to normal. At first I hoped and even longed for a call to fulfil some other unconventional security job. But the summons did not arrive. I was offered various senior positions in party and government service, but I rejected them completely and have done so ever since....

But I was soon to face fascinating occurrences within the framework of my legal career, particularly as defence counsel in criminal cases.

The Sylvester case — hesitation and action

At the end of July 1948, at the request of the British foreign office, I undertook one of the most difficult tasks of my career from the professional, physical and emotional points of view: the defence of several British subjects who had been charged with spying against the state of Israel with intent to prejudice its security. I was surprised that the foreign office, which was aware of my Haganah activities, at least my overt activities after the Black Sabbath and during the War of Independence, had chosen to approach me of all people to defend British subjects against such grave charges.

At first I was very hesitant whether to accept this responsibility. I thought of "what people would say", but this did not really deter me. At the time my friend, the late Eliezer Kaplan, was in Haifa on holiday. Kaplan regarded the task as a national obligation rather than a professional duty. I decided in advance that if I accepted the defence, I would carry out the mission to the very best of my ability. My hesitations related to my fear that in the course of the trial I might find myself torn between my professional loyalties to a client accused of espionage, and my national commitments as a Jew and veteran Haganah member.

Kaplan's advice was to the point. He recognised the problems entailed in this delicate and difficult mission, particularly in those troubled times, when even physical risk might be involved. But, he said, even from the national viewpoint I could not decline the request. He pointed out that not every Israeli lawyer was equipped with the necessary qualifications to clear the defendants on the one hand while respecting the dignity of the state and its courts on the other. With care, I could avoid a clash of interests. Kaplan expressed his fear that another lawyer might not be able to stand up to the challenge, when the eyes of the world would be focused on this fascinating trial.

From the moment I decided to accept the defence — with all that it entailed — I did my very best to help my clients and clear them of the grave charges.

The first deliberations

On August 12 1948, charges against two British subjects, officials of the Jerusalem Electric Corporation, William George Hawkins and Frederick William Sylvester, were submitted to the chief magistrate acting as investigating judge of the Jerusalem magistrates court. The two were charged with having, in the period between May 15 and June 9, 1948, collected in Jerusalem secret information connected with military installations of the Israel Defence Forces and handing over "other military secrets" with the intention of assisting the enemy. It was claimed that Sylvester had broadcast from his apartment in the Katamon Quarter, (which had been captured by the Haganah shortly

before) "military secrets" to the British consulate, which was located in the Old City in an area held by the enemy, the Arab Legion. The Legion was then under the command of the Englishman, Glubb Pasha, and most of his staff officers were British. British officers were also in command of units whose guns and mortars bombarded Jewish Jerusalem from the Old City and Mount Scopus.

Although the charge sheet did not specify, as it should have, what military secrets had been collected by the defendants, and which had been conveyed to the enemy, more details were given in the course of the trial before the district court. It was claimed that in a broadcast to the British consulate in the Old City, Sylvester had said that "mortar shells have fallen at some distance from the power station of the Electric Corporation, but the power station has not been hit and is still operating." It was argued that this constituted handing over secrets to the enemy with the intention of prejudicing Israel's security. These were the sole details of the so-called military secrets which the accused were alleged to have conveyed to their colleague Bryce in the British consulate. No details were supplied of "other military secrets" collated by the two defendants with the same aim.

As for the details of the accusation of handing over information likely to benefit the enemy, the charge sheet had stated that Sylvester had conveyed to Bryce information on mortar shells which had fallen some distance from the power station, etc. Simple logic suggests that this information, conveyed by an official of the Electric Corporation working in its installations and living near the power station, was meant to imply: "Don't worry, everything's all right. The shells which fell near the power station have not caused damage to it." There was no indication that the meaning was: "You have not succeeded in your scheme. Aim more precisely in order to hit the vital installation."

The period between May 15 and June 9th, the first day of the first ceasefire, obtained through the United Nations, was one of the grimmest times for the Jews besieged in Jewish Jerusalem. The siege commenced shortly after November 29 1947, when the UN announced partition and the internationalisation of Jerusalem. Up to May 15th 1948, the siege was maintained mainly by Arab gangs helped by the Arab Legion. Evidence of this was the collaboration between the gangs and the Legion in the siege and capture of the Etzion bloc, and the difficulties of its settlers and defenders. When statehood was declared, the Hashemite King Abdullah, ruler of Transjordan, joined in the war against us, simultaneously with the invasion by the armies of Egypt and Syria.

The Jerusalem Electric Corporation owned the right to supply electricity to Jerusalem and its environs. The Palestine Electric Corporation Ltd. (now the Israel Electric Corporation) supplied electricity to the rest of the country. The Jerusalem corporation was British-owned and British officials ran it. The

Jerusalem power station was captured by the Haganah on May 15, at 9 p.m.

The two accused, Hawkins and Sylvester, were arrested in Jerusalem on July 6, 1948, by members of the "Irgun Zva'i Leumi." With them were arrested three British officials of the Jerusalem Electric Corporation: Thomas Michael Bryant, Alfred Trohear Leach and Thomas Alfred Downs. During a search conducted in the apartment of Sylvester, near the power station, a transmitter was found, which he admitted having used to broadcast information to the British consulate in the Old City. He claimed that he had merely conveyed information on the condition of the members of the British colony who had remained in the Jewish sector of the city.

Sylvester had been recruited in 1938 to the Palestine Police. In 1944 he left the police, returned to Transjordan in December 1947 and arrived in Jerusalem in January 1948. Here Col. Gresham, general manager of the Jerusalem Electric Corporation, recruited him.

Michael Bryant was of the veteran officials of the Jerusalem Electric Corporation. At one time he had served as secretary of the 'British Community Committee in Jerusalem', established during the siege to look after the interests of the community and maintain contact between its two sections: those living in new Jerusalem under the Haganah or the IDF, and those living in or near the Old City, or who had moved there during the fighting.

The broadcasts to and from the consulate were overt and known to the Jewish administration in new Jerusalem. The recipient in the Old City was Bryce, also once in the Palestine Police, who had joined the Electric Corporation during the siege, but moved over to the Old City before the Haganah captured Katamon and the power station area. In mid-April 1948, Bryce joined the staff of the British consulate.

Bryant had many Jewish friends, and was closely involved in various Jewish circles in Jerusalem. On May 14 1948 he moved to the Wolff Pension in Rehavia where he lived till the "Irgun" arrested him together with his four colleagues on July 6th. After interrogation by the "Irgun" intelligence officers, the five Englishmen were handed over to the IDF and from there to the civilian police force.

In a preliminary interrogation in the Jerusalem magistrates court before an investigating judge, the defendants were represented, at my request, by my Jerusalem colleague Dr. Ya'akov Stoyanovsky, (once my partner in the Jerusalem office) and by Pinhas Rabinowitz. They also assisted me in the district and high courts.

On 20.8.48 the judge decided that there were grounds for trying the two defendants, Hawkins and Sylvester. On 29.8. the state attorney submitted to the Jerusalem District Court a charge sheet against the two, which reiterated the charges submitted to the investigating judge.

Excerpts from the proceedings

The judges at the district court were Dr. Benyamin Halevy, then president of the Jerusalem District Court, appointed to this post shortly before, Justice Gad Schultz, who in the course of the trial suffered a brain haemorrhage, was taken to hospital and died on the same day, and Justice Eliyahu Many. The president of the district court decided not to appoint a third justice to replace Justice Schultz, and the trial was heard by Justices Halevy and Many alone. The latter, a retiring man, scarcely intervened in the proceedings or, apparently, in the judgment and verdict.

A document was submitted to the district court signed by Dr. Bernard (Dov) Joseph, then military governor of Jerusalem, stating that the German Colony had been captured by the Haganah at 6 a.m. on May 18th and that on August 2nd this area had been declared 'occupied territory' under Israeli law. I would like to emphasise that the charge sheet attributed to the defendants acts of espionage (undetailed) in the period between May 15th and June 9th, i.e. before the area where the crime was allegedly committed was declared 'occupied territory' by the Israel Defence Forces and before Israeli law was introduced there.

My appearances in the district court constituted a weighty responsibility, not only because of the gravity of the charge or the mounds of legal and factual material which I was required to study, but mainly because of the manner in which the trial was conducted by the court president. My mentor the renowned English barrister, Richard Levy, who sat beside me throughout the proceedings in the district court and whose assessment of the possible outcome was shrewder than my own, commented on this several times in amazement. I still recall how he whispered to me, speaking of the judges: "They remind me of the Babes in the Wood." I concluded my summing up in the district court, on September 28 1948, with the following words:

"Although there are no grounds for the charges submitted in this case, one can at least point to one good service that it has performed. In the course of the trial the press gave a fair and accurate description of what was occurring in court. This encouraged a public response of impartiality, respect for justice and tolerance towards strangers. The eyes of the world were on this trial to see whether justice would be done in Israel."

This was true as regards the press and public opinion. The attitude of those many people who crowded into the courtroom, and the response of the Jerusalem public encouraged me to a certain extent in the difficult hour at the height of the trial. To my disappointment I cannot extend my appreciation to the president of the district court. He displayed neither fairness nor tolerance towards the foreign defendants, as I shall show.

Hawkins was cleared of the charge but Sylvester was found guilty of espionage. On October 8 1948, the verdict was read by the president, Justice Benyamin Halevy. His main findings were that Sylvester had broadcast between 18.5.48 and 11.6.48, when the first ceasefire commenced, by means of a transmitter found in his apartment, to the British consulate in the Old City, and that his transmissions had been received by Bryce. He had stated that shells had fallen at some distance from the Electric Corporation power station but that the power station had not been hit and was still functioning and this constituted "dissemination of information liable to be of assistance to the enemy". Sylvester, it was said, had acted for purposes "prejudicial to the security of the Israel Defence Forces, and the security and interests of the State of Israel".

The following was the verdict as read on October 8 1948:

Frederick William Sylvester, you have been found guilty of an offence under Section 3 (1) (c) of the Official Secrets Act, namely, spying. Such an offence in itself is a very serious one. When you committed this offence, Jewish Jerusalem was to your knowledge undergoing a life and death struggle with a cruel enemy, who shelled its civilian population indiscriminately day and night. The sentence which may be passed on you under the law is 40 years, but as this court considers that you were not among the leaders in the spying net in which you were involved, the court passes on you the sentence of seven years imprisonment.

The arguments I quote below from the appeal I submitted, and my quotations of points from the draft of the verdict which were omitted from the final detailed verdict as read out in court, reveal something of the attitude of the court president.

Here I must describe Richard Levy who was sent from England to assist me in this trial.

Richard Levy

On September 10 1948, Richard Levy, K.C. arrived in Haifa from London. Because of his poor health he was accompanied by a physician.

Richard Levy had been my tutor when I was a young student in London in the mid-twenties. I spent a year in his chambers in the Middle Temple in London and I admired him enormously. His greatness lay mainly in his sharp analytical sense and his penetrating interrogation of witnesses, which was profound and highly effective. He was considered brilliant at cross-examination, in concise analysis of the facts of the case and clarification of complex legal questions in simple language. His opening or closing addresses in court had a captivating effect on juries. I owe him a great deal for having taught me respect for my profession, made me aware that there was no room

for mediocrity and that the client was entitled to the loyal services and fullest efforts of his legal counsel.

Officially, Richard Levy had been asked by the British foreign office to assist me in the defence of the British defendants. He tried to persuade the foreign office to content themselves with my services but they — apparently assuming that I might need to fall back on his rich store of experience (and the ties between us were well-known) or in order to ensure that I did not fail the test of loyalty to my mission, insisted that he come to Israel. He acceded to their request that he accompany me in court.

When he first appeared at our home in Haifa, immediately after his arrival at Lydda airport, he hastened to remove his jacket. We were flabbergasted to see him take off a vest made of squares of bullet-proof armour. This had been given to him by the authorities in London and he had been cautioned that he must wear it while travelling through the country lest he be hit by a bullet from Arab or Jewish snipers, trying to assassinate the British attorney of the Englishmen on trial for espionage. My wife and I reassured him, and he agreed to cast off the burden of approximately five kilograms of metal. He left me the vest as a parting gift.

Levy joined me on my first trip to Jerusalem to the district court sessions. It was an exhausting journey along the 'Burma Road'*. We travelled together again to Jerusalem and back with UN personnel, in a convoy permitted by the Arab Legion to travel through Latrun during a lull in the fighting.

While in Israel, Levy was deeply involved in the trial. He sat at my side in court. In the evenings, as we sat alone in the Eden Hotel, which was almost empty of guests — we talked of our past, of interesting people and cases and of the trial itself. He allowed me to determine policy and strategy, and helped me greatly thereby.

During those days and nights which we spent in Jerusalem, the gunfire continued to echo in the background and flashes illuminated the skies at night. Sometimes I found it difficult to sleep while reviewing the events of the day in court and there came to mind ideas for questions on the following day. At the dead of night, when you lie awake, everything seems clearer, and the ideas that come to you seem brilliant at the time. But most of them are forgotten or appear trivial by daylight.

When all the witnesses had been heard in the district court, Levy did not wait for the closing speeches. He left Israel disillusioned, apprehensive for the outcome, despite my attempts to infect him with my own optimism. With his

* Road laid out during the War of Independence, June 1948, since the main road to Jerusalem was cut off by the Arab legion at Latrun. It ran parallel to the blockaded road, enabling reinforcements of men and supplies to the besieged capital.

profound legal instincts he sensed how matters were developing from the way in which the trial had been conducted and the comments of the president, and his assessment unfortunately proved accurate. I was surprised, since in some cases I had not even translated some of the remarks for him since I did not wish to give him a poor impression of our judges. After his departure I reported to him on the further steps I was taking on the appeal proceedings and on the outcome.

My reports to Richard Levy

I cabled the verdict to Levy. In his reply he wrote, referring to the justices: "Do you think that the Babes in the Wood were afraid of the Big Bad Wolf?"

In order to illustrate my mood and my conclusions at the time, I must quote at length from the letter I sent Levy on October 10, 1948, only two days after the verdict was read in the district court:

I returned from Jerusalem late on Friday with a very sad heart indeed. I left for Jerusalem on Thursday in view of the fact that I wanted to be sure about arrangements for Sylvester's immediate departure. You can imagine that it never struck me, even for a moment, that I would attend in order to make a plea in mitigation. Judgment was due to be delivered at 9 a.m. but about twenty minutes before the appointed hour I was advised that it would not be delivered till 11. Shortly after 11 o'clock the court assembled and within a minute or two it was quite clear that we had lost.

I need not describe to you what my reaction was when I first felt that the conviction was in readiness and more so when the judgment was read to a finish. The judgment had to be translated, and it took some two hours to deliver and translate. These hours were quite agonising. I think that everybody in court must have been perplexed or, to put it more mildly, taken aback. I cannot conceive what was in the mind of the court in coming to their decision. I have no doubt at all that they believe Sylvester guilty, but it is a long way from believing a man guilty and finding him guilty, and on the evidence before them they had no right to convict him. As I have said more than once, even a dead cat should not be hanged on the evidence produced in court against Sylvester in respect of the first charge. It is difficult to analyse the mind of the court. I have no doubt of its honesty, and they probably think they were fair. My own view is that the president worked under certain complexes, starting with the premise that Sylvester is a bad lad. Something must have reached him in regard to the Ben-Yehuda affair and other mental factors may have had something to do with the conclusion that the so-called information communicated to the enemy was so communicated with the intent to prejudice the state. As far as the record goes, no information likely to assist the enemy was ever communicated and certainly there was no evidence of guilty intent.

Section 3 (2) of the Official Secrets Act gives the court an exceptionally wide discretion in gathering intent from certain circumstances, and the court took advantage of this section. I am still at a loss to analyse the mind of the court. I think the president carried with him the other judge. What I am now perfectly satisfied about is that neither judge was mature enough, however honest, to deal with a case of this magnitude and implications and that they let down badly the administration of justice in Israel. I had hoped that the judgment would be a shining example of our integrity and fairness. Unfortunately, whilst one cannot say anything against the integrity of the judges — they are both inherently decent — I regret to feel and still more to have to say that a substantial miscarriage of justice has taken place in the present case.

This is a rather sad speculation but it has certainly fortified my mind to do all I can on the appeal and even beyond should an appeal follow the judgment of the district court. I am not outraged in my personal capacity. You were present throughout the case, although you missed my address to the court, and I would not be too boastful if I say that my address was the best that I have ever delivered in my twenty years before the courts. I am therefore satisfied that Sylvester got as good a defence as could be secured. As far as the advocates for the defence are concerned, I feel that nothing was omitted which should have been done and that nothing was done which should not have been done. I have wondered whether we were not too fair in the conduct of the case in view of what has now happened, but still I have no regrets at not taking up some petty points or arguing indefinitely on other points, which may have prolonged the proceedings for another fortnight. The part of me that has been hurt most is the Jewish lawyer in me. I want to see new legal traditions springing up, with leadership from the Bench, going down to the Bar. In this first case of mine before our own court I feel completely let down. Again, I have no doubt that the judges themselves feel that they did justice, but justice cannot be individual to the judges. It must be universal and based upon the law and humaneness.

I went on to give the main points of the judgment, the legal and factual findings. I then analysed and refuted these and concluded:

This throws some light on what was in the mind of the court throughout, namely, that Sylvester was small fry in a larger spy ring, and this may have substantially affected the mind of the court in passing judgment.

My unofficial clients

Although formally speaking, Slaughter and May of London, one of the most famous law firms in England, had asked me to represent the defendants, in actual fact my client was the British foreign office, which paid my fee. It was the foreign office which could decide whether to ask me to continue to represent Sylvester. The first tentative request that I act as defence counsel, was made directly through O'Leary, a senior official of the British representation in Tel Aviv. Britain had not yet recognised the state of Israel and therefore did not yet have an embassy. When Sylvester was convicted, the foreign office hesitated to ask me to submit the appeal for fear of giving the impression that the British government was extending aid to a British subject convicted of espionage. The foreign office therefore officially dissociated itself from the continuation of the legal proceedings.

After the conviction at the district court, I was approached by O'Leary, who warned me that the British government could not bear responsibility for my fee. To this I replied: "To prove the supremacy of justice in Israel will be my recompense. I shall be content with that."

Richard Levy wrote to me on this matter:

Their clients (i.e. the foreign office) may well take the view that they have already spent enough on a matter which to them is only of humanitarian interest and they may not be

prepared to go further. It may then be a question whether other interested bodies, whose deliberations are usually long and laborious, would be prepared to foot the bill. It would be a pity if it had to be abandoned for lack of funds.

I submitted the appeal despite the foreign office dissociation from financial commitment. It lasted for seven days, five taken up by my opening and closing addresses, and two by the speech of Haim Cohn, state attorney, later attorney-general and supreme court justice.

On November 12th 1948, I wrote to Richard Levy as follows:

I have just returned from Jerusalem after about a fortnight's stay there in connection with the appeal. The strain of the days of the trial were nothing by comparison with the physical and mental strain connected with the appeal. The seven days which the appeal took were the most difficult I have ever experienced in court and possibly out of court.

My address to the court lasted over 25 hours, which is a record in this country, although, speaking for oneself, I do not think that one minute of it was wasted. There were no translations, so you can imagine what a mass of material was placed before the court, both in the examination of the facts and analysis of the law.

Herman (Haim) Cohn took two days to reply and I replied in another five hours, which were probably the most useful. I hate to predict results, since I was so confident of results in the first instance. It will, however, be the greatest surprise of my life should the conviction be confirmed.

I had a good court — the president, Dr. Smoira, and two members, Dunkelblum and Olshan. The keenest and the one who is certainly going to fight for Sylvester is Olshan, who had an exceptionally quick grasp of facts and a keen mind on the legal issues. Dr. Dunkelblum did not appear to commit himself one way or the other. The president disappointed me to a great extent. His is not a keen mind, but he is a fairminded person and quite a good lawyer. He has had no experience at all as an advocate in criminal cases, and the whole mass of criminal law and procedure is something entirely new to him. He hates formal points and, of course, will try — if possible — not to give effect to a number if not all the formal objections. He followed keenly the points of international law which I elaborated more fully in the court of appeal, as he himself is somewhat of an international lawyer.

I think, on the whole, that we should get a verdict on the facts because on these there is no case at all.

The appeal

On October 30th I arrived in Jerusalem to prepare the appeal. I spent November 1st studying the file in the district court. To my surprise I found there a document in the handwriting of Justice Halevy: a draft outline of the main points of his verdict. These had been omitted from the final verdict he read out on October 8th, for a reason which appears self-evident, namely that after some consideration it had been clear even to the judge that inclusion of these remarks in his verdict would reveal the central motive for his conviction of the defendant, which was both abhorrent and illegal. I was stunned at what I read. Here was a document, the very submission of which to the court as additional evidence in support of my appeal could, to the best of my judgment, overturn the conviction. On the other hand, its publication in full would not

only horrify legal experts but would also undermine confidence in the objectivity of the courts of the state of Israel. The incontrovertible honesty of those sitting in judgment is the most resounding proof of the rule of law in a democratic regime. Any hint of pre-judgment on the part of a judge, political bias or hostility, (even if there were a grain of truth in the latter) would harm public trust in our justical system.

The following are the first sections of the draft of the verdict as I read them in Justice Halevy's handwriting:

The British Consul is reasonably suspected of having been employed by (Great Britain, a foreign power) — either directly or indirectly, for the purpose of committing an act prejudicial to the safety and interests of the State, viz. helping British subjects in command of the Arab Legion in the Old City to assist the war effort of Transjordanian Forces against Israel in Jerusalem...

The Court cannot ignore reality. Notorious facts which need not be proved in court.

He went on to write (and here is a translation):-

During the period cited in the charge sheet, Great Britain committed acts against the State of Israel, British guns shelled Jewish Jerusalem, British officers headed the Arab Legion. It was to a British officer that the Israel Defence Forces were forced to surrender in the Old City of Jerusalem. Bevin's speeches in the House of Commons. The British consul resided at the Damascus Gate in the midst of the Arab camp. There is no doubt that under these circumstances the British representation in the Old City was a focal point for ties between Britain and the Arab Legion and that the British consul is reasonably suspected of extending actual assistance to the Transjordanian war effort against the state of Israel and its army in Jerusalem*... British-Transjordanian treaty — Arab Legion expenditure — 2 million annually — supply of British equipment under contract (suspended only during ceasefire). The British consul is not a private individual whose deeds or suspected actions must be proved. He is an official person representing Great Britain in the Old City, in the area under Arab occupation. Great Britain has not yet recognised the state of Israel but from the first has recognised the Transjordanian government and the Arab Legion. Until 15.5 the Arab Legion in Palestine, or the Transjordanian Border Force, was part of the British Army and under its command. The same authority governed both the Arab Legion which captured the Old City and the British Consul who resided in the Old City. The ties between great Britain and the Arab Legion were so close that they are now inseparable. The Arab Legion in the Old City shelled Jewish Jerusalem in its war against the Israel Defence Force.

The British Consul in the Old City is suspected of ties with the Arab Legion, and is employed by Great Britain, inter alia, for contact, advice and assistance to the Arab Legion, acts which are prejudicial to the security of the state of Israel.

Much could be written, from the legal and moral viewpoint, about this revelation of Justice Halevy's feelings, which were later even hinted at during the course of the trial and in certain sections of the judgment. I shall refrain from touching on this. It is clear that the decisive consideration on behalf of conviction was based on certain factual distortions and on the fact that the

* (See Ha'aretz Yearbook 1949 No. 548, p. 87)

defendant was British and his government hostile to the young state, which was fighting for its life.

I do not believe this verdict deserves lengthy analysis or refutation. The supreme court did the work for me in concise fashion. But I must quote Justice Halevy's statement that "the act of the first defendant was a war crime at the time it was committed, for which he was liable for the death sentence *under international law*." (emphasis mine. Y.S.) The president of the district court cited the trial of leading Nazis at Nuremburg and added that "by applying the Official Secrets Act to the area held by the Israel Defence Forces the legislator has done a favour to spies." According to Justice Halevy, even in England "German spies were tried in most cases *in camera* and hanged."

Nor will I repeat the legal points I raised in the district court (some of which were also relevant to international law), or the evidence given at the trial. The verdict of the supreme court in the Sylvester Appeal against the Attorney General, Criminal Appeal No.1, 1948, deals with these matters at length. On this verdict, the former Supreme Court Justice Yitzhak Olshan writes in his book "Law and other Matters" published in early 1978, that the court accepted his proposal that Justice Moshe Smoira, president of the court, should reply to the judicial and procedural arguments which had no viable connection with the facts of the case, while he would deal with the factual aspect and the legal problems... In the course of the appeal I called the court's attention, discreetly, to the existence of the 'draft outline'.

The court rejected Halevy's argument that the nationality of the defendant should be a weighty factor in his conviction. But it did so far too mildly, without pointing out that such reasoning was in violation of the basic tenets of justice and of Jewish law.

I believe that the supreme court should have condemned unequivocally the conclusions of the district court and, for this reason alone, revoked the conviction in this interesting case, which the worthy justices defined as having had international repercussions. The cold legal analysis of the supreme court can be somewhat justified by the reluctance of the learned justices to criticise a lower court.

The repercussions of the appeal verdict

Yitzhak Olshan writes that Sylvester's conviction in the district court echoed round the world, particularly in England. Questions were asked in the House of Commons, one of them when the appeal was just being heard. The foreign secretary, Ernest Bevin, replied "that he had every reason to place confidence in Israeli legal institutions". This expression of trust was ironic in view of Bevin's unswerving hostility towards the state.

Justice Olshan says of the verdict that "it was widely published abroad as well, and the *Supreme Court* (emphasis mine Y.S.) began to enjoy a worldwide reputation". He adds that his impression was that "out of respect for the judiciary and the emotional attitude of the people towards their own supreme court, the news of the acquittal was greeted in Israel without a hint of opposition: by the humanists — with admiration, and by the ultra-patriots — with restrained regret". Abroad, there was relief that British subjects had been cleared of spying against a country fighting for survival.

I can only ask myself what impression would have been made on humanists and enlightened intellectuals if Justice Halevy's draft outline had ever been published.

Letter to a judge

November 19, 1948
My dear Olshan,

I was very sorry to have been unable to come to Jerusalem to hear the Sylvester verdict.

I received word of the date slightly late, and in order to reach the court in time would have had to leave Haifa at dawn. Moreover, I am burdened with numerous questions connected with my imminent trip abroad which demand my full attention before my departure. I hope that the court will appreciate that I truly wished to be present during the reading of the verdict, out of my respect for the court and the matter under discussion.

When the hearing of the Sylvester case commenced before the district court, I was approached by an elderly Jewish tradesman from Jerusalem, who asked me in amazement how the grandson of Yoel Moshe Salomon and the son of Haim Salomon could represent a spy. I replied that one should not pass judgment before hearing the facts. After this I saw him daily in court, totally absorbed in the proceedings. Several days later he came to me again and said that things were beginning to be clear to him and that he was surprised that charges had been brought at all. When judgment was handed down by the district court he was more amazed than I was. He said, with tears in his eyes, that it seemed to him a perversion of justice.

Yesterday this Jerusalemite appeared at my home with a bouquet of flowers and a note which reads: 'To Mr. Salomon, Haifa. In honour of your victory and the triumph of justice in the trial of Sylvester which touched the depths of my heart, please accept these flowers. In admiration and esteem, A. Lapin.'

This little note faithfully reflects the feelings of the man in the street on the Sylvester case and on your verdict. It is dearer to me than any compliments or praise, telegrams etc. To my mind it is the greatest possible compliment for the court and the justice it depenses.

I hope to return to Israel at the end of next month and will try to come to Jerusalem immediately after my return. I hope to visit you then.

With respect and friendship, Y. Salomon

The end of the fight but not of the affair

On November 18th, I received a.cable from the British consul-general through the consul in Haifa: "Please convey to Salomon my appreciation and grati-

tude for the outcome of the Sylvester appeal." The consul in Haifa added: "Allow me to join in the thanks and congratulations on your brilliant battle."

On November 23 1948, I received from the foreign office in London the cable I have already mentioned in the chapter on the 'Battle for Haifa'. At that time I could not have guessed that within several months I would be involved as defence counsel in a trial even more complex and fascinating than the Sylvester case. This was the Be'eri-Tubiansky case in which I was forced to take decisions which affected the lives and good names of respected members of the Haganah. This case also arose out of the confused and vague military and political circumstances of the months following the War of Independence. I could not then imagine that this trial would have far-reaching implications with regard to the findings of the Sylvester case.

11 The Isser Be'eri Case

A Jewish spy is executed

On July 19 1948, the ministry of defence issued the following announcement:

The public is hereby informed that on 30.6.48 an urgent military tribunal composed of three officers met somewhere in Israel and passed the death sentence on an enemy spy. The spy had handed over to the enemy details of the Israel Defence Forces industry in Jerusalem, and had revealed to the enemy the location of the operational headquarters of the IDF. As a result of the transmission of this information these targets were attacked by the enemy. The death sentence was carried out at an IDF base by a military unit.

The man who was executed was Meir Tubiansky. The military tribunal which passed sentence was appointed by Lt.-Col. Isser Be'eri, then head of security services. The three judges who were under his command were the officers in charge of security services in Jerusalem, central Israel and the north.

Espionage matters were then under the sole jurisdiction of the 'information services' (Shai) or 'security services' (Shin Bet). There were as yet no regulations subordinating the intelligence services to the IDF general staff. The assumption was that the Shai was directly responsible to the minister of defence, from whose ministry it received its financial allocations. (David Ben-Gurion was then prime minister and minister of defence.)

The day after the execution of Tubiansky, Isser Be'eri went to see the minister of defence and informed him that Tubiansky had been found guilty of treason by a field tribunal and that the sentence had been carried out on the spot. Be'eri also informed Brig.-Gen. Zvi Ayalon, deputy chief of staff.

In his conversation with the minister of defence, Be'eri expressed the opinion that it was desirable to make the matter public. The minister of defence therefore asked Dr. Avraham Gorali, chief military prosecutor, to investigate the whole affair.

On July 13 1948, Gorali sent his report to the minister of defence. It read as follows:

Document No. 23 Legal Service
The Minister of Defence:

1. I have received the report on the interrogation of Meir Tubiansky in Jerusalem, which contains his confession of espionage, the sentence, and report of execution of the sentence.
2. I was asked to examine the interrogation and trial.
3. Even before his arrest and interrogation, I was shown the charges against him. On 30.6.48 the legal officer of my service issued at my behest an order of detention for ten days for purposes of interrogation. I confirmed that there was material for a serious charge. The outcome of such a trial in the event of conviction was clear and I informed Etti (Be'eri's underground name) that, taking into consideration the flaws in the 1948 Jurisdiction Act, I could not take responsibility for such a trial. Etti undertook to arrange for a field tribunal.
4. I was informed by Etti that the man had been arrested in Jerusalem and brought to a certain place and interrogated there by him. The man confessed to having handed over to the enemy information on the locations of our industry and that of the "Irgun" and "Lehi". Etti set up a tribunal on the spot. The sentence and its execution appear in Etti's report. He appeared as prosecutor.
5. On the basis of the material which Etti showed me, which was apparently reliable, and on the basis of the defendant's confession, there can be no doubt that the court was obliged to carry out the sentence.
6. Although, as regards the matter itself, an essential act of expurgation was carried out, I think it necessary to question the situation which makes it necessary to hold trials in this fashion. Whereas this was essential in underground conditions, there is no room for such conduct in the state of Israel.
7. The holding of this clandestine trial denied the defendant the rights recognised in every proper legal system, such as defence counsel, the right to appeal and the right to mercy in the event that the verdict is not approved by the appropriate body, the right to bring witnesses etc.
8. As long as these rights are not guaranteed, one cannot call this a court, and the prosecution cannot fulfil its functions.
9. According to chapter 4 of the Jurisdiction Act 1948, this case should have been tried by a special court appointed by the chief of staff, to whom the sentence should have been conveyed for approval. Any sentence entailing the maximum punishment should carry the automatic right to appeal.
10. The law as regards the powers of the chief of staff has not yet been amended. The maximum sentence has not been determined. The appeal court cannot sit legally until the supreme court justices are appointed.
11. Until there is a proper military code of law, determining the basic principles for conducting such serious trials, there can be no possibility of holding any tribunals except in the fashion described above.
12. Finally, I believe that it is desirable to issue a statement on this matter, since the public is aware of the case.

Intervention by the Minister of Defence

In November 1948, Mrs. Haya Tubiansky, the widow, wrote to David Ben-Gurion. I never received a copy of this letter but its contents are clear from Ben-Gurion's reply of December 27, 1948:

'Mrs. Haya (Lena) Tubiansky (Bentov), POB 391, Jerusalem
Dear Madam,

I am deeply sorry that my answer has been delayed until now. I wanted to clarify the matter insofar as possible and it was not easy to find the time — and I apologise to you. I have no doubt of the sincerity of your remarks. They are obviously true. I cannot judge your husband — but I have examined the procedures of his trial, and discovered that they were improper. This may be because the customs of the underground movement still prevail in the military circles originating in the Haganah and the state has not yet had time to pass laws and to impose its authority on all. But there can be no doubt that the matter calls for reexamination, and I have given instructions to the chief of staff to order an investigation of the trial and to appoint a new military tribunal. I have also given orders that you be informed officially of your husband's death and sent the necessary documents — and any personal belongings will be restored to you.

The government will guarantee the education of your son — and whatever the outcome of the trial, it is obvious that neither you nor your son bear the slightest blame. At present I cannot and must not express an opinion as to your husband's guilt. This must await the retrial which will take place shortly.

With respect and esteem, D. Ben-Gurion

On the same day Ben-Gurion wrote to the chief of staff:

I am sending you a letter from Tubiansky's widow and a copy of my reply.

Consult with legal experts and appoint a tribunal to reexamine the charges against the deceased. It is evident that the original trial was improper and not commensurate with the laws prevailing in the Haganah before the state was established.

The widow must be sent an official document on the death of her husband, and if any of his belongings remain they should be sent back to her. The army must continue to concern itself with the education of the son, and if it should transpire that there has been an error and a man was executed without sufficient reason — the army must pay satisfactory compensation.

The report of the military advocate-general

At the beginning of January 1949, the chief of staff, Brig.-Gen. Ya'akov Dori, sent to Lt.-Col. Hoter-Ishay, then military advocate-general, the correspondence between Tubiansky's widow and the prime minister. Hoter-Ishay was asked "to examine the material in the Tubiansky case" and to express his view "on the possibility of a retrial." On 26.6.49, the advocate-general sent his report to the chief of staff.

Between these dates Hoter-Ishay questioned numerous witnesses, including senior Jewish officials of the Jerusalem Electric Corporation, in order to clarify whether Tubiansky had in fact conveyed to one of his superiors, a British official of the Corporation, secret information likely to be of advantage to the enemy. This had been the charge against him at the trial convened by Be'eri.

Since there was no legal possibility of conducting a 'retrial', the defendant having been executed, Hoter-Ishay decided to hold an investigation and to publicise its outcome. Most of the witnesses questioned by Hoter-Ishay

appeared for the prosecution in the subsequent case of the State against Be'eri, at which Be'eri was accused of the manslaughter of Tubiansky.

In his report, the advocate-general gave a background survey on Tubiansky's personality. Inter alia, he wrote that Tubiansky had not succeeded in establishing good relations with his fellow workers or with Jewish officials, and that he was generally unpopular among his Jewish acquaintances because of his fondness for emulating the British, his friendly attitude towards them and particularly towards Col. Gresham, the general manager of the Corporation, who had taken Tubiansky on.

Hoter-Ishay noted that in March 1948 Tubiansky had been appointed by the district governor, Brig. David Shaltiel, as commander of Schneller Camp in Jerusalem. He was transferred from this post in May since he did not succeed in overcoming supply problems and because his relations with the other officers were strained. There were rumours of theft though this was never proven. He was reassigned to command of the Merhavia airstrip.

At the end of May, the Jerusalem committee and the administrative division of the Jerusalem district HQ, in conjunction with the director of the Electric Corporation in the Jewish sector of Jerusalem, Alexander Zinger, prepared a list of vital locations as regards electricity supply. The list was in Hebrew; a shorter list was prepared in English, omitting those places which were considered top secret from the military point of view. This short list was prepared for the British official Bryant, then Gresham's deputy. It was obvious that a British official should not be shown a list giving details of secret military installations.

According to Zinger, Bryant insisted on receiving a list of consumers, which he claimed he needed. Zinger tried to evade the whole issue. Only after consultation with representatives of the Haganah did Bryant receive the short list. It was given to him by Hugo Wolf, a Jewish official of the Electric Corporation.

The witness Eliezer Cohen, also an official of the Electric Corporation, related in his testimony to Hoter-Ishay that Zinger, before leaving on vacation in June 1948, cautioned him not to give Bryant details of secret installations. He said that on 16.6.48 he overheard a conversation between Tubiansky and Bryant, in which the former explained the details of the list of electricity consumers from the full list and not from the shortened one. Tubiansky told Bryant of vital military installations, including the Eden Hotel, then district HQ, Oxhorn House and Hayun House, both arms workshops of the "Irgun" and "Lehi", and the location of the Kol Hamagen, the clandestine location of Haganah's broadcasting station. Cohen also said that in the course of the conversation, the word *ta'as* (military industry) was added (in English) to one of the names on the list. This place had appeared under the code name of

Brands Centre. Cohen and Wolf both attested to having heard Tubiansky explain to Bryant the meaning of the word *ta'as*.

According to Cohen, he was alarmed at this conversation. He tried by hand movements to warn Tubiansky not to reveal the secret locations, but Tubiansky continued. Wolf had been standing about the same distance away as Cohen, behind Tubiansky's back. This witness said: "I recall that Bryant showed Tubiansky a list of consumers and Tubiansky took out his briefcase and showed Bryant lists in Hebrew and they began to compare them. Bryant asked questions. He asked about several of the locations on the list he was holding, and Tubiansky took out the Hebrew list and Bryant saw that there were a great many more consumers on that list. He wanted to know who they were. He saw that his list was incomplete and he wanted an explanation. Tubiansky started to read it out to him and, among others, he read out Hayun House and Oxhorn House, where the "Irgun" and "Lehi" workshops were."

Q. You heard Tubiansky say that those were Irgun workshops?
A. Yes.
Q. Are you sure?
A. Yes.

In his report Hoter-Ishay noted that when Bryant was interrogated by the police in July 1948, he said that he had demanded that Tubiansky give him the full list of vital consumers in order to check how important they were, since the stocks of fuel were running low and he wanted to save. According to Bryant, as reported in his police interrogation, he did not consider the document to be secret since at that time, the first ceasefire was in force in Jerusalem and the city was not being shelled by the Arab Legion.

In his report, the advocate-general stated that Tubiansky had in fact conveyed to Bryant secret details, as Cohen and Wolf claimed, but that in his opinion Tubiansky's criminal intent had not been proved. And Hoter-Ishay added that in the case of so grave a charge, it is necessary to establish legal procedure, to prove both criminal intent and that a crime has been committed. Since Tubiansky had denied any criminal intent, Hoter-Ishay concluded that his guilt had not been proved. He also stated that the handing over of the list and details to Bryant could not have served as the pretext for the shelling of the buildings classified as secret, since there was an official ceasefire at the time.

He ended by recommending to the chief of staff that he make a public statement to the effect that after reclarification it had been established that Tubiansky "was not a traitor" and "was innocent".

Tubiansky cleared

As a result of this report, the minister of defence informed Mrs. Tubiansky that the investigation of the trial and execution of her husband had revealed that "Meir Tubiansky was innocent and the execution was a tragic mistake".

Since the prime minister's letter was based on Hoter-Ishay's findings in his capacity as advocate-general, I shall quote it in full:

Mrs Haya (Lena) Tubiansky

1.7.49

Dear Madam,

Further to my letter of 27.12.48, I wish to inform you that I have received a full report of the investigation conducted by the advocate-general by order of the chief of staff on the interrogation, trial and execution of your husband. It has been found that Meir Tubiansky was innocent and the sentence and execution were a tragic mistake.

In order to make reparation, insofar as possible, for this regrettable and painful miscarriage of justice, the chief of staff, with my approval, has decided:

1. To award Meir Tubiansky, who was an officer in the Haganah, the posthumous rank of captain.
2. To reinter his remains in a military cemetery with full honours.
3. To pay you and your son appropriate compensation.

I cannot give expression to the profound regret felt by all those who dealt with the affair, including myself. This should not have happened, and those responsible will be tried.

Your husband did indeed err — perhaps even seriously — in handing over a list to the Englishman who was his superior, without considering that this list might fall into dangerous hands. He admitted this and regretted his mistake, but he had no evil intentions, and without intent there can be no act of treason. I must note that after the sentence was passed (illegally) and the order was given to shoot him — he asked that his child be cared for and the three judges present at his death have said the following of his last moments:

Judge A: Before the sentence was carried out, he behaved well, stood with his eyes unbound and was not shackled.

Judge B: He denoted his acceptance of the judgment by standing to attention, without being ordered to do so, when the firing order was given.

Judge C: We were present at the execution. I do not recall if he asked to write a letter or will. I think he said something about his son, his son's education. The local C.O. took a platoon of six to seven men, and he was shot at a distance of 50-100 metres from the place of the trial. His eyes and hands were not bound. He stood to attention.

To my regret we cannot make physical amends, but I see it as my duty to inform you and your son of how he conducted himself in his last moments.

An announcement will shortly be made in the press, and a special assembly will be held at your son's school, at which all the children will be informed by an army representative of the tragic error, so that your son's friends will realise that his father died by mistake. His son can be proud of the service of his parents — both his late father and his mother (to whom I wish long life) for many years in the defence of the homeland.

Respectfully,
David Ben-Gurion,
Prime Minister and Minister of Defence

On July 3rd 1949, the ministry of defence published the following announcement:

On 30.6.48 Meir Tubiansky of Jerusalem was convicted according to the Haganah laws of the crime of having conveyed information to the enemy with treasonous intent, and was shot on the same day. At the request of Tubiansky's widow, the minister of defence ordered an investigation of the trial.

After painstaking examination by the advocate-general, questioning of witnesses and a study of all the trial material, it has been clarified that Meir Tubiansky was innocent and the sentence and execution were a tragic mistake.

In order to amend, insofar as possible, this regrettable and painful miscarriage of justice, the chief of staff of the IDF, with the approval of the minister of defence, has decided:

1. To award Meir Tubiansky, who was an officer in the Haganah, the posthumous rank of captain.
2. To reinter his remains in a military cemetery with full military honours.
3. To pay his widow and son appropriate compensation. Those responsible will be placed on trial.

On July 7 1949 Tubiansky's body was transferred under military escort from his place of burial at Beit Jiz, to Jerusalem. The coffin of Captain Meir Tubiansky was interred, while a guard of honour fired a last salute. Because of the siege of Jerusalem, he was buried in a provisional cemetery at Sheikh Badr.

On July 10th a warrant for the arrest of Isser Be'eri was issued, on a charge of having illegally caused the death of Meir Tubiansky. On my appeal to the president of the Tel Aviv Court, Be'eri was released on personal bail of IL. 250 and on my personal bond.

On the 17th, the representative of the attorney-general submitted to the investigating magistrate at the Ramle Magistrates' Court a charge sheet, charging Isser Be'eri with manslaughter in violation of Section 212 of the Criminal Law Ordinance of 1936, in that on June 30, 1948 he had illegally caused the death of Meir Tubiansky at Beit Jiz, in the Ramle district.

On the same day I wrote the minister of defence as follows:

Sir,

Mr. Isser Be'eri has appointed me his counsel in connection with the charge which the attorney-general is submitting against him. In your letter of 27.12.48 to Mrs. Haya Tubiansky, you informed the wife of the deceased that you were unable and unqualified to express a view as to whether her husband was guilty, and that this should be left to a new trial. The trial you specified was an investigation by a new military tribunal.

A statement issued to the press on 3.7.49 declared that after investigation by the advocate-general in accordance with your order it had transpired 'that Meir Tubiansky was innocent'. No legal proceedings were held to establish this latter fact, but it is clear that an official statement of this nature could have an adverse effect on Mr. Be'eri's defence. In this connection and for purposes of defence I would like to request that you give instructions to send me as soon as possible the report of the advocate-general which served as the basis for your announcement as conveyed by the head of the intelligence services on July 4.

Ben-Gurion replied speedily. Two days later he sent me the following letter:

I confirm receipt of your letter of your letter of 17.7.49. On all legal matters you must approach the state attorney and not the minister of defence. I can only comment, in a personal and private capacity, that the contradiction you have found between my first reply to Mrs. Tubiansky and the announcement to the press can be simply explained: my first letter was written on the basis of the assumption that a trial had been held against Tubiansky, and the verdict of one trial can be overruled by another trial. After investigation of the matter at my request, it transpired that no trial was held, that the three men who sat 'in judgment' had no authority, and the proceedings were not conducted on the basis of any law, either of the state or of the Haganah, hence there was no 'verdict' which another trial could overrule. Since we were convinced that there was no basis for trying Tubiansky, in as much as there was no basis for accusing him of treason, since it was clear that he did not commit treason, we announced that 'Meir Tubiansky was innocent'.

In my brief reply I wrote:

Sir

Private and personal

I confirm with thanks receipt of your letter of July 19th. It is hard for me to say that I agree with your last remarks. Taking into consideration the complexity of the matter, which is by no means simple, it is best not to argue on this delicate issue at this time of legal clarification.

The statements by the ministry of defence on the eve of Be'eri's trial created an atmosphere hostile to Be'eri. Legally speaking, this was a statement of incriminating facts by a non-authorised body on a matter which was *sub judice*.

At the opening session of the Fifth Knesset on July 5th 1949, Nahum Nir, deputy speaker, said: "The Knesset is shocked at the possibility of such a tragic mistake and expresses its profound regret at the incident. The Knesset notes with satisfaction that considerations of prestige did not hinder the ministry of defence from exposing this horrific affair." Nir expressed his conviction that "the Knesset and the government will take the necessary steps to ensure that such cases will never occur again."

The trial

On July 20th 1949, I approached the then chief of staff, Brig.-Gen. Dori, on behalf of Lt.-Col. Isser Be'eri, asking him to give instructions to convene a special military tribunal in accordance with Order 26 of the Military Jurisdiction Act 1948, to try Isser Be'eri in connection with crimes, investigation of which was about to be initiated by an investigating judge. I noted that at the date on which the crime attributed to Be'eri was committed, he was an officer in the IDF and that, in practice, the IDF, by means of its advocate-general,

had begun a detailed investigation of the same charge, including interrogation of the accused. I emphasised that on May 15 1949 the accused had received 'a provisional certificate of discharge' from the army (though he continued to serve in the reserves). I cited legal evidence for my claim that since he was being accused of a crime committed during his military service, and since investigation of the charge had begun prior to his 'provisional' discharge, he should be tried according to the law in force at the time of the crime, and by a military court.

I sent a copy of this memorandum to the prime minister, to the attorney-general Ya'akov Shimshon Shapira, and to Haim Cohn, the state attorney, who was submitting the charge on behalf of the attorney-general, and had appeared on his behalf at the prior hearing before the investigating judge. On July 25 1949, the state attorney sent the chief of staff a memorandum, in which he stressed that the date of Be'eri's discharge from the IDF would determine the date on which he was no longer under the legal jurisdiction of the army, even if his discharge was 'provisional'.

The chief of staff, therefore, refused to accede to my request and the legal debate continued before the investigating judge. On August 23, 1949, the judge decided that Be'eri should be tried by the district court on a charge of manslaughter. On September 6, the attorney-general accordingly charged Be'eri before the Tel Aviv District Court.

The investigation and the trial aroused enormous public interest, perhaps more than any other trial in the state of Israel previously or since. The daily press devoted pages to it, and gave an almost verbatim report of the proceedings. The defence of Be'eri was one of my most interesting assignments and called for close knowledge of all the details and angles of the material, as well as close acquaintance with the defendant from both the psychological and moral viewpoints.

In order to get to know Be'eri and to prepare my defence, I decided to move to Tel Aviv for several weeks and to live with him in a two-room apartment I rented in Hayarkon Street. This enabled me to talk to him not only about the details of the charge, or the circumstances which had rendered Tubiansky suspect, or even Be'eri's own involvement from the moment he decided to try Tubiansky before a 'field tribunal' until the sentence was carried out by a military firing squad. It was through our conversations in the evenings, after study of the legal material and the evidence that I was able to assess his character and understand various background details. Our talks did not take the form of interrogations; they were not conversations between a lawyer and his client but rather discussions between friends which inevitably touched on the execution of Tubiansky, something which undoubtedly troubled and depressed Be'eri day and night.

Hearing of the trial began in the Tel Aviv District Court on October 18th 1949 and continued, almost without interruption, until the end of November. Because of the importance of the case at the time, the attorney-general agreed to conduct the prosecution himself, since he was convinced that under the trying circumstances of the war for survival, it should be publicly demonstrated that Israel was a state based on justice — even if the defendant was a loyal soldier who had acted in good faith. The assertions of the attorney-general, in this spirit, still echo in my ears.

I say this with a certain irony because I feel that he exaggerated (in this and other cases) in his approach which sometimes appeared to me naive. Shapira stated over and over again that he had been appointed in order to uphold the honour of Israeli justice as part of the moral values of the reborn state. Nobody could deny this, certainly not I. I admired this attitude and did not dispute it, and took issue only with his rather bombastic style. In the course of the two decades of our work as attorneys, I had met Shapira very often; sometimes we had been partners in fascinating cases, particularly during the Mandate, and sometimes rivals in economic disputes, but our relationship was always cordial.

I should like to describe some of the exchanges between us in the course of this trial, in which Shapira gained the upper hand. I fear that as a result I was prevented from bringing to the knowledge of the court important information, which could have cast light on Be'eri's motives in placing Tubiansky on trial for espionage. Some of these facts have remained unknown until the publication of this book. Their revelation seems to me of historical importance, though I ask myself whether after so many years it is wise to raise ghosts and to question whether it was ever proved beyond doubt that Tubiansky was innocent.

The proceedings of Be'eri's trial were riveting, but I see no need to dwell on them at length. My main intention in this chapter is to depict Isser Be'eri and my esteem for him as a result of this trial. I would also like to bring to the attention of the reader and the historian material which has remained buried till today. What was then unquestionable may be seen in a new light.

One of the prosecution witnesses was the police officer Hofstatter, the main interrogator in the Sylvester trial, who also assisted the attorney-general in the Be'eri trial. The attorney-general began his interrogation of this witness with questions arising out of the interrogation in July 1948 of the five British officials of the Jerusalem Electric Corporation, Tubiansky's colleagues, who were suspected of being members of a pro-Arab spy ring and two of whom, Hawkins and Sylvester, were tried on this charge.

The following are the questions of the attorney-general and the responses of Hofstatter:

Q. You are acquainted with the police file, or to be more precise the police investigation concerning the five Englishmen?
A. Yes, I am.

Q. What was your connection with that investigation?
A. I was one of three officers who investigated the file.

Q. Who are the other officers?
A. Ram Lustig and Yehuda Parag.

Q. Which of the three of you coordinated the investigation?
A. I was probably the coordinator, under Lustig's supervision.

Q. When did the police investigation begin against the five Englishmen?
A. They were handed over to the police on July 19 1948.

Q. You say 'handed over'; where from? Where were they before?
A. On July 6, 1948, they were arrested by an "Irgun" unit in Jerusalem. A week later they were handed over to the IDF and on the 19th the army handed them over to us, with a demand that we conduct a thorough investigation concerning suspected espionage.

Q. At the beginning or during the investigation, did it ever occur to you that there was any connection between the investigation and the Tubiansky affair?
A. It emerged to the extent that matters touched on one of the suspects, Michael Bryant.

Q. You knew then that Tubiansky had been executed on a charge of treason, and that the details of the charge were that he had handed over a certain list to Bryant, and that as a result certain places in Jerusalem had been shelled?
Q. cont. You said there were five Englishment there, that one of them was Michael Bryant. What was Bryant's function in the Company?
A. He was manager of the Jerusalem Electric Company.

Q. What were the names of the other four Englishmen?
A. Sylvester, Hawkins, Leech and Downs...

Q. In the investigation file did you submit any recommendations to anyone?
A. Yes. We submitted several reports to the attorney-general. In the end we submitted all the material. We summarised it and submitted it to him.

Salomon: Is this relevant?

Attorney-General: It is very relevant.

Attorney-General: I do not intend to ask the witness what his recommendations were and on what they were based. I think that I said this at the last session and the court accepted my opinion that this matter concerns Bryant. Who was Bryant, or to be more precise, what would have happened if the gentlemen in the court had troubled to investigate further what our police discovered. I think this is very, very relevant to this case. I want to establish that recommendations were made in the investigation, and what happened afterwards to those five Englishmen in the normal legal administration of the state of Israel, and what could have happened to the late Tubiansky if something resembling legal procedure had been observed. Therefore I think that this question is relevant and I request that I be permitted to ask it.

As a lawyer experienced in criminal cases, I was amazed by the questions of the attorney-general, and the direction of his investigation, as he explained it to the court.

Presiding Justice Bar Zakai: "We find that it is not desirable to bring in the case against the five Englishmen, which began after the Tubiansky affair, in so generalised a fashion. It seems to us that it is more desirable to confine the questions to rendering them more relevant to the matter we are discussing, whether directly or indirectly."

The court's decision was enigmatic, although it could be assumed that it was hinting to the attorney-general that he should abandon his line of questioning. In practice Shapira disregarded this advice and continued his interrogation of Hofstatter.

Q. After the police submitted their proposals, what happened to Michael Bryant?
A. He was released without being tried.
Q. On whose orders?
A. On the orders of the attorney-general.

The intention of the attorney-general in interrogating this witness was to prove, as it were, that at the time of Tubiansky's trial he, the attorney-general, was the sole authority empowered to determine whether to try a person accused of a criminal charge, even espionage. In the case of the suspicions against the five Englishmen — the police force had investigated, and as a result of its investigation and having found no clear evidence against Bryant, the attorney-general, official representative of the 'administration', had decided not to try Bryant. In contrast, in the case of Tubiansky, Be'eri had taken the law into his own hands. He had investigated the charge with the aid of his subordinates, decided that there was justification for trying Tubiansky on a charge of espionage, and had acted as prosecutor before the 'court' he himself had set up, which had convicted Tubiansky and sentenced him to death.

I shall not continue to dispute the attorney-general's considerations. I asked myself how it was possible to compare the case of Tubiansky — an army officer accused of espionage at the height of a war — with charges against a British subject at the same time.

I regarded this unusual investigation on the part of the attorney-general as the prelude to interrogation of the witnesses concerning Bryant and the other Electric Corporation officials, friends of Tubiansky, on matters which cast grave suspicions on Tubiansky. I started my own cross-examination of Hofstatter with a question relating to the evidence of Talbi, one of the prosecution witnesses in the Sylvester case, who had clearly implicated Bryant and his comrades in espionage. The attorney-general immediately took umbrage, and objected to this line of examination. He decided to cut off my interrogation sensing that I was likely to try to discuss other evidence and documents in Hofstatter's file, including Sylvester's confession to the existence of a spy ring and Tubiansky's involvement in it.

The attorney-general's objections increased, and my cross-examination was totally blocked by the court's ruling that my questions were irrelevant.

I am forced to assume that at that time the attorney-general was cognisant of the testimony of the five Englishmen on July 9 1948, including Sylvester's statement implicating Tubiansky. Nor was he unaware of the intelligence functions of Col. Gresham, who had brought Tubiansky into the Corporation and was on friendly terms with him.

It is not surprising, therefore, that I was disappointed at the court's ruling which prevented me from submitting important material, although up to then Be'eri's position, with my backing, had been that the defence should not bring evidence relating directly to Tubiansky's guilt or innocence.

As I have noted, I abandoned my line of questioning, but I would like now to cite some of the facts I had hoped to highlight in my interrogation of Hofstatter.

Sylvester's confessions

It will be recalled that the "Irgun" arrested the five Englishmen on July 6th and handed them over the IDF on July 13th. The army then gave them into police custody. Among the detainees was Frederick William Sylvester, who signed two confessions: one on July 9th and the second on the 14th. These were in the police files before the Be'eri trial commenced.

The following are excerpts from the statements, attesting to their relevance to our case:

I, Frederick William Sylvester, aged 31 years, Christian, British subject, hereby declare that the following statement is given freely and voluntarily. I enlisted in the Palestine Police on the 4th of October 1940 as a constable in the British section. I served in various capacities during my service... I left the force in November 1944 upon termination of contract and returned to England. I was on leave until November 1945 when I

was called into the armed services, having previously served in the Royal Artillery from January 1st 1935 to December 31st 1937. I was sent on a course of assistant instructor of gunnery. I only attended this course for two weeks as my service in the Palestine Police Force was taken into consideration... I served in Germany until December 1945 when I was demobilised. I returned to England and obtained employment in the North British Rubber Company, the pay I received was very small and the climate interfered with the health of my wife who was a Palestinian (Armenian). When I was approached by military intelligence to work in Palestine I accepted their offer. I received special instructions and attended various courses relating to the work I was expected to perform there. I was then sent to Transjordan where a job was arranged for me with John Howard's and Co. I was instructed to report on the Arabs of Transjordan in regard to communistic activities, organisers of labour, their attitude to the British, and to spread anti-Zionist propaganda. I then passed on my information to Mr. Hallam of John Howard's.

The disturbances broke out in Palestine in November 1947 and I was instructed to report to Jerusalem as my military knowledge would be required there. I left Transjordan for Palestine on 11.1.48 and reported to Col. Gresham as instructed. I was given a situation in the Jerusalem Electric Corporation and a few days later Hawkins contacted me as my superior. Firstly I was instructed to give courses in explosives to Arab officers in Palestine, including the use and handling of them. I was also told to contact various high Arab officers and instruct them in military matters. When the situation deteriorated I was ordered firstly to send my daughter and later my wife to England but I had to remain behind. I was only in touch with Hawkins, who gave me my instructions, but I am sure all other officials of the company were connected with the same organisation as myself. I also know that the most important information, such as the strength, the armaments, road-blocks and positions, was passed by Tubiansky to Hawkins who in turn passed it to the Arabs. Hawkins was also in touch with officials of various consulates who passed him information to pass on to the Arabs.

I was in contact with the waiter Mohammed who used to give me information from various sources. After the Jews had occupied Katamon, German Colony, Upper Baka as far as Talpiot, Hawkins used to pass information over the phone to Col. Gresham to the British consulate in the Old City. I used to send coded messages given to me by Hawkins, over the transmitter to the St. George's. Those messages were picked up in the Old City by Arabs or British and decoded. We had a few Jewish visitors to our house who used to pass us information... When we were arrested by I.Z.L. I realised that the game was up and that it was useless to deny or conceal anything.

F.W. Sylvester
9th July 1948

On July 14th, Sylvester gave further evidence as follows:

Additional Statement:
Since submitting a statement a few days ago there are further items of information I have recollected. About a fortnight ago, or one week before my arrest, Hawkins returned from one of his frequent visits to the town. He told me that Tubiansky is strongly suspected of passing information to Col. Gresham in the Old City and that the spy ring has been uncovered. He warned us not to visit the town because there was a big spy scare. He thought we would be safe in our house as we were under the protection of the three consulates: American, French and Belgian.

A day before our arrest Hawkins took some documents, an instrument and a map showing the electric wiring in the town and also the positions of the sub-stations, to the Danish consul in Jerusalem, Mr. Mulford. This was done in a hurry as Mulford was

going to the Old City on the following day and should hand these documents etc. to Col. Gresham.

I admit denying that a Morse key was in our possession as I hoped it would not be recognised. I myself did not use the key as I do not know Morse signalling but it was used, although not during the normal signalling hours. I do not know who used the Morse key because I was instructed by Hawkins not to be present.

F.W. Sylvester

The key was shown to me and is the same one which was kept in the room next to mine where the transmitting set was installed. I recognise the key as the Bakelite covering on the plug is broken, and I am sure of this.
Signed: F.W. Sylvester
13.7.48

The evidence given by the five Englishmen after their arrest, including the above-quoted confession, was no secret. It had been in my possession since the beginning of the proceedings and was also in the possession of other people, one of whom saw fit to bring it to my attention and to ask why I had not presented it in court. This occurred in the course of the trial before my argument with Shapira. The story is as follows: at the end of September 1949, some three weeks after the charges were submitted against Be'eri, I received a letter from a man unknown to me, which I quote in full because of its importance:

26th September 1949

Dear Mr. Salomon,

Further to my letter (G/13); (your references S/O/4969) I herewith enclose the exact wording of Sylvester's accusation of Tubiansky.

Although the Ministry of Justice have refused permission for me to photograph the original admission of guilt by Sylvester, I have only just — by other means — gained possession of authenticated copy of said statement.

I do not think that the whole statement would be of interest to you, so I am only giving the relevant section of it. If any further information should come into my possession, I will, if you consider that this would help your case, pass on same information to you.

"... I was only in touch with Hawkins, who gave me my instructions, but I am sure all other officials of the company (Electric Corporation) were connected with the same organisation as myself. I also know that the most important information, e.g. the strength, the armaments, road blocks, and gun positions, was passed by Tubiansky to Hawkins who in turn passed it to the Arabs..." (The statement was written on the 9th July 1948). In an additional statement dated the 14th July 1948 Sylvester writes "About a fortnight ago, or one week before my arrest, Hawkins returned from one of his frequent visits to the town. He told me that Tubiansky is strongly suspected of passing information to Col. Gresham in the Old City and that the spy ring has been uncovered."

I sincerely trust that this information will be of benefit to your client, Mr. Be'eri.

I remain, Sir,
Yours faithfully,
Solomon H. Steckoll

I replied on September 29 as follows:

29th September, 1949

Mr. Solomon H. Steckoll
The Middle East News Agency,
Jerusalem

Dear Mr. Steckoll,

I am very grateful for your letter G/38 of 26th inst. and for the keen interest which you show in the Be'eri case. I wish things were as simple as you feel.

The extracts quoted in your letter are correct. I have a full copy of the statement. The difficulty, of course, is a legal one: how can the statement be produced in the Be'eri trial? The production of such a statement would certainly add to the true picture, but there are certain rules of evidence which, even with exceptional ingenuity, cannot be got over. At the moment I have not found a way of getting the statement in as part of the evidence in the case.

I shall, however, bear your advice in mind and am looking forward to any other help you may give me in this matter.

Best Wishes for A Happy New Year.

Sincerely yours,

JS/DK.

Sometimes I ponder what would have happened, at least as regards the public aspects of the case, if the attorney-general had not been adamant, supported by the ruling of the court — under circumstances which to this day I cannot justify — and if this material had in fact found its way into the testimony submitted at the Be'eri trial.

The 'Balfour Document' — which I quote below, undoubtedly bears out the authenticity of Sylvester's statement. I have already said that it may be assumed that the attorney-general was aware of Col. Gresham's position. Gresham was one of the senior members of the British intelligence network in the Near East.

Avraham Kidron, then a member of the Shai and one of the judges who convicted Tubiansky, said in his evidence to Hoter-Ishay:

"Another question I raised was who brought Tubiansky into the Corporation. He said that it was Colonel Gresham, who was general manager of the Electric Corporation and according to the report of "Yeruham" (i.e. the IDF Intelligence Service) I saw that Gresham had printed an announcement that Bryant had been appointed manager of the Corporation in his absence, while Gresham himself moved to the Old City. Tubiansky maintained lasting ties with both Gresham and the Electric Corporation, although the Corporation did not supply electricity to the Arab sector. In one of the "Yeruham" reports, whose source I do not recall, I read the view that Gresham was one of the central people of British intelligence in the Near East, and this rendered Tubiansky suspect in my eyes..."

A surprise — the Balfour document

I must now digress somewhat from the trial in order to introduce fascinating material which was shown to me, to the attorney-general and to Be'eri, several days before the end of the proceedings at the district court. This is the first time that these facts are being published.

About a week before the end of the proceedings in the Tel Aviv court, between October 20th and 28th, Boris Gurevitz (later Guriel), came to my room in Hayarkon Street. Guriel had been active for many years in the security services, particularly in intelligence. At that time he was working in the foreign ministry in a security job. For a time he was connected with the Shai which Be'eri headed. I was closely acquainted with Boris through his security work and our friendship has lasted ever since. Boris was most excited. He said that he wanted to give me some important secret information connected with the Be'eri trial and asked to speak to me alone. I asked Isser to go into the other room.

Boris showed me a typed document, the details of a letter which John Balfour, a senior official at the British representation in Tel Aviv, had sent to the foreign office in London. I had met Balfour when he visited my office after I accepted the defence of Sylvester and his colleagues. Boris did not doubt that the letter had been sent by Balfour during the Be'eri trial.

In his letter Balfour wrote that he feared that the Be'eri trial would reveal the involvement of British officials of the Jerusalem Electric & Public Service Company in espionage, and that "as you know," Tubiansky was also close to these matters. The British intelligence services in Israel, therefore, feared that the Be'eri trial would expose Tubiansky's assistance to British officials in espionage against Israel.

To say that I was stunned would be an understatement.

I asked Boris to leave the letter with me, after he had granted me permission to make this amazing information known to Be'eri.

I told Be'eri relatively calmly. Isser paled and asked me: "What do we do now?" I replied: "The situation is very complicated. To my mind we must try to bring these facts to the attention of the court."

Be'eri thought for a time and suggested that we should not arrive at hasty conclusions, and that we should consult friends, and perhaps our mutual friend, Yisrael Galili, who, before the establishment of the IDF, was chief of staff of the Haganah. I tried to contact Galili, to whom I had spoken previously when I asked him to be one of the character witnesses in the event that Be'eri was convicted. Since I was unable to locate him, I contacted Yigael Yadin, then deputy chief of staff. I had consulted him as well in the course of the trial and he was among future character witnesses in the event of a conviction.

Yadin lived in Hayarkon Street close to our small apartment. I told him about the material Boris had brought me. He, too, was at a loss. We decided that on the very same night we would meet with David Ben-Gurion, the prime minister and minister of defence. Yadin undertook to arrange the meeting with Ben-Gurion.

Shortly before midnight we appeared at Ben-Gurion's home in Keren Kayemet (now Ben-Gurion) Boulevard. At Ben-Gurion's request, Shapira was also summoned. On our arrival, we were greeted by Ben-Gurion's wife, Paula. She took a dim view of this interruption at so late an hour. Since Ben-Gurion was occupied at the time, she offered us a cup of tea. After some time, we went up to the library, Ben-Gurion's study. Exchanging "shaloms" we then sat in silence for a while. Ben-Gurion was engaged in leafing through heavy volumes of lexicons, climbing his ladder and taking down books, and he told us that he was seeking suitable names for the ranks in the Israeli defence forces.

Yadin explained the reason for my presence at the meeting. I added that the material which had reached me from a reliable source corroborated the findings of the court set up by Be'eri to try Tubiansky. I emphasised that in any event this material showed that there was no justification for the instruction given by Ben-Gurion to declare Tubiansky innocent and that it seemed to me, on the basis of this material, that there were grounds for delaying the continuation of the Be'eri trial. My remarks were anathema to the minister of defence.

The attorney-general said little. He also found the matter serious, but felt that the question facing the court was not that of Tubiansky's innocence or guilt, but whether Isser Be'eri was entitled to set up a field tribunal by appointing his subordinates as judges, appearing as prosecutor, and demanding the death sentence, without giving the defendant the benefit of counsel or of summoning witnesses, and without taking note of the fact that the court was not legal or authorised. Shapira felt that this had not been an authorised court, and hence that the trial was null and void. This being so, those who took part, and particularly Isser Be'eri, were guilty of manslaughter. Shapira said that he felt that Be'eri had acted in good faith but this did not absolve him of responsibility.

Ben-Gurion's reply was brief. "Let Salomon do what he thinks is right. I have nothing to say in this matter. We have an attorney-general and he will do his job."

I was disappointed at this answer.

It was after midnight. Shapira and I left the house together after taking our leave of Paula, who was still busy in the kitchen and in the ground-floor rooms.

By the door, as we went out, Shapira said: "See what a great man he is. We came to him on such a serious matter: the deputy chief of staff, the attorney-general and you. He was aware of the urgency of the night-time meeting, but nonetheless he kept us waiting while he pored through his Latin and Greek dictionaries to find suitable names for military ranks."

I did not respond... I thought our matter had deserved to be given Ben-Gurion's immediate and personal attention and not to be delegated to the attorney-general.

I returned to the apartment in Hayarkon Street, and expressed my feelings to Isser. He showed no reaction, but only asked: "And now, Ya'acov, what do you plan to do?"

I answered as follows: "It is my duty as a lawyer to advise you that the material Boris has given us is of great importance and to your advantage. Although it is not clear to me whether it is admissible evidence, I shall seek a way of bringing it to the attention of the judges and what is more important, of the public. The material is crucial for justification of your actions, at least from the point of view of conscience."

Isser thought in silence... In the quiet room I could hear him breathing and almost sense his innermost thoughts. The moments of silence were painful. At last, I said: "Isser, the choice is yours. I think the material is vital, at least to protect your good name."

After a few more minutes, Isser replied quietly and sadly:

"Ya'acov — I have decided not to let you submit the material to the court. If these matters are brought to the attention of the public in my lifetime, people will tell Tubiansky's son that his father was a traitor... In court the proceedings are not dealing with the question whether Tubiansky was a traitor or not, but rather whether I acted properly in appointing a field tribunal, which sentenced him to death as a traitor. Of that I am not guilty: I acted in good faith on the guidance of the advocate-general. If I am convicted, there will be no shame involved for my family. I would rather be known as guilty of manslaughter committed in good faith. As long as I am alive I do not want this material to be made public. Perhaps it can be published after my death." He went on: "This is my decision. When the time comes, and if you see fit, after my death, you can publicise the matter. I do not forbid you to do so then..."

Although I did not agree with this decision, I accepted it.

To this day, when I recall those tense few hours, I feel a sense of oppression. Should I not have decided otherwise and forced my views on Isser? After pondering the matter I reassure myself: to each man his own conscience. No outsider can comprehend the confusing and complex circumstances which lead a man to take such a fateful decision. In conclusion of the affair of the 'Balfour letter', I should like to add: in May 1978 when I was writing these

memoirs Boris Guriel, at my request, wrote me a report on the Balfour document. I quote:

On the eve of the conclusion of the legal proceedings against Isser Be'eri, I received a document which contained startling information on the Tubiansky affair. It was a copy of a letter written by Mr. John Balfour of the British Legation in Tel Aviv to MI5 in London. The part which attracted our attention was that which concerned Tubiansky. It could be concluded that they had an interest in the question of Be'eri's responsibility in the Tubiansky tragedy. I quote the essence of Balfour's remarks in his letter to London insofar as they concern Be'eri.

He mentioned the Be'eri case, then in progress. He referred to Tubiansky's friendship with British officials of the Jerusalem Electric Corporation during the siege of Jerusalem in 1948. He spoke of his ties with British officials in the Old City, and as one who 'as you know' helped the British.

I read and reread the document. It was late evening. I telephoned the office of the foreign minister, in order to convey it to him. It transpired that Sharett had left the office for Jerusalem. I therefore went to see Walter Eytan, the director-general. He read the letter and asked me what I intended to do with it. I replied that I wanted to show it to Ya'acov Salomon, Be'eri's defence counsel. Eytan said: "Go to him." I hastened to Salomon, and met Be'eri there. I was told that Salomon would arrive at any moment. Meanwhile I talked to Be'eri, but told him nothing of the letter.

When Salomon arrived, I showed him the letter. I asked him to treat it with caution, since I was a government official on a special mission, which imposed on me the obligation of total secrecy with regard to any documents I handled. Salomon asked me to leave the document with him and promised to return it the same evening. He said he would telephone me within a few hours so that we could meet and I could take back the letter. I awaited his telephone call in vain. On the following day, immediately on arrival at the office, I was summoned hastily to the foreign minister. Eytan was already with Sharett when I arrived. Sharett turned to me and said: "Why did you give that document to Ya'acov Salomon yesterday?" Before I could answer Eytan intervened and said: "I sent Boris to Salomon." Then Sharett stood up and said: "Let's go to the prime minister." Sharett was excited as we made our way to Ben-Gurion, but tried to encourage me before the confrontation. I felt that this was part of the clash between the two men.

Sharett told Ben-Gurion that I had given the document to Salomon, who had helped me in my intelligence work in the Haganah.

Ben-Gurion was implacable. He turned to me and said: "Why did you hand over a classified document? It is your task to collect information and you have been forbidden to divulge any gathered knowledge to any unauthorised person. Why did you violate a primary rule?"

I replied: "When I received the document I felt like the German officer who knew the truth about the Dreyfus affair and who, by his silence, actually became an accomplice in the crime." Ben-Gurion looked at me grimly and exclaimed: "I know who Tubiansky was. I would not have appointed him as a rabbi in Moscow." These last words were said in Yiddish, but he added: "Why did Be'eri kill him: did he have permission to do so?"

After a long silence we understood that we could leave.

I was depressed. Sharett looked jubilant, hinting at Ben-Gurion's faux-pas in the Be'eri-Tubiansky affair.

Return to court

On conclusion of the case for the prosecution, I called the defendant to the witness stand. I did not call any other witnesses, even as character witnesses. The decision to confine my case to Be'eri's testimony was not an easy one.

After Isser Be'eri had described the course of events from the time when suspicion was first cast on Tubiansky until his execution, and following the penetrating cross-examination of the attorney-general, I asked Be'eri several questions.

As I have mentioned, Ben-Gurion was the first person whom Be'eri informed of Tubiansky's execution.

Q. Why did you go to the minister of defence?

A. I was obliged to report such a grave occurrence. The minister of defence had shown an interest in espionage and counter-espionage activities even before this case. I used to report to him. But it wasn't only that.... I felt some doubts as to — I don't know what to call it — the procedure.... I hope I can explain what I mean.... The question — if I had been fair above all in my attitude to my subordinates. Was it fair to impose such a heavy responsibility on three of my subordinates whom I greatly esteem as honest, courageous and loyal men.

Q. What worried you when you went to the minister? You said, firstly, your duty to your chief, secondly, you felt that perhaps you had not been fair to your subordinates, and thirdly?

A. Third — Was I fair to the defendant, to the man who was executed? The decision to appoint a court consisting of my subordinates, was it fair?

Q. What troubled you? Perhaps you yourself can explain how this was reflected in your conscience that morning?

A. If we are speaking of conscience, it still exists. This is a twofold doubt.

Q. A double doubt, regarding your subordinates and the defendant. But apart from these, did you have any other doubts?

A. No.

The last question I asked Be'eri was:

"My friend, yesterday you said that you have some doubt as to whether you acted fairly towards your subordinates and towards Tubiansky, and you said that to this day — more than fourteen months later — your conscience troubles you as a soldier and as a civilian. I would like to ask you: Is it true that you still have pangs of conscience on these two matters, as you told the minister of defence on that day?"

Be'eri's reply was short: "Correct."

When the president of the court asked me if I intended to call defence witnesses, I said:

"...I believe profoundly in the evidence given by the defendant, Lt.-Col Isser Be'eri... Having heard him and having heard a hint in the remarks of the president that he found the statements of the defendant to display decency and

after consultation with my client, I do not feel it necessary to call witnesses to corroborate what he has said. We had prepared a long list of witnesses."

"Maariv" wrote on 28.10.49:

The proceedings in the case of Isser Be'eri, on a charge of causing the death of Meir Tubiansky, reached new heights this week. The central testimony of the prosecution was the evidence of Dr. Avraham Gorali, who was advocate-general and head of the military legal service at the time of Tubiansky's execution, and with whom the accused discussed the Tubiansky case and the composition of the field tribunal. The main and sole testimony of the defence — the decisive evidence in the course of the trial — was that of the defendant as given to his counsel, Y. Salomon, the attorney-general, and prosecutor, Y.S. Shapira and the president of the court, N. Bar-Zakai. This testimony was concluded in camera, and with the dramatic decision of the defence counsel to waive the right to call other defence witnesses....

On October 30 1949, the attorney-general delivered his closing address. The court announced that judgment would be given on November 22nd.

On the 22nd of November, the judgment was read out by Bar-Zakai. The court stated that "in accordance with the evidence cited, it is clear that there were no grounds for finding Tubiansky guilty of conveying information to the enemy with treasonous intent."

The court found Be'eri guilty according to Section 212 of the Criminal Law Ordinance, in accordance with the charges.

I shall not analyse the verdict nor the conclusion that there were no grounds for finding Tubiansky guilty. I have already explained that the defence was unable to bring evidence on the involvement in espionage of British officials of the Jerusalem Electric Corporation. I also think that matters would have turned out differently if the defence had not been prevented from bringing to the attention of the court the confessions of Sylvester or the Balfour document, which were highly pertinent.

Even now it is not my intention, in revealing the Balfour document or Sylvester's confession, to attempt to demonstrate the guilt of Tubiansky. I present these merely as complementary evidence, for the information of the public and the consideration of historians and legal experts.

I shall conclude by quoting from the verdict of the district court:

We arrived at the above conclusions on the basis of the law of evidence and the criminal code, based on the British law which is binding in our country. We arrived at them after doubt and perplexity, knowing that the man who was on trial before us has dedicated his life and energy to the defence of his people and has served it devotedly and faithfully, and appreciating the decency of his evidence before this court, although we do not accept his version in entirety. We have weighed the facts in the balance of law and justice in the clear knowledge that although we have established criminal intent, in the legal sense, the defendant had intended no malice in that he was not motivated by

any desire to do wrong and that all he did — and his conscience subsequently troubled him — was done only out of a misguided view of the obligations of his task and recognition of weighty responsibility in an atmosphere of apprehension and anger at a time of grave national crisis, in the early days of the state of Israel. If the legislator were to pass an Act of Indemnity in the spirit of Paragraph 75 of the Kings Order-in-Council for Palestine, we assume that the defendant would be entitled to benefit from it.

We also knew, and believe that we should note the court's awareness of the fact, that commanders trained in the spirit of an underground movement, which in the past few years has waged war on a hostile and oppressive regime — and Isser Be'eri is included among such commanders — may not have always regarded the law as sacred and may not have considered its observation their main concern.

Knowing all this, we arrived at our conclusions.

It is clear to us beyond the shadow of a doubt that the group of officers, members of the intelligence service, who condemned Meir Tubiansky to death that evening in Beit Jiz, cannot be denoted a court. We cannot permit that a 'field tribunal' be considered the model of a court which was empowered to try any individual. Nor is it possible that we, sitting today to arrive at a just verdict, should state that any person, and particularly so a responsible and senior commander, could err by thinking that it was a legal court, nor can we accept this error as permissible. If we concurred in this, we would be sinning against truth and justice.

The following is the full text of the verdict:

Some of the remarks made in the last section of our judgment undoubtedly indicate extenuating circumstances in this case: the lack of any intent of malice, the defendant's past and his service in the Haganah. We have felt the need to note them in the body of our judgment, since they were included in the defence arguments absolving the defendant from criminal responsibility. We do not accept them as justification but there are grounds for regarding them as serious arguments for leniency.

In our deliberations in accordance with the penal code, based on British law, we relied on precedents in English courts on misuse of their authority and position by military commanders. We would like to add that we have not disregarded the difference between the officers of a regular army with a lengthy tradition, the army of a country whose laws are permanent and fixed, and the commanders of the Jewish fighting forces, which were an emergent army in the early days of statehood.

Even the British legislator found it necessary, at the conclusion of wars and riots, to pass Indemnity Acts, in order to cover the illegal activities of army officers and rulers, carried out without malice aforethought under military rule. An instruction regarding such a law is also included in the King's Order-in-Council for Palestine, in Paragraph 75, relating to the acts of the British military regime during and after the occupation of Palestine.

It is to be regretted that such a law was not passed, and we feel that it should be promulgated, concerning the activities of members of the Jewish security forces and the Israel Defence Forces. The General Order of Amnesty, passed by the Provisional State Council, concerning criminal offenders, does not apply to offences entailing life imprisonment or the death sentence. It seems to us that if there were grounds for granting pardon and amnesty to offenders in the new State of Israel, then those who committed crimes without malice aforethought in the course of their tasks or service in the War of Independence are no less deserving than criminal offenders, even if their offences are regarded as graver within the context of criminal law.

For these reasons and since, to our mind, the defendant would have deserved to benefit from an Indemnity Act if it had been promulgated, we sentence him to one

day's imprisonment, from dawn to dusk, to be carried out within thirty days from today, unless the President of the State sees fit to pardon him on the basis of the considerations detailed above.

After the judgment

Loyal comrades and army friends urged Be'eri to appeal to the president, Dr. Chaim Weizmann, for pardon. Be'eri refused to accede to these suggestions. His reply was unequivocal: "I am not guilty of the criminal act attributed to me and therefore there is no justification to ask for pardon". On December 15 1949, I was surprised to receive a telephone call from the president's aide informing me that the president had rescinded the punishment imposed on Be'eri "out of knowledge and appreciation of his lengthy and devoted service to the defence of his country."

In the course of the trial, public opinion had favoured Be'eri, and after the verdict there were manifestations of sympathy for him. The president's decision was welcomed.

For the past thirty years I have often wondered whether I acted wisely, in accepting Be'eri's wishes. After Be'eri decided not to bring up the Balfour document at the trial, and in the light of the sympathetic attitude expressed towards him in the judgment and verdict, the light sentence and its subsequent rescission, we saw no point in appealing. Old friends of Be'eri and others, including members of the legal profession, asked me if we did not intend to appeal. The answer was negative.

Be'eri's wife died a few months after the trial. She had undergone great strain since the beginning of the Tubiansky affair. According to Isser, she was 'broken' despite the eventual revoking of the symbolic sentence. One of Isser's friends who accompanied him to the cemetery a short time after his wife's death, heard him say the following:

"It is not easy to be the wife of a man engaged in security work like myself. You cannot imagine her devotion or what she suffered after my affair. I often say to myself that I played no small part in her death."

For nine years, until his own death in 1958, Be'eri visited me once a year on the anniversary of the judgement. We would chat and he would thank me again for my dedication to his case and speak of the friendship between us. He did not speak of himself. Sorrow and depression had marked him. When I asked him: "Weren't we wrong to conceal the additional information, the Balfour document...." he would shake his head as if to say "forget it", and add: "Who knows, Ya'acov... maybe the day will come."

Now, thirty years later, my burden is lightened. I have decided to do my duty to Isser and pay my debt to truth. One cannot conceal the facts for ever.

Sometimes I hear the echo of Isser's voice, absolving me of my vow: "Ya'acov, the day has come."

An official British document

A highly interesting document, which confirms the fear of the British authorities regarding the exposure of the spy-ring at the Jerusalem Electric Corporation, was handed over to me only a few days ago. My book was already in galley proofs (December 18 1979) but since the document bears out the Balfour letter and the conclusions on Tubiansky's guilt or innocence, I must cite it.

Several months ago the British foreign office transferred to the Public Records Office all official documents written over thirty years ago. Among them are cables sent by the British consulate in Jerusalem to the foreign office in London. Here are the opening sentences of one of them:

This telegram is of particular secrecy and should be retained by the authorised recipient and not passed on.

Cypher/OTP Departmental Distribution
From Jerusalem to Foreign Office
Acting British Consul General
July 13th 1948, Dispatched 4.20 p.m., Received 5.44 p.m.
MOST IMMEDIATE
TOP SECRET

Five abducted men.* While I do not exclude the possibility that men were engaged in espionage for Arabs, I should not be surprised if one of the objects of I.Z.L. in wishing to bring them to trial were to stage a 'Moscow trial' involving this consulate with a view to "unmasking British policy" by showing that His Majesty's Government are actively helping Arabs with intelligence and thus opposing United Nations Organisation's Palestine policy.

2. A "revelation" of this sort might be welcome to Jewish propaganda, such is their present suspicion of British motives that they may well be busily engaged in reading into insignificant coincidences some significant pattern.

*Sylvester, Hawkins, Leach, Downs and Bryant, of the Jerusalem Electric Corporation, arrested by the I.Z.L. 6.7.48. See page.....

Since this book is about to go to press, I must be brief. I shall permit the reader to draw his own conclusions from the coincidences: Sylvester's confession — the Balfour document — and the admission of the British consulate in Jerusalem. I shall merely note that the rest of the cable reflects the policy of the British representatives in the country at the time, which was hostile to and contemptuous of the state of Israel, which Britain had not yet recognised.

12 The Lavon Affair

The aftermath

Millions of words have been written about the Lavon Affair (known in Israel as the "mishap"). It was the subject of furious debate and acrimony for ten years between the leaders of the country. Matters were presented in a distorted light to the baffled public. The Lavon Affair gnawed at the very essence and power of the Israeli Labour Party, "Mapai," which had been in power since the establishment of the state, and marked the beginning of the end of "Mapai's" supremacy.

The question of 'who gave the order' for carrying out the 'mishap': Pinhas Lavon, minister of defence in July 1955, or the 'senior officer', Col. Benyamin Gibli, chief of intelligence at the general staff, ceased to be the concern of these two men alone almost from the first. It became an 'affair', a mighty battle between David Ben-Gurion, anxious to clarify the matter and its political implications for the sake of justice, and the cabinet ministers, headed by Levi Eshkol, who in their frenzied haste to conclude the dispute with Ben-Gurion on that question, distorted facts. And the 'question' has not been conclusively answered to this day.

My own interest in 'the affair' began when I agreed to serve as the counsel for the 'senior officer'. I assumed that the question would be clarified by a legal or quasi-legal body, which would examine matters without prejudice or political considerations. As was my custom in serious criminal cases, I tried to examine the facts of the case in depth, to probe the evidence which cast light directly or even obliquely on a solution of the question, and see those people who were willing to appear as witnesses before the body authorised to clarify the matter. Since I conducted the investigations personally as an experienced attorney and not on behalf of some authority, like the attorney-general or a police interrogator, I had reason to assume that facts were reported to me frankly and accurately and that witnesses did not feel intimidated in any way.

And since the main issue was the integrity of the two main protagonists, it was necessary for me to clarify matters, which although not directly concerned with the central problem, were liable to undermine the credibility of Pinhas Lavon. After several months of strenuous work, I had no doubt that our task would be protracted and difficult but I believed that there was reasonable hope that the court would accept the version of my client, Colonel Gibli, that Pinhas Lavon, then minister of defence, had given the order to initiate acts of provocation and sabotage in Egypt which ended in the arrest and imprisonment of the conspirators and provoked international repercussions.

But we never reached the stage of fair and thorough investigation. The controversy and the clashes in the 'corridors of power', arising from personal complexes and political complications, reached inflated and scandalous proportions. In the end the 'senior officer' and his counsel discovered that they were being swept into a maelstrom and were pawns in the hands of the rival camps. There was no point in continuing to demand legal proceedings. What was needed was to help put an end to 'the affair'. This is what we did and we never regretted this decision.

In an attempt to concentrate on those spheres in which I was active, I shall not relate the details of the sorry affair in Egypt itself, or the party and political upheavals which resulted. First, let me explain the terms used and some of the main characters in the story.

The 'mishap': the failure of acts of sabotage carried out by a clandestine Jewish network in Egypt in July 1954, which cost the lives of several of the participants and led to the arrest and torture of the remainder, who spent fourteen years in prison.

The 'senior officer': Benyamin Gibli — head of intelligence in the general staff from March, 1954 to May, 1955. In this capacity he was involved in 'the affair'. He claimed to have received orders from Pinhas Lavon, then minister of defence, to carry out sabotage in Egypt. Lavon claimed that Gibli gave the order without his approval.

Pinhas Lavon served as minister of defence for thirteen months, from January 1954, when Ben-Gurion resigned as prime minister and minister of defence, until February 1955, when Ben-Gurion returned to the cabinet. In that period Moshe Sharett was prime minister. Ben-Gurion recommended to the "Mapai" central office that Levi Eshkol be appointed prime minister but Eshkol was apprehensive and refused to accept the post. On December 6 1953, Moshe Dayan was appointed the fourth chief of staff of the IDF, and served in this post until January, 1958.

The Olshan-Dori Committee consisted of Yitzhak Olshan, then president of the supreme court and Gen. (res.) Ya'akov Dori. They were appointed by Sharett in December 1954, to investigate the controversy between Lavon and

Gibli as to 'who gave the order'. According to Olshan's book, Sharett stressed that "the proposed investigation will be conducted with the knowledge and concurrence of Lavon", and that the results should "be reported directly to him, since he had initiated the investigation personally without the government's decision or knowledge",... "so as to be able to decide on his own position in the matter". This was typical of Moshe Sharett.

Olshan writes that the committee "did not engage in legal deliberations, but in investigation of details and detective work on behalf of the prime minister — or to be more exact, Moshe Sharett." The committee concluded, inter alia, that "we were not convinced beyond the shadow of a doubt that the chief of intelligence (Gibli) did not receive instructions from the minister of defence; at the same time we are not certain that the minister of defence did in fact give the order."

This subtle phrasing aroused some question, but it could be concluded that the committee tended to favour Gibli.

Olshan writes that the committee was unwilling to determine categorically that Gibli had received orders from Lavon not because they were convinced of the opposite but because of the doubt involved. They did not receive a convincing explanation from Lavon for his "reaction, or to be more exact, failure to react" when Gibli reported to him on the 'mishap' or for his behaviour in the subsequent months....

The Cohn Commission

On September 12 1960, the chief of staff, Chaim Laskov, appointed a committee of enquiry on the instructions of the prime minister, David Ben-Gurion. It consisted of two colonels and Supreme Court Justice Haim Cohn. Its task was to investigate allegations of forgery of documents and submission of false evidence to the Olshan-Dori Committee, on the orders of Benyamin Gibli, Mordechai Ben Zur or other officers. The committee was not asked to examine the question of 'who gave the order'.

Lavon did not want a further enquiry. He demanded of Ben-Gurion immediate exoneration and an end to the matter. He also objected to the appointment of Haim Cohn, a member of the supreme court, since Olshan, who had served in the previous committee, was president of the court. According to Ben-Gurion, Lavon demanded at a meeting on September 26, 1960 that the prime minister disperse the committee and proclaim Lavon's innocence, stating that "all the blame must fall on Gibli". Ben-Gurion wrote later that he replied "I am neither authorised nor entitled to exonerate you, since I am neither a judge nor an investigator nor can I cast blame on some other individual until a court has proved his guilt."

During the Sinai Campaign Gibli commanded the Golani Brigade, which broke through the Egyptian lines at Rafiah. In 1958, he was appointed CO Central Command and in 1960 became military attaché to Great Britain and the Scandinavian countries. On October 11, 1960, he returned to Israel on orders from the chief of staff to appear before the Cohn Committee. He gave evidence the next day.

On October 15th, the Cohn Committee submitted its conclusions that the allegations of forgery of documents and records had not been proved "and we are convinced that the allegations (apart from one matter which still calls for investigations) were not sufficiently grounded."

The demand for a committee of enquiry

On October 22 1960, Gibli wrote to the chief of staff that since the Cohen Committee had not been empowered to enquire into his own claim that orders to carry out the operation in Egypt had been conveyed to him by the C of S on instructions from the then minister of defence, this question still called for clarification. He therefore asked for the appointment of a commission of enquiry in accordance with the law to enquire inter alia into this question. He asked that steps be taken to enable him to clear his name in the only way open to him: "appointment of an authorised commission of enquiry — by law — this being vital to my family and to myself".

His request was passed on by the C of S to Ben-Gurion as minister of defence, and Ben-Gurion saw it as the appropriate solution to the problem. At a cabinet meeting on October 23, he informed the minister of justice, Pinhas Rosen, of Gibli's request. Rosen refused to appoint a commission at his own discretion without consulting the cabinet because of the vital importance of the issue. Ben-Gurion however was adamant.

At the next weekly cabinet meeting, Rosen proposed a ministerial committee, to examine all the relevant material and decide whether there was justification for a committee of enquiry.

The Committee of Seven

Rosen's proposal was put to the vote and twelve ministers voted in favour. Ben-Gurion abstained from voting. Two days later the cabinet convened, without the prime minister, and decided on a ministerial committee of seven members, including Pinhas Rosen, to review the documents and recommend to the cabinet future action.

On November 3, I wrote the following letter to Rosen, the committee's chairman:

Mr. Minister,

My client, Col. Benyamin Gibli, has approached the chief of staff and asked for the appointment of a committee of enquiry in accordance with the Law of Committees of Enquiry, which can clarify, in every way at its disposal, the justice of his claim that certain operations for which he gave orders took place on the instructions of Mr. Pinhas Lavon, the then minister of defence. His request was conveyed to the minister of defence, who conveyed it to you. Since then the cabinet has appointed a ministerial committee which you head to clarify the question of who gave the order. Perusal of the press reveals that the committee has commenced its work, and that it plans to study certain material, including the report of the Olshan-Dori Committee, the Cohn Committee and other written material.

I assume that the Committee will consider whether to appoint a commission of enquiry as my client has requested.

I handed this letter personally to the minister at a meeting with him at which I stressed the importance of government response to my client's request. On November 15, the minister replied as follows:

I confirm receipt of your letter of 3.11.60. The ministerial committee is examining written material and will submit its conclusions to the cabinet. The committee is not empowered to hear explanations or to summon witnesses, unless the cabinet should so decide after the committee submits its conclusions on the basis of examination of the documents and the evidence placed before it.

I have taken note of your request.

The committee held nineteen meetings. The following remarks will establish beyond any doubt that not only did the committee deviate drastically from the guidelines laid down for it, ignoring the limitations placed on its activities by the cabinet, but also that it acted out of total disregard for the rules of fair play and justice.

I would like to emphasise that on November 20 1960, the minister of justice wrote to the prime minister that the committee's conclusions would be solely procedural. On December 5th, he said that in accordance with the cabinet decision the committee would not arrive at binding conclusions but was a 'study committee'. On December 15 he said, at a meeting of the committee: "We have here before us the request of Mr. Salomon, the counsel for the 'senior officer', to appear before the committee". As I have noted, the minister had given me his negative answer a month previously, claiming that the committee could not hear explanations or summon witnesses.

The committee's conclusions were submitted to the prime minister on December 23rd and a cabinet meeting was convened on the 25th to discuss them. In its deliberations the committee exceeded its powers on several occasions. The more important were the following:

a) It acceded to the request of a committee member to examine material relating to the 'senior officer's' role in the Tubiansky trial.

b) The committee obtained from Lavon the written opinion of Ya'akov

Shimshon Shapira, prosecutor in the Be'eri case, on the 'senior officer's' role in that affair. This was unforgivable. According to Ben-Gurion, one of the committee members later told him that he had voted in favour of the conclusion that Gibli had not received orders from Lavon under the impact of this evidence. I, who had defended Be'eri at that trial, undoubtedly held totally different views to Shapira on Gibli's role and credibility. It was never even hinted to me that such material had been received from Lavon nor was I given the opportunity to present the other side of the coin.

c) The committee approached Lavon and informed him of its willingness to accept documents from him relating to the question of who had given the order, but it never approached us on the same matter.

d) Although the committee claimed in its conclusions not to have heard witnesses, it did in fact receive evidence, including some at its own specific request. The attorney-general was sent abroad to question witnesses, and Rosen himself approached Olshan and Cohen for clarification of various matters. The committee also examined the minutes of meetings of the Knesset Foreign Affairs Committee which had heard Lavon, but refused to summon the 'senior officer'. Lavon testified for hours, in a manner hostile to Gibli.

In this context, I would like to note that Moshe Dayan, chief of staff during 'the affair' and minister of agriculture during the committee's deliberations, stated at a cabinet meeting on 25.12.60: "I would like to call two matters to the attention of the cabinet: what Lavon said at the Foreign Affairs Committee — was not true... secondly: while I was chief of staff Lavon gave at least one order, perhaps more, which did not seem wise to me and I did not carry it out, but came to see him and tried to persuade him to revoke it, and he agreed to do so."

In clause 10 of its report, the committee wrote:

...According to the claim of the senior officer, he received from Lavon clear instructions to act, in a conversation he claimed took place, without witnesses, at a certain time and place. We are speaking of instructions to act and not of considerations or deliberations. Lavon says no such thing occurred. In the light of all the additional findings now in our hands, we cannot place our faith in the senior officer's version. Moreover, the facts prove that instructions to act preceded the date on which the senior officer claims to have received instructions from Lavon.

We establish therefore that Lavon did not give the order on which the senior officer bases his case, and that the 'mishap' was carried out without his knowledge.

In clause 12 they wrote:

Finally we must note that we have focused in this report mainly on one question, which is: whether the senior officer received orders to act from Lavon...

And finally they wrote:

We are of the opinion, therefore, that clarification of the matter can be regarded as complete and agreed upon.

This is not the place for a lengthy refutation of these facts as viewed by the committee of seven. The legal and ethical injustice of its deliberations and conclusions is strikingly evident from what I have already shown. But I cannot gloss over the most significant aspect of its deliberations, or to be more exact its assumptions, aimed at justifying its hasty but prejudged conclusion that Lavon did not give the order to Gibli. Let me quote again from the report of the committee of seven:

According to the Olshan-Dori Committee, the senior officer based his case on what he had written (Gibli's letter to Dayan, then in the USA — Y.S.) several days after the date on which he claimed to have received the order from Lavon. According to the copy presented to the committee, one paragraph opens with the words — "On Lavon's order..." The enquiries of the attorney-general (Gideon Hausner — Y.S.) have revealed that the words "on Lavon's order" did not appear in the original letter...a police investigation is now underway on this matter, but for purposes of clarification for the ministerial committee it suffices to establish that there is reasonable room to assume that this fact is true and that the senior officer submitted a forged copy to the Olshan-Dori committee to prove that he had received instructions from Lavon.

The Olshan-Dori Committee, however, explicitly stated that it had not taken this letter into consideration. The Cohn Committee established on the basis of a police investigation that the letter was not a forgery. Further scrupulous investigation by a police expert, shortly after the committee of seven submitted its conclusions, led to the assertion that "there is no proof of any forgery whatsoever," and that the words "on Lavon's order" did appear in the original letter.

The Committee's recommendations were leaked to the press before being brought before the cabinet at its session of December 25 1960. On December 23, Gibli wrote to Ben-Gurion (his letter was handed to the minister of defence before the cabinet meeting).

On October 22 1960 I asked the chief of staff to convey to the proper authority my request for a committee of enquiry... Subsequently... the cabinet appointed a ministerial committee to examine the material on the affair and submit recommendations to the cabinet...

My request was made for solely personal reasons out of the desire to clear my name, on the assumption that...only thus could I obtain a decision...without political or personal bias... Since appointment of the committee the press has printed details from time to time of its deliberations and the attitude of its members... to the point where the reader can draw conclusions as to the findings and recommendations of the committee.

...It seems that because of circumstances unrelated to my case, and perhaps also

because of the very composition of the committee, it has not dealt with the matter, nor was it capable of doing so.

Gibli went on to write that it was clear from the press that the committee would decide to exonerate Lavon and place the blame squarely on Gibli and that it would reject the idea of appointing a legal commission of enquiry. Despite the evidence obtained by the attorney-general concerning forgery of a document (which he, Gibli, denied) and the predictable conclusions of the committee. Gibli reiterated his statements that (a) his instructions regarding the operation in Egypt had been given on explicit orders of the then minister of defence; (b) he had never persuaded any person to give false testimony nor to forge any document so as to implicate Lavon. He also called attention to the fact that Lavon had made certain "weighty and false accusations" against him concerning other activities in which he had been involved "and I had no opportunity to refute them because of the military code which imposes total silence on me."

I know how great was your desire to enable me to clarify matters before the appropriate body but I fear that these circumstances have put paid to any practical possibility of proving the truth of my claim... In these conditions and given my present state of confusion, I leave this matter to your judgment. I must promise you that whatever your decision, in all my affairs and future endeavours to clear my name, I shall remain loyal with all my heart and soul to the defence establishment and I will not blacken its good name or the reputations of those people who put their trust in me during my service with them. I have devoted 23 years, some half of my life up to now, willingly, sincerely and loyally to the Haganah and the Israel Defence Forces. I rejoice in the faith placed in me by you and by my superior officers. It will be a personal tragedy for me if you yourself draw negative conclusions against me... If I am condemned to retire from the IDF...it will be hard for me to accept this. My regret will be many times greater at having been prevented from countering the distortion of the historical facts in this affair.

When Rosen submitted the committee's conclusions to the cabinet, on December 25th, eight ministers voted in favour, four (Abba Eban, Yosef Burg, Moshe Dayan and Giora Yosefthal) abstained. The prime minister did not take part, and at the end of the meeting requested — and was granted — five or six weeks' leave.

On December 30th Rosen telephoned me to ask if, in the light of the conclusions and the cabinet vote, the senior officer still insisted on the establishment of a committee of enquiry. I was surprised at the question. It appeared that the ministers had been taken aback by Ben-Gurion's request for leave and feared that it implied a threat of resignation. They hoped to extract from Gibli a response which would liberate them from their dilemma and bring the matter to an end.

It was clear to me that Rosen found himself in an embarrassing situation. As

an honest and decent man, he may have been suffering pangs of conscience at not having prevented unfair influence by political considerations — aimed at clearing Lavon, and thus ending 'the affair' without delay and at any cost.

I replied that it was clear beyond the shadow of a doubt that Gibli had demanded a commission of enquiry and that the leaking of the committee's deliberations and its biased conclusions had caused Gibli irreparable harm. I added that I understood that he and his colleagues were now in a quandary but this was their own fault. My reply was that the "senior officer will not withdraw his request and will demand officially the establishment of a committee of enquiry, but the committee would do well to reexamine the matter, and extricate itself from the mire in the most appropriate fashion."

At the beginning of January 1961, Gibli wrote to the minister of defence with regard to the cabinet's approval of the conclusions of the committee of seven:

...I would like to note the following facts which have led to my decision to adopt no further initiative for the time being:

a) the Cabinet desicion... to accept the conclusions... b) the passive stand and failure to oppose approval of the conclusions on the part of certain ministers, whom I had reason to believe were convinced of the sincerity of my request for a committee of enquiry...

I myself wrote to the minister of justice on the same day reminding him of my letter to him as chairman of the Committee of Seven requesting that Gibli be permitted to appear before that committee and of his reply. I wrote that my client rejected and denied the committee's findings and conclusions, (which had been leaked to the press before their formal publication, thus damaging his reputation by creating hostile public opinion). In reply to Rosen's question as to whether Gibli still insisted on a committee of enquiry, I wrote that

the struggle to clear my client's name, whether by committee of enquiry or in any other fashion (and no other fashion seems appropriate to me) will require a lengthy and costly struggle on his part, with protracted tension and suffering for his family and himself...He is uncertain as to how to answer your question but since it has been asked and must be answered, he can only say now that it was not he who brought matters to the impasse in which you are now trapped and he is not now willing to take further action...

It could be assumed from these remarks that if the cabinet sincerely wished to act fairly, it should have drawn the obvious conclusion that its decision of December 25th should be cancelled and a committee appointed in accordance with our request. But this was beyond the reach of the conscience of most of the ministers, due to political commitments as much as personal complexes, but above all because of the desire to end 'the affair.'

I would like to quote Gibli's letter to Ben-Gurion in early January 1961, several days before Ben-Gurion announced his resignation. In it he recalled his previous letter to Ben-Gurion and my correspondence with Rosen. He reiterated the reasons which had led him to decide not to pursue the matter further, including "the harsh words which you directed against me at that meeting, which hurt me profoundly, if the reports leaked from the cabinet meeting are true." He now felt, Gibli went on, that there was no point in continuing his fight unless the cabinet decision was rescinded and a committee of enquiry appointed. "If this should occur I would be ready to act with heart and soul to bring the truth to light. Since it is not clear if this will happen, and my family and I need rest and tranquillity, I must make a decision as to my future. In order not to confront you and the chief of staff with the difficult problem of my service in the IDF, I have decided to ask you to permit me to resign from the IDF. Finally, I regret that you have formed and may still form further negative opinions about me in the present confused situation. I had hoped that I enjoyed your trust, and I rejoiced in the confidence placed in me by my superior officers." Gibli then repeated his assurances of loyalty to the defence establishment at all times in the future.

Ben-Gurion's resignation

On January 31 1961, the prime minister submitted his resignation to the president. In his letter he wrote, inter alia, that he had not taken part in the vote on the conclusions of the committee of seven because he believed that the "affair should be clarified by a court or a legal committee of enquiry. Both parties should be granted equal opportunity to bring evidence and witnesses and to interrogate." 'It is better to acquit ten suspects than convict one innocent man,' he had told the cabinet at the time, and he wrote "that the conviction of a citizen without a legal trial is a grave onslaught on the basic laws of a democratic state and the basic rights of its citizens." It was also a dangerous precedent for the future.

"The campaign of slander organised against me in the past few months", Ben-Gurion went on... "at meetings, in the press, in the Foreign Affairs Committee and in the Knesset — has neither affected nor touched me. Israeli democracy is no less precious to me than to any other citizen of this country and democracy means, among other things, the separation of authorities: the legislative, the executive and the judicial. My resignation from the cabinet derives from my conscience and my fears for law and justice in this country."

Let me survey in brief the events which followed. Because of the difficulties in setting up a new government under Ben-Gurion or even Levi Eshkol, elections to the Fifth Knesset were held in August, 1961. On November 2 1961,

Ben-Gurion presented his new government and although he had promised to abandon 'the affair', he reiterated his claim that "the committee of seven had not been authorised to act" nor had the Knesset (which approved its conclusions) been authorised "to pass judgment in a quarrel between two individuals; the law empowers the courts alone to do this."

Ben-Gurion returns to the arena

The 'miscarriage of justice' continued to haunt Ben-Gurion. As prime minister he issued instructions to the state institutions holding material on 'the affair' to place it at the disposal of the journalist Haggai Eshed. Eshed spent more than a year collecting the material but its publication was banned by the military censor. Only recently has the ban been lifted and the book permitted to appear.

In the light of the conclusions in Eshed's report and in order to be free to revive his demand for legal investigation, Ben-Gurion declared on June 15, 1963, that "for personal reasons" he was resigning from the government. On his suggestion, the president called on Levi Eshkol to replace him.

At that time two legal experts, who had volunteered to examine the material which Ben-Gurion had collected, delivered to him their report bearing out his view that the committee of seven had not acted in accordance with the law. Ben-Gurion proposed to Eshkol that he ask the supreme court to examine the committee's conclusions. Eshkol refused since he claimed the supreme court did not have such powers. On October 22, 1964, Ben-Gurion, now a rank and file member of the Knesset, submitted to the minister of justice, Dov Joseph, and the attorney-general, Moshe Ben-Ze'ev, his appeal against the procedure and conclusions of the committee of seven.

On 6.11.64 the press published Ben-Ze'ev's considered opinion that the conclusions of the committee of seven did not have the authority of the findings of a court or a legal committee of enquiry. As a result, the minister of justice concluded that a committee of enquiry should now be appointed to investigate the matter in thorough, comprehensive and concise fashion so as to determine whether Lavon or Gibli had given the order, and whether or not the 'senior officer' had acted on his own discretion, without the knowledge of the minister.

Ben-Gurion's eagerness to revive the controversy aroused considerable polemics between the veteran leadership of "Mapai" headed by Eshkol, and the young guard, which supported Ben-Gurion. For a time Eshkol, who was a man of compromise, was ready to accede to the demand for a legal committee of enquiry. When Eshkol changed his mind and was backed by the party, Ben-Gurion announced that he no longer regarded Eshkol as 'his representa-

tive'. Their relationship deteriorated and in the end Eshkol had no choice but to submit his resignation.

In the course of the dispute it appeared as if a settlement could be attained which would satisfy both the old guard and the young guard if the 'senior officer' would reiterate his demand for a committee of enquiry.

The conclusions of the 'senior officer'

I was approached by several people and asked to recommend to Gibli that he readdress to the prime minister or the minister of justice his request for a committee of enquiry, on the basis of the arguments put forward by the attorney-general and the minister. I was told by at least one minister closely associated with Ben-Gurion that the appointment of such a committee would placate Ben-Gurion. There was no need to fear that the deliberations would be protracted and costly in terms of funds or human endurance. By the time the preparations were completed and the committee started its work, the storm would have died down and a way could be found to 'freeze' its activities. But even without this 'bait', I had reason to recommend to Gibli that he ignore these appeals.

Ten years had passed since 'the affair' began, hard years for Gibli. The details of the affair were still supposedly a dead secret, despite leaks and surmises. The public knew about the matter from the mutual recriminations of the main parties involved which had caused strife within "Mapai" and also between other parties, "Ahdut ha-Avoda" and "Mapam" supporting Eshkol and violently opposing Ben-Gurion. It was clear to me and to Gibli that the desire for a committee of enquiry was not a sincere attempt on the part of Ben-Gurion's associates to solve the problem but the sole method left in order to pacify 'the old man' and to shore up the cracks in the party wall. Gibli had no desire to be the scapegoat for settlement of internal or inter-party problems. There were at least two additional reasons why I advised Gibli not to accede to the suggestion that he now demand a committee of enquiry.

I remembered Isser Be'eri's trial. Despite his formal conviction, he and his family were justified in regarding the sentence as an exoneration, particularly since the president later cancelled his sentence. Nonetheless, the suffering of the months preceding the trial and the deliberations themselves were distressing for Be'eri and his wife. He even considered that it hastened her death. He then remained solitary and bereaved. Moreover, despite my conviction that there was a reasonable chance of proving the truth of Gibli's claims as to 'who had given the order', I did not think it worthwhile, after all he had undergone, for him to labour, together with his advocate, for months and even years in order to prove it. As far as we were concerned, the question was solved in

effect by the Olshan-Dori and Cohn committees and the findings of the police investigators who refuted the charge of forgery.

Nor had I forgotten my disappointment at Moshe Dayan's 'promise of help', which had made me doubly sceptical about such promises. In the course of my investigations at the beginning of 1961 I was informed that Moshe Dayan (one of Ben-Gurion's closest associates and chief of staff during the 'mishap') had in his possession written material, records which could back Gibli's version of matters. In order to corroborate this I met Dayan at his home and asked him to give me the details and to show me the records which refuted Lavon's statements before the Foreign Affairs Committee. Dayan's reply was brief; as far as I recall as follows: "Ya'acov, trust me, when the time comes I will appear before the committee and hand over the necessary material and the details". I urged him to accede to my request on the spot but in vain. I told Gibli of the outcome of this meeting and added that I could not rely on Dayan's promise.

Since Eshkol was then prime minister, I handed him a letter from Gibli in which he wrote that the ministerial committee had refused to hear his testimony but had interrogated other witnesses. He felt that under these and other circumstances the committee's conclusions were meaningless for him and

they would not stand up to the test of truth if matters had been clarified at an enquiry as I requested. Therefore I regard these conclusions and everything deriving from them, including the Knesset's ratification, as conclusions which do not affect me at all. It seems to me, that it is my obligation to my family and in the interest of the state that this affair be ended. Therefore you may regard this letter as my agreement to cessation of the investigations on 'the affair'... If this letter can contribute to restoring calm by closing this episode — I regard this as my public duty.

This letter, which was published, aroused some surmise as to my own stand on the matter, particularly since it was well known that I was a great admirer of the 'old man'. I thought it necessary to make my standpoint public. On December 11th, I wrote to Levi Eshkol as follows:

At the end of last month my client, 'the senior officer', sent you a certain letter in which he informed you that he consented to suspension of the investigation of 'the affair'. As you know, I have refrained so far from expressing my views in public on the personal stand of the 'senior officer' (and I concur with this stand) and on the legal aspects of the matter.

You undoubtedly know, as many do, of my unreserved admiration for Mr. David Ben-Gurion, and, if I may say so, my sincere love for him. My silence was to a certain extent influenced by my esteem for this unique personality, and his honour was and remains precious to me.

The question has been widely asked — why have I sworn to remain silent? It seems to me that I know the material concerning 'the affair' and the potential danger to the public from its exposure by any kind of investigation, no less than any other citizen of this country. In the light of the situation which has recently emerged, I have felt it

necessary to publish a memorandum — with the approval of the senior officer — which expresses my sincere opinion, to the best of my understanding and knowledge, that under the circumstances it is essential to put an end to 'the affair.'

I enclose a copy of the memorandum which I intend to publish in the press.

This memorandum was highly detailed and was published in full. It concluded as follows:

The solution is very simple. The minister of justice and the attorney-general have expressed their opinion on the recommendations of the committee of seven; the parties directly involved in the matter no longer have any personal or public interest in the appointment of a committee of enquiry. Therefore I see this as the appropriate end to the matter.

Ben-Gurion's wrath — and our reconciliation

On that same day I sent Ben-Gurion a copy of the letter and the memorandum. I wrote to him that I had addressed them to the prime minister since many people had asked me why I had not publicly expressed my views on the affair. I wrote in conclusion:

I realise how difficult it will be for you to accept as the end of the matter any decision which, to the best of your understanding, is not commensurate with the demands of justice and truth. Perhaps the enclosed memorandum will ease your perplexity on this painful matter. If you wish to see me — I shall be happy to come when summoned.

Ben-Gurion replied on the same day, in handwriting:

My dear Salomon,

I confirm with thanks receipt of the letter and enclosed documents. Naturally I do not agree with your stand, but I do not intend to argue. I have discussed this matter with you — as you well recall — but only as with the grandson of Yoel Moshe Salomon, and I told you explicitly that I was not regarding you as attorney for Gibli. You wrote your letter as Gibli's attorney and since I am not a legal expert (I tried to study this 'science' but history broke off my studies), I do not dare to argue with such a talented lawyer as yourself.

Sincerely yours, D. Ben-Gurion

He telephoned me the same day and expressed surprise that I had made public my letter to Eshkol and permitted the publication of the memo. On December 14, a letter from Ben-Gurion appeared in "Davar:" In it he wrote again that he had met with me as Yoel Moshe Salomon's grandson and not as the 'senior officer's' lawyer. "But if you have read Salomon's explanations — you have seen, as I have, that he is arguing the cause of Lavon no less than that of the senior officer", he wrote in conclusion.

I wrote to him again on the same day that I did not deserve this public slap in

the face. My grandfather's memory was very dear to me but I failed to see the connection between my kinship to Yoel Moshe Salomon and 'the affair'. I surveyed our contacts on 'the affair' and recalled our first meeting on 9.7.63 "when you spoke to me as Ya'acov Salomon, with whom you had been in contact during the most difficult hours of the War of Independence and on whom you imposed from time to time certain tasks". I had explained to Ben-Gurion on that occasion that Gibli did not wish to pursue the matter because of the mental and emotional strain to him and his family and the financial burden involved.

I then reminded Ben-Gurion that we had met in Haifa in January 1964 at his request when I had again tried to explain the viewpoint of the 'senior officer'. I had subsequently sent him certain material which he had requested, after obtaining Gibli's consent which Ben-Gurion had promised to return (I also reminded him that he had not done so). "It would be difficult to claim", I wrote "that under these circumstances you approached me not as the defence counsel of Gibli but as the grandson of Yoel Moshe Salomon". I had sent him a copy of my memorandum, I wrote, because I did not wish him to learn of its existence from the press. I had refrained from discussing the matter with him further since our views were diametrically opposed and we could never convince one another. I added that I felt that there was no justification for his insulting remarks in "Davar."

Ben-Gurion replied that my letter had distressed him greatly. He insisted that he had in fact come to me because I was the grandson of Yoel Moshe Salomon since he would never have approached me in my capacity as attorney for Gibli to ask questions about the case. He did not agree with my view that it was in the interests of the country to put an end to the affair, he wrote "and you must agree that I have the right to disagree with you and that this is not a public slap in the face". He claimed that he had not intended to insult me by writing that I was arguing Lavon's case as well; he had rather intended to compliment me since Lavon was also against further investigation. He concluded:

My remarks and intentions were in no way a slap in the face or any insult to you, but they are critical in tone and when I can find the time I shall explain (to you or to the public) the tragic error in your remarks and what harm can be caused to the state. And if I can converse with you again — solely as the grandson of Yoel Moshe Salomon — I shall do so willingly, although I shall inflict harsh criticism on you.

I replied as follows:

Thank you for your letter of 16.12.64. I deeply regret having distressed you. I shall be happy to visit you whenever summoned even if only to hear harsh criticism. With esteem and friendship, Y. Salomon

Some time later Ben-Gurion summoned me for a conciliatory meeting at his hut in Sdeh Boker. We did not mention 'the affair.' We discussed my grandfather and the good old days. I felt again like a disciple before the great rabbi. He restored to me the honorary title of 'the grandson' — which was very precious to me.

Several months after this chapter was written, there appeared Haggai Eshed's book "Who Gave the Order". I have read it but feel no need to add to what I have written, although Eshed's book contains interesting material, findings which bear out my own conclusions on the identity of the person who gave the order and the perversion of justice by the ministerial committee. But I must protest against a misguided hint in Eshed's book. He writes: "Salomon asked several times to appear before the committee and his request was denied. He asked to see the charges against Gibli at the Foreign Affairs Committee and his request was denied. He wanted to respond on the affair of the 'forged letter'... and this was not permitted." So far the statements are true. But immediately afterwards he writes: "Malicious tongues claimed that the minister of finance, Levi Eshkol, persuaded Gibli to cease pursuing the matter and promised him that his financial future would be guaranteed. The timing of his withdrawal from the campaign bears out the feasibility of this version."

Only 'malicious tongues' could have spread such rumours. It was in fact only from Eshed's book that I learned of them. I am surprised at Eshed for accepting these slanders as a 'feasible' explanation. I personally followed Gibli's action both before his 'withdrawal' and subsequently. I shared in all his decisions, including the 'withdrawal'. There is no truth in the allegation.

13 Trials

In January 1961, I came to a decision. I would cease appearing in court in criminal and civil cases. For more than thirty years I had devoted most of my professional time and energy to criminal cases, largely those with a public aspect or interest. I had also appeared in civil cases, most of which were of national importance, such as the land trials. I found these a stimulating challenge as a lawyer, and not only a means of advancement.

I enjoyed appearing in criminal cases, winning an interesting battle, dedicating myself to my task, to the best of my ability and understanding. I relied on profound and dedicated work, rather than on dazzling rhetoric. Thorough knowledge of all the details of the case, their correct presentation after clarification and classification, penetrating interrogation of witnesses — I saw these as the basis for my success. This demanded not only considerable time and physical strength but also emotional resources, and a pace of work which was sometimes very punishing to myself.

After the establishment of the state I saw new challenges ahead, dictated by the needs of the hour, particularly the development of existing industry, the recruitment of investors and capital from abroad and establishment of new ventures.

At the same time there was decreasing interest in criminal cases. There was no shortage of criminals in the country, rather the contrary — but I saw no challenge in representing them. And as for civil cases, I had trained a generation of pupils — colleagues — partners — to follow in my footsteps.

The last criminal case which I undertook, 'the straw that broke the camel's back' which decided me to cease my appearances in court, was the trial of Professor Kurt Sitte. He was charged at the end of 1960 with obtaining and passing on information likely to aid the enemy and prejudicial to the security and/or interests of the state.

In this book, I am confining my descriptions of trials to those which are still

of some historical importance. A book could be written on each, but this would be of scant interest to my children, to whom above all this book is dedicated, nor are they essential to my memoirs as I feel the need to relate them.

My wife and daughters were unenthusiastic about my appearances in difficult trials, since they feared for my health. They also regarded them in a way as rivals, competing for my time, and robbing them of my company to which they were entitled. My sins were mentioned to me only on rare occasions, and with tactful criticism out of sincere concern for me.

The trial of Col. Issachar Shadmi

In this case the chief military prosecutor charged Col. Shadmi with deliberately causing the death of twenty-five persons on October 29 1956, during the Sinai Campaign when hostilities had commenced in the south, and the armed forces were on the alert along the other borders. Col. Shadmi was the commanding officer of a brigade on the eastern front along the 'Little Triangle'.

On that day, at 17.20 p.m., a unit of the Border Police shot a number of Arab men, women and children on the outskirts of the Arab village of Kfar Kassem. Major Shmuel Malinki was CO of a battalion stationed by the Jordanian border near Kfar Kassem. Malinki claimed in his testimony that the death of these civilians should be blamed on Shadmi. He alleged that orders on how to deal with curfew violators had been given by Shadmi several hours previously to a group of senior officers. Malinki argued that the brigade commander had reiterated these orders in his presence later, and himself had conveyed them to battalion officers, including the CO of the platoon which carried out the action. It had opened fire on civilians returning to the village. Twenty-five of these civilians, who had known nothing about the curfew, were killed.

Shadmi claimed that at the brigade meeting, he had informed the officers of the outbreak of war in the south, and that the IDF's policy on the eastern front was to maintain peace, to treat the Arab minority as citizens of the state and not to disrupt their everyday lives. Shadmi denied Malinki's claim that when asked how to distinguish at night during curfew between an Israeli Arab returning to his village and an infiltrator — fedayeen — (since Israeli Arabs were not to be harmed) Shadmi had replied: 'Allah will have mercy on him' (Allah yerahamo — in Arabic), i.e. on anyone shot by accident. Malinki had deduced that Shadmi's instructions were 'that the same rule applied to those returning home during curfew as well as other curfew violators'. This, he said, was the basis for the platoon commander's order to his men to shoot the people returning to the village during curfew.

My main endeavour during the trial was to demolish the incriminating

testimony of Malinki, which was also the basis for his defence in the case against him and against the platoon commander and others, who were charged with manslaughter. My interrogation of Malinki was difficult not only because of his adamant stand and the supporting evidence he brought, but also because of the personal relationship between us.

Our ties dated from the time when he was in charge of the 'special unit' which assisted me in my work for the Haganah immediately after the partition of Palestine, in the battle for Haifa and up to the British evacuation. We were bound in friendship and mutual respect.

In its verdict, the court established that Shadmi should be acquitted on all charges of murder or manslaughter. "Not only are the charges unproven but they are entirely ungrounded", the court added, "to remove any doubt... that the murders or manslaughters are not the natural outcome of any instructions given by Col. Shadmi to Major Malinki or to battalion commanders, including Malinki."

Col. Shadmi was convicted on a formal misdemeanour, that while CO of an IDF brigade he had given an order concerning the imposing of a curfew. Such an order could only be given by a 'military commander' according to the Defence Regulations (dating from the British Mandate) or by the chief of staff.

In its sentence, the court established that under the circumstances of the time the curfew order would have been given in any event by the 'military governor'...if there had been effective coordination with him at the right time, "so that Col. Shadmi could have relied on him instead of on himself." It also stated that "because of the atmosphere prevailing at the end of October 1956, as a result of orders handed down and information conveyed from the military command to officers, it was easy to make such an error, which occurred because of the desire to do everything possible for the success of various operations."

The judges decided that a fine of 10 prutot and a caution reflected their view on the gravity of the charge. The court emphasised that "no negative conclusion should be deduced from the conviction of Shadmi or the sentence as to his continued service in the IDF. His past career in the Haganah and the army should bind him to his post for many years to come."

After the Sinai Campaign Shadmi joined the Armoured Corps, served as commander of an armoured brigade, and retired from the regular army in 1962. As a reserve officer he set up and trained a new armoured brigade, with which he fought in the Six Day War on the southern front. This brigade was involved in fierce battles against the Egyptian army at Bir Lahfan, Jebel Libni, Bir Hasneh and Bir Thamada, captured the Gidi and the Mitla Passes and reached the Suez Canal. In the Yom Kippur War he served as assistant to the CO Northern Command.

In this case as well, I was in contact with David Ben-Gurion. He reminded me of the correspondence between us on the 'clearing' of Tubiansky in 1949 by the prime minister, as a result of the report of Lt.-Col. Hoter-Ishay (then advocate-general). It seemed to me that the prime minister had erred in his haste to persuade the cabinet to appoint a ministerial committee "to clarify that orders and instructions were given before the Sinai Campaign to the CO Central Command on the conduct of the security forces in the border area", i.e. "to investigate orders given to commanders who were superior in rank to Shadmi and Malinki." The apointment was made at a time when the trials of Shadmi and Malinki were imminent, and the conclusions of the committee could, perhaps, have been prejudicial to them. This again attests, on the one hand, to David Ben-Gurion's zeal with regard to the integrity of the IDF, but on the other, reflects his erroneous concept that in any case where there was a suspicion that the reputation of the IDF had been jeopardised by an officer, an investigation should immediately be held by a military legal authority, or other authorised body, and that the conclusions should be published — even if that officer were about to face trial on a charge connected, even indirectly, with the deliberations or conclusions of that authority.

Both then and since I have expressed my views to prime ministers, cabinet ministers and others, and have published articles and even poems in the press on the harm caused to the public and to various public figures as a result of statements, hints and premature assumptions which are superfluous or distorted.

A kind of 'love story' — the murder trial of Anisa el-Katib

Anisa el-Katib, — wife of Yusef el-Katib, daughter of Hassan Bey Shukri, mayor of Haifa, was accused, together with Ismail Ali el-Faturi, of the murder of Yusef el-Katib on the night of March 9th 1941. This trial was followed closely by both the Arab and Jewish communities in Haifa.

Haifa was a mixed town, where Jews and Arabs lived together with good social and commercial relations. In contrast to the other large mixed towns, Jerusalem and Jaffa (Tel Aviv), the mood in Haifa was not affected by hostility between Jewish and Arab movements or amongst the Arab camp. Only dim echoes reached Haifa of the rivalry between Haj Amin el-Husseini, The Mufti of Jerusalem, and Rajib Bey Nashashibi, mayor of Jerusalem. The Shukri family, and their relatives, the el-Halil family, were notables of the Nashashibi camp in Haifa — more moderate than the Mufti, who incited the Arab mob to riot against his sworn enemy, the Jews, and to revolt against the British, and who fought for hegemony over the Arab community.

Haifa was relatively peaceful even during the troubles in the rest of the

country. There was no shortage of gossip, some of which could be attributed to rivalry between families or clans. There were even romantic episodes among members of the Moslem community, which was relatively open in social relations. The gossip was the subject of drawing-room conversations, sometimes at inter-community gatherings, as befitted the cosmopolitan town which Haifa then was. Here, too, Haifa differed from other towns, where in addition to acute political rivalry within and between communities, the population did not reveal strong tendencies towards religious or community tolerance.

The murder occurred at dead of night, while Yusef el-Katib was walking down Allenby Street with his beautiful wife, from her sister's house to their home. They were accompanied by a family friend, the second defendant.

Yusef el-Katib fell lifeless from four revolver shots. Several minutes later a British police officer, Sergt. William Hargreaves, arrived on the spot by chance. Hargreaves was the central witness of the prosecution in the preliminary investigation before the chief British magistrate.

When word of the murder spread through the town, various rumours were bruited as to the motive, and the possible suspects. The rumours remained rife for months in the two communities and even in the British colony. The accused widow, daughter of a dedicated mayor, who was loved by all communities, was a young, vivacious and attractive woman. She was on friendly terms with members of the town's 'high society'. How could she be accused of the murder of her husband and why? Rumour had it that the murderer was undoubtedly her lover, and how could such a thing happen in 'little' Haifa, among the elite of the Moslem community? And who was the lover — nobody could point to him, and for lack of other candidates suspicion fell on the family friend who had been with the couple on the night of the murder. There was no other possible 'victim' — since he alone had been with the accused woman at the time of the murder. Or had the murderer been someone else: the mysterious man whom Anisa el-Katib had pointed out to Hargreaves, and who had fled, immediately after the shot. Hargreaves claimed that he had seen nobody running away, although he had seen the murdered man, his wife and their friend several minutes before the murder. He had heard four shots, and was the first to arrive on the spot. He had seen no other person nor had he heard footsteps running away though he was only about 100 metres from the spot.

And what was the motive for the murder if not love, with the addition of a touch of inter-Arab political intrigue? Haifa buzzed with rumours.

The family of the murdered man did not spare Anisa Shukri, mainly because of rivalry among the women, fuelled by talk of quarrels between the couple, and of the husband's jealousy. In addition the affair was complicated



Members of the Palestine Volunteer Force, right to left: David Geiger, Ya'acov Salomon, Avraham Landman



...سي ... انجلترا تسلم فلسطين للعصابات الصهيونية ...
...ال - ستكويل - قائد القوات البريطانية في فلسطين اثناء توقيع الهدنة
...التي بموجبها اصبحت حيفا في يد العصابات الصهيونية ...

The Town Commander.

If you can Keep the Peace when all about you
Are breaking it and Blaming it on you -
If you can Take a bomb & gently roll it
"Impartially" first at Arab, then at Jew.
If you can go to sleep with a "not to worry"
While the sounds of battle rage throughout the night
Yours is the Town & every thing that's in
And - you'll be a better man than I am.

Chandos - Pole

17/7/3



Above: the author with 'Big Isser' (Isser Be'eri) during a pause in the trial

Opposite, above: Picture from *Al-Gumhuriah* in 1955, depicting the signing of the truce in Haifa, 1948. Commander Peachey corrects the draft, together with the author's secretary, while the author and Gen. Stockwell argue over the corrections. The picture is captioned: So that we will not forget... Great Britain hands Palestine over to Zionist thugs... General Stockwell, Commander of the British Army in Palestine during the armistice negotiations in Haifa following which Haifa was handed over to the Zionist thugs."

Opposite, below: a poem — with apologies to Kipling — written by Col. Birkbeck, the town commander, in honour of his successor, Brig. Chandos-Pole, at his farewell party



Prof. Kurt Sitte (left) and the author entering Haifa District Court

Opposite: Students in Jerusalem demonstrate against the visit of Konrad Adenauer, Chancellor of West Germany


RAUS!

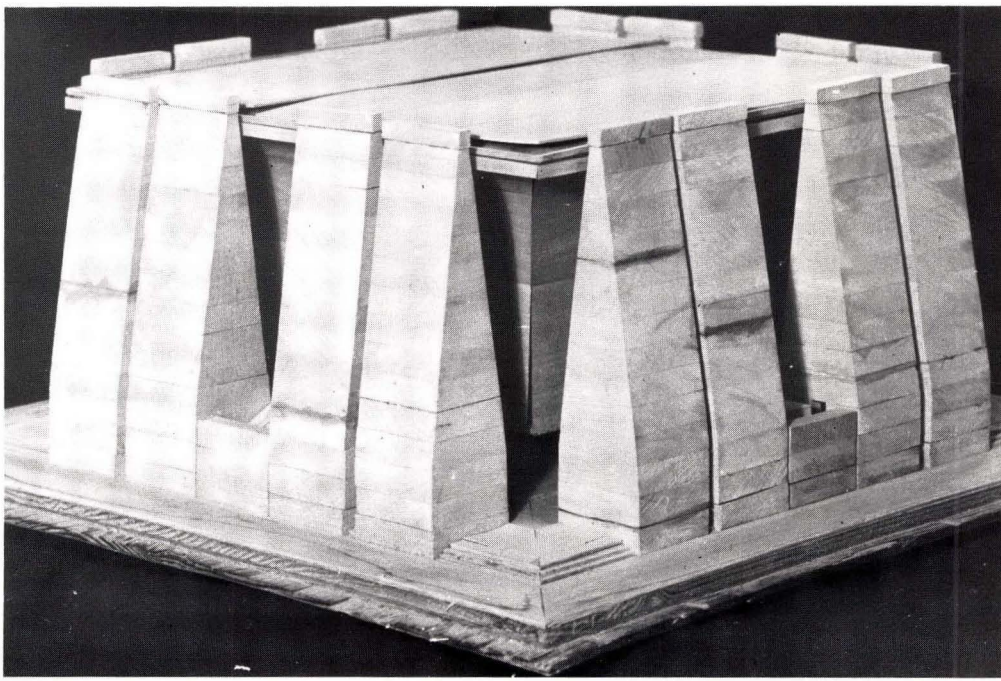




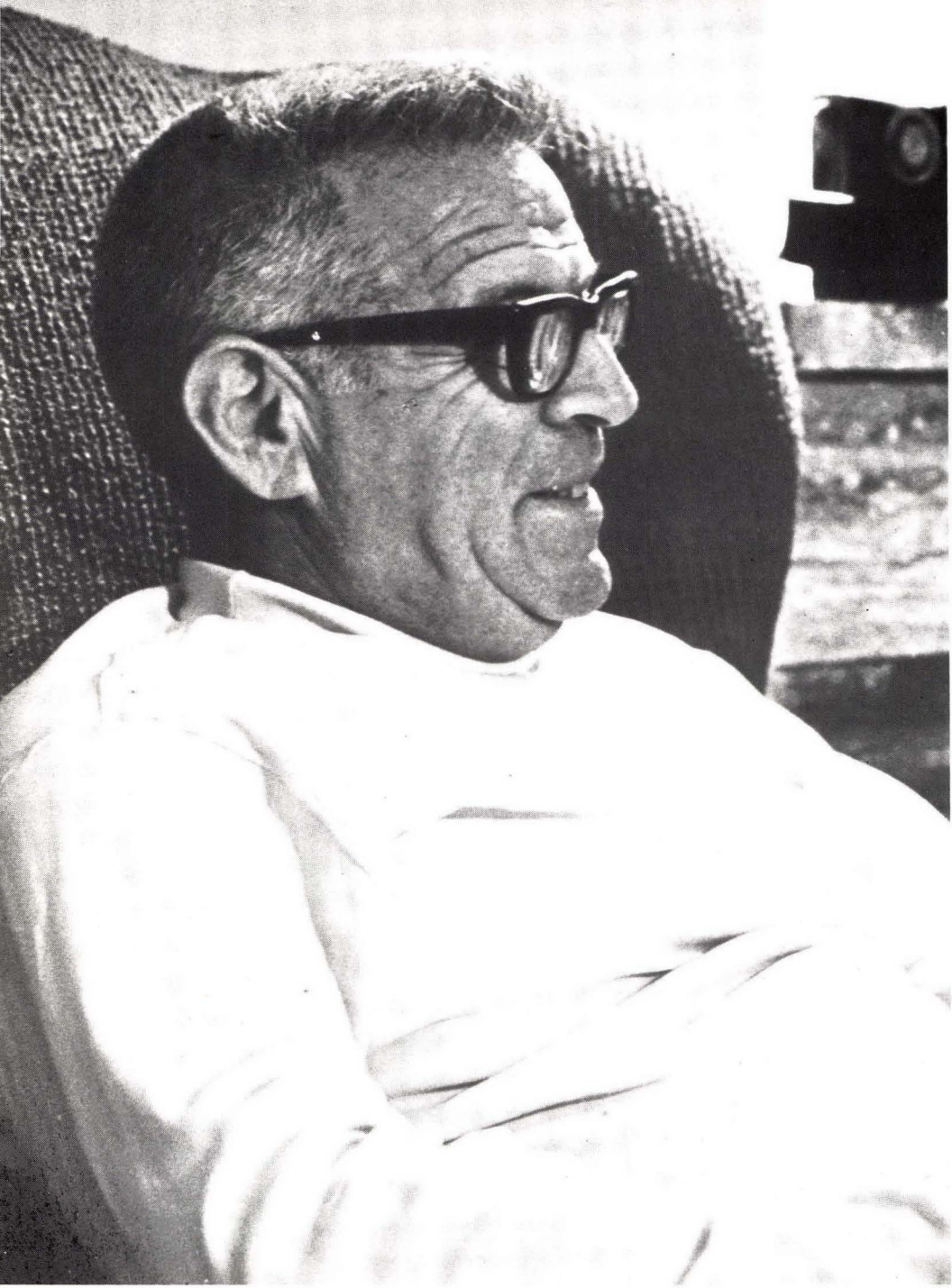
The Hurva synagogue.shelled during the 1948 war, before it was completely destroyed by the Arabs and the site became a rubbish-dump



The site of the Hurva today. The arc indicates its former dimensions



A model designed by the architect Louis Kahn



The author

by a dispute between clans, and the hostility between supporters of the Mufti and of Nashashibi. The el-Katib family supported the Mufti and the Shukris favoured Nashashibi. The brother of the murdered man was Sheikh Muhammed Hashem el-Katib, the kadi of Haifa and a confidant of the Mufti. His cousin was Sheikh Yunis el-Katib, one of the chief supporters of the Mufti in the north. Later, during the battle for Haifa, he was a member of the Arab command in the town and represented the Arab Moslem population in the negotiations for surrender on April 23, 1948, but he fled during these negotiations on instructions of the Supreme Moslem Council when it moved from Jerusalem to Damascus. The el-Katib family, therefore, saw themselves obliged to take revenge for the murdered man. It used all its influence to ensure the conviction of Anisa by all possible means. Firstly, they arranged for their friend Shauki Bey Saad, a Mufti supporter and the senior Arab officer in the Jerusalem CID, to head the investigation.

The day after the murder, Anisa was arrested. Her interrogation was conducted by Shauki Bey. At first she was detained in Haifa's jail, the Kishleh in the Old City. Veteran Haifaites well remember the ancient Turkish fortress with its tiny cells on two floors, which had served as a place of detention and prison for hundreds of years.

Anisa was kept for ten days in a narrow cell, almost a dungeon. When her interrogation was completed, she was transferred to the women's prison in Bethlehem. For an entire week she was questioned, for close to forty hours in all. At the request of her father I undertook her defence. As a result I was permitted to visit her in her cell and to talk to her between interrogations.

Anisa was not in low spirits despite her imprisonment under harsh conditions. The more she was questioned under pressure for hours at a time, (though without violence), the more steadfast and alert her stand. She repeated her version of the story intelligently: "We were walking home slowly. Suddenly a stranger came up to us, wearing a European hat. He attacked my husband and in the course of the struggle snatched the revolver my husband carried with him, shot him four times in the head and fled along Allenby Street. As soon as the British sergeant arrived on the spot, I pointed out to him the stranger's escape route and urged him to go in pursuit, but he refused and thus missed the opportunity to catch the murderer." The defendant vehemently denied the theory that she had a lover or admirer and emphatically rejected the slander that the friend who had accompanied them had attacked her husband, murdered him, slipped away for a moment to conceal the revolver and returned to the scene. The revolver was not found at the scene of the crime, but was discovered the following day behind the fence of a nearby house, several dozen yards from the scene; beside it lay a European hat.

In the course of the thirty years in which I had dealings with defendants in

murder and other serious criminal cases, I never met the equal of Anisa for intelligence and understanding. She stood by her story without wavering, despite protracted questioning.

The prosecution's version was that the companion, her lover or admirer, had succeeded in taking hold of the husband's revolver, shot him and immediately run off, throwing the gun over the fence. How did the gun reach the nearby garden, when only a moment before the murder the British sergeant saw the three walking together: husband, wife and friend? When he reached the scene of the crime, all three were there: the husband on the ground, the wife standing stunned in the middle of the road and the shocked friend on the pavement. Nor was there a reasonable explanation of the hat. Why should the suspected friend wear a European hat when he always wore a Turkish or Arab tarbush? Who was the real owner of the hat?

All through the week, Anisa stuck to her story: "I am not guilty. I loved my husband. The quarrels between us were the normal disputes between husband and wife. I deny the stories of a love affair and conspiracy to murder. These are untrue, a pack of lies invented by enemies of my father, to shame him."

The legal hearing was to take place before an Arab judge, known for his sympathy to the Mufti. My first step, therefore, was to ensure that the hearing was transferred to a British magistrate. I was aided in this by Mr. Hogan, the deputy crown counsel; I explained to him and to the chief British magistrate in Haifa that because of political rivalry in Haifa between members of the Arab community, the case should be heard by the chief British magistrate. This was a decisive strategic move, to ensure a swift and fair hearing before a shrewd judge. The prosecution witnesses numbered twenty-one, headed by Hargreaves, who was considered to be an eye-witness capable of refuting the claims of the accused woman as voiced in her lengthy interrogation, particularly as regards the 'fleeing murderer' with a 'European hat'.

It was clear to me that I must do everything in my power to undermine the credibility of this witness, by an effective blow at the right moment. After three hours of swift questioning, the witness was dazed. He suddenly turned to the judge and I still recall his plea: "Your honour, please ask advocate Salomon to stop his examination. If he should tell me in his examination that it is day now, I will say day, and should he say night, I will say night."

There was silence in the court. The phlegmatic British magistrate looked at the sergeant with contempt. At the beginning of his evidence Hargreaves had stood neatly to attention, every word he uttered was considered and clear. Now he was confused, exhausted and begging for an end to his ordeal.

The magistrate ordered him to step down from the witness stand. There was a murmur and then a hubbub; the magistrate silenced the crowd with a wave of the hand.

The testimony of the ten subsequent witnesses was shortened. The tension relaxed. On June 5th 1941, the magistrate decided as follows:

"I have examined the evidence with care. The prosecution has not brought sufficient evidence to bear out the charge even *prima facie.*"

The romantic bubble had been burst. Haifa returned to normal.

Professor Kurt Sitte — the espionage trial (1960)

Criminal file No. 219 of the Haifa District Court contained charges against Professor Kurt Sitte. The defendant was charged with obtaining information liable to be of advantage to the enemy for purposes of harming the security and interests of the state. He was also accused of handing over such information, without being authorised to do so, in violation of the Official Secrets Act and the Law for the Amendment of the Penal Code (State Security), 1957.

Professor Sitte was an international authority on nuclear physics and cosmic radiation. He arrived in Israel in 1954, at the invitation of the Technion in Haifa. In 1955 he was appointed head of the physics department and held this post until his arrest by the security services in Israel on June 14 1960. Sitte was one of the founders of the nuclear engineering department, opened at the Technion in 1956, and a member of the Technion's research committee. In 1958/9 he was elected president of the Israel Physics Association, and a member of the Committee for Radiation Standards in Israel.

The security services claimed that Sitte, over a period of four and a half years, had maintained contacts with employees of the diplomatic service of the Czech government from the embassy in Tel Aviv.

When Sitte was arrested I was abroad. Because of his international standing in the world of science, in the sensitive area of nuclear physics, his arrest received considerable publicity in the western press. When I read the news I assumed that on my return home I would be asked to assume his defence. And, in fact, as I descended from the aircraft at Lydda airport, I was greeted by Gen. Dori, then president of the Technion, and formerly Israel's first chief of staff, and a group of professors, colleagues of Sitte, who asked me to undertake the defence. They found it impossible to believe that their friend and colleague, whom they respected not only for his contributions to nuclear science in Israel but also because of his anti-Nazi past, his aid to Jewish prisoners in Buchenwald and his love for Israel, could possibly be the pawn of the intelligence agents of a country in the communist bloc — a potential enemy of Israel.

Professor Sitte was detained in Damun Prison on Mount Carmel, on the road from Haifa to Beit Oren.

I held long conversations with him in his place of detention, a few days after

my return. I realised that I would have to invest considerable work and effort for several months in order to carry out the task of defending him. I assumed that it would be necessary to investigate his past and his personality. I would have to study the facts relating to his alleged contacts with members of the Czech espionage network — and indirectly with the Soviet Union — and the background for his activities. I would be required to study the emotional drive or external pressure which had led him to maintain contact with the agents of a foreign government, hostile to Israel, particularly after the Sinai Campaign, all this on the assumption that there was a shred of evidence for the claim that he had acted with the intention of harming the security of the state.

I hesitated for several days. My hesitations did not derive from any conclusion or assessment as to the intentions attributed to the defendant, but mainly from personal considerations. I wondered if I could permit myself to devote most of my time for some six months or more to the Sitte case, not only because of the strenuous effort involved, but also in the light of my responsibilities to numerous bodies and persons and towards my family. I expressed these hesitations to friends of Sitte. But the pressure on the part of staff members of the Technion and other scientists overwhelmed me, and I was won over by consideration of the challenge involved. I was being called on to conduct the defence of a man charged with grave crimes. In addition to the fascinating legal points which would arise, there was considerable interest in clarifying and analysing the emotional, psychological aspects, the outlook of the defendant and his fears of physical attack on him or on members of his family living in Czechoslovakia (as he claimed), by those who had trapped him in their net.

When I agreed to undertake the defence, it began to be clear to me that this would be my last criminal case. And if this were to be my 'swansong', (as I told the supreme court justices at the Sitte appeal after his conviction at the district court) then my dedication would know no bounds.

At my request the security services agreed to permit my meetings with Sitte to take place at my home on the Carmel. For more than four months, four days a week, Sitte was brought from his place of detention to our home for meetings of clarification and preparation. At our first sessions I was obliged to persuade the professor that, for all his professional reputation and erudition in various spheres, his eloquence and sharp analytical approach (and as his lawyer I wanted him to instruct me on the scientific aspects of the case, including atomic science), when it came to analysis of the facts, their classification and presentation — this was my exclusive domain. Here, I was the master and he the disciple. When Sitte succeeded in overcoming this psychological barrier, and we established the spheres of cooperation between us, he became calmer — listening respectfully and replying to the point. Nonetheless there

was one sphere, a major point for the defence, which was important for me not only for the legal battle but also from the humanitarian and psychological viewpoint and that was to clarify, at least for myself, what had been the decisive motive which had led Sitte to maintain contact with the Czechs not only in Israel for more than four years but also in the United States, where he had been welcomed with affection and esteem. A number of distinguished scientists were on friendly terms with him, and this found expression in the course of the trial in Israel, and again later when they came to my aid in my efforts to win a pardon or commutation of the sentence.

Since I am still under certain restrictions, as regards publication of the facts, I shall be brief. What I mention is quoted, in the main, verbatim from the verdict of the district court.

The defendant, a German gentile, was born in 1910 in the town of Reichenberg in the Sudetenland, then held by Austria and later part of Czechoslovakia. In 1935, while relatively young, he was appointed a lecturer at the German University in Prague. In 1938 he married a Jewish woman. When the threat of Nazism became acute, he organised a club in Prague, the objective of which was to combat Nazism by cultural means. In 1938 he was the sole Aryan whose work at the German University was suspended. On 15.3.39, after the German invasion, he was arrested and detained in a concentration camp. When Germany was defeated and the war ended, he was released from Buchenwald. While in the camp he took part in organising an underground network which assisted Jewish prisoners and saved several lives. I shall skip the story of Sitte's life in the United States, to which he emigrated in 1948; his work at Syracuse University as professor until the end of 1953 in the department of physics at the Cosmic Radiation Wing; his contacts with members of the Czech consular service, which became known to the FBI, and his subsequent contacts with the latter. The charges against Sitte were based on abundant material which he supplied to the security services and his lengthy confessions after his arrest. The court cited this material in convicting him of having maintained contacts with 'foreign agents' — people engaged in intelligence work on behalf of Czechoslovakia. In resolving that criminal intent to do harm to the security and interests of the state of Israel had been proven, the court cited the Official Secrets Act, which stated that with regard to offences of the type attributed to the defendant there was no need to prove that he had committed an act which revealed such an objective or intent, if from the circumstances of the case and the conduct of the defendant "such an objective is evident."

As for the motive which seemed likely to be the significant factor in determining criminal intent, the court noted that "the motive is not a factor in the offences attributed to the defendant. Even if the motive has not been proven, this does not refute other evidence, if this evidence suffices in itself,"

and went on to say that "the motive for the meetings remains unclear."

The defendant was cleared of most of the charges but convicted on several others. He was sentenced to five years' imprisonment, starting on the day of his arrest on June 14, 1960. The maximal punishment in law was fourteen years.

On the day after the sentence I appealed to the president to pardon Prof. Sitte and to the minister of justice to recommend to the president that he accede to my request. I noted that under these circumstances, Sitte would leave the country permanently. I also approached the prime minister and minister of defence, David Ben-Gurion. I noted that Prof. Sitte had already served eight months of his sentence up to the day of the verdict, and requested that in this special case he support my appeal to the president, or alternatively, exercise his privilege under the Defence Regulations (Emergency) and order the expulsion of Sitte from the country. I appended to my appeals letters of support from dozens of prominent scientists including distinguished nuclear physicists from Europe and the United States. Some of them wrote that they found it impossible to believe that man like Sitte would commit any act out of evil intent of any kind. They felt that the solution to the puzzle undoubtedly lay in pressures from outside factors, under circumstances which even a man of the standing and known views of Sitte — who was remote from any sympathy towards the communist camp — could not withstand.

When several weeks had passed, and my meetings with the minister of justice and the attorney-general had produced no response, I began to fear that the period for submitting an appeal would run out. I therefore submitted a detailed appeal. Since the main bulk of the facts had not been contested, and since the information had been supplied by Sitte himself to his interrogators, I emphasised the absence of proof of criminal intent. In its verdict the court stated that it had arrived at the conclusion of criminal intent on the basis of legal considerations, unique to the law under consideration, although there was no corroboration in the factual findings.

In a brief letter David Ben-Gurion, in his capacity as minister of defence, wrote to me on February 16th:

Dear Salomon,

I have received your letter of 8.2.61 on the expulsion of Professor Sitte. Since you have submitted an appeal — there is no need at present to study your proposal. You may win the case. Let us wait and see for the time being.

The minister of justice also replied that he would be ready to examine the request after the verdict of the supreme court had been handed down.

The appeal was heard at length by the High Court of Appeals. I delivered the longest and most comprehensive speech I had ever delivered in court.

When I was interrupted several times by the judges, who asked various questions, or expressed their opinions, I did not hesitate to ask them not to disrupt the flow of my thoughts, since they were hearing me for the last time, or as I said: "This is my swan-song". The judges looked at me in some surprise, as if to say, "Don't make fun of us," and the president remarked: "Many years of impressive performances lie before you." They did not believe that I was serious. But I have kept my vow ever since, despite numerous pressures and temptations.

On June 28 1961 the appeal court decided to accept part of the appeal, but rejected it on several details — and upheld the sentence.

I would like to remark that the appeal court noted the facts in its verdict in "algebraic fashion" as they put it, "for security reasons". Referring to my main legal argument that intent to harm the security of the state, the central argument for conviction, had not been proven, the court declared that an attitude of "indifference" or lack of consideration for the outcome "which may be taken as natural with a high degree of possibility" was equivalent to actual intent to commit an offence under the Official Secrets Act.

On the day after the verdict, I renewed my appeal to the president and asked the ministers of justice and defence to recommend a pardon. The minister of justice told me that he was ready to recommend to the president that he accede to Sitte's request, but I was given to understand that there had been some change in the attitude of the minister of defence.

Ben-Gurion's written reply is characteristic of him and deserves to be quoted:

November 27, 1961

To Ya'acov Salomon, greetings, .

I confirm receipt of your letter of 5.11.61 concerning pardon for Kurt Sitte.

The minister of justice, Mr. Rosen, has spoken to me about this matter, and I said to him: we cannot show favouritism to a man because he is a professor. Rather the contrary; as a learned man, his sin is graver than that of a simple man. Dr. Fuchs, no less learned than Kurt Sitte, was sentenced to imprisonment and was detained in prison accordingly. Why should a spy be granted pardon, because he is a professor, and a simple man sit in prison for the same offence? Does the same law not apply to all?

Sitte has been a guest in our country and he has betrayed our trust: he has spied, and must pay the price like any criminal.

Sincerely, David Ben-Gurion

In a letter to the minister of justice, who tried to persuade the prime minister to accede to my appeal and to add his recommendation to mine, Ben-Gurion wrote:

There are no grounds, in my opinion, for showing favour towards Sitte, and no serious scientist will complain because we do not permit espionage in our country. No country

in the world permits it. I do not know if this is the concern of the prime minister, but since you have asked me, my answer is totally negative.

Blunt words.

When I reread these words, I hear the echo of his sharp and emphatic voice, stressing what he regarded as fundamental justice, namely abhorrence of favouritism. Ben-Gurion did not respond to my appeal but I believe that his remarks fully justify his decision. They are sincere and reflect his uniquely uncompromising moral outlook, his upholding of equality before the law for rich and poor, educated and unlearned alike.

I spent many months trying to obtain a pardon for Sitte. I may have done so in part because I could not accept the legal ruling of the appeal court that in his case — even though there was no direct proof of intent, such intent could be deduced from some of the circumstances.

On March 26 1963, I was informed of the decision of the president of the state to reduce Sitte's sentence by fifteen months, so that he would be released on 2.4.63.

Then and since I have asked myself, (but have never investigated in order to arrive at an answer): where were our security services for more than four years, from the time Sitte initiated his contacts with representatives of the Czech Embassy, whom the director of intelligence services attested in court to having regarded as hostile intelligence agents, — in other words spies? This is particularly perplexing since the contacts took place in public — in restaurants and the like. I was troubled by this thought mainly because the FBI had informed the Israel security services that Sitte, while in the United States, had been in contact with Czech intelligence agents, and as a result had not been permitted to return to the USA, after a visit to Brazil. It is surprising, and even amazing that under these circumstances Sitte was allowed to take up an important post at the Technion, and served in additional positions which gave him access to sensitive material and to people who dealt with matters which demanded discretion and secrecy.

I hope this was not a case of blatant negligence with regard to Israel's security affairs.

14 My First and Last Attempt at Political Involvement

From time to time it was rumoured, and many people were firmly convinced that I was a member, even a leading member of "Mapai," the Israel Labour Party. It was said sometimes in a tone of criticism that I was a leader of the 'establishment'. But as I have already noted, this was not so. According to the tradition of my family, which I call 'the Salomon tradition', I always abhorred and shrank from party bickerings both in the pre-state days and since. I feared that the disease of factionalism would affect the very essence of the state, the efforts for moral and economic consolidation, and perhaps even the struggle for survival against outside enemies.

The first elections to the legislature of an independent Israel were the elections to the constituent assembly, in accordance with the Order of Elections to the Constituent Assembly, No. 12, of 1948. This Order was promulgated by the provisional state council and published on November 18, 1948. It determined that "the electorate will vote for lists published by the election committee." It was permitted by law to submit an electoral list signed by at least 250 electors, to which was appended the written agreement of the candidate. Election day was fixed for January 25, 1949.

At the time I had no doubt, as a result of various overtures, that I would be offered a place on some list or other, according to my choice, which would give me a reasonable chance of being elected to the legislative body. I refused to be tempted. I believed, perhaps naively, that the time had come to hold elections on an all-party basis. I decided, after discussing the matter with my wife and friends in Haifa, to put forward my candidacy in an individual list which would, as I phrased it at the time, stand above party and class.

At that time, the end of November 1948, I was obliged to travel to England on an urgent national mission, (the "four ships" which I have described in chapter 9). The election campaign was just beginning, but I decided unhesitatingly that my mission should take priority. I went abroad and my wife and

friends undertook to make the necessary arrangements for submission of my independent list to the central election committee, and for canvassing among the electors of Haifa, who were mainly sympathetic to me since they knew me from my professional work and my public activities.

About 500 people signed the list for my candidacy for the Constituent Assembly of the State of Israel. Before I left Haifa I published a leaflet headed:

"Let's put an end to party strife and class warfare"

When the state was declared and the enemy stood at our gates, we hoped that the end had come to party divisions and the class struggle within our people.

Grave questions confront us. We need tremendous effort to consolidate our state, to find housing and work for immigrants and for soldiers. We require limitless dedication from individuals and the community at large, which cannot be attained when strength and energy are squandered in strife between parties, classes and factions, and matters are dealt with in biased, one-sided fashion.

The man in the street stands amazed in the face of the growing rift and the splintering into parties and factions, which are already declaring war on one another.

But it is not yet too late. The Constituent Assembly which will be elected in several weeks' time will determine our future for many years to come.

If the representatives of the people do not stand above party politics, their sole desire the good of the people and their approach to all matters pure and disinterested, our state will not be grounded on firm foundations.

Therefore the nation must elect to the Constituent Assembly people who are not connected to any of the parties and who will decide and act out of respect for the freedom of the individual, with the common good as their beacon, without class or party favouritism.

Only the man who is guided by his conscience rather than the party whip can act thus.

I therefore appeal to you, citizens of Greater Haifa. Avoid party politics and elect people from your town who are above party and class.

With this sincere conviction, I shall offer myself, when the time comes, as a candidate to the Constituent Assembly: a non-party, non-class candidate representing the entire people without favouring any party or class.

Let us unite to create the pure emotion and the fire required by a people rebuilding their homeland. Haifaite! When the time comes, choose according to your conscience for this is the sole path for the rebuilding of our country.

Ya'acov Salomon, man of Haifa

While I was in London, I received a letter sent on December 7th by a friend who headed the organising committee. He reported that "in all cases we met with response" and that, as he put it, "the whole town is talking about the leaflet." But he added that some sympathisers had asked: "What force will one man have among one hundred and twenty?"

While abroad I weighed the wisdom of the step I was planning to take. I asked myself in particular: what good could come of my activity when I faced dozens of other elected members, whose actions were dictated from above and swayed by party values or interests. I was not afraid of losing the election. In

the first week of their efforts, my friends informed me that at least three thousand votes were guaranteed to me in Haifa and that alone ensured my election. There were also positive responses from Jerusalem, the town of my birth. Public figures, whom I believed felt as I did, asked to join my 'non-party' list. I refused to accede to requests and recommendations of this kind. I felt that they constituted a nucleus, originating in the desire to avoid party politics and class strife, but which could end in some unpredictable fashion — perhaps even, Heaven forfend, in affiliation to an existing party or deterioration into factional squabbles.

My father, whose advice I respected, and who apparently feared that I would suffer emotionally in this Knesset campaign, as he put it "a sheep among more than one hundred wolves" and "a voice in the wilderness", tried to dissuade me.

On 7.1.49, several days after my return to Israel, I wrote the following letter to the friends who had helped me and my wife in the preliminary arrangements:

On my return to Israel at the end of last week from a mission abroad I found that my friends and supporters had commenced activities, in accordance with my request before my departure, to propose me as a candidate for the Constituent Assembly.

The proposal form was signed by more than five hundred people, and many have expressed their willingness to join, but this was not necessary for this purpose.

In the few days since my return many people, from the wider urban and rural areas, have asked me to continue my efforts to gain a seat in the Constituent Assembly, and I have found support for this idea in all walks of life and various circles, among people in industry, commerce, labour and agriculture.

The concept of election on a non-party basis has found an echo in the Yishuv, and with proper nurturing could create a pioneering popular movement, which will introduce a new spirit in the people and counter class, party and factional strife.

On the other hand, friends and supporters have expressed the fear that the approach to healthy 'non-partyism,' should not be personal and that it is first necessary to create a popular non-party movement, which will produce from within it people deserving of membership in the elected body of the state.

The view has been expressed that the election of a non-party representative to the Constituent Assembly, even if it succeeds, will not bring the objective closer; that those interested in the triumph of the non-party ideal must summon up their strength, organise and unite in the face of the forthcoming elections to municipalities and local councils and to the elected State Council, which will follow the Constituent Assembly and take its place.

After consultation, and clarification, and in order to avoid harming the movement to which I wish to dedicate my energies so that it will become known in wider circles, I have decided, after some hesitation if the truth be told, not to submit my list to the central election committee. This decision was bolstered by the feeling that at this time, when we are engaged in a bitter struggle in the battlefield and in the international political arena, it would be wrong to hold elections which can only intensify bitterness and squander energies and funds.

To all those who have proposed me as a candidate to the Constituent Assembly, and to those who have expressed their desire to support my ideas, I express my profound thanks.

To all those who long, with me, for the hour when most of our elected representatives will be non-party, and to those who are ready to lend a hand to me and to my supporters to create a non-party movement for all elected public institutions: the State Council, municipalities and local councils, I appeal to close ranks, to organise and to work out a plan for a healthy pioneering movement which will remove from us the curse of divisive struggles and prepare the people for the election of its representatives on a pure non-party basis for the good of the state and its institutions.
Ya'acov Salomon

My friends and relatives were surprised at my decision, and to one of them, whose opinion I valued, and who had dedicated himself in Jerusalem to furthering my cause, I wrote the following letter on January 12, 1949:

Dear Shlomo (Salomon)

You have undoubtedly heard from my father of my ostensibly last minute decision not to submit my list. I must say frankly that my step was influenced in no small measure by father's views, but his was not the decisive voice.

I must also confess that now that I have discovered from various sources what the reaction is to my departure from the arena I am not convinced that I did the right thing. It seems to me now that I should have continued and I am almost convinced that I would have succeeded.

I do not regard this as the end of the chapter, and I therefore still rely on you, so that when I decide that the time has come to go into battle again I hope to find in you the same support and understanding that I have always found up till now.

Thank you and those who helped you for what you did and your goodwill.

Yours, Ya'acov

I have often pondered whether I did the right thing. In time it became clear that the disease of party factionalism was on the increase and it proved damaging to the country, just as I had feared. I realised that I had been naïve in my early efforts to initiate political activity and that, regrettably, unless I had been willing (as many later proved to be) to turn my back on my basic convictions, and join some party or other, I could never have succeeded. The idea of setting up a 'non-party party' was therefore abandoned in its infancy. I shall not analyse the issue in detail — time has revealed the true face of such 'non-party' bodies of the Democratic Movement for Change and all they implied: clumsy and abortive naïveté on the one hand and betrayal of election slogans and promises to the voter on the other.

15 A Missed Opportunity – the Dead Sea Resources

After the Six Day War we became arrogant. The swift victory over Egypt, Syria and Jordan at the beginning of June 1967 went to our heads. The physical triumph clouded our understanding, we lost the necessary long-sightedness to understand that under Israeli conditions it was precisely after the defeat of the enemy and while he was licking his wounds that the victor should initiate peace moves. Without haste, step by step, wisely and without hurting the sensitive feelings of the vanquished party, we should have encouraged contact — not necessarily formal political links in which peace conditions are dictated, but practical measures, mostly in the economic sphere, necessitating cooperation — discreet and natural moves leading to the creation of good neighbourly relations: 'normalization' as the politicians call it.

Levi Eshkol, who was then prime minister, a man of sound instincts and natural shrewdness, understood this correctly as an idea worthy of implementation. It would appear that the advice of ministers or other consultants, who opposed this approach, won the day. They argued that the time had not yet come, since all the country was in our hands. We forfeited an opportunity which may have been limited at first but could have grown to unimaginable dimensions.

I would like to illustrate this perception from my own experience.

The Kaiser Corporation of the United States had entered into contract with the Dead Sea Works Ltd. (which held the rights to exploitation of the minerals of the Dead Sea) in order to build dams for the condensation ponds. Because of technical and financial disputes, the contractor stopped work shortly before completion. The negotiations for peaceful settlement of Kaiser's claims failed, and the firm sued for several dozen million dollars through my law office. As far as I know this was the largest financial claim ever submitted in Israel, at least up to then. The late Pinhas Sapir, then minister of finance, tried to mediate between the disputants. Eventually, in 1969, he brought the affair

to a close by negotiating a settlement, but in 1967 the court case was in full swing.

Edgar Kaiser, the president of the corporation, had warm feelings for the 'Holy Land'. A man of action and vision, in industry and trade, he often expressed his esteem for Israel, a young nation which, while still fighting for survival, had created new industrial and economic enterprises. Despite his disillusionment at the way in which affairs were conducted in Israel, he expressed his sincere willingness to come to the aid of the state, when approached by the prime minister, despite certain economic risks.

On December 25 1967, Eshkol summoned me to a meeting at his office. The prime minister knew that I represented the Kaiser Corporation, and was on friendly terms with its president. I was asked to accept the task of approaching Kaiser and asking his aid on a matter of national importance, unconnected with his business affairs in Israel. The meeting was attended by the prime minister, Pinhas Sapir, the deputy minister of finance, Zvi Dinstein, the director-general of the ministry, Ya'akov Arnon, the financial adviser to the minister, Moshe Sandberg (later Sanbar) and others. This was a most influential team. The purpose of the meeting, as clarified by the prime minister, was to initiate, with the aid of the United States, joint Israeli-Jordanian economic enterprises connected with the exploitation of the Dead Sea's resources, as a first step towards furthering the cause of peace between the two countries. Eshkol and Sapir believed that Kaiser was the suitable person to shoulder the task, because of his connections in Washington.

I contacted Kaiser by telephone and in a detailed letter, and he responded wholeheartedly. On January 27 1968, I met him at his home in Oakland, California. On the following day we flew to Washington in his private plane. Things were getting underway. The talks in Washington did not disappoint us, and we detected the first signs of success.

On February 2 1968, I sent the prime minister a letter from the United States, in which I wrote.

... As I promised, I have dealt here with the matter of collaboration with Jordan in the Dead Sea projects etc... Kaiser was wonderful. He agreed at once to differentiate between his help in this matter and his affairs in Israel... The meeting with the president of the World Bank and his colleagues was very friendly, and contacts were serious and to the point... I enclose the minutes of the meeting, as I wrote them down. It is desirable that we hold talks on this matter as soon as possible after my return... The minutes were approved by Kaiser and brought to the attention of the president of the World Bank.

I should like to quote from the memorandum which I prepared on February 1st and handed to the prime minister immediately after my return;

The prime minister, in conference with his advisors, including the minister of finance,

had advised Ya'acov Salomon that he would very much wish to initiate a scheme which would involve an association between Israel and Jordan in reference to the exploitation of the Dead Sea resources and the establishment of mutual facilities, such as a railway from the Dead Sea to Eilat and possibly harbour facilities etc. at the Dead Sea.... On arrival at Oakland, California, Mr. Salomon took up the matter with Mr. Edgar Kaiser... who advised Mr. Salomon that he would gladly afford whatever assistance he could in connection with the project and that he appreciates the prime minister's desire that it should not be conditioned on any matter connected with the Kaiser dispute with the Dead Sea Works.

...It was felt that the best starting point would be a meeting with Mr. George Woods, who is president of the World Bank, since any scheme would have to be financed to a substantial extent by the World Bank. Mr. Kaiser had earlier been in touch with Mr. Woods, who informed him that, as a matter of exception, the World Bank would make a substantial cash advance for the furtherance of the Jordanian Potash Project...

Mr. Kaiser arranged for a meeting with Mr. Woods, which was held in Washington on 31st January, 1968, at the World Bank's offices. It was a luncheon meeting, in which the participants were Mr. Woods, Mr. Lejeune (director of the Middle-East and Africa department of the World Bank), Mr. Kaiser and Mr. Salomon.

Mr. Kaiser opened by indicating the contacts already made in connection with the project, which Salomon considered as 'a dream which might come true.' The desire of Kaiser was to accede to the prime minister's request in order to assist in the initiation of what might turn out to be a stepping stone toward peace in the Middle East. Mr. Salomon then followed up by referring to the meeting with the prime minister and his advisors, and intimated that the Israeli government would appreciate the furtherance of the project in which Israel would be an associate in one way or another. Mr. Woods then detailed the position of the World Bank. He reviewed the contacts made by the Government of Jordan with the World Bank, especially the last meeting between him and King Hussein, in November 1967. It became clear that no major American corporation would invest money in the project by way of equity and, therefore, the matter would, as an exception, be financed in a substantial part from a loan to be given by the World Bank direct to the Jordanian government...

Mr. Woods referred to his hesitations initially in involving the World Bank in a project which would be owned by the government concerned itself. Past experience has also shown that a project in which two governments are concerned may have its disadvantages, but in view of the special nature of the present proposal, and in light of Mr. Salomon's statement that the prime minister of Israel indicated his government's interest in a joint... project, he would recommend the project to his Board. He asked Mr. Lejeune to initiate some 'feelers' with the Jordanian representatives in the course of his forthcoming visit to Jordan, which may take place in about two weeks...

The general atmosphere appeared to be exceedingly favourable, although these were initial steps. Subject to the reaction of Jordan all concerned (detailed in the memo) would appear to think it is a project worthwhile exploring.

I went on to quote financial and economic details discussed at the meeting, and my subsequent conversations with Kaiser. At the end of the memorandum I wrote:

Both Mr. Kaiser and Mr. Salomon expressed satisfaction at the reaction of the president of the World Bank and his associates. It was agreed that it had better be kept in motion and Mr. Kaiser will be advised, in the first instance, of any developments (at this end).

Meanwhile Kaiser continued to deal with the matter, on the assumption that the Israel government was interested in continuing the efforts it had initiated. On my return I met with Eshkol. He expressed his thanks and appreciation for my efforts, and said that the matter would now be brought up for discussion by a wider forum in the cabinet, and in consultation with the foreign minister, Abba Eban, the forthcoming steps on the part of the cabinet would be thought out etc.etc.

Months went by and I received no further messages from the prime minister or the minister of finance and this began to cause me concern. I therefore wrote to the prime minister, accordingly. On June 13 1968, Eshkol sent me the following letter:

Further to our correspondence and our talks on the possibility of Jordanian-Israeli collaboration in developing the Dead Sea resources, the foreign minister and I have numerous doubts. But if you are a believer, and think that Kaiser can do something — naturally without the Jews being too conspicuous in the matter — then a double blessing on both of you if you succeed in this.

I replied on June 19 as follows:

I was somewhat puzzled by your letter of June 13 1968. In the first paragraph you note your doubts and those of the foreign minister in this matter. In the second paragraph you permit my friend and myself to act in this matter if we think that something can be done 'without the Jews being too conspicuous'.

It seems to me that under these circumstances it would be better not to take further initiative, at least in the near future. If at any time in the future you should feel it worth reviving the matter, I shall be happy to donate my time and the best of my abilities to furthering the idea and implementing it.

Meanwhile I would like to comment that I do not share your views, but you are the arbiters and I accept your considerations.

The prime minister's laconic reply, on June 24, reiterated his previous letter:

Dear Ya'acov,

The prime minister has asked me to confirm receipt of your letter of June 19th, and to clarify that he and the foreign minister have doubts as to whether the plan is practical. At the same time, there is no objection to you trying your luck. It is better for the Jews not to be conspicuous among those active in this affair, since it will then undoubtedly be difficult for the Jordanian authorities to collaborate.

Aviad Yaffe,
Director, Prime Minister's Office.

In tête à tête conversations, I was given to understand that the foreign minister did not take a favourable view of the preliminary contacts to advance the cause of peace in the way we had initiated...

This is not the place to describe my reaction, as I expressed it to Eshkol and

Sapir. I returned to Kaiser shamefaced, conveyed to him the government's thanks for his readiness to come to our aid on this weighty matter — (although such gratitude had not been conveyed by those who should have expressed it) — and told him that it had been decided 'to temporarily postpone' further initiative.

Years passed — and time was not on our side.

Since then, and particularly at the present time, I have asked myself a naïve question: who knows whether our history — and the annals of Israeli-Jordanian relations — would not have been totally different if Eshkol had ignored the advice of the foreign minister at that time?

16 The Urge for Action

Inactivity during the Sinai Campaign

During the tumult of the Sinai Campaign I was oppressed by a feeling of helplessness, not sharing in the action or in consultations during those fateful times. Israel's war against Egypt was coming to a close, victory was within our grasp, and the cabinet, with Ben-Gurion at its helm, was exposed to international pressures: threats from the Soviet Union on the one hand and the ominous (and eventually decisive) intervention of our 'friend' the United States, on the other. I found no peace. "Ya'acov," I asked myself, "what are you doing here: in town, at home, at your office. Can't you help in any way?"

These were great yet difficult times. Ben-Gurion was hesitant in the face of the decision as to whether to hold on to Sinai or to terminate hostilities and withdraw. The 8th of November 1956 was, according to Ben-Gurion's diary, "a nightmare day".

On November 9 1956, I summoned up my courage and wrote the following letter to the prime minister:

Mr. Prime Minister,

In these times I regret that I have 'grown old' and cannot be a combatant. Nonetheless, if I can be of help in any matter whatsoever, I am at your service.

This was perhaps presumptuous on my part — or perhaps I sensed that at this fateful moment, Ben-Gurion might succumb to outside pressures and the advice of colleagues or disciples. This did in fact happen, because the United States threatened sanctions and the western world regarded Russian intimidation as a threat to world peace. I knew that Ben-Gurion would not find the time to read my letter, that it would not even be brought to his attention at the time, so I wrote simultaneously to my dear friend, the late Nehemiah Argov, the prime minister's military secretary:

I enclose a brief letter to the prime minister.

When you find a minute, please give him my letter and add whatever you see fit. Perhaps I can be of some help in these times. I am ready to carry out any task imposed on me. If there is room for a meeting, I shall be happy to come to Jerusalem or Tel Aviv.

With friendship, Ya'acov

A few days later, Ben-Gurion gave in to the pressure and accepted the advice. What is happening at present is reminiscent of that time: pressure from our 'friend', the United States. And we are withdrawing from Sinai as well. History (or hysteria) is repeating itself.

On December 2 1956, Nehemiah wrote back:

I have received your letter of 9.11.56 with the enclosed letter to the prime minister. I found 'a minute', even slightly more, and handed him your kind note.

The prime minister is aware of and appreciates your readiness and your talents, and he does not doubt that you are at his service for any task he chooses.

You know that from time to time the prime minister asks you to undertake difficult and delicate tasks, and if the need should arise, he will keep your ability in mind.

In friendship

Some ten years later, in 1967, the Six Day War broke out. This time I did not sit idle, but was summoned to organise and implement the recruitment of funds on an unparalleled scale.

The Six Day War: The Public Council for the Security Loan

At dawn on June 6 1967, on the second day of the Six Day War, I was summoned by Ze'ev Sharef, then minister of commerce and industry, to come at once to the ministry in Jerusalem, since the cabinet had decided to entrust to me an important task. The minister did not tell me what he had in mind. From the urgency of his summons, I realised that the task was essential to the war effort. I was both curious and jubilant.

At that time the success of our air force over the Egyptians in the south and the Syrians in the north was not yet publicly known. It was an anxious time. The war was at its height — and the battle for Jerusalem had begun...

I hastened to Jerusalem in my own car. The roads were empty — apart from convoys of military vehicles on their way to the southern front, the north, and east to Jerusalem.

I passed along the Petah Tikvah-Lod road, by Kfar Syrkin: the nearby airfield had just been bombed. Soldiers on the road were hiding in the trees or behind fences. Others had stopped their vehicles, jumped down and flung themselves into ditches by the roadside. I continued my journey, speeding along. Time pressed.

When I reached the hills outside Jerusalem, I was halted by a military policeman. He warned me not to continue to Jerusalem since the road was being shelled from Nebi Samuel. After I pleaded with him, and explained my mission, he said that he would take no responsibility, but wished me good luck. At the ministry the corridors and offices were all deserted. I asked the doorman what this meant and he explained that there had been an air-raid alert and the minister and his senior officials were in the shelter in the basement.

I went down to the basement. In a small, crowded room I found the minister, the director-general, the senior officials, the secretaries and other employees. I was amazed. Why this panic? I asked the minister to come up to his office for a quiet conversation. Sharef claimed that he must stay in the shelter, since these were the orders. On the spot he told me what he wanted of me. The cabinet had decided on immediate recruitment of several hundred million lirot by issuing bonds — a state security loan. I was to head this campaign and set up in Tel Aviv as widely representative a council as possible. I was to act without delay with maximum freedom of action. After about an hour I set off for Tel Aviv.

As I left the ministry I heard the echoes of artillery fire and the thud of distant explosions. Here and there I saw smoke rising. I tried to drive down to Motza the same way I had come, but this time was strictly forbidden to do so, since the road was being shelled by the enemy. I returned by a roundabout route through the village of Ramat Raziel. When I reached Sha'ar Hagai, I saw a motley convoy of men and vehicles straggling up the mountain, on their way to Jerusalem. There were cars, milk trucks, agricultural lorries, buses and parachutists. The soldiers, although they were wearing shabby uniforms and consisted of ordinary clerks, farmers and labourers — all appeared to me to be giants — noble warriors. I stopped and waved a greeting and was met by smiling faces — radiant as if they were setting out for a celebration.

When I arrived in Tel Aviv, I went to my office in Ibn Gvirol Street. I summoned a secretary from Haifa, made a list of people to be invited to serve as members of the council, and fixed the first meeting for that same evening in my office, telephoning each of my recruits.

Night fell rapidly and the streets emptied. The windows were shuttered, lights flickering here and there between the cracks. Inspectors walked the streets in pairs, with serious expressions, checking the blackout precautions.

All the people I had summoned, some forty of them, arrived on time, this in itself an unusual occurrence. There were representatives of the Histadrut executive, the associations of industrialists, diamond merchants, craftsmen and storekeepers, medical associations etc. Because of the blackout and since the proper arrangements had not yet been made in my office, the shutters were

closed and we sat by tables with flickering candles to light us. It was an unforgettable picture — shadows, soft voices, earnest attention and wholehearted response. From time to time we switched on the radio to hear news from the front.

Afterwards, I hastened to the Kol Israel radio studio. I spoke over the radio to the soldiers at the front and civilians at home. I told them of the mission entrusted to the council, and added words of hope and encouragement — "victory is on its way — lend a hand to the soldiers at the front." Some time later I was told by soldiers who had heard me that my broadcast was the first warm, encouraging message from home and family.

On the following day we began compiling information material and printing it, making arrangements for distribution, inviting representatives from the large towns to briefings to prepare for the sale of bonds throughout the country — "and the more the merrier".

I moved my headquarters from my home in Haifa to a Tel Aviv hotel and brought an efficient assistant and a skilled secretary from my Haifa office.

The wheels began to turn. Volunteers flocked to our office, which was moved to the ministry of finance in the 'Kirya' in Tel Aviv: Old and middle-aged people came, journalists, public-relations specialists, lawyers, accountants, representatives of all levels of society and professions, and even young boys and girls as messengers. I was forced to turn away most of them with of thanks and appreciation. I decided that our staff would be as small and efficient as possible.

In the first few months meetings of the council were held every morning at eight precisely. They lasted sixty to ninety minutes, at most. At each meeting we delivered a report on the activities of the previous day and their outcome, and made plans for the day ahead. The members went their various ways to do their jobs. Two remained to help in the office. Those going out were divided into groups, pairs or individuals to travel throughout the country, help organise sub-councils, regional or municipal groups, and to work within their own circles, to publicise the organisation throughout the country.

After a week of uninterrupted work, the organisation was more or less complete, and the machine was running smoothly. Money began to arrive in the office or at the Bank of Israel. Hopes began to be realised, but there were also disappointments.

Generally speaking everyone promised to help, but one cannot live on promises alone. One must take action. Much was fulfilled — but many disappointments came to light after the IDF was certain of victory. I must confess that those people who let me down, including friends and acquaintances, were not spared a tongue-lashing.

The job demanded exhausting journeys by day and night, with sometimes

three or four speeches per day at meetings in towns from Eilat via Haifa to Safed. It looked as if the response would be good. Our publicity began to appear on billboards, in the press and on the radio. We maintained the campaign for eight consecutive months. The council gradually thinned out, and only a faithful few remained to shoulder the burden. They did the job for its own sake.

Every day I reported by telephone to Sapir at the ministry of finance and to the Bank of Israel, and sent a detailed report in writing at least once a month. Sapir often visited the office, made calculations, offered suggestions, spoke to people over the telephone in his booming voice, at my request. He soothed me when I complained angrily about groups or individual philanthropists, some of whom he himself had raised to high positions.

The final results were quite satisfactory — we raised more than three hundred million Israeli pounds.

I returned to my Haifa office and my own work. I spent two days a week there and four days in Tel Aviv. Gradually, the pace slackened, and eventually the task was mostly taken over by government officials, drawn from the ministry of finance and army personnel. I remained to supervise and tie up the ends. After ten months I gave a 'final' report, and convened the council for a summing-up meeting in the presence of the minister. This time the entire council showed up to bask in the glory, including members whom I had not seen for many months.

In April 1968, while I was in Oslo on business, the Israeli ambassador called me to receive a telex from Sapir asking me to return to Israel immediately to organise and carry out the sale of 1968 War Loan Bonds.

This time it was easier from the organisational point of view. Six reserve colonels were placed at my disposal. I am ashamed to report that only two or three of them did their work well and diligently. The army spokesman came to my aid, and a talented young communications officer was of particular help.

Again I found myself rushing around the country, setting up sub-councils, briefings and meetings, giving speeches and lectures — repeating the activities to which I was already accustomed, and again I experienced both satisfaction and frustration, both hope and disillusionment. It was necessary to invent catch phrases such as "Bring in money for Phantoms"; we had to devise more sophisticated advertising and publicity. The public was no longer as enthusiastic as in the few months after the Six Day War. Sometimes I lost patience and people complained to the minister at my abruptness. He placated them, gave me advice which I was not generally eager to accept. He too was known to raise his voice, and by comparison to him I was positively sanguine. How could Sapir of all people ask me to be patient?

I was taught from early childhood to respect other people's feelings. But there are exceptions. Sometimes I lost my temper — not at any particular individual but at the inactivity of a whole industrial or professional group.

But enough. The files of the council, which were handed over to the ministry of finance, are filled with letters of congratulations, compliments and thanks. The bonds were disseminated, the money collected, contacts with the Bank of Israel were effective, and again the results were not disappointing. After six months of hard work I returned to Haifa, to my family and professional activities.

As far as I recall, neither I nor my fellow council members ever received a letter of thanks, but this is apparently the way of the world. Those who stand at the helm of the state sometimes forget that wonderful edict: "Courtesy is more important than learning."

17 Neglect upon Neglect

The Arab question

Since this is perhaps the most urgent issue from the point of view of our survival, I would like to explain my approach to the Arab question and my own commitments on this matter.

I do not like to act sanctimoniously. It is a family tradition, handed down from my father and grandfather: "Beware of hypocrites". Nor do I like to wax philosophical or to engage in polemics on matters of vital significance, regarding them from the purely ideological standpoint, as if I were seeking absolute justice. I do not advocate the view that in our fight for survival in our own country, we should be upright to the point of calculated self-destruction. What sometimes appears desirable from an abstract ideological stance is not realistic if this idealised approach is liable to lead to catastrophe. After this preamble I should perhaps hold my peace, and not express an opinion on the delicate subject under discussion, lest I appear to be an extremist!

In order to justify my outlook I must add that I am no stranger to the question. I have been acquainted with it for many years, since boyhood. At the age of eighteen after graduating from the Hebrew Gymnasium in Jerusalem, I was sent by my father to study Arabic at an Arab elementary school, the Schneller Orphanage School in Jerusalem, with boys aged from ten to twelve. I grew up among Arabs, in the Jerusalem of the turn of the century. In adolescence I met with Arab boys of my own age — sometimes on friendly terms and sometimes in fistfights. I was friendly with Arab students at the Jerusalem law school. When I returned from my studies in England in 1929 and began to engage in professional work, I was on comradely terms with senior Arab colleagues, some of whom were extremist leaders of the Arab movement. Over the years I was acquainted with several of the greatest Arab lawyers in neighbouring countries, Lebanon and Syria. They later held impor-

tant positions in the independent Arab governments, as ministers and even premiers and presidents.

Among my friends in Palestine were numbered such extreme nationalists as Oni Abdul Hadi, Mussa el Alami and Ahmed Shukeiri. They regarded me not only as a senior colleague, but also as a sparring partner in legal work. They were fully aware of my activities to further Jewish settlement in Palestine.

At the height of the War of Independence I believed, somewhat naïvely, that it was worth trying to terminate the hostilities by arriving at agreement with the Arabs on the establishment of a Jewish-Arab bi-national or federal state, based on the partition resolution with Jewish and and Arab cantons bound by an egalitarian basic constitution. With the approval of the foreign ministry, I established contacts with Archbishop George (Gregorius) Hakim, on the possibility of an Arab-Jewish agreement on a bi-national state. As a result of the negative Arab response, I came to the conclusion that there was no point in trying to reach agreement with the Arab national leadership on these terms, since that same leadership — the Supreme Moslem Council and the Supreme Arab Committee — totally rejected the idea of any negotiations with the Jews on any kind of arrangement which would have been acceptable to us. Their proclaimed objective was a war of annihilation, which has continued to this day. For thirty years it was led by the Mufti, Haj Amin el-Husseini, later by Ahmed Shukeiri, and now it is under the leadership of Yasser Arafat.

Now that we are engaged in negotiations with Egypt, I may be asked: Does this does augur the possibility of sincere ties between Israel and the Arabs, progress towards a final solution of the Palestine problem? (I am writing on March 11 1979, during the shuttle visits by President Carter to Egypt and Israel). My answer would be that even if the longed-for peace with Egypt arrives, (and the great majority of the Israeli people desires peace with all its heart even if this entails concessions and risk), this will be only a provisional peace. The extreme hostility of the Palestinian leadership will prevent lasting peace, except on the basis of 'unconditional surrender'. The venomous hatred of those who have declared a war of annihilation against us will not permit true peace even if the Palestinian majority desires peace, which I doubt.

This situation, which we should have comprehended from the very beginning, demands that we take firms steps to ensure that we always constitute a decisive majority, not only in the country as a whole but in each and every part of it — particularly the sensitive areas where most of the inhabitants are now Arabs. We must put down roots in those areas which were abandoned by their absentee Arab owners on the eve of the War of Independence and at the height of the war, particularly in Galilee. I have warned and urged and exhorted over and over again, but my warnings fall on deaf ears. The leadership has been impotent because of incompetence or complacency. Time is against us. I fear

that it is already too late, that we have lost the vital battle for our security.

Settlement of the Galilee — an unforgivable ommission

I was a member of the committee appointed by David Ben-Gurion in December 1955 to examine the possibility of limiting or abolishing the military administration over the Arabs of Israel, which had been introduced in May 1948, during the War of Independence. We appended to our report at the time a memorandum on the security aspects of Jewish settlement and land ownership in the Galilee. We wrote, inter alia, that "by military force alone the state cannot hold its borders. Jewish settlement will ensure that Israel keeps these territories. Therefore it is essential to set up Jewish settlements in the areas of military administration in the north, the central region and the Negev. As regards the Negev the problems of setting up security points are not complicated, but as regards the 'triangle' (the central military government area) and Western Galilee (northern military administration), matters are more complex, and if it were not for the existence of the military government would be even more complicated. The solution demands not only continued military administration in those areas, but also urgent administrative and constitutional activities."

We noted which areas were still available for Jewish settlement on state lands and lands belonging to absentee owners. We pointed out that in the north, some four hundred court cases were pending concerning land ownership and that there were some 387,000 dunams of state lands and 175,000 dunams of absentee-owned lands in the Acre-Safed region alone. Since the establishment of the state, at least 300,000 dunams of state lands had been seized by Arabs without ownership rights. The military administration had not done enough to prevent this. "The aim in seizing lands is not only motivated by personal economic reasons. There are serious grounds for suspicion that in some cases the intention is to prevent the entry of a Jewish security element into these areas... In order to find a rapid solution, so that extensive and vital territories will not be lost to the state, and to enable the establishment of security settlements without delay, it is essential to expedite settlement of court cases and to introduce administrative and other amendments in the laws"...

Our report on the military administration, including the memorandum on settlement in Galilee, was submitted to the prime minister in March 1952. He replied, thanking us for our "wise and responsible recommendations". But, nothing further was done to implement the latter.

Levi Eshkol, himself a member of an agricultural settlement, then became

prime minister. At the beginning of his term of office, he promised to 'develop Galilee'.

I rejoiced at this and on September 18, 1963, I sent him the following letter:

I was very pleased at your decision on the development of the Galilee. Since the establishment of the state I have been reiterating that the Galilee has been neglected by the government and settlement bodies. At the end of 1955 Ben-Gurion, then prime minister, appointed a committee to examine the possibilities of abolishing the military administration, and I had the honour of serving as a member of the committee. On my initiative, the committee appended to its report a memorandum relating to problems of settlement and land ownership in the administrative area. We stressed the importance of immediate settlement of the Galilee.

It is regrettable that since then, over seven years ago, no steps have been taken in the spirit of our recommendations. You are to be congratulated for your initiative.

I hope that all those who undertake this vital task will recognise their obligation and that, in your wisdom, you will instruct them so as to further the aim.

Another fifteen years have passed since then and still nothing has been done. Meanwhile we have lost for ever the great majority of an area comprising hundreds of thousands of dunams of state lands. The talk about 'Jewish settlement in the Galilee' is nothing but hot air. Nothing has been done and I fear that nothing will ever be done. And I repeat: this omission verges on criminal negligence, and we will suffer for it in generations to come.

On June 30 1978, I wrote the following letter to Menachem Begin, the prime minister:

On 6.12.55 I was appointed by the then prime minister, David Ben-Gurion, together with Yohanan Rattner and Daniel Auster, to the Committee on Military Administration.

We appended to our report a secret memorandum on the problems of security and a demand for immediate land settlement in the administrative regions, and particularly in the Galilee. A copy was sent to the minister of justice.

To my regret, nothing was done to implement our recommendations in the country as a whole, or the Galilee in particular. To this day there is no serious response as warranted by the gravity of the issue, and we have forfeited much because of our tardiness. I believe that it is almost too late to save the day.

Nonetheless, and since you perhaps do not have access to this important material, I enclose a copy of that memorandum... in the hope that vision and energy may amend the situation.

When no reply arrived, I sent a reminder on December 17 1978, and received the following reply on January 12, 1979.

I acknowledge with thanks receipt of your letter... and apologise for the delay in my answer. Yesterday I held two meetings with representatives from the Galilee: towns, development towns, communal villages and kibbutzim. I heard very important things from them and we agreed, on the basis of the proposal of the minister of finance, that a ministerial committee should be set up which will deal directly with Jewish settlement

in the Galilee, and its development. This too requires time, but I shall try at intervals to examine whether progress has been made.

I sent copies of the memo to the minister of justice, Shmuel Tamir, and the minister of agriculture, Ariel Sharon. The former confirmed receipt and promised to give the matter his full attention. The latter never even replied. Time will tell if anything serious will be done to restore the lost state lands, or to establish adjoining Jewish settlements and not merely 'outposts' or observation points.

In the light of this sorry experience, I fear that nothing of value will be done. Omission follows omission, although this is a matter of life and death.

18 Gleanings

My "extra-curricular" activities have been numerous and rewarding. I have served on the board of governors of the "Reali" school in Haifa since it was founded, learning a great deal myself in the process; the military academy of Haifa engaged my attention for over a decade, as chairman of its supervisory board from its inception in 1954; I was among the founders of the naval college in Haifa and remained active there until the independent state took over this project; in 1936, I helped to establish the Yachting Club for youth and adults and was its commodore for over twenty years; I gave my aid to the dedicated director of the Haifa Maritime Museum, Arieh Ben Eli, in a common vision of purpose for this unique institution, now run by the Haifa municipality.

My involvement in industry

For more than fifty years I served as legal advisor to the largest industrial firms in the country, including: Israel Aeronautical Industries; the Haifa Refineries; the Electric Corporation, Electrochemical Industries (Frutarom), Haifa Chemicals, Fertilizers and Chemicals, Mills Ltd., various electronics firms, Alliance, Miluot, the Kibbutz Industries, etc., in addition to service companies, oil companies, oil drilling firms, banks, hotels and other concerns, most of which I represented from the day of their foundation. Despite the challenge involved, I did not regard this work as a serious contribution to the advancement of Israel's economy. On the other hand, I derived maximal satisfaction from my efforts to further the establishment and consolidation of industrial firms, by recruiting capital and taking an active part in management — generally as chairman of the board of directors of companies in which foreign capital was invested. The foreign investors relied on me, since I undertook the burden of practical, everyday participation in supervision of

management. I found it stimulating to oversee the implementation of a weightily responsible task, and was encouraged by the positive outcome for the economy of the state: the creation of employment for thousands of Israelis, in development towns and immigrant settlements, and the expansion of the gross national product and industrial exports.

My task was not always easy; it was necessary to overcome bureaucratic obstacles and setbacks. But I also met with successes. For many years I was encouraged in my work for industry by Levi Eshkol, when he was minister of finance, and Pinhas Sapir, while minister of industry and commerce and later minister of finance. These men appreciated the vital need to develop industry and to recruit foreign capital for this purpose. Their approach was positive and fair. I was not always in agreement with them when they failed to respond to my appeals or explanations, but I respected their arguments, which were based on a practical approach to the country's economy. They were in no way swayed (despite unjust accusations to the contrary) by party calculations or favouritism.

I found pleasure and interest in the many hours which I spent in laboratories in the company of young Israeli scientists, who initiated me into some of the secrets of science. I enjoyed the sound of machinery at work. I was avidly curious, though somewhat ignorant, about electronic control devices, and enjoyed my discussions with all levels of employees, from the woman who cleaned the courtyard to the chief engineer and factory manager. I was particularly insistent on constant maintenance, 'good housekeeping' which I believe to be essential for safeguarding achievements. Meetings with senior staff and deliberations with the board of directors were absorbing and to the point. Although we were not always in agreement when the discussion commenced, we generally arrived at unanimous resolutions without overwhelming the minority, by employing an understanding and decisive approach.

In the past few years I have decided to withdraw from these tasks without hesitation or regret and to hand them over to younger people. I look back with great satisfaction on the past, and I am filled with hope that the tradition will continue and the job be carried out with dedication and a creative spirit.

Les Vedettes de Cherbourg

On Christmas night, December 25 1969, the Israel Navy spirited away five missile boats, built by a French shipyard in Cherbourg.

These boats had been built for Israel, according to Israeli plans and specifications. After the Six Day War the French president, General de Gaulle, angered at Israel for not responding to his advice, as a 'friend and ally', to refrain from the war against Egypt — imposed an embargo on arms shipments

to Israel. Later, in his fury at the Israeli raid on Beirut airport in August 1969, he tightened the embargo to encompass the boats built in France for the Israel Navy but not yet delivered.

The smuggling operation was based on a sophisticated plan, 'a daring hoodwinking operation' as it was then termed, carried out with skill and boldness by officers and men of the Israel Navy. They steered the five boats through the thousand miles of sea between Cherbourg and Haifa, till they reached their destination safely.

The whole world followed the dramatic journey with bated breath.

I was not privy to the secret of the planning which preceded the operation. But two days after the boats reached their haven, I had the privilege of helping to extricate from political involvement and personal plight the man with whose aid, whether intentional or not, a deal had been completed which had enabled the boats to slip through the embargo and join Israel's fleet.

This man appeared before the French authorities, at the war ministry and other offices, and asked to purchase the boats for fishing purposes. There can be no doubt that certain senior officials knew, or perhaps should have known, that his request was part of a plot with the Israeli authorities. After the innocent purchase, formal steps would be taken to conceal the true deal and bring the boats to Israel.

I shall not go into the details of the fascinating and dramatic story. I shall content myself with outlining my role in the wondrous affair of the Cherbourg boats or, as the deceived French called them with a touch of humour — Les Vedettes de Cherbourg.

Only a week after that Christmas night when the boats vanished from Cherbourg harbour, I was summoned to give legal and practical advice on how to absolve the foreign national who had purchased the boats from any suspicion of being a partner in a plot to break the embargo, and how to transfer ownership of the boats from his company, which was registered in Panama, to the Israel Navy — a devious operation.

On December 30th, after a short trip abroad to study the situation on the spot, to draw up certain documents and to obtain the signatures of our foreign friend and others, I purchased all the shares in the Panamanian company, in whose name the boats had been registered after their purchase by the foreign national. This purchase was made possible after the navy 'waived' its ownership rights to the boats. I then arranged for the registration of the boats in the Israeli Shipping Register, under the flag of our merchant fleet. I completed my mission at the end of September 1970 when the boats were transferred from the merchant fleet to the Israel Navy, which took over ownership. For eight months, therefore, I was the owner of five missile boats, happy to have been privileged to help in recovering these legendary vessels.

19 The Salomon Family in Eretz Israel

On June 7, 1967, a paratrooper unit broke through one of the gates in the wall of the Old City of Jerusalem, St. Stephen's (Lions) Gate. The soldiers reached the Temple compound and stood there in awe. They caressed the stones of the Western Wall and shed tears. On that same day an infantry unit freed the Jewish Quarter of the Old City, and at its heart they found the ruins of synagogues and yeshivot, which had been destroyed and desecrated by the enemy.

I cannot describe the joy and jubilation of the entire nation when the radio broadcast news of the capture of the Old City. My wife and I were so stunned with emotion that we burst into tears.

At that moment there flashed through my mind thoughts of the Hurva synagogue. I vowed to take immediate action to reconstruct it, thereby following in the footsteps of my ancestors. Let me explain.

I have related in this book something of my origins, my activities in various fields and my involvement in certain events in this country. I have deliberately refrained from writing about my family and my private life. This book is intended for my wife Sara, and for my daughters Ronni and Keren and their children — my grandchildren. I saw no need to tell them about my family, the history of the Salomons in Eretz Israel. But friends and 'experts' who read the manuscript thought otherwise. They claimed that I owed it to the reader and to myself to introduce into the book a description of the life and activities of my ancestors. And the story begins with the Hurva.

Shlomo Zalman Zoref, founder of the Salomon dynasty, who came to this country in 1812, obtained a 'firman' (building permit) to rebuild the Hurva in Jerusalem. His son, Mordechai Salomon, completed the task. Hence my affinity for this synagogue and my great interest in it.

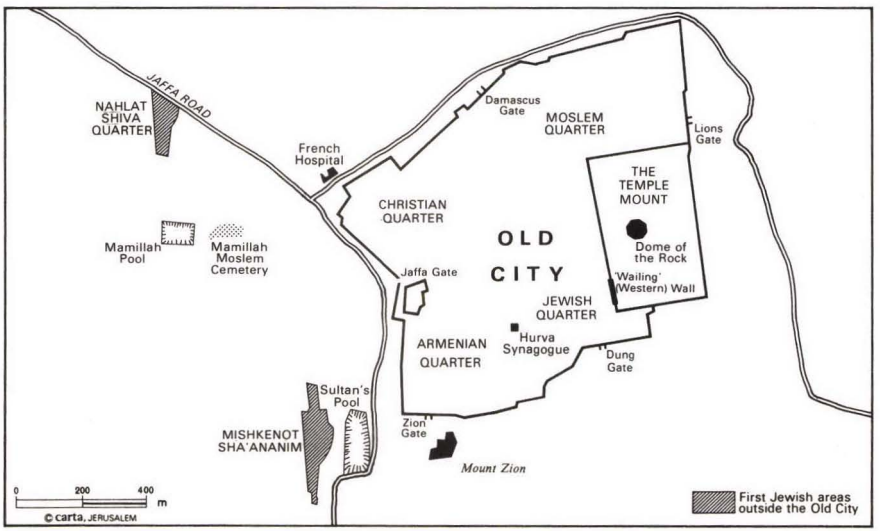
I have decided, therefore, that before I round off this book with a description of my efforts to rebuild the Hurva after the Six Day War, I shall do as my friends ask, and relate something of the history of my family in this country.

Thus I shall bring full circle a tale which began in Jerusalem and ends in Jerusalem — my native city, the well-spring of my family, and where I have always remained in spirit.

The Ashkenazi community of Jerusalem

Credit for initiating the rebuilding of Jerusalem as a permanent settlement belongs to the founders of the Ashkenazi community in the city at the beginning of the nineteenth century, after the immigration to Palestine of the disciples of the Ga'on, Rabbi Eliyahu of Vilna. The rebuilding of the Hurva synagogue symbolises the attempts of the Ashkenazi community to gain a foothold in Jerusalem. Until then the Ashkenazis had been barred from residing there. This is the story:

In 1700, the pious Rabbi Judah came from Poland to Jerusalem with a convoy of men, women and children. They made their way by land, suffering many adventures. More than half died en route from disease and torture. Rabbi Judah and the remnants of the group settled in Jerusalem, on the spot known today as the "Hurva" or "ruin" of Rabbi Judah the Pious. Rabbi



Judah died shortly after his arrival, and his death spelled the disbanding of the group. Only a few of the families who had arrived with him stayed in the city, but they were completely destitute and were forced to borrow money from the Arabs against high interest. The scholar Yosef Schwartz writes in his book "The Harvest of the Land" that when they were unable to repay their debts, "the Ishmaelite residents of the city came suddenly to the great synagogue of the Ashkenazis and burned it, and burned all the books and woodcraft therein, and forty Torah scrolls. And if the synagogue had not been built of stone, it would have been totally consumed. And they seized all the leaders of the community and put them under guard, and then they seized all the houses of the Dir (Dir el Shiknaz — the Ashkenazi courtyard, as the place was called) and drove the Ashkenazis out. And they fled from the Holy City and from that day on Ashkenazi residence in Jerusalem ceased. Some fled to Safed and some to Hebron and some abroad. From that day no Ashkenazi could show his face in Jerusalem, and the courtyard of the synagogue was filled with filth and refuse."

The outstanding disciples of Rabbi Eliyahu, who began to flock to Palestine at the injunction of their rabbi at the beginning of the nineteenth century, settled at first in Safed, because of their fears of settling in Jerusalem. The revivers of Jewish settlement in Jerusalem were Rabbi Menahem Mendel of Shklov and Rabbi Avraham Shlomo Zalman Zoref (founder of the Salomon dynasty).

Avraham Shlomo Zalman Zoref (1786-1851)

In his book of exegesis on the Pentateuch, Shlomo Zalman writes:

I was born on 7 Kislev, 5546 (1786)
On 8 Iyar 5571 (1811) I went to the Holy Land
On the Feast of Hoshana Raba in 5572 (1812) I came to Acre

He came to Eretz Israel (Palestine) with his family, his wife Hanna, and three small children: Mordechai, Moshe and Yitzhak. "The journey from his small town of Keidan in Lithuania to Turkish Constantinople took five months. The travelling was done in carts along unpaved roads, since there were as yet no railways in the country. The long and dangerous journey did not daunt him. As they travelled through the different countries, he studied the silversmith's craft (*zoref* in Hebrew =smith), so as to ensure that when he arrived in Palestine he could support his family from the labour of his own hands, and not be dependent on the generosity of others or on charity.*

* This material is taken from the book by my uncle Mordechai Salomon: "Three Generations in the Yishuv."

In Constantinople he was obliged to wait until the arrival of a sailing vessel bound for the shore of Palestine, since there were as yet no steamships along this route, and not every ship could be boarded safely in those days. There were many cases where the shipowners themselves robbed their passengers on the high seas, took their belongings and set them ashore on some lonely beach. The sea routes were also endangered by gangs of pirates who attacked ships and robbed both passengers and crew, or took prisoners and sold them as slaves."

At that time Acre was a fortified city, the residence of the Great Pasha, and the main coastal town of Palestine. Like other disciples of Rab. Eliyahu, Shlomo Zalman made his way from Acre to Safed.

At the beginning of 1813 a plague broke out in all the towns of Galilee. It was particularly severe in Safed, and decimated the population. Shlomo Zalman decided not to flee to the villages or to Tiberias, as did the great majority of the Jewish population, but to make his way to Jerusalem, even though the plague was raging there as well.

Courage was required in order to enter Jerusalem. The scholar and writer Avraham Moshe Lunz wrote that those going up to Jerusalem were risking their lives and they entered Jerusalem at dead of night disguised in the costumes of Sephardi Jews, lest the Arabs recognise them as Ashkenazis.

"Shlomo Zalman was one of the first to insist that the Yishuv support itself by handicraft and not by charity alone... He himself was a man of energy and action, who engaged in both work and study. The elders of his generation praised him for his wisdom, his strong personality, his measured and wise speech, his height and noble appearance, which aroused respect in all who saw him, including Arab notables... He soon learned the Arabic tongue, divided his time between study and craft, and became one of the leaders of the community."

The few Ashkenazis in Jerusalem could not set up their own synagogue, since the Moslem authorities would not permit this. The Sephardi community, therefore, allotted them a small hut in the courtyard of their own synagogue to enable them to pray according to their traditions. And sometimes, when they lacked a quorum, they would bring in a child with a Torah scroll in his hand. As the Ashkenazi community grew, they cast a yearning eye on the courtyard of Judah the Pious. Shlomo Zalman was prominent among those who tried to regain access to Dir el Shiknaz. He devoted most of his time to redeeming the Hurva, until his name was synonymous with the synagogue, and he became known as Rabbi Shlomo Zalman Ashkenazi of the Hurva.

In the eighteen-thirties, Jerusalem was ruled by Mohammed Ali, the khedive of Egypt. Shlomo Zalman Zoref travelled to Egypt to plead with the khedive to improve the lot of the Ashkenazi community and grant them a

permit to rebuild their patrimony... The khedive issued an order forbidding Arab creditors from curtailing Ashkenazi rights to the Hurva courtyard or building new structures there. In a recently discovered report in Shlomo Zalman's own handwriting, he describes his work in Egypt and his intercession with Mohammed Ali.

Yosef Schwartz writes — "Rabbi Shlomo went to Egypt to appeal to the heart of the monarch for a licence to build the portion of their forefathers. And he, as the good hand of the Lord rested upon him, composed a petition in the best of taste and in polished language, and this found favour in the eyes of the king, who hastened to write a detailed order that the Ashkenazis should build and that no one could demand repayment of debts from them. And thus they commenced the building of the first synagogue in the month of Elul, 1836."

Some two years later, there was a change of rulers and the Turks replaced the Egyptians. The idea was mooted of setting up a great synagogue. A 'firman' was required from the sultan in Constantinople. The task was begun by Shlomo Zalman Zoref and continued by his son, Mordechai, with the aid of Sir Moses Montefiore.

"On the day when the clearing of the Hurva commenced, Rabbi Shlomo declared it the duty of all his community, men and women, to come and take part in the work. And so it came about. And then hundreds of Arabs gathered, including the families of the creditors, and they shouted and threatened that anyone who dared to approach would be shot. Then Rabbi Shlomo went up to the top of the mount and read out to the mob in a loud voice the order of Mohammed Ali and added: 'I am the leader, and in the name of the king I am doing what I do, and if it is against your will, and you are able to do anything, I ask you to harm me and none other. But I advise you to accept willingly the decree of the king, and we on our part are ready to make peace with you — even beyond the bounds of the law — as far as is possible, and only for the sake of peace.' And Shlomo Zalman Zoref did in fact continue for many years to give gifts and disbursements to the families of the claimants."

When the Jerusalem community was swelled with refugees from Safed and immigrants from abroad, Shlomo Zalman preached the need to rebuild Jerusalem, and said that every settler should establish his own house, so as not to live in the houses of the Ishmaelites. He also urged them to engage in hand-work and agriculture. The booklet in his handwriting contains a chapter on his agricultural endeavours at Kfar Gazaza, near Ramle, in cooperation with Arabs.

The reconquest by Sultan Abdul Majid of land seized by Mohammed Ali led to political change. This in turn affected the lives of the Jews, particularly because of the increasing influence of European powers in the Holy Land,

who hoped to gain a foothold and win extra-territorial rights. England, Austria, Russia and Prussia adopted the Jews, particularly Ashkenazis, as nationals of their countries.

Shlomo Zalman Zoref took Prussian nationality, and was appointed deputy Prussian consul in Jerusalem. He thereby increased his authority and was able to redouble his efforts to expand the community within the city walls as well as outside them, and to encourage handcrafts and agriculture as sources of livelihood. Preparations began for the building of the Beit Ya'akov synagogue, as the Hurva was also known.

Rabbi Shlomo's success in redeeming the Hurva from the Arabs, who had held it for close to a century, aroused their hatred and envy. Particularly incensed were the descendants of the effendis who had registered claims against the Ashkenazi community in the days of Judah the Pious. They were determined to assassinate my great-grandfather. Once a gun was fired at him at night, but the assassin missed. On the second occasion, he was set upon at dawn while on his way to pray and killed by a sword thrust to his head.

The members of his community buried him close to Zechariah the Prophet opposite the Temple Mount. On his gravestone they inscribed. "Here lies our teacher and rabbi Avraham Shlomo Zalman may his memory be blessed, who saved the inheritance of the Ashkenazis from the Ishmaelites and strove for the building of the house of learning...".

The writer Ze'ev Jawitz said of him that his tragic death was "the last sign and seal placing him on the list of heroes of Israel, who gave up their lives for the good of their people and their land. This has been the fate of the most of the great heroes of every people, and how much more so of the persecuted and oppressed Jewish people. This was the final destiny of the heroes of the Hasmonean family, of Bar Kokhba, Rabbi Akiva, Yehuda Halevi and others, and thus it also befell Avraham Shlomo Zalman, of blessed memory".

Shlomo Zalman lived to see the Hurva and the institutions in its vicinity an important centre of public activity, uniting the community. And the Hurva retained this distinction until it was again destroyed, this time by the Arab Legion after the capture of the Jewish Quarter in the Old City during the War of Independence in 1948.

Rabbi Mordechai Zoref (Salomon)

Mordechai, eldest son of Shlomo Zalman, was the father of Jewish agriculture in Palestine. His own father did not leave a fortune. The sole inheritance which he bequeathed was the fierce desire to develop the Jewish Yishuv, and Mordechai, the eldest son, took up the challenge. In his father's lifetime they worked together for the rebuilding of the country. It was written of him that "he was of

great strength in devising methods for study and labour, for industry and agricultural work".

In 1839 he started a farm at al-Mansura near present-day Ekron, on the road to Gaza. Based on his agricultural experience and farsightedness, he drew up a plan for agricultural development. His father, Shlomo, encouraged him to send his plan, in a detailed memorandum, to Sir Moses Montefiore that same year, and it appeared in Sir Moses' book "Judith", a diary of his travels. The letter opens as follows:

I would hope to inform Sir Moses of all that happened to me before I became acquainted with labour on the land in this country and that which occurred after this and to show him that despite its devastation and desolation, this country can be a land flowing with milk and honey which will be cultivated faithfully. I have long attended with all my heart and soul to our brethren the sons of Israel in the Holy Land and have said in my heart: How long will they consume the bread of sorrow in shame and contempt? This is the bread which they consume with the assistance of their kinfolk in the lands of the diaspora, and I may truly call it 'the bread of poverty'.

And in the innocence of my soul I ask: why should the Jews differ from the gentiles who come to the Holy Land to settle here? For the land was not given to their forefathers as an estate and they dwell here like us today and yet live pleasant lives on the produce of the land and the treasures of the sea. And this has been my wish — to eat of the labour of my hands and to give from the fruits of my labours also to those who sit before the Lord in study and labour.

Mordechai had toured the country in search of a suitable site for his agricultural settlement. He continues (referring to his father's request):

And he asked me to choose the best villages to settle there those of our brethren whose hearts desired to eat bread by the sweat of their brow, and at first I thought to choose the villages by the Jordan... but I said in my heart, although the land is fat and good there, nonetheless the Arabs dwelling in their tents in that place are robbers and plunderers and these people are known to live from robbery and plunder, and even the Turks are afeared to come close to them.

He goes on to propose the lands of the village of Gazaza, where he himself gained his first agricultural experience. The place appears suitable for the first communal agricultural settlement for families of Torah scholars who would go there from Jerusalem. He does not fear opposition and adds that, after going up to Jerusalem to tell his comrades of his idea:

Many said to me, "how could our people dwell in villages?" And they added "How can a man live in proximity with a snake?" And others again asked me: "Can Jews engage in work on the land?" Yet another group said: "Even if we are given a portion of field and vineyard in the villages, we cannot leave the Holy City of Jerusalem". And I replied that I had seen with my own eyes the land which we sought to settle, and I told them that it was very fertile land. As the Bible truly says: "A land flowing with milk and honey". And if it is the will of God that we settle in the villages, let us go up and

succeed, and each of us will come to his place in peace, and I shall prove all this in due course.

He goes on to attest, from his own agricultural experience, that it is possible to implement his plan to transform the scholars of Jerusalem into farmers.

Thanks to the Lord, my knowledge of working the land is more than that of all my brothers in this holy city.

He concludes:

And I have been for some time the advocate of my people in Jerusalem, and I place my trust in God who will strengthen me and give me courage to bring this matter to success and prosperity, for although I too am among those who study Torah, yet my soul has asked of God my shepherd that I be able to eat the fruits of my toil, and I have found that God has blessed my endeavours so far to sustain my household by my own labour, and I choose to sit in the field in the village since I know that all my labours are good in the eyes of God, to breathe life into the dry bones, in the land of our fathers.

And he signs himself

Mordechai son of Rabbi Avraham Shlomo Zalman, and son-in-law of Rabbi Tubi, who was president of the community and leader in Jerusalem at the time when the nobleman (i.e. Montefiore) first came there.

This was written 140 years ago. Mordechai exhorted the people to establish workshops and factories and travelled abroad in order to 'recruit investors' (as we would term it today) for industry. He went to England to learn weaving. In a letter to his father he wrote: "With the help of God I have learned the weavers' craft and I am as skilled at it as the other craftsmen who have been accustomed to it for many years.'

He visited many countries in order to procure help for the weaving and textile industry in Palestine, approaching Jews abroad who were active in this trade. His plans were impressive and led Sir Moses Montefiore to set up a textile factory in Jerusalem, in Kerem Montefiore.

Like his father, Mordechai Zoref Salomon did not desist from trying to obtain a permit from the sultan for the construction of the 'Great Synagogue'. The permit granted by Mohammed Ali was no longer valid due to the change of regime in the country.

The efforts to obtain the 'firman' from the sultan so as to rebuild the Hurva were assisted by Sir Moses Montefiore. Mordechai wrote to Montefiore that he regarded this as a great task and would "watch carefully over every item bought for the buildings lest one grain be lost, but I shall take nothing as my pay".

The synagogue was completed in 1864 and dedicated the same year.

Mordechai observed the injunction of redeeming the land in other ways as well — by purchasing a grove of vineyards and fig trees in the Arab village of Beit Hanina. In Old Jerusalem he bought a plot with a cistern for rainwater, within the city wall on the slope of Mount Zion. And when the plot and the cistern were required for the expansion of the nearby poorhouses, and he was reluctant to sell them outright, he came to an agreement with the directors and handed the property over on a ninety-year lease. In return his descendants were granted a two-room apartment for decades.

In the last days of Rabbi Mordechai (my uncle's book relates), a great catastrophe befell the holy city of Jerusalem. At the end of 1865 cholera broke out with great virulence and consumed the best of her sons and among them, Mordechai. The broken and sorrowing community in its deep mourning refrained from eulogising its dead, lest the hearts of the people become soft. The Lord had given and the Lord had taken away and only a chosen few were truly eulogised. But when they came to bury Mordechai son of Avraham Shlomo Zalman, the people wept bitterly, "Oh who will bring us his like?" And they related his deeds and mourned him.

On his tomb was inscribed:

Here lies the great Rabbi Mordechai son of the renowned Rabbi Avraham Shlomo Zalman Zoref who strove with his father to save the Hurva of Rabbi Judah the Pious from the hands of the gentiles and worked for its rebuilding...

The Centenary Book, published in 1938, says of him that unlike many of his contemporaries he fought singlemindedly for the healthy rebirth of the Yishuv. "He did not achieve the purchase of land and was forced to content himself with leasing a plot... But his efforts were not in vain... His son Yoel Moshe Salomon fulfilled the dream of his father and founded Petah Tikva."

Yoel Moshe Salomon (1838-1913)

1. Journalist, writer and scholar, man of vision, builder and farmer

Yoel Moshe Salomon's motto was "Torah is good together with labour." He therefore travelled over 120 years ago to Germany to study lithography. He spent two months studying in Koenigsberg with his friend Michael Hacohen. In a letter to his father, Mordechai, he wrote:

I learned this wonderous skill in five weeks and the artists could not believe it until they saw it with their own eyes. I am sure that you, honoured father, will rejoice when you see that I have discharged my obligation "A man should ever teach his son a craft etc." and it is my prayer to God that He bring me to his holy mountain and allow me to consume the fruit of my own labours.

This was written at a time when the Jews of Jerusalem subsisted on charity

from abroad, and spent all their time studying Torah. The entire Jewish community in Palestine was confined to the four 'holy towns' of Jerusalem, Hebron, Safed and Tiberias and several hundred lived in Jaffa. The great majority were paupers.

After completing his studies, Yoel Moshe purchased with his wife's dowry a lithograph machine, which he brought to Jerusalem. This was the sole equipment of the Hebrew Printing Press and the owners, Yoel Moshe Salomon and Michael Hacohen, were also the labourers there.

In 1863 he decided to produce a newspaper entitled "Ha-Levanon". Some of the notables of Jerusalem regarded this as daring on his part while the zealots denounced it as madness and desecration of the Name. Three comrades, Salomon, Hacohen, and Yehiel Brill edited this first Hebrew paper in Jerusalem. They proclaimed their intentions in the first page of their first issue: "To proclaim greetings from Jerusalem and bring tidings in the Holy Land".

The main issue dealt with in "Halevanon" was the question of settlement on the land and Salomon wrote that it was "time for action". He appealed to the people of Jerusalem to become pioneers.

Two years later Yoel Moshe Salomon and his colleagues were forced to cease publication since an informer told the authorities that they had no licence to publish. But Salomon felt that it was essential to publish a Hebrew paper in Jerusalem. For many years he endeavoured to obtain the necessary licence from the Ottoman government, and finally succeeded in 1877.

In the first issue of the renewed paper entitled "Yehudah Ve-Yerushalayim", he wrote that his objective was "to bind the hearts of God's people with bonds of love to Judea and Jerusalem. " In the same issue he wrote that a return to the soil was dear to his heart. He had chosen to produce the first issue in spring as a symbol of "the time of youthful creation, of breathing new life into the universe. This is the month which arouses a spirit of hope in the hearts of the holy people burdened with suffering."

My grandfather was blessed with political instincts, and this is attested to in issue number three of "Ha-Levanon", 1863, in which he describes the modern theory that the time had come to bring the Jews back to their country with the aid of "kings and states":

> If we are impotent to take up our inheritance by making war... then let us endeavour to purchase our lands from the Turkish government, with money. This is a new idea, for the Turkish government is fallen very low... and will sell the Jews their land and country.

I have read these words over and over again: how farsighted he was, how bold to write like this in a modest Hebrew paper in Jerusalem under the despotic Ottoman Empire. This is the echo of the voice of the first Palestinian-

born member of our dynasty, who speaks bluntly, without hesitation or fear, of the idea of returning the Jews to their land, and buying our portion and our country, if not by blood then, (there being no alternative) with money. This vision preceded by thirty years the stormy controversies which attended the publication of Herzl's "Altneuland," and Herzl's own desperate efforts to raise funds to further those same ideas through negotiations with the Turkish sultan.

Yoel Moshe Salomon did not merely preach. His practical efforts commenced with the establishment of Jewish quarters outside the walls of the Old City and later continued in the founding of Jewish agricultural settlements. He regarded these as the first augurings of the Messianic epoch.

He headed his first article with the verse: "And the sons shall return to their border, and plant vineyards and eat their fruit." And this concept coloured all he wrote from then on.

In the establishment of the Jerusalem neighbourhoods and the farming village of Petah Tikva he advocated self-help without support from any institutions, whether in Palestine or abroad. He did not wish the new settlement to appear needy, but rather saw it as offering aid in the settlement of Jews from abroad, who would engage in agricultural labour. And he wrote:

Our enemies have slandered us... saying that we have chosen the bread of idleness. Can we not show them that although the study of our Torah is very pleasant to us, yet we also desire to enjoy the fruit of our own labour?...

His greatest dream was to set up a large agricultural settlement near Jericho, but since this did not come about, he fulfilled his vision by founding the "mother of the settlements", Petah Tikva (The Gateway of Hope).

In a manifesto to the people of Jerusalem he wrote in "Yehudah ve-Yerushalayim":

Gather together, all those who fear the Lord! Give each other your hands, and let every man who wishes to take part in the beginning of the settlement of our holy soil, join together in one association, cast off all dispute and disunity and let the Sephardi and the Westerner and the Ashkenazi be as one...

And as he rides out from his home in Nahlat Shiva at nightfall after the Sabbath, to begin his search for a suitable site for a farming village, he describes the experience:

The Jewish quarters which the traveller sees at night are young but they resound to the melodies of the holy Sabbath pouring out from every window, and I am filled with joy and elation at our achievements: This is the work of the sons of Zion who have done mighty deeds with weak hands, Glory to God!

He was unbridled in his exhortations to his readers to settle the land, and also preached the re-education of his generation, as he put it "to teach them the laws of life and crafts which sustain." In addition to the need to train teachers, he wrote, children should be taught all kinds of knowledge, "clean skills which can support them honourably."

In 1877 he wrote in his paper that he rejoiced at the sight of the new Jewish neighbourhoods which had sprung up "in place of the stones and wilderness which once covered those places, and where now rise havens of peace and security for the dear children of Zion... But we are enjoined not only to 'build houses and live in them' but also to 'plant vineyards and eat their fruit'... And since we see that we have succeeded by God's will in one task,... why should we not hope that if we only set our hand to the second task, the Lord's arm will support us... Let us cultivate together the holy soil and embrace its clods, and it will give us suck... Those who were born or grew up in the Holy Land, of them we can hope that they will come to the land and pave the way for its settlement... Let us gather together all who hold dear these three: fear of God, love of the land and desire for labour..."

Yoel Moshe Salomon hoped that the setting up of agricultural settlements would lead to the immigration of persecuted Jews from abroad who, together with the native-born Jews, would turn the barren land into paradise.
More than a hundred years ago he called on the Jews of Romania, whom pogroms were driving to the United States, not to migrate to foreign lands but to come to Palestine, their homeland, as farmers: "And they will succeed at working the land for the nature of their country is not greatly different from that of ours."

In 1877-78 he and his friends purchased the lands of Mulabbis — now Petah Tikva. He announced in "Yehudah ve-Yerushalayim" that the paper was closing down because he was moving to Petah Tikva and concluded his article with stirring words: "Oh writers, turn your pens into ploughshares, enough of philosophy and of words, leave the world of logic and rhetoric for the world of action... I am abandoning the task of editing this paper and the clods of earth I cultivate will be sweeter to me than thousands of words and speeches."

This is the voice of the new Jew, herald of a new generation of workers and builders.

The Labour leader, Berl Katznelson, wrote of "Yehudah ve-Yerushalayim" that it was "the first newspaper which can be regarded to some degree as the prototype of the Labour press in this country."

Yoel Moshe was also denoted "the poet of Jerusalem." When he and his comrades were conducting negotiations for the purchase of the Jericho lands for an agricultural settlement, he came to the banks of the River Jordan. There the muse inspired him and he wrote a poem with the following verses:

"...The blackness of night has dispersed.
The morning star has risen and gives its light...
Arise, ye sleepers... from your slumbers
Before the sun comes up to light the dark...

Why be poor in a foreign land?
Work the earth, plough and sow,
With joy and song bear the sheaves...
My ears have heard the song of Israel's soil."

He was also known as 'the Jerusalem scholar' for his learning and sharp mind. His mentor, the Gaon of Kutna, praised him highly. In 1889, the author of a book on Jerusalem writers said: "In addition to his great erudition in Mishnah, he was learned in the Bible, and the spirit of poetry inspired him. He wrote many poems, all filled with noble ideas in pure and pleasant language."

2. The founding of Nahlat Shiva

After the great plague in Jerusalem 110 years ago, which claimed both his parents, Yoel Moshe wrote: "Some two hundred of the best of our people have died in the plague and one third of the people of Jerusalem went to their graves because of the crowded conditions". He began to persuade the Jews of Jerusalem to move outside the walls of the Old City and to set up new quarters on a more spacious site, in fresh air and healing sunlight. At that time there were almost no Jews outside the wall, nor were there any private homes apart from the Russian Compound, on which a church was being built, and the first houses of the Mishkenot Sha'ananim quarter, built with a donation from Sir Moses Montefiore, some of which were still empty. Nonetheless Yoel Moshe Salomon convened six of his close friends, young enthusiastic men: Yosef Rivlin, Michael Hacohen, Yehoshua Yellin, Chaim Halevy, Beinish Salant and Leib Horovitz. They purchased land outside the walls on the Jerusalem-Jaffa highway and called it Nahlat Shiva, 'the portion of the seven', since they were seven pioneers.

In a speech he delivered in the early days of Petah Tikva, Yoel Moshe described the purchase of the quarter: he had been strolling with several friends in fields, outside the wall, and the Arab fellahin raised their voices and said — 'Jews, what are you doing here on our land?' 'We have come to buy these fields from you', we said, and they softened and asked: 'What for, sir, for what purpose?' and I replied: 'To sow beans and lentils like you. Is this not good business?' He bargained with them and agreed to pay them half a *grush* for each *ama.* They were overwhelmed by the offer and promised to come to

his house on the following day with all the other field-owners. His friends were thunderstruck when they realised that he was serious about these plans. "Is it really worth closing your printing press in order to grow beans and sell them in the market?" they asked. He replied "... the time has come for the Jewish community to come out of its captivity in the town and settle outside the walls." They looked at him searchingly, writes Yoel Moshe Salomon, for signs of insanity. "Will you really build a house in this deserted spot? And what will you do at night when the gates of the city are locked and barred, and none enter or leave. And what if the fellahin and Bedouin decided to attack you and your comrades, to whom will you cry out? Who will help you in this wild place?"

But that same night Yoel Moshe spoke with Rivlin and the five friends who shared his views. On the following day the fellahin sold him their fields. When it later transpired that it would be difficult to obtain a deed of registration *(Kushan)* in the name of a Jew, the seven partners agreed to make the purchase in the name of one of their wives, who could speak Arabic fluently, "and she dressed herself like one of the Ishmaelite women, and covered her face with a veil, and thus she stood before the kadi." After the *kushan* was obtained, the building of Nahlat Shiva commenced.

Everyone regarded us as madmen, inflicting self-punishment upon ourselves. Even the rabbis opposed us because of the 'risk to life' and because 'one cannot rely on miracles'. We did what we had to do and three years later our houses were built and we went as pioneers to dwell outside the walls and the new quarter was a success. It is as I have always said that any act for the good of the community leads to another, greater act. It was the establishment of these quarters which later brought about the founding of Petah Tikva, and the Good Lord will look down on us to grant us goodness and peace, and our country will give of its bounty...

It was only a few years before the Jews of Jerusalem saw how the new neighbourhood was flourishing and others began to found societies for building new quarters. Yoel Moshe Salomon was active in most of these societies and in writing their statutes and thanks to him the Yishuv enjoyed a new period of renaissance and rebuilding in Jerusalem.

3. The founding of the Palestine Settlement Society and the purchase of the Jericho valley

Like his father, Mordechai, Yoel Moshe dreamed of setting up an agricultural settlement in Palestine. To this end he founded the Palestine Settlement Society. His friend Yehoshua Yellin writes in his book, "Memoirs of a Son of Jerusalem":

In that year (1872) the government put up for public sale two-thirds of the lands of Jericho in the Jordan Basin, consisting of about four thousand dunams... The place was called in Arabic 'Gor' and in the bible was termed 'Gur Baal' (Chronicles 2, 26)... The land was fertile and rich, watered by the many springs on the hill slopes. Then Yoel Moshe Salomon and several of his friends, including David Gutmann (one of the three founders of Petah Tikva), set up an association of fifty people to purchase the lands of Jericho. Each share cost one hundred napoleons, and fifty people paid half the cost of the shares.

The National Library in Jerusalem possesses the original document for the purchase of the Jericho lands, which stated that the new settlement would be called Petah Tikva. This name was later given, of course, to the first Jewish farming settlement on the lands of Mulabbis. The document opens as follows:

We, the undersigned, have taken part in purchasing the Jericho lands, which are to be called, with the help of God, Petah Tikva.

It goes on to state that the group will elect a committee by secret majority vote, and that every plot-owner will have one vote.

And the good Lord will aid us and will choose our portion and will fulfil the promise given by his prophet: "And I shall give her her vineyards from thence and the valley of Achor for a Gateway of Hope."

But Salomon's efforts were in vain. Informers whispered in the ear of the authorities that the purchasers were not Ottoman nationals and that the sale of so large an area of land to Jews was dangerous. The group were not disheartened. They decided to pursue their sacred task and set up a new association called "Geulat Ha'aretz" (Redemption of the Land). Yoel Moshe Salomon began to enlist the support of the leaders of the Jerusalem community and to persuade them of the validity of the idea of agricultural labour, through his articles in "Yehudah ve-Yerushalayim". He did not waver in the face of the persecution by extremist religious circles in Jerusalem (the Neturei Karta of those days):

And Yoel Moshe Salomon travelled throughout the Sharon and all its villages, investigating and seeking out a suitable estate, which the owners were willing to sell, and one day he heard that on the banks of the Yarkon River some 13 kilometres from Jaffa, there was fertile land, belonging a Christian from Jaffa, who agreed to sell it. The place was Mulabbis and the owner was called Tain. Then Salomon approached three comrades, the Jerusalem notables David Gutmann, Natan Greengart and Zerah Barnett, all wealthy men of spirit, as dedicated as he to the settlement of Eretz Israel, and proposed to them that they 'redeem' this land and they agreed.

4. Petah Tikva

In 1877 Yoel Moshe, together with David Gutmann and Michael Leib Katz,

set out one day on horseback to see the ruins of the village of Mulabbis on the Yarkon swamps. They saw that the one family of Bedouin who lived there "were green-faced, their children's bellies swollen, their eyes inflamed, and all of them naked and barefoot."

Yoel Moshe Salomon's friends returned downcast, but he spent two days and nights alone in the area, at the large swamp by the Yarkon and nearby at Yahudia. When he reported to his friends on the outcome of his investigation there, they were at a loss. They decided to approach the renowned Greek physician in Jerusalem, Dr. Mazarieke, and ask him to come with them to examine the climatic conditions of the area. The following has been written about this incident:

When they arrived their gaze again fell on the skeletal bodies of the inhabitants of the wastes. who tottered about, yellow-faced, leaning on the walls as they went. The doctor climbed the hill and remained there, his eyes fixed on the sky, scanning the four winds, while Salomon and his comrades stood at a distance, tense, wondering, without understanding at what the doctor was gazing. After half an hour he came down and said: "Gentlemen, the study of the climate of a new environment is one of the most difficult problems in medical science, but there is one general indication, according to which one can, at the first instance, decide definitely whether a place is suited and safe for inhabitation, or whether it is highly dangerous. I have stood on this hill and watched the sky to see whether any birds fly here, but throughout this area I have seen not one bird. We are in a land of sunshine, grass, worms and all kinds of insects — the favourite food of birds. It can only be that the air here is bad and corrupting, so that even the birds of the air have abandoned it. This place consumes its inhabitants", said the doctor.

The three men were frozen to the spot. As for Gutmann — it was as if his world had darkened about him. He stood silently gazing at his two companions, while they awaited his comment, since he was the eldest among them. Heads bent, they all stood wordlessly.

This silent scene lasted for several minutes, and suddenly Salomon whispered: "Nonetheless..."

As soon as he said this, Gutmann, deeply moved, fell on the neck of his companions and wept, and they too could not contain themselves and wept with him. Dr. Mazarieke, at the sight of their tears, thought they were bewailing the money they had invested in purchasing the land, and began to comfort them, saying: "It is better for a man to lose a fortune, rather than endanger his life and his family, who are dearer than any treasure..." but he was amazed when he heard their resolute decision to settle in this dangerous place, and realised that these tears did not derive from fear or regret.

The four friends bought the first 3,375 dunams for 21,100 francs. Other lands were later added until they owned twelve thousand dunams within two years.

Yehiel 'Michal' Pines wrote about Yoel Moshe Salomon:

His mind is clear, his views unshaken, his opinions healthy, he is godfearing without being sanctimonious, educated without breaking down barriers, enthusiastic without being attracted to false visions. He is one of the rare truly good people.

Elsewhere he wrote:

The revival of Jewish agricultural settlement in Palestine called for three great forces: wisdom, capital and energy. Providence provided three men who symbolised these qualities — Yoel Moshe Salomon, a man of thought and wisdom; David Gutmann, a wealthy man; and Yehoshua Stampfer, of great energy.

In early autumn 1878, the purchasers of Mulabbis moved onto their land alone without their families. They chose the spot furthest from the swamp, set up tents and reed huts and began digging a well. Three months later Salomon announced that water had been found and ploughing and sowing began before the rainy season.

Stampfer said of Salomon at the first Passover celebration held at Mulabbis:

Many flock to our comrade Yoel Moshe Salomon, to seek his advice on important matters, and yet we see him among us working every day like any common man, not shirking the hardest of tasks, suffering all the pain so as to bring to life the barren land of our country. You can all bear witness, as do the fields which are visible through the windows of this house, to the dedication of these pioneers, who can serve as a shining example to many.

After receiving the documents of ownership of the land, the founders held a feast at Petah Tikva, at which Salomon delivered a speech. He said:

If all the lands now owned by Jews in our country, in Mikve Yisrael, in Jerusalem, Hebron, Safed, Tiberias and Jaffa, were joined together inch by inch, you would see that the area we have redeemed here is larger than all of them together and our strength is still with us, if the Lord wills it. For every true Jew who loves his people and his land has certain duties, to redeem and to rebuild, to construct houses and plough fields, to plant vineyards and fruit trees... we have carried out the first part of the redemption of the land... now we must deal with the second part, cultivation and preservation...

The first settlers suffered greatly, particularly after the group known as the Yarkonites left Mulabbis and moved close to the Yarkon. There many went down with malaria, and their settlement fell into ruins. Salomon and his few comrades stayed put. They feared that if they left at this time of trouble, they would accelerate the destruction of Petah Tikva. Yoel Moshe decided to expand the borders of the settlement and to bring in Jews from Bialystok and Ponivesz in Russia who had decided to come to Palestine.

The founders purchased the lands of Yahudia, built houses and renamed the place Yahud (the ancient name of the site). The Turkish pasha refused to grant a licence for the houses and litigation ensued.

Yoel Moshe's son, Haim Salomon, my father, writes about the settlement at Yahud:

The settlement at Yahud, which was bought so that the inhabitants of Petah Tikva, who suffered greatly from malaria, could live there and go to their work in the morning to Petah Tikva, returning at evening to their families at Yahud, this settlement gradually dwindled as the health situation improved at Petah Tikva, and because those who at first settled by the Yarkon River, moved on to the place where the settlement now exists. In order to strengthen Yahud, father decided to return to live there. He handed over the printing press to his sons, David and Tuvia, and moved to Yahud — My brother Mordechai had married only shortly before, and he too moved to Yahud, where our brother Aryeh Leib also lived.

We travelled in a cart harnessed to three horses. We reached Ramle by the highway and from there drove through fields between olive and fig plantations traversing Arab villages. The cart moved slowly through the sandy soil and towards evening we reached Yahud. Our house was a stone building with four rooms. The partitions between the rooms were made of wood. The household utensils and father's books had arrived earlier, and thus we all became villagers.

Father bought a cow and a mare for riding, and we began to breed chickens. In front of the house was a plot of several dunams on which were a few olive trees and on top of the sand hill stood the synagogue, a wooden hut. By it was a well about fifty metres deep, and above it a wooden wheel with a long rope and a tin tied on the end, which was lowered by turning the wheel so as to bring up water. The water was pure because it was drawn from a great depth in the sandy soil. Father told me that the construction of the well cost close to a thousand napoleons — an awesome sum in those days.

On the plot by our house and on a second plot beyond it, which also belonged to father, were a few vines and fig trees but there were also areas bare of all trees, which we fertilised and hoed and planted with all kinds of vegetables: onions, tomatoes, marrows, pumpkins. In his spare time, father would hoe and I would help him, and as we worked father would go over my *gemara* lessons with me. I would recite what I had learned that day or the day before, and sometimes I would declaim by heart from the bible, and he would explain the verses and offer interpretations of the text.

These were good times. The air was clean and pleasant and the company excellent. Prominent Jews moved to Yahud. The first was Yehiel 'Michal' Pines, who supervised from there the work in the 'Bilu' colony of Gedera. He would ride off on his black donkey on a Sunday morning and return usually after a few days or at Friday noon. He was followed to Yahud by the writer Ze'ev Jawitz, and then by Mordechai Gimpel Jaffe from Ruzhany. Father was not content with this and in order to enlarge the settlement he transferred from Jerusalem ten scholars, whom we called the 'Pharisees', who were accompanied by some fine young students, and from the wooden hut on the top of the hill there emerged the joyful sound of their studying. Towards evening when father returned from the field or from trips to Jaffa, they would all assemble in the synagogue for the *minha* and *ma'ariv* prayers, and between these they would debate fine points in the Talmud. Pines would argue with Eliyahu Sapir, who knew Arabic. This was the beginning of the Hebrew Language Committee. Once a week Dr. Mazeh from Jerusalem would come in a wagon harnessed to three horses, spend several hours in the colony and receive the sick villagers. He also treated the Arabs. His surgery was in our house and from there he would travel on the same day to Petah Tikva.

We youngsters lived lives of freedom combined with Talmudic studies. Father took as a husband for his daughter Esther, the brilliant young scholar Reuven Gottfried, and we would sit with him for hours and learn Mishnah. After studies we would frolic on the sandhills as we pleased, or ride the mare. I would gallop bareback around the village and the countryside as free as a bird. How wonderful it was to see father with his black beard and wide hat riding the mare.

Thus we spent eight years at Yahud, but in this period the village declined. My brothers Aryeh Leib and Mordechai moved to Petah Tikva where their fields were.

Father, who was sometimes summoned to Jerusalem on community business, realised at last that he had remained almost alone in Yahud, and decided reluctantly to leave and return to Jerusalem.

It was hard for my father to take leave of Yahud which he had nurtured and in which he had invested considerable sums for the house and farm, but there was no alternative. In Jerusalem we were received with open arms. We returned as veteran residents — father returned to public affairs with all his old dynamism and enthusiasm.

5. Yoel Moshe Salomon's desire to purchase land in Greater Palestine

Until the very last, Yoel Moshe Salomon devoted his strength and energies to purchasing land for agricultural settlement, and to this end toured the entire country, including the Sinai Peninsula and Transjordan.

In 1910, when he was 72 years old, he travelled at the head of a group of Jerusalemites and farmers from Petah Tikva to Rafiah. His plan, encouraged by Rabbi Avraham Yitzhak Hacohen Kook, was to set up a Jewish settlement at Rafiah "to be conducted in accordance with the Torah and its injunctions". He dreamed of establishing in Sinai a religious settlement, the like of which had not been founded in Eretz Israel since Petah Tikva.

The delegation spent six days in the Rafiah region, and their journey was described as "exhausting and daring" without dwellings or roads, until they were surprised by a flood from the river (wadi el Arish) which forced them to break off their exploration and return to Jerusalem.

My grandfather was interested in the lands of Rafiah and northern Sinai declaring them "the borders promised us in the Torah". Regrettably, and this may even be a cause for lamentation for generations to come, the Israel government is now giving up these lands — including Yamit and Rafiah.

Haim Zalman Salomon — (1878-1960)

I shall not repeat the story of my father's boyhood, which he describes in his memoirs, but will concentrate on his public works. Most of what follows is taken from his own notes.

My public work began when my eldest son Nahman reached school age. There was no Hebrew school for boys in the full sense of the word in Jerusalem. With a group of friends, whose children had also reached school age, I established a religious-national school, which we called 'Hadar Torah'.

We found a teacher at the Etz Haim Talmud Torah, who knew Hebrew very well. We also brought teachers of Hebrew language, Talmud and arithmetic. Studies in Hebrew were then unknown in Jerusalem. Soon afterwards, we appointed Dr. Yehuda Maharshak as principal, and he introduced new teaching methods. The children studied religion as in the religious schools in Jerusalem, but also handwriting, arithmetic and other secular studies... We received some support from the Ezra Society of the German Jews and the remainder came from the pockets of the founders. We took loans from the bank and maintained the school, which grew meanwhile and had

hundreds of pupils by the end of the First World War. At the end of the war a Zionist commission arrived from England, led by Dr. Chaim Weizmann. The Zionist Executive took the school under its wing and changed its name to Takhkemoni. There were now more than 1,000 pupils. The school is still run according to the plan laid down by the founders.

My father also describes in his memoirs how, during the First World War, he joined the Jerusalem committee whose task was to look after the Jewish community, and to distribute the food sent by American Jews.

In 1913, a year before the war broke out, my father, who had been the first secretary of the Bikur Holim Hospital, died, and I was appointed to the hospital committee in his place. The first building of the hospital which my father and his friends began to build outside the walls was completed and dedicated by the members of the executive committee, including myself, two years after the war.

In 1921 the Arabs of Jerusalem initiated bloody riots. During Passover of that year, they exploited the Nebi Mussa festival, when the Arabs of the surrounding settlements assembled at the alleged burial site of Moses near Jericho. Ze'ev Jabotinsky organised a group of young men to defend Jewish neighbourhoods from any Arab attack. The Mandatory government arrested Jabotinsky and some thirty of his comrades. Pinhas Ruthenberg then asked me to collect signatures of Jerusalemites on a petition of solidarity with Jabotinsky — it was the last day of Passover. I asked Rabbi Kook how to persuade the observant Jerusalem Jews to sign during the holiday. He permitted signature on condition that it was done with a pencil and that the writing was slightly different from the customary signature. I rushed from synagogue to synagogue in Jerusalem, particularly in the Meah Shearim quarter, and obtained the signatures of hundreds of observant Jews.

On the following day I was given the task of going to the Mount of Olives cemetery and digging graves for four Jews murdered during the riots. The place was crowded with Arabs thirsty for blood, and we carried out this *mitzva* at risk of our lives.

In 1922 Haim Salomon was appointed by the British governor as one of the two Jewish representatives at the Jerusalem municipality (replacing David Yellin). There were also two Moslem and two Christian members. At the first session he declared that he would attend no further meetings unless a Hebrew clerk was brought to keep minutes in Hebrew and to translate the remarks of the Jewish members from Hebrew to Arabic and vice versa. His demand was met within three months, and "Hebrew was granted equal rights". My father writes:

The first few years were bitter for the Jewish councillors at the municipality. They were obliged to fight to obtain equal rights for the Jews, for work for Jewish labourers, for the paving of roads in Jewish areas, and for the employment of Jewish clerks in the municipality.

This is a letter my father wrote to his fellow councillor Yitzhak (later President) Ben Zvi in 1927, asking him to attend a meeting which was to choose between two candidates for town engineer — one a Jew and the other an Arab.

The matter is vital and if I am alone among the wolves, I will undoubtedly fail. I spoke on Friday with the Governor on this matter and from his answers I gathered that only by concerted efforts can we dream of introducing a Jew into this post.

The Jewish engineer was appointed after a lengthy campaign.

In 1948 my father addressed the first meeting of the new Jerusalem Municipal Council after the establishment of the state. Recalling the days when he first became a councillor and when Arabs constituted the majority he said:

Now we have the Hebrew language, Hebrew clerks... and a Jewish governor of the Jewish town of Jerusalem — how fortunate we are. We can utter blessings. But the sword still hangs over our heads. Our enemies still lurk in waiting for us, and even our friends... are plotting to rob us of our city — to make Jerusalem an international city — open to the four winds, to all comers. If, Heaven forfend, this plot should succeed Jerusalem will be more a Moslem and a Christian city than a Jewish one. Jerusalem's history in the past year should serve us as a lesson — Jewish Jerusalem has fought valiantly. We must admit that if the Jewish state had not come to our aid, our bones might have been scattered to the winds. If Jerusalem is detached from the state, who can guarantee that we will find the strength to withstand our enemies? Today, when Israel's emissaries are sitting with those of the Arab states to discuss peace terms, the Jerusalem municipality, which represents all sectors of the population, must raise its voice and proclaim to the entire world the resolute decision of one hundred-thousand Jews never to give in to foreign rule, and to fight for Jewish Jerusalem, which will be part of the state and its capital... As a man who for more than a quarter of a century has devoted his time to the Jerusalem Municipal Council, I would like to bless this new council that it may work for the honour and glory of Jerusalem as in ancient times, when prophets roamed its streets and poets sang its praise, and may there be fulfilled the words of the greatest of the prophets: "Rejoice together, ruins of Jerusalem, for the Lord has comforted his people and redeemed Jerusalem".

The decision to internationalise Jerusalem

Not everyone will recall that the partition resolution decided on by the United Nations on November 29 1947, stipulated the establishment of an international area in Jerusalem including both the Old City and the area outside the walls. The UN even sent an emissary to see to the implementation of this decision; he arrived in the country in March 1948 but never took up his post.

Although the Yishuv's official representatives agreed to accept the partition resolution, including the internationalisation, the Jews of besieged Jerusalem were horrified. My father, as chairman of the committee (Va'ad Hakehila) was one of the chief opponents of the internationalisation of the Holy City. During the siege he wrote a memorandum on behalf of the Jerusalem community, in which he said,

...The Jewish community of Jerusalem, the Eternal City, whose historic and spiritual ties with its very stones have brought it to the status of a majority in the city, greeted the UN resolutions on the establishment of a Jewish state and the detachment of Jerusa-

lem, heart of the nation, from the body of Israel, with mixed emotions. The Jerusalem community rejoices with all its brethren at the realisation of the aspiration of centuries for independence and national sovereignty, but is filled with trepidation at the thought of the severance of Jerusalem, with its 100,000 Jewish citizens, from the rest of the state. If this community did not then demonstrate or protest — it was out of a desire not to cause difficulties at that hour.

But, since the UN had not carried out the resolution to internationalise the city, and since the Arab armies had attacked the Holy City and desecrated holy places; and since the Israel Army had undertaken the defence of the Jewish sector of Jerusalem and been forced to expel almost all the Arab inhabitants of Old Jerusalem,

The Jewish community of Jerusalem has decided that Jewish Jerusalem must be an inseparable part of the state of Israel and it appeals to the Israel government to proclaim the annexation of Jerusalem to the whole world...

The Arabs ignored the entire UN resolution on the partition of the country, and the British tried to foil it by non-cooperation with the United Nations. Several months later, when the state was established, the Arabs began to attack from all sides. Just as the partition plan was shelved, so the internationalisation proposal was forgotten.

The Jerusalem committee during the siege

The following is a summary of the survey my father wrote when the committee ceased its activities after the establishment of the state:

A foreign consular representative (said) that the discipline of the Jewish community in Jerusalem renders them immune to the rigours of the Arab siege. The greater the troubles, the more resolute the community. This discipline can be credited to the committee, that nucleus of self-rule in Jerusalem which we strove to maintain at all costs despite sabotage from within and without... From the first days of the riots in late 1947, the committee was deeply involved in all those activities which would enable the Jewish community to withstand any onslaught... As the first clouds of smoke rose from the fires set by Arabs in the Jerusalem business centre on the first day of the riots, the committee went into action. Jewish shopkeepers, seeing their shops burned and looted, appealed to the committee. The governor, despite his unfriendly attitude, was forced to impose a curfew in the area. This temporarily halted the looting and made it possible to salvage what was left. Dozens of trucks were recruited at dead of night and the remnants of Jewish property were conveyed to safe places. The saving of property, proffering of aid to the injured and other victims, claims to the mandatory authorities and submission of monetary claims through the official channels: these were the first activities of the committee during the siege!

The committee set up various sub-committees, the most important of these dealing with supplies since Jerusalem was cut off from its lifeline in Tel Aviv.

When the road was opened for short periods, superhuman efforts were made to bring in supplies.

Another complicated matter was the organisation of the Jews in the Old City, including despatch of provisions and burial arrangements. The Jewish quarter was totally surrounded and supplies were sent in with the aid of the British Army, which tried to cut down the rations in the hope of pressuring the Jews into leaving.

Since the courts were not functioning because of the danger to life and limb for anyone trying to reach the court building, the committee set up a public court, which prevented profiteering, black market activities etc.

Father also supervised such activities as emergency burials: — the shelling of the city claimed numerous victims and as the siege dragged on, the problems of burial grew more acute. At first the dead were buried on the Mount of Olives despite the hazards of the journey. The victims of the despicable bombing of Ben-Yehuda Street were the first to be buried in the new Sanhedria cemetery, since the Mount of Olives was by then blocked off. When the Arab Legion captured the police school on Mount Scopus, nearby Sanhedria was rendered out of bounds. More than one hundred bodies were left unburied but carpenters were found to construct coffins.

Thousands of families whose homes had been destroyed were forced to look for temporary shelter. The committee dealt with this problem and found most of them homes in Arab quarters which had been evacuated. Shortly before the British left, the committee took over the running of the city and established a Jewish municipal council in Jerusalem. The first meeting of this body, consisting of six members, was held on April 22, 1948. The new council began at once to take care of street cleaning, health, and above all distribution of water (accumulated in wells during the winter months). They also began to organise the nucleus of a Jewish police force. One month before the fighting began, the committee set up a Jerusalem 'civil guard', consisting at first of only a few hundred volunteers. But as hostilities intensified their number increased to thousands.

On the eve of Passover, when Jewish forces broke through from Tel Aviv to Jerusalem for a few days, the Jewish Agency executive met in Jerusalem and decided to appoint a Jerusalem committee of seven members to handle emergency tasks, under the chairmanship of Dr. Dov Joseph.

My father ended his survey with the following words:

We marched on piles of ruins to victory and construction! Jerusalem stood firm in battle. It was united in suffering and in fraternity. It was redeemed in suffering and blood. It still stands firm in the fight to restore its glory, to become the capital of Israel. I have no doubt of the outcome of this fight.

During the siege my father gave vivid expression to the suffering in the city in letters to David Ben-Gurion, chairman of the People's Council (Moetzet Ha'am) which served as the provisional government until the state was established. He wrote on December 31, 1947:

The gravity of the situation in the city cannot be described. More than 2,000 people are imprisoned in the Old City. Since yesterday they have received no food supplies. The police refuse to send a suitable escort. The Arabs have blocked off with barrels the road near the Jaffa Gate and cars are barred from entering. In the streets and on the roofs stand armed Arabs awaiting the Jews in order to murder them. If immediate help is not forthcoming, men, women and children will starve. Outside the city, more than twenty corpses have accumulated, some of them lying in the hospitals since Saturday and there is no possibility of burying them. Funeral processions have twice gone to the cemetery with escorts and returned. On the second occasion fourteen bodies were taken and fifteen returned because one of the escorts was murdered en route after heavy fighting (and a British policeman died as well). Every day there are additional victims and there is no way of burying them.

We wanted to dig graves near the university in the Bentwich family plot — but there is shooting there as well. Vehicles no longer travel to the university or Hadassah Hospital in the evening hours, after a girl was murdered and several people severely injured. The road to Talpiot is dangerous. There, too, circulation has been halted. In all corners of the city people want to leave their homes. More than 150 families are still in need of housing.

This is the situation in our capital. Advise us and send help soon.

Haim Salomon
Chairman, Va'ad Hakehila

1 January 1948, 6.15 p.m.

I have received no answer to my letter of yesterday. If I receive no reply to this either, and rapid assistance is not forthcoming, I shall announce publicly that you have all abandoned Jerusalem.

If help does not come at once, much blood will be spilled in the streets of Jerusalem. Hundreds of inhabitants of the Old City are crowding our offices, weeping and calling on us to save their children, wives and old people. The Old City has been closed to us for three days. We cannot give them food and they are starving to death. The (British) government has promised to help but up to now has not even kept its promise to send in a few loaves of bread. The situation is terrible. People do not believe that we are doing the best we can, without success. And there is nobody to whom we can turn in the Jewish Agency. The Haganah does not want to break into the Old City, and the government makes promises it does not keep.

The catastrophe will occur at any moment. Inhabitants of the Old City, who are at present outside it, are desperately considering breaking in on their own initiative.

This is my last warning to you.

Haim Salomon

I have quoted from a small part of my father's activities. He acted independently, with modesty and wisdom, working for the country as a whole and Jerusalem in particular.

For decades he fought to introduce Jewish labour into industry, building

and agriculture. He supported the labour movement and the Jewish workers in difficult times and in their struggle with the central and municipal authorities. In 1921, during a labour crisis, when the Va'ad Leumi proclaimed a campaign to find employment for new immigrants and unemployed Jews, my father was appointed a member of a special committee to coordinate all national institutions for extraordinary action.

In 1927 when Palestinian nationals were first granted the vote, father was one of four Jews proposed by the Va'ad Leumi and Agudat Israel as Jewish representatives to the Jerusalem municipal council, and was a member of the first elected municipality. Before the 1934 elections to the muncipality he was one of six Jewish candidates selected unanimously from all Yishuv institutions. For several years he was the deputy mayor and chaired several municipal committees, as well as heading the first municipality of the newly-proclaimed state.

He was a delegate to the second National Assembly and a member of the provisional executive of the Jewish Agency in a difficult period, 1929-30. He was one of three representatives (the others were Rabbi Kook on behalf of the Chief Rabbinate and Rabbi Moshe Blau on behalf of Agudat Israel) who battled at that time to safeguard Jewish rights of prayer at the Wailing (Western) Wall in the face of Arab violence and British opposition.

During the 1929 bloodshed, the pogrom in Hebron and riots in Jerusalem and elsewhere, during which the British authorities did not take effective steps to restrain the Arab mobs, father was active in Jerusalem together with Eliyahu Berlin and Yitzhak Ben Zvi. Most members of the Zionist Executive were attending the Zionist Congress in Zurich.

In 1937, when the Mandates Committee of the League of Nations was about to discuss partition, the Va'ad Leumi sent a delegation to explain the standpoint of the Yishuv and to disrupt the schemes of the Arab delegation which was already in Geneva. Father was a member of this delegation, which also included Dr. Avraham Katznelson, Chief Rabbi Uziel and Dr. Mordechai Eliash.

In the first week of July 1938, the Arabs, encouraged by the British, conducted bloody acts of terror which claimed some twenty Jewish victims. My father was a member of the committee appointed by the Yishuv to organise defensive, economic and political action.

In March 1939 a Jewish and an Arab delegation attended the London talks. In response to the hostile attitude of the British government, and the publication of a White Paper which advocated the gradual elimination of Jewish immigration and the curtailment of land purchase by Jews, the Yishuv proclaimed a "day of action". Father was one of the Va'ad Leumi representatives appointed to counter the British steps.

When the British, in November 1945, proclaimed their post-war Palestine policy, a continuation of the White Paper's aims, Haim Salomon was one of the representatives of the Yishuv, the Va'ad Leumi and the Jewish Agency, who gave expression to the Yishuv's firm resolve not to accept these plans.

Father was on the board of directors of various economic bodies and aided institutions of education, welfare and charity. He dedicated himself to the expansion of the Jewish Yishuv, particularly in Jerusalem, and was among the founders of the Talpiot, Bayit Vegan and Beit Hakerem quarters. He worked day and night, with vigour and intelligence. A chapter could be devoted to his work for the defenders of Jerusalem, often at his own peril.

After the establishment of the state, the Va'ad Hakehila and the Va'ad Leumi were disbanded. Because my father had no party affiliations and therefore lacked party backing, he was pushed out of the representative institutions. I cannot deny that he was disappointed at this situation, although he had passed his seventieth year. In family circles he would ponder out loud and say that he was still strong enough to make a contribution particularly for the advancement of his city, Jerusalem. But he gave no outward sign of his feelings. There was only a hint at the party in honour of his eightieth birthday, held at his home in Rehavia in 1959. I found a draft of his speech on that occasion among his papers. In it he wrote:

Mr. President, Mrs. Ben Zvi, Mr. Mayor, honoured guests. This occasion when so many esteemed people have gathered here in my home to greet me and to sing my praises, reminds me of the biblical verse: 'After I am waxed old shall I have pleasure.'.

More than ten years after we disbanded the Va'ad Hakehila and transferred its tasks to the municipality and since I ceased to be a municipal councillor, you are reminding me of forgotten things, awaking me from my 'slumbers' and recalling that I was once active in public affairs. I wanted to evade all this honour but I was overruled by friends who said that this was the way of the world and must be accepted.

Over a decade has gone by and I am no longer a public man. but I have not sat idle. I have not dealt with matters of earthshaking importance, but rather with minor matters. There is still much to be done outside the management of the state or of the city on behalf of this country. There is much for me to do, with the help of God, and I do not lack occupation. I have expanded factories in the coastal plain, and developed a new industrial enterprise here in Jerusalem. With my partners I employ hundreds of workers, who manufacture locally-made products. Apart from actual profit, I see a blessing in my labours, a spiritual satisfaction.

There is a proberb which says: No man dies while his desires are half fulfilled. I have not yet died, and if we can call dreams of helping our people by the name of 'desires' — then I have not yet fulfilled half of them.

And what shall I wish you, my friends and comrades: that you may be privileged to see many, many years of the existence and progress of the state of Israel, and that many Jews — millions from all over the world — will come up to Zion in gladness and rejoicing.

When we were growing up, father used to tell us many tales of his travels by

unknown routes, as far as Transjordan, to select sites for agricultural settlement, and of his adventures, his clashes as a child with Arab hooligans in Jerusalem and during the riots.

He was not a party man, and vehemently opposed the splintering of forces among rival parties and the fight for power and for 'seats'.. I found this note among his papers:

Perhaps we can learn the lesson

The election struggle is over and the outcome is already known. It may be said that no party has won this battle. Some have even lost, and it my be feared that the loss resulted from the extensive propaganda, the vilification of one party by another, to the point where the public was confused and did nòt know what to choose, and this persuaded many not to go to the voting booth at all...

The time has come to learn a lesson for the future from the results of this propaganda and uproar and to find a way of achieving better results without such furious electioneering. Let the parties arrive at agreement before the election to desist from slandering one another, and to refrain from squandering money and energy. Let each party present its platform moderately and appeal to the public to choose its candidates in quiet and intelligent fashion. After all the electorate are adults, and each knows where he belongs.

I do not know to which election campaign he was referring, but these remarks are still relevant.

He would find the appropriate biblical verse for every important occasion. In 1957, after the Sinai Campaign, the Americans — through Secretary of State Dulles and UN Secretary-General Hammarskjöld — pressed for immediate withdrawal from Sinai.

Mr. President, (Ben Zvi)

It has occurred to me recently, at this time of the demand for our withdrawal, that we should repeat to ourselves and quote to the gentiles Dulles and Hammarskjöld, who believe in the bible, Isaiah Chapter 50: "Neither turned I away back. I gave my back to the smiters, and my cheeks to them that plucked off the hair. I hid not my face from shame and spitting. For the Lord God will help me; therefore shall I not be confounded; therefore have I set my face like a flint, and I know that I shall not be ashamed."

Yours ever loyal,
Haim Salomon

This was written more than twenty years ago but perhaps our heads of state can still learn from it today.

On father's tombstone we wrote in 1960: "Pray for the peace of Jerusalem — those who love thee shall prosper." And when our mother, Hanna, died in 1967, we continued this verse from Psalms 122 on her tombstone: "Peace be within thy walls and prosperity within thy palaces."

Father's will, composed in December 1945, concludes with the words:

And now, accept my blessing, my dear sons and beloved daughter, and my dearest wife. You are the fifth generation in this country. Hold on to it and may you be privileged to see redemption of our small country, so precious to us, in the salvation of our people and you shall dwell in the country to the end of the generations.

20 My Efforts to Rebuild the Hurva

As I have already related, immediately after the Old City was liberated in 1967, I decided to do all I could to reconstruct the ruins of the Hurva and, on June 11th 1968 I travelled to Jerusalem to begin this sacred mission. My heart was saddened at the sight of the ruins of the synagogue, the filth and desecration, but this only spurred me on to fulfil the obligation of my ancestors, to continue the tradition...

First of all, I consulted the then minister of religious affairs, Dr. Zerah Wahrhaftig. He promised to take action to rebuild the synagogue and even undertook responsibility for the task, but to my regret I cannot credit him with any actual steps in this direction. I decided that the planning of the building and its precincts must be entrusted to the greatest Jewish architect in the world, Louis Kahn of Philadelphia. In August of that year I visited him, explained my mission and asked his help. I was privileged to glimpse his philosophical approach to architecture and have seen his monumental works throughout the world.

Louis Kahn was enthusiastic. He regarded my offer as an honour, even as an opportunity to execute the noblest of his commissions. With emotion and joy he agreed to come to Jerusalem as soon as possible to see the site and I promised to provide him with some historical background, a map of the area, its topography and necessary engineering details. He waived the fee and asked only to be reimbursed for direct expenses. I was delighted, and we both kept to our agreement.

I did not dream when I started out that I would be faced with so many disillusionments. I held endless meetings with the minister of religious affairs and his aides, trying to agree on the planning and objectives, which were obscured by superfluous questions of prestige. I even brought the matter before the prime minister, Levi Eshkol, and asked his assistance.

I attended sessions of the ministerial committee on Jerusalem and expressed

the view that it would be a mistake to rebuild the Hurva by reconstructing the old synagogue as built by my great-grandfather more than a century before. We should now erect an original and imposing building in accordance with the inspiration of Louis Kahn who had meanwhile submitted impressive preliminary plans.

There were profound differences of opinion between the minister and myself on the uses of the new Hurva. I assumed that since it had been a national asset of the entire Jewish people, it should continue to be so when rebuilt. I opposed the establishment of yet another synagogue restricted to the Ashkenazi community of the old city. The Western Wall had taken over the role of many synagogues as the place of prayer there. I did not regard it as important to build yet another 'little house of prayer' for a few dozen Ashkenazi Jews, on the ruins of Judah the Pious's Hurva. I envisioned the rebuilding as providing a place of prayer and thanksgiving for the entire people. but mostly as a spiritual centre for Judaism, to contain the largest Torah library in the world, a meeting place for Jewish thinkers, for study of tradition, a new Sanhedrin.

On September 19 1968, Levi Eshkol wrote to me after I had sent him Louis Kahn's scheme:

> The plan is truly tremendous and, to my taste, beautiful, but it seems to me that it is worth postponing the implementation of so large a project in the old city for a few years and first concerning ourselves with the populating of Jerusalem. There is, as you know, a limit to funds.

(Typical of Eshkol, the former minister of finance). I replied on November 3rd:

> I regard the vision of rebuilding the Hurva as deserving early implementation, in the light of our plans and in the spiritof Prof. Kahn's approach, i.e. a spiritual centre sacred to Judaism, a national-religious centre in the heart of Old Jerusalem, second in importance only to the Western Wall. The planning and establishment of the Hurva will expedite the populating of East Jerusalem by Jews.
>
> I see the building as positive and able, in its might and good taste, to put in perspective the central holy places of the other religions... Iwould like to note that up to now I have carried out what appears to me to be my duty, as a son of Jerusalem and scion of the rebuilder of the Hurva more than one hundred years ago, namely to expedite discussion and decision on the establishment of the Hurva before the consolidation of plans for the rehabilitation of the Old City, so that the planning of the Hurva will be taken into consideration in such schemes... I fear that if too much time passes before the decision is taken, Prof. Kahn's enthusiasm may cool, and then we shall forfeit the opportunity of making him a partner in this project.

After Eshkol's death, Golda Meir also took an interest in Kahn's plan and promised her aid. I must make special mention of my obligation to that

wonderful man, Teddy Kollek, builder of Jerusalem. Although the minister of religious affairs tried to exclude him from all dealings on the Hurva, Teddy undertook — at his own initiative, — to promote Kahn's plan in consideration of the architectural, town-planning and land allocation aspects. It was agreed between us, with Kahn's approval, that:

a) the original site of the Hurva should be left as a garden or space open to the public in memory of the defenders of Jerusalem in the War of Independence, and the ruins of the Hurva would commemorate the destruction "wrought by the gentiles in a holy place to Israel". (I added: "that the nations may see and learn the lesson.")
b) on the border of the old Hurva a site should be allocated for the new Hurva.
c) The Hurva should not be rebuilt on the basis of reconstruction from the plans of a Russian engineer from the eighteen-forties but on the basis of the plan of Prof. Louis Kahn (or some other appropriate plan).

Meanwhile the Yom Kippur War broke out. Again the time was not ripe for a renewed onslaught on ministers. Teddy and I realised that after the shock of the security foul-up preceding the war, and the huge financial outlay caused by the hostilities, (despite the eventual victory), we should act with discretion. We would first promote the garden scheme and vital repairs, and only later the rebuilding.

Meanwhile Louis Kahn died. Again difficulties arose concerning the planning and problems were raised by other religious elements, to some extent because of envy. Teddy overcame them all.

October 21, 1979 was a great day for Teddy and for me. The cornerstone was laid for the Hurva. A renowned Jewish architect from abroad is to work on the plans together with an Israeli architect who is steeped in religious tradition, and is an expert on the Old City.

Because of the general situation, we are obliged to limit ourselves to a more modest building as regards dimensions and purposes, not in the spirit of my vision — but this too will suffice.

In Closing

I have related something of my life's history, of my activities and involvement in various spheres. This book belongs to my wife Sara, and my daughters, Ronny and Keren and their children — my grandchildren. They are the most important thing in my life.

To my wife Sara, who has travelled a lengthy road with me, for some fifty years, I owe more than I can say — for having preserved the framework of our life, maintained a Jewish home imbued with love and understanding, a comrade who both encouraged and restrained, my partner in emotions, in deeds and in hopes, in love of our country and people, in tradition and in faith. I must stop here lest I spill over into romantic sentimentalism.

This book completes the story of five generations in the Yishuv. I have described something of the first three generations: Shlomo Zalman Zoref, who came to the Holy Land in 1812, his son Mordechai Salomon and his grandson, my grandfather, Yoel Moshe Salomon. Historians and scholars of the history of the Yishuv have written about them. I have also described my father, Haim Salomon, and quoted some of his writings. I regard this book of memoirs as the continuation of the tradition by a member of the fifth generation in this country. I hope that I have not been a disappointment to my predecessors and that the tradition will continue!

Index to Names

Abdullah, King, 132, 142, 167
Akiva, Rabbi, 261
el-Alami, Mussa, 249
Alexander, A.V., 132
Ali, Mohammed (Khedive), 259, 260, 263
Allenby, Gen. Lord Edmund Henry Hynman, 20, 98
Altschuler, Nakdimon, 72
Arafat, Yasser, 249
Argov, Col. Nehemiah, 242, 243
Arlosoroff, Haim, 41-2, 44
Arnon, Ya'akov, 238
Attlee, Clement, 132
Auster, Daniel, 251
Austin, Warren, 133
Ayalon, Brig.-Gen. Zvi, 179
el-Ayubi, Ali Bey, 70

Bachar, J.N., 140
Balfour, (Lord) Arthur James, 22
Balfour, John, 194, 195, 197, 198, 200, 202, 203
Barker, Gen. Evelyn, 75, 83, 89, 91, 92
Bar Kokhba, 261
Baqir, Sami Bey, 59
Barnett, Zerah, 270
Bar Zakai, (Judge) Natan, 190, 199, 200
Batt, Prof., 28
Be'eri, Lt.-Col. Isser, 178, 179-191, 193, 194, 195-202, 209, 215
Begin, Menachem, 251, 252
Beilin, Harry, 108, 153, 163
Ben-Ami, Oved, 163, 164
Ben Ari, David, 86
Ben Eli, Arieh, 252
Ben-Gurion, David, 63, 127, 128, 138, 139, 161, 164, 179, 180, 184, 185, 186, 187, 196, 197, 198, 199, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213-15, 216, 217, 218, 219, 223, 230, 231, 232, 242, 243, 250, 251, 279
Ben-Gurion, Paula, 196
Bentwich, family, 279
"Benyamin" (Haganah Cdr.), 157
Ben-Ze'ev, Moshe, 214, 215, 217
Ben Zur, Mordechai, 206
Ben Zvi, Yitzhak, 230, 232, 275, 280, 281, 282
Bergman, Ya'akov, 145
Berlin, Eliyahu, 280
Bernadotte, Count Folke, 160
Bevin, Ernest, 75, 132, 140, 144, 175, 176
Birkbeck, Col., 108, 115, 118, 124
Bitter, Philip, 69, 70, 71
Blau, Rabbi Moshe, 280
Bonfil, Yosef, 59
Bowles, Louis, 23
Brill, Yehiel, 265
Bryant, Thomas Michael, 168, 182, 183, 189, 190, 191, 203
Bryce, 167, 168, 170
Burg, Yosef, 211
el-Bustani, Wadia, 60
Bustrus, family, 38, 39

Capucci, Hilarion (Archbishop), 159
Carmel, Gen. Moshe, 137, 138, 158
Carter, Jimmy (Pres.), 249
Chambers, Prof., 27
Chancellor, Sir John, 32
Chandos-Pole, Brig., 124, 125
Chelouche, family, 17
Clark, "Nobbie", 143
Cohen, Eliezer, 182, 183
Cohn, Haim (Judge), 11, 174, 186, 187, 188, 206, 207, 208, 210, 216

Comarmond, de (Judge), 54
Cousins, Danny, 122, 123
Cunningham, Sir Alan, 136

Dajani, family, 158
Dar, Zvi (Lederer, Franz), 48
Davies, Maj., 78
Dayan, Moshe (Gen.), 205, 209, 210, 211, 216
Dinstein, Zvi, 238
Dori, Brig.-Gen. Ya'akov, 181, 183, 184, 185, 186, 187, 205, 206, 207, 210, 216, 227
Dow, Sir Hugh, 141
Downes, Sir Arthur, 98
Downes, Lady Florence, 98
Downs, Thomas Alfred, 168, 203
Dulles, John Foster, 282
Dunkelblum, Dr. Menahem, 174

Earlie, Viscount — see Reading, Rufus Isaacs
Eban, Abba, 211, 240, 241
Eliash, Dr. Mordechai, 280
Eliyahu, Rabbi (Ga'on) of Vilna, 257, 258, 259
Eshed, Haggai, 214, 219
Eshkol, Levi, 62, 204, 205, 213, 214, 215, 216, 217, 219, 237, 238, 239, 240, 250, 254, 284, 285
Etkes, Percy, 156
"Etti" — see Be'eri, Isser
Even-Zohar, Simha, 88, 89, 90, 91
Eytan, Walter, 198

Falkowitz (and Goldin), 115
Farouk, King, 159
el-Faturi, Ismail Ali, 223, 224, 225, 226
Fischer, Maurice, 163
Fitzgerald, Sir William, 54
Forman, Shoshana, 33, 93
Forman, Yehiel, 33
Fox-Andrews, J., 140
Franco, Gen. Francisco, 95
Frank, Emil, 65-6
Fuchs, Dr., 231

Gale, Gen. Richard, 77, 81, 82, 84, 86, 87, 88, 91, 92, 93, 110
Galili, Yisrael, 195
Garcia-Granados, Jorge, 132, 133
de Gaulle, Charles (Pres.), 254
Geiger, David, 84, 87, 88, 89, 93, 122, 154
Gibli, Col. Benyamin, 204-219
Glubb, Gen. John Bagot (Pasha), 167
Goldman, Rabbi Jacob, 89
Gorali, Dr. Avraham, 179, 180, 200
Gottfried, Reuven, 273
Gottlieb, Robert, 67
Greengart, Natan, 270
Gresham, Col. Kenneth Charles, 168, 182, 191, 192, 193, 194
Guriel, (Gurevitz) Boris, 195, 196, 197, 198
Gutmann, David 270, 271

Hacohen, David, 160
Hacohen, Michael, 264, 265, 268
Hadari (Haganah Cdr.), 138
Hadi, Oni Abdul, 249
Hajar, Monseigneur, 159
Hakim, Bishop Gregorius (George), 158, 159, 160, 249
Halevy, Yehuda, 261
Halevy, (Judge) Benyamin, 169, 170, 171, 172, 174, 175, 176, 177
Halevy, Chaim, 268
el-Halil, family, 223
Hallam, Mr., 192
Hammarskjöld, Dag, 282
el-Hanifi, Muhammed el-Hamad, 123
Hankin, Yitzhak, 57-8
Hargreaves, Sgt. William, 224, 226
Harkavi, Prof. Zedekiah, 40
Hassani, Taj el-Din, 66
Hausner, Gideon, 210, 211, 230
Hawkins, William George, 166, 168, 170, 188, 192, 193, 203
Herzl, Theodor, 59, 266
Hofstatter, Ephraim, 188, 189, 190, 191
Hogan, Michael, 54, 152, 153, 226
Horovitz, Leib, 268
Horovitz, Shalom, 27, 30, 31, 32, 45
Hoter-Ishay, Aharon 84, 85, 86, 87, 88, 89, 93, 181, 182, 183, 184, 186, 194, 197, 223
Houma, 80
Hussein, King, 239
el-Husseini, Haj Amin (Mufti), 32, 40, 47, 51, 52, 105, 106, 158, 159, 160, 223, 225, 249
Husseini, Jamal, 160

Ibrahim Pasha, 70, 259
Ibrahim, Rashid Haj, 105, 128, 134
Ida, Kamil, 69
Iz el-Din, Amin Bey, 123, 126, 134

Jabotinsky, Ze'ev, 22, 23, 275
Jaffe, Mordechai Gimpel, 273
Jawitz, Ze'ev, 261, 273
Jemal Pasha "The Little" (Kotzuk), 18
Johnson, Brig., 134, 135, 144, 145, 146, 148, 149
Joseph, Dr. Dov (Bernard), 169, 214, 215, 217, 276, 278
Judah, Rabbi (the Pious), 257, 259, 261, 285

Kahn, Prof. Louis, 284, 285, 286
Kaiser, Edgar, 237-241
Kaplan, Eliezer, 152, 166
el-Katib, Anisa, 223-227
el-Katib, Sheikh Muhammed Hashem, 225
el-Katib, Yusef, 223, 224, 225, 226
Katz, Michael Leib, 270
Katznelson, Dr. Avraham, 88, 90, 91, 280
Katznelson, Berl, 267
Kaukji, Fawzi, 106, 112, 124, 128
Kaulbek, Lt.-Col., 86
Khayat, Fred, 129
Khayat, Victor, 129, 134, 135
Khushi, Abba, 136
el-Khouri, Fars (Pres.), 70, 160
Kidron, Avraham, 194
Kollek, Teddy, 286
Kook, Rabbi Avraham Hacohen, 274, 275, 280
Koperstock, Sara, 156
Koperstock, Zvi, 156
Koussa, Elias, 129, 134
Kutna (Ga'on), 268

Lapin, A., 177
Laskov, Gen. Haim, 206, 207, 208, 210, 213
Lavon, Pinhas, 204-219
Law, Maj., 90
Law, Mr. (district commissioner), 134, 135
Leach, Alfred Trohear, 168, 203
Lederer, Franz — see Dar, Zvi
Lees, (district officer), 41, 42
Lejeune, Mr., 239
Levin, Avram, 27, 34, 53, 54
Levin, Moshe Guttel, 78
Levin, Yisrael, 27
Levy, Edmond, 53-4
Levy, Richard, 28, 169, 170-3
Levy, Shabtai, 52, 104, 128, 129, 131, 135, 142, 152, 154
Linklater, Capt. John, 110
Lipshütz, Naphtali, 52, 121
Lloyd George, David, 26
Luke, Harry, 32
Luke, Maj., 89
Lundi, Pierre, 163
Lunz, Avraham Moshe, 259
Lustig, Ram, 189

MacMichael, Sir Harold, 99
MacMillan, Gen. G.H.A., 107, 125, 139, 140, 141, 143, 144, 145, 146, 147, 149, 150, 152, 161, 162, 164
Maharshak, Dr. Yehuda, 274
Majid, Sultan Abdul, 260
Makleff, Gen. Mordechai, 129
Malinki, Maj. Shmuel, 221, 222, 223
Mansour, Abdullah Minhal, 157
Mansour, Sheikh Nagib (Abu Kamal), 157
Many, Judge Eliyahu, 169, 172
Mardam bi Mardam, Gamil, 67
Marriott, Cyril, 134, 135, 141, 142, 143, 161, 177
May, Maj., 92
Mazarieke, Dr., 271
Mazeh, Dr., 273
Meehan, P.J., 109
Meir, Golda, 53, 88, 90, 93, 94, 285
Mendel, Rabbi Menahem (of Shklov), 258
Merriman, Sir Frank Boyd, 31
Miflah, Ahmed el-Mussa, 39, 40
Mohammed (waiter), 192
Molcher, Brig., 84, 86, 87, 88
Montefiore, Sir Moses, 260, 262, 263, 268
Montgomery, Fieldmarshal Bernard Law, 125, 132
Morris, Hopkin, 31
Mu'ammar, George, 129, 134

Mufti — see el-Husseini
Muhammad, Ali, 23
Mulford, (Consul), 192
Murad, Sheikh Abdul Rahman, 129, 134, 135

Naf'a, Yunis, 134
Nashashibi, Rajib Bey and family, 47, 51, 158, 223, 225
Nasr, Anis, 134
Nathan, Lord Harry Louis, 68
Nettler, Fred, 155
Nir, Nahum, 186

Ogen (Ogolnik), Dr. Shraga, 77, 79
O'Leary, 162, 173
Olshan (Judge) Yitzhak, 174, 176, 177, 205, 206, 208, 210, 216

Papadakis, Dimitrio (John), 95-97
Parag, Yehuda, 189
Passfield (White Paper), 33
Peachey, Cdr., 131, 145
Pears, Gen. Sir Edward, 67
Peel (Commission), 73
Pines, Yehiel 'Michal', 271, 273
Pollock, J.H. (Governor), 140, 145
Pool, Col., 112

Quass, Phineas, 55
Quinn, Maj., 89

Rabinowitz, Pinhas, 168
Rattner, Yohanan, 251
Reading, Lord Rufus Isaacs, 31
Reinek, Solomon, 66
Rivlin, Yosef, 258, 269
Roe, Brig., 88, 89
Rome, Brig., 108, 112, 113, 119, 120
Rosen, Pinhas, 207, 208, 211, 212, 213, 230, 231
Rosenblatt, Bernard, 53-55
de Rothschild, Dorothy (Lady), 63
de Rothschild, Edmond (the Baron), 38, 59, 60, 63, 65, 70, 71, 73
de Rothschild, Edmond, 62
de Rothschild, James 59, 61-3, 68
de Rothschild, Lionel Walter, 22
Ruthenberg, Pinhas, 24, 275

Saad, Farid, 129, 134
Sacher, Harry, 26, 30, 34
Salant, Beinish, 268
Salomon, Aryeh Leib, 273
Salomon, Avraham, 20, 283
Salomon, David, 273
Salomon, Esther, 273
Salomon, Haim Zalman, 15, 16, 17, 19, 20, 21, 23, 25, 26, 30, 39, 177, 235, 236, 248, 272, 274-283, 287
Salomon, Hanna, 15, 17, 21, 30, 32, 282
Salomon, Katriel, 117, 118
Salomon (Yaniv) Keren, 221, 256, 286
Salomon, Mordechai (Zoref), 256, 258, 260, 261-4, 269, 285, 287
Salomon, Mordechai, 19, 20, 258, 264, 273
Salomon Nahman, 18, 20, 274, 283
Salomon (Mirkin) Ronny, 221, 256, 286
Salomon, Sara, 33, 34, 43, 86, 87, 88, 93, 99, 115, 119, 120, 121, 142, 171, 221, 233, 235, 256, 286
Salomon, Shlomo, 236
Salomon, Tuvia, 273
Salomon, Yoel Moshe, 15, 16, 17, 23, 177, 217, 218, 248, 264-274, 287
Samuel, Sir Herbert, 23, 59
Sanbar, (Sandberg) Moshe, 238
Sapir, Eliyahu, 273
Sapir, Pinhas, 237, 238, 240, 241, 246, 254
Schiller, Shlomo, 20, 25
Schultz, (Judge) Gad, 169
Schwartz, Yosef, 258, 260
Scott, Charles Prestwich, 26
Shadmi, Col. Issachar, 221, 222, 223
Shahin, Abu, 72
Shaltiel, Gen. David, 182
Shamsha Pasha, Ahmed, 65
el-Shanti, Sharif, 60, 61
Sharef, Ze'ev, 243, 244
Sharett, Moshe, 127, 138, 139, 160, 163, 198, 205, 206
Sharon, (Gen.) Ariel, 252
Shauki Bey, Saad, 225
Shaw, Sir Walter, 30-33
Sheba, Dr. Haim, 91
Shehadeh, Shalah, 159
Sher, Moshe, 45
Shimshon-Shapira, Ya'akov, 93, 96, 97, 185, 187, 188, 189, 190, 191, 193, 194, 195, 196, 197, 199, 200, 209
Shukeiri, Ahmed, 249
Shukri, Hassan Bey, 223, 224, 225, 226

Sinai, Maj., 90
Sitte, Prof. Kurt, 220, 227-232
Skal, 70
Slaughter (and May), 173
Smoira, Dr. Moshe, 174, 176
Spinney, Roy, 99, 100, 109
Sprinzak, Yosef, 88, 89, 90
Stampfer, Yehoshua, 272
Steckoll, Solomon, 193, 194
Stockwell, Gen. Hugh, 108, 110, 112, 114, 118, 119, 125, 126, 128, 129, 130, 131, 134, 135, 136, 137, 138, 149
Storrs, Gen. Sir Ronald, 25
Stoyanovsky, Dr. Ya'akov, 168
Stromze, (Judge) Yosef, 50
Sursuk, family, 44
Sylvester, Frederick William, 29, 161, 165-178, 188, 191, 192, 193, 200, 203

Taha Pasha, el-Hashem, 135
Tain, 270
Talbi, Jack, 191
Tamir, Shmuel, 251, 252
Temple, Capt., 97
Toukan, Saliman Bey, 160
Tubi, Rabbi, 263
Tubiansky, Lena, 180, 181, 184, 185, 186
Tubiansky, Capt. Meir, 178, 179, 180, 181, 182, 183, 184, 185, 187, 188, 189, 190, 191, 192, 193, 194, 196, 197, 198, 199, 200, 201, 202, 203, 208, 223

Uziel, Rabbi, 280

Venizelos, Eleutherios, 95
Veronikos, family, 95

Wahrhaftig, Dr. Zerah, 284, 285, 286
Walker, Col., 149
Wauchope, Gen. Sir. Arthur, 42
Wavell, Lord Archibald, 98
Weitz, Joseph, 50, 55
Weitz, Sharon, 121
Weizmann, Prof. Chaim, 23, 26, 49, 75, 202, 215, 275
West, Maj., 77, 80, 82
Willis, Brig., 144
Wolf, Hugo, 182, 183
Woods, George, 239

Ya'ari, Shraga, 83
Yadin, Yigael (Prof.), 195, 196, 197
Yaeli, Avraham, 45
Yaffe, Aviad, 240
Yaguri, Yitzhak, 86
Yellin, David, 275
Yellin, Yehoshua, 268, 269, 270
Yeshurun, Zalman, 86
Yitzhaki, Madame, 15
Yosefthal, Giora, 211

Zinger, Alexander, 182
Zoref, Rabbi Avraham Shlomo Zalman, 23, 141, 256, 258-261, 264, 287
Zoref, (Salomon) Hanna, 258
Zoref, Rabbi Mordecai — see Salomon
Zoref, (Salomon) Mordechai, 258
Zoref, (Salomon) Moshe, 258
Zoref, (Salomon) Yitzhak, 258