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Jewish Agency, Fahy, Charles, 1948.

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METROPOLITAN 4741
CABLE ADDRESS "LEX"

April 27, 1948

My dear Dr. Silver:

Enclosed are copies of the two memoranda I left at the Department this morning. I am sure the one about Jerusalem will get immediately to Mr. Lovett with the advice that I will be glad to talk with him about it. Those with whom I talked seemed to think it held real possibilities. I may be able to find out how it is received by Mr. Lovett and if so will let you know.

In my talk with Mr. Niles this morning of the White House Staff I urged that the threats of King Abdullah might well call for the President to make a personal appeal, as well as for our Government to use all its influence with the British. Mr. Niles thought the situation might justify the President in personal intervention.

Yours sincerely, *and hastily,*

Charles Fahy

Encl.

Dr. Abba Hillel Silver
Sulgrave Hotel
67th and Park Avenue
New York, New York

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METROPOLITAN 4741
CABLE ADDRESS "LEX"

April 28, 1948

My dear Dr. Silver:

I am advised that the memorandum on Jerusalem (copy of which I sent you yesterday) was not believed by Mr. Lovett to present a feasible approach due to the necessity of agreement upon this approach by the Jews and the Arabs. I am advised, however, that with respect to the threats by King Abdullah and other Arab outside forces the United States is doing everything possible to prevent this.

I am afraid that if any progress is to be made along the lines of my suggestion regarding Jerusalem it would have to come, at least at this time, from sources other than the United States.

Yours sincerely,

Charles Fahy

Dr. Abba Hillel Silver
Sulgrave Hotel
67th and Park Avenue
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METROPOLITAN 4741
CABLE ADDRESS "LEX"

April 29, 1948

My dear Dr. Silver:

Under date of April 16th I enclosed to you a copy of the Registration Statement which I had filed in connection with my retainer by the Jewish Agency for Palestine. The Department of Justice has permitted me to substitute the enclosed "Exhibit B" in place of the "Exhibit B" attached to the Registration Statement sent to you in my said letter of April 16. Will you kindly make the substitution in the copy you have, returning to me the original form of "Exhibit B".

The enclosed "Exhibit B" reflects the situation which pertains, and I understand from conversations on the phone with Mr. Hammer that this is satisfactory.

Yours sincerely,

Charles Fahy

Encl.

Dr. Abba Hillel Silver
Sulgrave Hotel
67th and Park Avenue
New York, New York

EXHIBIT "B"

The registrant is retained by the Jewish Agency for Palestine as counsel. The employment does not include any representation of the Agency in relations with any other international organization or any Government except the Government of the United States. There is no written retainer agreement. Retainer of \$5,000; further payments dependent upon the amount of work involved.

Registrant is not engaged or authorized to expend any funds on behalf of the Agency or to represent the Agency in any capacity other than the rendering of services as aforesaid.

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METROPOLITAN 4741
CABLE ADDRESS "LEX"

April 30, 1948

My dear Dr. Silver:

I thought you might like to know that I had a good visit this morning with Mr. David A. Morse, Acting Secretary of Labor. The Cabinet meets today and I thought Palestine might come up and that it would be worthwhile talking to Mr. Morse before the meeting to give him my views.

Yours sincerely,

Charles Fahy

Dr. Abba Hillel Silver
Sulgrave Hotel
67th and Park Avenue
New York, New York

[April 1948?]

American policy should take account of the situation on the ground in Palestine — factual and political.

The Jewish State is rapidly becoming a reality. The only way in which it can be stopped is to crush it by force. It is inconceivable that the United States should attempt to do that directly or to participate in so doing. Yet in all substance this is what a trusteeship would mean. It would be necessary to impose it by force. Trusteeship should accordingly be abandoned. It is not a feasible solution in the face of the actual situation. For us to continue to press for it places us in an impossible position. We should be glad to abandon the idea, however good the motives which were behind its origin. It would impose such unwelcome duties upon us that we ought immediately to drop the idea after having given it its chance. Indeed we should be glad the Assembly has not accepted it.

Nor should we press the Jews for agreement to Trustee-

ship. The November 29 Resolution was to them the long delayed dawn of freedom. They are ready for it and are entitled to it. To urge them, after all that has gone before, to surrender the Resolution is unreal and impractical. It is contrary to the nature of a people desperate for independence, especially after independence has been practically handed to them by the United Nations. We cannot snatch them back even if we would, and we should not want to do so.

Shall we permit the Arab States to crush the Jews in Palestine? They can do so only if the Arab Legion moves in, as threatened. The British can prevent this. If the British or if we or if the United Nations permits this aggression, how can we ever again oppose aggression anywhere? We moved strongly before the Security Council in the Iran-Soviet case, and in the case of Greece. The open threats already made by the Arab States threaten the peace of the world. If the Arab Legion or other armed forces move into Palestine will Russia

stand idle? She is bound to make some hostile move. Then what? We must now bring the full force of our influence to prevent Arab aggression in Palestine before and after May 15. The Arabs cannot complain of this because the United States has sought to avoid the present situation. And the Arabs know we must prevent aggression. This is at the foundation of peace and the United Nations' structure for peace. It is unwise and inhuman for us to dally about this. The prevention of aggression is the first fundamental step now to be undertaken. Everything should be subordinated to that. Aggression is the spark that would enkindle the flame. The Jews in Palestine may not be permitted to suffer the fate of the Jews in Germany while we or the United Nations stand by.

The center of gravity, as it were, of the Special Session and the whole problem, needs therefore to be changed. It should be changed to the prevention of aggression as the foundation of anything further.

The next logical step, once protection from external aggression is assured, is the extension of international control in the Jerusalem area. All the Members of the U.N. favor this except perhaps the Arabs. This is not a Jewish-Arab problem. There is a very special world interest in Jerusalem. The Jews are ready for the internationalization of Jerusalem. Here again, as in the case of aggression, the Arabs know they cannot stand out against a U. N. decision regarding Jerusalem. The internationalization of the Jerusalem area (in substance Part III of the Resolution of November 29) should be lifted out of the two-party arena. The U. N., with or without agreement of the Arabs, should proclaim the neutralization of this area. I believe no force would be necessary. If the U. N. would so proclaim and call upon both Jews and Arabs to recognize U. N. authority the Arabs would not seek by force to overthrow that authority. They should be called upon to furnish men, with the Jews,

jointly to administer and police the area in peace. It would not be a Jewish State or an Arab State. Instead of first seeking forces of other nations the Jews and the Arabs should be enlisted jointly to aid in policing and administering Jerusalem. If this does not work after a fair trial then the U. N. should be prepared to send forces in.

The foregoing two steps are the logical next moves. They stand on firm ground, and would have almost universal approval. We could thus reassert our lost leadership and salvage the U. N. for the future.

There would remain the important questions of (a) embargo and (b) how should the Special Session conclude its work.

(a) As to the embargo one thing is clear. The Arabs should be advised by the United States that it cannot continue the embargo in the face of threats of Arab aggression. Secondly, the embargo could be lifted under an arrangement

for stockpiling of arms under the control of the Palestine Commission, use of the arms to be permitted only for defense and for purposes consistent with the Resolution of November 29.

(b) The Assembly could entrust the future of aggression to the Security Council and the Interim Committee; the Jerusalem zone to the Trusteeship Council; the continuation of truce efforts to the Trusteeship Council; and refer any other questions to the Interim Committee pending the new regular session; or the Assembly could recess, subject to call of the President.

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METROPOLITAN 4741
CABLE ADDRESS "LEX"

May 3, 1948

My dear Dr. Silver:

Saturday afternoon (May 1st) I had a long talk with Mr. Oscar Ewing, arranged by Acting Secretary of Labor David A. Morse. Mr. Ewing is the Administrator of the Federal Security Agency and is close to the President. He is taking a quiet but deep interest in Palestine and the policy of the Government. I am convinced that he represents the point of view which was responsible for General Hilldring's recall, although Saturday afternoon he was surprised when I told him I had heard that General Hilldring was delayed for about two weeks. I told him I had heard this only that morning and was not certain. I left with Mr. Ewing a copy of the enclosed memorandum. After I had emphasized the two essential points regarding aggression and extension of the Jerusalem neutral area, I told him that the conclusion of the memorandum ((a) and (b) on pages 5 and 6) was not carefully thought out and I might want to give a more mature suggestion as to steps other than aggression and Jerusalem, since the principal points I wanted to emphasize now were aggression and Jerusalem, and not the steps beyond that, since I thought further steps would be more easily arrived at if these two were accomplished.

I feel that the Government will not long press for trusteeship for all of Palestine; that it will continue to seek a truce; and that in connection with the truce it will seek a formula to substitute for trusteeship as an interim plan for the Special Session to adopt. I am wondering if it might not be advisable to suggest a "good offices" commission as the ultimate Assembly action on which the end of the Special Session could be based when the time comes. Of course the Special Session will want to continue until beyond May 15th so as to be in session when the British lay down the mandate. Assuming that neither trusteeship nor abandonment of partition will have been accomplished by May 15, the task of the United Nations will be to prevent aggression through both Assembly and Security Council action, to extend the Jerusalem truce through the Trusteeship Council primarily, and then to find a basis for concluding its work. If a truce can

be arranged which does not turn back the clock on the political situation, it is here that the idea of a United Nations "good offices" commission might have value, the commission to work out with the Jews and Arabs on the ground as much co-ordination as possible in governmental, administrative, economic and social problems. Please let me know what you and Mr. Shertok think about this.

Another point should be mentioned. Some in the Government are thinking that on May 16 the legal situation might leave sovereign authority in the Allied and Associated powers of World War I. This seems wrong to me, although the thinking behind this legal approach I think is not unfriendly to the Jews. It is thought that with the British abstaining or standing aside on policy, decisions will as a practical matter be left with the United States and France, since Italy and Japan will be controlled by our position. It has seemed to me that if the Assembly does not repudiate partition by May 15, the stronger legal position is that the Resolution of November 29, and its acceptance by the Mandatory Power, not yet cancelled, comes nearer to filling the "legal vacuum" than anything else.

Yours sincerely,

Encl.

Dr. Abba Hillel Silver
Sulgrave Hotel
67th and Park Avenue
New York, New York



Charles Fehy

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METROPOLITAN 4741
CABLE ADDRESS "LEX"

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May 18, 1948

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Dear Dr. Silver:

On December 10, 1946 the General Assembly of the United Nations, I believe unanimously, adopted a Resolution affirming the principles of the Nuremberg Charter and of the Judgment of the Nuremberg Tribunal. This was done in the context of legislative history in the Sixth Committee and in the General Assembly itself which made clear that the Resolution was affirmation of those principles for general application in the future, without limitation to the major Axis war criminals to which the Charter and the Judgment of Nuremberg applied.

One of the crimes thus affirmed, as defined in the Charter of Nuremberg is Crimes against Peace, namely, planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements, or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing.

The Resolution introduced by the United States before the Security Council yesterday is to the effect that the situation in Palestine constitutes a threat to the peace and a breach of the peace within the meaning of Article 39 of the Charter. While this falls short of stating that an act of aggression has occurred, it is reasonable to argue that the threat to the peace and the breach of the peace is now due to aggression, and that those responsible therefor come within the purview of the General Assembly Resolution of December 10, 1946.

The purpose of the General Assembly in that Resolution was to deter and punish those who in the future would commit crimes against peace as defined in the Nuremberg Charter, and above referred to; and it seems to me those who are engaging in aggression now should be warned of the application to them of the Resolution of December 10, 1946. You might wish to discuss this point with the representatives of the United States who are handling the matter now before the Security Council.

Yours sincerely,

Charles Fahy

Dr. Abba Hillel Silver
Sulgrave Hotel
67th and Park Avenue
New York, New York

cc: Dr. Silver

May 20, 1948

Charles Fahy, Esq.
1625 K Street, Northwest
Washington 6, D. C.

Dear Mr. Fahy:

Thank you for your letter of May 15th.

Pursuant to your request I am returning herewith the
original version of your Exhibit B.

Sincerely yours,

Gottlieb Hauser
Comptroller

Enclosure
GH:mk

CHARLES FAHY
1625 K Street, N.W.
Washington 6, DC

May 15, 1948

Dear Mr. Hammer:

Please accept my thanks for your letter of May 13th
enclosing check for \$5,000 (Five thousand dollars).

Under the existing arrangements I would expect to
send you a statement for services prior to remittances,
in accordance with the letter to Dr. Silver of April 29th
read with Schedule B.

Again thanking you, believe me,

Yours sincerely,

/sgd/ Charles Faht

P.S. My heartiest congratulations on the events of yesterday.

Mr. Gottlieb Hammer, Comptroller
The Jewish Agency for Palestine
16 East 66th Street
New York 21, N. Y.

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1625 K STREET, NORTHWEST
WASHINGTON 6, D. C.

METROPOLITAN 4741
CABLE ADDRESS "LEX"

June 10, 1948

My dear Dr. Silver:

There are several items which will interest you:

1. The Department is considering another note to Lebanon regarding the removals from the Marine Carp at Bierut, although response has not yet been received from the last United States note to Lebanon. Consideration is being given in the Department to possible further representations.

I feel confident the Department would espouse claims on behalf of the individuals involved and press such claims against the Lebanese Government; but I have not felt justified in submitting this aspect of the matter in any formal manner.

2. The Marine Carp will call at Haifa on its impending return trip out of New York, and other United States vessels are being directed not to avoid Haifa. This you probably already know.

3. Consideration is being given in the Department to a strong protest to Egypt because of its interference with American shipping. The British have taken a strong position in this regard with respect to their own ships. I am told Britain recently threatened to send a destroyer escort for one of its ships through the Suez Canal which was being delayed by Egypt, with immediate recession on the part of Egypt.

I am very glad the cease-fire provisions have been accepted and certainly hope this is the beginning of a more peaceful era for the Republic of Israel.

Yours sincerely,

Charles Fahy

Dr. Abba Hillel Silver
The Temple
East 105th Street at Ansel Road
Cleveland, Ohio

cc: Dr. Abba Hillel Silver
The Jewish Agency for Palestine
16 East 66th Street
New York, New York

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WASHINGTON 6, D. C.

METROPOLITAN 4741
CABLE ADDRESS "LEX"

June 16, 1948

My dear Dr. Silver:

I enclose a memorandum which I left with the Legal Adviser of the State Department on Monday of this week. I had quite a full discussion with him and separately with one of his assistants who has been working on the matter. I feel confident that the Department will broaden the basis of its protest to Lebanon to include all passengers and not merely infringement of rights of American passengers.

Yours sincerely,

Charles Fahy

Encl.

Dr. Abba Hillel Silver
The Temple
East 105th Street at Ansel Road
Cleveland, Ohio

cc: Dr. Abba Hillel Silver
The Jewish Agency for Palestine
16 East 66th Street
New York, New York

MEMORANDUM IN SUPPORT OF POSITION THAT UNITED STATES PROTESTS
TO LEBANON SHOULD NOT BE LIMITED TO INFRINGEMENT OF RIGHTS OF
AMERICAN NATIONALS

1. It is not the nationality of the passengers involved but the fact that passengers were wrongfully removed from a United States vessel which constitute the infraction by Lebanon of American rights under international law. Since the Lebanese Government does not recognize a state of belligerency or claim rights as a belligerent, the authority of that Government to arrest passengers on an American ship in a Lebanese port is limited to cases where there is valid cause for arrest under Lebanese law and the arrest or detention is made in a procedural manner consistent with law. The American nationality of passengers removed from the ship is not the proper legal basis for the protest.

In the discussion of the question contained in Vol. II of Hackworth, (Government Printing Office print of 1941) p. 224 et seq. it is said, "the nationality of the passenger is not material to the question of lawful exercise of jurisdiction" (p. 229). At p. 224 the incident of the City of Panama is referred to and appears to have involved a non-American aboard that vessel, Dr. Sebastian Salinas. The incident with Greece involving the American vessel Lake Farley, did not concern an American (pp. 225 et seq.).

Hyde, Vol. I (Second Edition) at p. 764. The discussion turns upon the right of visit and search of a foreign vessel

regardless of the citizenship of the passengers. It is pointed out that on the high seas this right pertains to a belligerent as such. But the point is that in any event the principle involved affects the vessel regardless of the nationality of the passengers.

Hyde states, with citations, at p. 736:

"Local authorities may go on board and arrest persons charged with the commission of offenses within the territorial limits of the State, whether on such vessels, or elsewhere. It is reasonable, however, to demand that an arrest should be in pursuance of the local law and based upon the issuance of a proper warrant. Thus in 1921, the Department of State declared that the principle which rendered a foreign merchant vessel amenable to the jurisdiction of the country whose port it visited did 'not, of course, mean that the local authorities are warranted in making an arbitrary, unlawful, or forcible invasion of a foreign vessel or taking any action against any one on board that is not authorized by provisions of the local law'".

In Vol. III p. 2167 et seq. Hyde quotes the Naval War College as concluding that the existing "rules in regard to capture do not confer a right to remove from a neutral merchant vessel, when on regular voyage, passengers of enemy nationality on the ground that from their age or capacity they may be called for military service".

In all cases, regardless of nationality, the law requires due process, including prior notification to the consul of the country under whose flag the vessel operates, and arrest papers alleging violation of law as basis for arrest. The jurisdiction of the port authorities over an American ves-

sel or vessel of any country other than the country of the port, is to arrest for purposes of vindicating local law and to do so only in a manner recognized by international law. The maintenance of the rights of American vessels requires insistence upon compliance with the basis of jurisdiction, namely, alleged violation of local law by the individual, followed by recognized procedure for arrest and detention. Lebanon complied in neither respect. No basis for the exercise of jurisdiction was present nor was the attempted exercise of jurisdiction procedurally valid. This is so regardless of the nationality of the passengers. It applies to the vessel itself. It is important to maintain this position which the United States heretofore has taken under the precedents prior to the present incident; else we are taking a backward step under international law, to our own injury as well as to the injury of the law. There should be no recession in the face of the very flagrant violation of international law under the facts of this case, involving the arbitrary use of force without any attempt to comply either with the substance or procedure required by international law.

2. The Government of the United States should maintain the same position with respect to cargo.

3. Continued threats or action by Egypt and Lebanon should lead the Government to place armed forces aboard its vessels to prevent armed violation of rights of the vessels, passengers and cargo.

4. As a minimum, claims on behalf of passengers of American citizenship, cargo and vessels should be made, but this is inadequate. As a counter-measure, if assurances of non-interference are not made, American ships should be instructed not to call at the ports concerned. If this endangers the removal of American citizens in such ports American armed vessels should be made available to remove them.

June 14, 1948.



MEMORANDUM FOR THE FILES

June 16, 1948

The following three cases were interviewed here today; they were among those denied passage on the Marine Carp last week by the State Department authorities. The procedure at the dock was as follows: All passports of passengers bound for Haifa were taken up by E. Leonard, a special agent of the State Department Passport Division. He then engaged in extended long distance communication with Washington, and cleared the passengers or denied them passage depending upon individual instructions. Leonard himself did not question any of the passengers. This sifting out process took place over a period from 11 a.m. to 8:30 p.m. on June 11, during which time the men were corralled on the dock. None of these men has taken any oath of enlistment in the Israeli forces. The customary passport application filed in each case, under oath, stated that he had not "been naturalized as a citizen of a foreign state; taken an oath or made an affirmation or other formal declaration of allegiance to a foreign state; entered or served in the armed forces of a foreign state; accepted or performed the duties of any office, post or employment under the government of a foreign state or political sub-

division thereof; voted in a political election in a foreign state or participated in an election or plebiscite to determine the sovereignty over foreign territory; made a formal renunciation of nationality before a diplomatic or consular officer of the United States in a foreign state." Each passport contained the usual printed statement that its coverage did not include service in a foreign military force. All are U. S. citizens, with tickets for Haifa, bought through Modern Tours Inc., a tourist agency; and each carried a letter in Hebrew and English (sample attached), written on stationery of the Israeli Provisional Government in Washington, D. C., dated June 10, 1948, reciting his name and number of U. S. passport, and authorizing his entry into Israel for 3 months. None of them personally applied or paid for the ticket or the entry permit.

Samuel Diamond of New York City. Age 26 years; served in the United States Army as a GI for one year. He is in the photographic business and has done considerable free lance photography in the United States. In March 1948 he applied for and received a passport on the representation he wanted to go to Brazil to photograph Jewish community life there for a Hebrew language magazine published in the United States. His passport was valid anywhere in the world, except Germany, Japan, Korea and Yugoslavia. The Brazil project "fell through". Thereafter he undertook to go to Palestine for the Hearst news-reel company, "News of the Day", to do free lance news-reel shots (See letter attached.) The Company gave him 2,000 feet of film for this purpose, and

a "press card" requesting that he be recognized as a press photographer. He carried miscellaneous equipment, two cameras which he owned personally, and a third camera which he declared as his own, but which had been purchased for about \$1,000 and provided him by the Israeli material organization in New York. His passport was visaed for Italy (which was not on the itinerary of the Marine Carp on this voyage).

Sidney Weinhaus of Phoenix, Arizona. Age 23; served in the United States Navy for 2½ years as an electrician's mate. In October 1947 he applied for and received a passport to visit a named individual in Switzerland, on the representation that he was his uncle. Although the name and address in Switzerland are bona fide, the man is "some-
"one else's uncle." The passport was valid anywhere in the world, except in three named countries occupied by United States military forces (Germany, Japan and Korea) and Yugoslavia. He states that "financial difficulties" prevented his travel to Switzerland. He changed his plans and decided to go to Palestine for study this summer at the Hebrew University. The attached letter shows his prior and continued interest in such study. His passport was visaed for Italy, which was not on the itinerary of the ship on this voyage.

Daniel D. Nelson ^{*/} of New York City. Age 25, an art

*/ Mr. Shapiro subsequently advised that Nelson was not among the "best cases" in the group detained, and that he had not recommended his coming to Washington for this interview, mainly because his passport for France had been so recently obtained.

student attending the Art Student League of New York; served in the United States Army Air Corps for 3½ years as topographic-draftsman. He applied for and received a passport in May 1948 on the representation that he wished to go to France in behalf of a New York pipe firm to inspect and expedite certain supplies in that country (he is sending us a copy of a letter of authorization from the Albert Pipe Supply Company of New York). He has had no experience whatever in this business, and had no instructions from this concern prior to attempting to embark. There was no French port on the itinerary of the Marine Carp on this voyage. His passport was of the general type, valid anywhere in the world except in the countries enumerated under Weinhaus above. The Consolidated Pipe Co. of Tel Aviv has close business relations with the Albert Pipe Co. of New York, but he had no instructions in that regard when he embarked.

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According to these men, of the hundreds of passengers there were 31 of military age bound for Haifa. They were among 10 who were stopped, including 9 men and 1 woman, all of Jewish extraction. About 21 of military age were permitted to sail. Only two or three of these were of Jewish extraction, including one man who had a passport for Palestine on the representation that he intended to study at the Hebrew University. Of the 18 or 19 non-Jews who sailed, many were dressed in part in cast-off Army uniforms; one wore a

leather flight jacket; and all "kept in a group". Some of their baggage was labelled for Beirut and two of the men were sons of a professor at the American university there. (Mr. Shapiro subsequently advised that none of these other passengers were bound for Haifa, so far as he knew.)

P. L.



C
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S T A T E O F I S R A E L
P R O V I S I O N A L G O V E R N M E N T

Office of the
Representative

2210 Massachusetts Ave., N.W.
Washington 8, D. C.
ADams 5411

(Hebrew text, printed)

June 10, 1948

To Migration Authorities
Israel

WRHS
AMERICAN JEWISH
ARCHIVES

This is to certify that Daniel David Nelson, bearer of U.S.A. Passport No. 217540 valid until May 26, 1950, has applied to us for an entry visa to Israel. As a consular office of Israel in New York is now being established, we herewith recommend his admission to Israel for a period of three months.

This recommendation is valid until June 30, 1948, when presented with the aforementioned passport.

Fee of \$3.00 received.

/s/ Yuval
Vice-Consul and
Passport Control Officer designate

C
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P
Y

June 15, 1948

TO WHOM IT MAY CONCERN:

This is to confirm that Mr. Sidney Weinhaus of 1610 East Polk, Phoenix, Ariz., has applied through us as the official representative of the Hebrew University in the United States, for admission to the School of Agriculture of the Hebrew University, Jerusalem, Palestine, on December 30, 1946.

He was subsequently advised to take additional college work in this country in preparation of his enrollment at the Hebrew University-School of Agriculture. As per his transcript from Washington University, St. Louis, Mo., of June 16, 1947, Mr. Weinhaus continued his college work at said University until June 7, 1947. By that date he had accumulated 26 credit hours at Washington University over and above his work at the National Farm School Doylestown, Pa.

He was advised in a personal interview on July 18, 1947 that on the basis of his work at Washington University and at the National Farm School it appeared that he had sufficient entrance credit for the Hebrew University-School of Agriculture and that he undoubtedly qualified for admission to the Hebrew University's Special Courses for Students from Abroad

Very truly yours,

/s/ Reynold Herz
Reynold Herz
Student Adviser

RH/s

C
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Columbus 5-0402

NEWS OF THE DAY

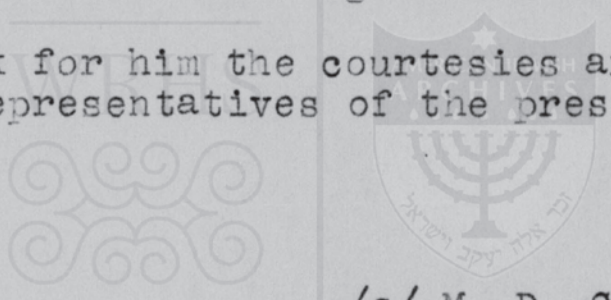
EDITORIAL OFFICES AND STUDIO
450 West 56th Street
New York 19, N. Y.

June 15th, 1948

To Whom It May Concern:

This is to certify that Samuel Diamond is a cameraman representing News of the Day on a free lance basis and as such plans to forward films from Palestine to this organization.

We ask for him the courtesies and privileges accorded representatives of the press.



/s/ M. D. Clofine
M. D. Clofine, Editor
News of the Day

TITLE 22, PART 58 - CONTROL OF PERSONS ENTERING
AND LEAVING THE UNITED STATES PURSUANT TO THE
ACT OF MAY 22, 1918, AS AMENDED

American Citizens and Nationals

Authority: Secs. 58.1 to 58.11, inclusive, issued under Sec. 1 of Proclamation 2523, Nov. 14, 1941; Title 3, supra, and 40 Stat. 559, as amended, 55 Stat. 252; 22 U.S.C. and Sup., 223, 22 U.S.C., Sup. 229.

Source: Sec. 58.1 to 58.11, inclusive, contained in Departmental Order 1003, Secretary of State, Nov. 25, 1941, 6 F.R. 6069.

Sec. 58.2 Limitations upon Travel after January 15, 1942. After 6 o'clock in the forenoon of January 15, 1942, no citizen of the United States or person who owes allegiance to the United States shall depart from or enter into or attempt to depart from or enter into the continental United States, the Canal Zone, the Commonwealth of the Phillipines and all territories, continental or insular, subject to the jurisdiction of the United States, unless he bears a valid passport which has been issued by or under authority of the Secretary of State and which, in the case of a person entering or attempting to enter any such territory has been verified by an American diplomatic or insular officer either in the foreign country from which he started his journey, or in the foreign country in which he was last present if such country is not the one from which he started his journey, or unless he comes within one of the exceptions prescribed in Secs. 58.3-58.4.

Sec. 58.3 Exceptions (None relevant here).

Sec. 58.6 Restrictions upon travel in vessels of belligerent states. (Not relevant).

Sec. 58.7 Prevention of departure from or entry into the United States. (as amended Oct. 23, 1943, 8 F.R. 14425) (a) Nothing in the regulations in this part shall be construed as prohibiting the Secretary of State or his representative at a port in the United States from preventing the departure from or entry into the United States (or its territories or possessions) of a citizen of the United States or a person who owes allegiance to the United States unless he bears a passport, card of identification or other document of identity issued by or under authority of the Secretary of State, notwithstanding the fact that he may be destined for or arriving from a place outside any such territory (of the United States, its possessions, etc.) for which a valid passport is not required under the regulations in this part. (b) Nor shall anything in the regulations in this part be construed as prohibiting the Secretary of State or his representative

at a port in the United States from preventing temporarily the departure from or entry into the United States (or its territories or possessions) of a citizen of the United States or a person who owes allegiance to the United States, notwithstanding the fact that such person may bear a valid passport, card of identification or other document of identity issued by or under authority of the Secretary of State or be destined for or arriving from a place outside any such territory of the U. S. for which a valid passport is not required under the regulations in this part. (Note: as originally issued effective Jan. 15, 1942, Sec. 58.7 permitted the Secretary of State to prevent temporarily the departure or entry of any citizen when he considered such departure or entry to be "prejudicial to the interests of the United States").

Sec. 58.10 Discretionary exercise of authority in passport matters.
Nothing in the rules and regulations in this part shall be construed to prevent the Secretary of State from exercising the discretion resting in him to refuse to issue a passport, to restrict its use to certain countries, to withdraw or cancel a passport already issued, or to withdraw a passport for the purpose of restricting its validity or use in certain countries.



Public Safety Act of June 21, 1941
55 Stat. 252, 22 U. S. Code (Supp. V) Sec. 223 to 226(b).

AN ACT

To amend the Act of May 22, 1918 (40 Stat. 559).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first paragraph of section 1 of the Act of May 22, 1918 (40 Stat. 559), is amended to read as follows:

"When the United States is at war or during the existence of the national emergency proclaimed by the President on May 27, 1941, or as to aliens whenever there exists a state of war between, or among, two or more states, and the President shall find that the interests of the United States require that restrictions and prohibitions in addition to those provided otherwise than by this Act be imposed upon the departure of persons from and their entry into the United States, and shall make public proclamation thereof, it shall, until otherwise ordered by the President or Congress, be unlawfull--".

Sec. 2. That section 3 of such Act of May 22, 1918, is amended to read as follows:

"Any person who shall willfully violate any of the provisions of this Act, or of any order or proclamation of the President promulgated, or of any permit, rule, or regulation issued thereunder, shall, upon conviction, be fined not more than \$5,000, or, if a natural person, imprisoned for not more than five years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by like fine or imprisonment, or both; and any vehicle, vessel or aircraft, together with its or her appurtenances, equipment, tackle, apparel, and furniture, concerned in any such violation, shall be forfeited to the United States."

Sec. 2a. That section 4 of such Act of May 22, 1918, is amended to read as follows:

"Sec. 4. The term 'United States' as used in this Act includes the Canal Zone, the Commonwealth of the Philippines, and all territory and waters, continental or insular, subject to the jurisdiction of the United States.

"The word 'person' as used herein shall be deemed to mean any individual, partnership, association, company, or other unincorporated body of individuals, or corporation, or body politic."

Sec. 3. That such Act of May 22, 1918, is further amended by adding at the end thereof the following new sections:

"Sec. 5. Nothing in this Act shall be construed to entitle an alien to whom a permit to enter the United States has been issued to enter the United States, if, upon arrival in the United States, he is found to be inadmissible to the United States under this Act or any law relating to the entry of aliens into the United States.

"Sec. 6. The revocation of any proclamation, rule, regulation, or order issued in pursuance of this Act, shall not prevent prosecution for any offense committed or the imposition of any penalties or forfeitures, liability for which was incurred under this Act prior to the revocation of such proclamation, rule, regulation, or order."

ASSOCIATES

JOHN A. DANAHER
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MILTON C. DENBO
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LAW OFFICES
CHARLES FAHY
1625 K STREET, NORTHWEST
WASHINGTON 6, D. C.

METROPOLITAN 4741
CABLE ADDRESS "LEX"

July 16, 1948

My dear Dr. Silver:

During the several recent conferences at the State Department prior to the action of the Security Council yesterday I left the enclosed memoranda.

Yours sincerely,

Encls. (2)

Charles Fahy

Dr. Abba Hillel Silver
The Temple
East 105th Street at Ansel Road
Cleveland, Ohio

Left with
Mr. Nease Rush
7-12-48

EMBARGO

On December 5, 1947, the Department of State announced that the United States is "discontinuing for the present the licensing of shipment of arms to the Middle East". This was unilateral sovereign action by the United States, and not pursuant to international obligation. It was not required by United Nations action although not inconsistent with the November 29 Resolution and at the time announced could be supported as in aid of peaceful compliance with that Resolution. The central feature of that Resolution was Partition, which the United States supported. Subsequent to December 5th the following occurred: (a) Arab refusal to accept Partition; (b) constant Arab threats to the peace followed by (c) actual aggression and breach of peace; (d) the convening of the Special Session of the General Assembly; (e) the Security Council Resolution of April 17 regarding the importing or acquiring of weapons and war materials; (f) the Assembly Resolution of May 14 for the appointment of the Mediator to use his good offices, etc.; (g) surrender of the mandate by the British; (h) proclamation of the Republic of Israel; (i) recognition by the U.S., U.S.S.R. and other nations; (j) mounting Arab aggression; (k) the Security Council Resolution of May 29 calling upon all Governments to refrain from importing war material into

Palestine during the cease-fire, which the parties were called upon to order for 4 weeks; (l) cease-fire, followed by the Mediator's proposals, including request for extension of the cease-fire; (m) like request by the Security Council; (n) acceptance by Israel and rejection by the Arabs; (o) resumed aggression by the Arabs, particularly Egypt and Syria.

Israel has acted in accordance with U. N. recommendations and requests. Except for the 4 week period of cease-fire the Arabs have consistently violated U. N. recommendations and requests.

The lifting of the embargo now by the United States would be consistent with U. N. policy and would conform with U. S. policy in support of an independent Israel. The Security Council Resolution of May 29 called upon Governments to refrain from importing war material only during the cease-fire. The Arabs have abandoned the cease-fire and have refused to agree to reinstate it. The Jews have accepted a continuation of the cease-fire. The old Security Council Resolution of April 17 had to do only with the period between its adoption and the termination of the British mandate May 14 on the theory that the British were themselves then responsible for the maintenance of order. This is clear from the face of the Resolution and from the debates.

Unless the Arabs immediately revert to a truce or cease-fire common justice requires the lifting of the embargo as to Israel so that the State recognized by the U. S. may not be left without normal means of defense against aggression in violation of the Charter and of actions taken by organs of the U. N.

July 12, 1948



*Left with
Mr. Holt
7-10-48*

Embargo:

The embargo was originally put into effect unilaterally. At the time this was done (December 1947) it was not required by any U. N. action but was deemed consistent with and in aid of peaceful compliance with the Assembly Resolution of November 29, 1947, the central feature of which was Partition. Subsequent events include (a) Arab refusal to accept partition; (b) Arab threats to peace, followed by (c) actual aggression and breach of peace; (d) General Assembly appointment of Mediator and request for 4 weeks cease-fire, resolution stating if violated or rejected case was one for Chapter VII; (e) British surrender of mandate, (f) proclamation of Republic of Israel; (g) recognition by U. S., U.S.S.R., and other States; (h) mounting Arab aggression; (i) cease-fire and Bernadotte's proposals, including request for continuation of cease-fire; (j) like request by Security Council; (k) acceptance by Israel, rejection by Arabs; (l) resumption of aggression by Arabs.

Israel has acted in accord with U. N. recommendations and demands. Arabs have not except temporarily during cease-fire.

The lifting of the embargo as to Israel would now be consistent with U. N. policy, and would conform with U. S. policy in support of an independent Israel. Israel, recognized by the U. S., may not be denied normal access to means

of defense against aggression in defiance of U. N. action. The U. S. should be careful not to make statements encouraging the Arabs to think we will not lift the embargo, or that we will not do so unless "permitted" or "authorized" by the U. N. The U. N. has not and may not (unless in connection with an agreed cease-fire) speak in terms of an embargo. The U. S. should let it be known that the lifting of the embargo is imminent. Unless the Arabs revert immediately to a truce or cease-fire the embargo should be lifted as to Israel in aid of both U. N. and U. S. policy. Common justice also requires this.

Security Council.

The Council is in all substance committed by its ^{current} ~~May~~ Resolution to Chapter VII action. The present U. S. position in this regard should be vigorously maintained and pressed. The particular case as well as the larger objectives of the Charter require this. Delay entailed by the Mediator's decision to come to Lake Success should not confuse the matter. He is a Mediator, an agent of the Security Council. He should be held to that position and not be permitted to delay now a decision under Chapter VII, or compromise the independence of Israel.

Recognition.

Full de jure recognition of Israel should not be withheld. Such recognition would also strengthen U. N. and U. S.

policy and discourage the Arabs. It would also strengthen U. S. status in Israel relative to U.S.S.R. When France was liberated her first government was Provisional, pending elections. The Provisional character of the government, a purely internal French matter, properly was no bar to full de jure recognition by the U. S. So with Israel. The fact that the present government is Provisional in no way affects its status as the de jure government of Israel. We have as I understand recognized or assented to an independent Israel. We should therefore fully recognize its de jure present government. The de facto concept is misplaced here and should be eliminated so the respective representatives of the two countries can have their proper standing, especially in the case of Mr. McDonald.

Bernadotte's Proposals.

(a) Peace at all, and peace consistent with U. S. and U. N. policy, cannot be found in a unitary state, rejected by the General Assembly and inconsistent with U. S. recognition of Israel. There can be, however, a "Union", based on treaty, such as the Union of Belgium, the Netherlands, and Luxembourg, without impairment of sovereignty and with provision for administration of joint economic and other problems.

(b) Jerusalem should not be turned over to the Arabs.

All nations have an interest there in preserving the considered solution of the November 29 Resolution.

June 10, 1948



BIOGRAPHICAL SKETCH OF CHARLES FAHY FROM WHO'S WHO IN AMERICA
Volume 25, 1948-1949

FAHY, CHARLES, lawyer; b. Rome, Ga., Aug. 27, 1892; s. Thomas and Sarah (Jonas) F.; grad. Rome High Sch., Rome, 1908; attended Darlington High School, Rome, 1908-09; student U. of Notre Dame, 1910-11; LL.B., Georgetown U., Washington, D. C., 1914; LL.D., 1942; m. Mary Agnes Lane, June 26, 1929; children --Charles, Anne Marie, Sarah Agnes, Mary Agnes. Admitted to D.C. bar, 1914, and practiced in Washington until 1924; practiced law in Sante Fe, N.M., 1924-33; apptd. 1st asst. solicitor. Department of Interior, Washington, D.C., May 1933; appointed member of Petroleum Administrative Board, September 1933, chairman, December 1934-September 1935; apptd. gen. counsel Nat. Labor Relations Bd., Sept. 1935; appointed assistant solicitor general of U.S., 1940; apptd. solicitor general of United States, 1941. Served in U.S. Navy Reserve Force, 1917 to 1919; naval aviator Aug. 1917-Jan. 1919; Member President's Naval and Air Base Commission to London, Jan.-Apr. 1941. Legal adviser and dir., Legal Div. Military Govt., Germany (U.S.), 1945-46; apptd. legal adviser Dept. of State, June 1946. Adviser to Am. Del., San Francisco conf., 1945; U.S. mem. Legal Com., Gen. Assembly UN, New York, 1946. Mem. Am., N. Mex. State, D.C. bar assns., Barristers (Washington, D.C.), Delta Theta Phi. Democrat. Catholic. Contbr. articles to miscellaneous publs. Home: Sante Fe, N.Mex. Address: 5500 Chevy Chase Parkway, N.W., Washington, D.C.