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Jewish Agency, Fahy, Charles, 1948-1949.

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1625 K STREET, NORTHWEST
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METROPOLITAN 4741
CABLE ADDRESS "LEX"

September 11, 1948

Dear Dr. Silver:

The most significant talk I have had since our visit in New York was with Senator McGrath yesterday. He gave me plenty of time and I am convinced he is in entire agreement that positive action regarding recognition particularly is advisable before the General Assembly convenes. He will see the President again and will probably suggest to the President that the President see me. I would keep the latter confidential. I think I will now try to see Secretary Marshall Monday or Tuesday. Senator McGrath encouraged me to do so.

I hope soon to have some more information about the probable length of the trial of the case in New Mexico so as to be able to give you some additional information about when I might be able to go to Paris.

With kindest regards, believe me,

Yours sincerely,

Charles Fahy

Dr. Abba H. Silver
19810 Shaker Boulevard
Shaker Heights
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METROPOLITAN 4741
CABLE ADDRESS "LEX"

Monday Sept. 13, 1948.

Dear Dr. Silver:

This afternoon I had a talk with Secretary Marshall, on appointment. Tomorrow I will send you a fuller report, but wish to let you know immediately that at least there appeared no opposition to the 3 principal points:

1. Reconsideration of present position on displaced persons;
2. Definite recognition before the Assembly convenes;
3. Approval of loan before the Assembly convenes.

He made no promise at all; but I believe each matter is in a situation where favorable action

(over)

is not precluded.

Sincerely yours,
Charles Fahy.

WRHS



September 14, 1948

CONFIDENTIAL

Mr. Charles Fahy
1625 K Street, N.W.
Washington, D. C.

My dear Mr. Fahy:

Thank you so much for your letter of September 13th. I was very much interested in your preliminary report on your conversation with Secretary Marshall. I am looking forward with interest to your fuller report. The statement appears to be quite encouraging.

You may be interested in reading the enclosed confidential cables which I received from Mr. Shertok. They will give you an indication of what our government is reaching out for at this time. I hope that this offer to act as a sort of mediator will not interfere with the prompt action of our government for full recognition on the loan.

With all good wishes, I remain

Most cordially yours,

ABBA HILLEL SILVER

AHS:er
Encs.

Via Air Mail Special Delivery

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METROPOLITAN 4741
CABLE ADDRESS "LEX"

September 20, 1948

Dear Dr. Silver:

I have just returned from a conference with Assistant Secretary of State Saltzman who is handling the displaced persons problem. He had present Mr. Fierst, who you may know has been concentrating on the general displaced persons problem and who is personally anxious to help work out this matter. The substance of the conference is that after I explained our position based on the Security Council Resolution and its history, including the clear position of the United States in the Security Council to the effect that men of military age who were not fighting personnel would not be excluded from Palestine I was advised that the June 16th "interpretations" of the Mediator were sent to the United States Government by the Secretary-General of the United Nations with the request for cooperation with the Mediator's position therein set forth, including the discretion reserved to himself regarding men of military age in relation to overbalancing the military situation. I pointed out that these interpretations were not valid under the Resolution and that while of course the United States must cooperate with the United Nations and the Mediator such cooperation should not extend beyond the terms of the Security Council Resolution especially where, as here, the United States has a special problem of its own; that the displaced persons problem should be considered not only as a Palestine truce problem but as a displaced persons problem, etc. It was suggested that our problem should be taken up with the Security Council which had not over-ruled the Mediator. I pointed out that this was an impractical approach; that with all it had to do the Security Council could not take up this aspect of the problem with hope of early solution and that the United States should not "pass the buck" in this matter. The conference continued for about half an hour when Mr. Saltzman had to leave but Mr. Fierst and I talked a while longer. Before Mr. Saltzman left he said definitely that inquiry should be made of the Provisional Government of Israel as to whether or not the present situation of clearance by the Mediator was in fact preventing all men of military age from coming to Israel; that if this were so then perhaps the United States would be willing to take the matter up again for re-

consideration and seek some better arrangements. I am this afternoon asking the New York Office of the Emergency Council to cable Tel Aviv for such information, and will follow this up with the State Department. I am obliged to leave Washington Wednesday afternoon but will arrange with Mr. Levy for transmission of the information to Mr. Fierst and such other follow-up as is possible.

As to recognition and the loan, there is nothing new. There was a rumor that the question of recognition had been referred to the "lawyers" but I checked with the Legal Advisor's Office of the State Department and believe this rumor is unfounded. I think the legal situation is not in doubt.

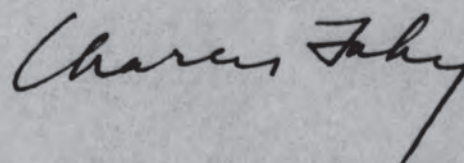
I had a talk with Mr. Cohen before he left and Mr. Gross, both after my talk with Secretary Marshall. I have heard nothing further from Mr. McGrath.

As to my personal plans: it looks very much as if it would be very difficult to get in the clear so as to arrive in Paris before about October 24th or 25th. Please let me know if this is too late or if I should arrange to come then if I cannot make it sooner. I am sorry about this delay.

I am glad you made a statement regarding the attack of Dr. Bunche. I think that attack was wholly out of order and hoped that the Israeli Government would answer it quickly and vigorously. I was glad to see that you had done so. To accuse that Government of responsibility for such an outrage was quite wrong and prejudicial especially on the part of an official of the United Nations.

Of course I deplore the great tragedy. I hope it will not be permitted to do harm to the principles involved in the whole of the Palestine proper.

Yours sincerely,



Dr. Abba Hillel Silver
19810 Shaker Boulevard
Shaker Heights
Cleveland, Ohio

cc: Dr. Abba Hillel Silver
Sulgrave Hotel
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New York, New York

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METROPOLITAN 4741
CABLE ADDRESS "LEX"

Paris
October 29, 1948
(Transcribed from
longhand)

Dear Dr. Silver:

I have been here one week. On Saturday, the 23rd, after the postponement of the Palestine matter in Committee I for a week, I had a good visit with Mr. Comay and later in the day with Mr. Shertok and Mr. Eban. Mr. Shertok left that night for Israel. I did not see any of the American Delegation or advisers until after reviewing the situation with representatives of Israel. Since then, in the order named, I have talked with Mr. Cohen, Mr. Gross, Mr. Rusk, Mr. Dulles, Mr. Ross, Mr. Austin, and again with Mr. Cohen and Mr. Rusk. The most lengthy and significant of the earlier talks was the one with Mr. Rusk, on Tuesday. This was after the statement of the President, which had followed Mr. Dewey's statement. My approach has been that the problem needs simplification; that the Assembly Resolution, with the Jerusalem problem added, should be limited to three basic points: 1. Cessation of hostilities; 2. Calling upon the parties for direct peace negotiations, including the question of possible adjustment in boundaries; 3. A conciliation commission to use good offices in aid of the negotiations. I urge that this approach is not inconsistent with Bernadotte's report, since twice in that report when he said the United Nations should fix the boundaries this was "in absence of agreement of the parties", or like expression; that there had been no effort to implement this condition to reconsideration by the Assembly of the November 29 boundaries; that this approach also reconciles Secretary Marshall's earlier statement with the President's recent statement. It seems to me that the best way of getting the U. S. Delegation into the clear in supporting direct negotiations is to emphasize the "agreement of the parties" references in Bernadotte's report; and that no true effort by the Assembly itself in that direction has yet been made at a time when the status of Israel must be recognized by all, including the Arab States. Bernadotte's report recognizes the permanence of Israel, and the Assembly of course must do so. To questions such as "But will the Arabs negotiate", and "Which parties do you mean", I answer certainly some of the Arab States will negotiate (i.e. Trans-Jordan) if called upon by the Assembly to do so now; and the resolution should not make negotiations contingent upon all

Arab States participating. Negotiations should begin by any or all (excluding of course the new Arab "State" for all of Palestine). I argue that some will negotiate now and others no doubt later; and that agreement between Israel and Trans-Jordan would no doubt lead to agreement between Trans-Jordan and Egypt, for example.

In my talk with Mr. Rusk (and in this respect the little that Mr. Dulles was now willing to say confirmed it) I believe the U. S. position while still not solidified in a new form, is definitely becoming more flexible than it seemed from the Secretary's earlier statement; and that no effort to obtain approval of transfer of the Negeb to the Arabs is likely to be made. A construction of the Bernadotte report that it envisaged direct negotiations is welcomed as the clue to following the President's recent statement and at the same time interpreting Marshall's approval of the report.

The Israel representatives press also the juridical argument that the Negeb is a part of Israel and may not be changed in its boundaries without Israel's consent. I do not disagree with this but believe I could more usefully urge to the same conclusion along the other route initially, which reconciles this approach with the previously stated U. S. views and furnishes a reasonable basis for following the President without repudiating Marshall.

After my first talk with Mr. Rusk I checked again with Mr. Eban and Mr. Comay and we are in accord. I am also urging that the U. S. be as generous as possible in aiding the Arab refugee problem, on humanitarian grounds and also on the ground it would improve the atmosphere as a whole regarding Palestine. Mr. Eban and Mr. Comay agree.

We are also trying to strengthen the U. S. effort to admit Israel as a member of the United Nations. Mr. Eban attaches great importance to Israel's status being recognized by the U. N.

The conferences are moving along normally. The one with Mr. Dulles was, due to his own absorption in the Greek case, not as full as I desired. But he listened, I thought receptively to my suggestions, though his own comments were brief. He did say that he thought there was evidence that the approach I stated was gaining headway in other quarters.

Since writing the foregoing the U. K. - Chinese resolution came up in the Security Council yesterday -- calling for restoration of positions in the Negeb and threatening sanctions. We had understood the U. S. was not interested in supporting action on the Egyptian complaint to the Security

Council, and were surprised to learn that the U. K. - Chinese resolution, only available after the Council was in session, would have U. S. support. By a close call a vote was avoided. If it had come to a vote it probably would have passed yesterday (Thursday). A breathing spell of one day, however, has resulted in quite a change. You know what occurred when word got back to the U. S. on this matter. Here, after the meeting adjourned until today, I first saw Mr. Ross, then Senator Austin and then had a lengthy phone talk with Mr. Rusk. I also urged Mr. Eban to see Austin, which he did. I shall not detail my conversations, but I took a very strong line, including the insistence that to support this Resolution was an unfriendly attitude just when both the President and Mr. Dewey had shown again that the position of the U. S. was one of friendship, and that to talk of sanctions about the Negeb truce violations was incredible, especially so when the Council action of October 19 called for negotiations and the matter of sanctions had never in the history of U. N. been approached with such rapidity, even in the face of Arab international aggression. I said a good deal. All in all, the work in the U. S. and here brought overnight a change. When the Council met this morning it appointed a subcommittee, the Council to reconvene when the subcommittee is ready to report perhaps sometime next week. I do not believe Senator Austin yesterday fully appreciated the significance of the hastily formulated U. S. position in support of the U. K. - Chinese resolution; but that there is now a clear awareness of that ill-considered position. There is a fair chance I think of the subcommittee working out a reasonable solution. France's position has been very helpful.

The conferences yesterday on the Security Council problem, which had unexpectedly become so critical, led to further discussion, particularly with Ross, of the U. S. Assembly position. I feel that the U. S. does not wish this Assembly to reconsider boundaries, and is moving toward "direct negotiations", with a Conciliation Commission. But it is uncertain just how much deference will be paid to Bernadotte's recommendation re Negeb. Ross also told me the U. S. is anxious that Israel be admitted to U. N. at this session. He is troubled about the "aggressive" attitude of Israel, "pressures", and the fact that Israel may make admission difficult by lack of cooperation with U. N. Rusk also mentioned this.

I am afraid this is not a very adequate report; my present feeling, in the end, is that we are in fairly good position now with the Delegation, but that such things as the close call yesterday in the Security Council are indeed cause for concern. I think it fair to say that the underlying position of those who work closely in the Delegation on Israel

matters is to help Israel, but that they go about it in ways which are likely to have the opposite effect, and they do not practically carry out the Government's fundamental position of friendship. This is due to complicated causes, such as "we must bring the British (and others) along"; etc. I think today that the strong reaction they received as a result of their willingness yesterday to vote for the U. K. - Chinese resolution will have a healthy effect.

I have asked today for an appointment with Mrs. Roosevelt.

I do not know how long I should remain, but it seems advisable not yet to return. Mr. Schulson has been most helpful.

Sincerely,

Charles Fahy

Dr. Abba Hillel Silver
The Temple
E. 105th Street At Ansel Road
Cleveland, Ohio

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



November 1, 1948

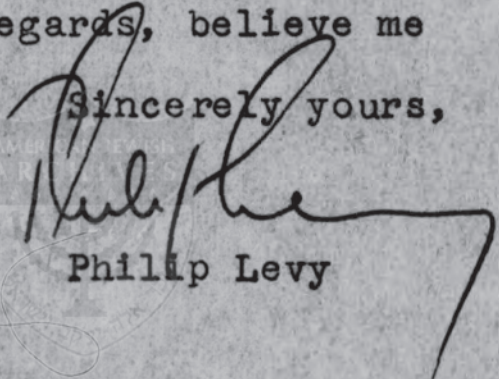
Dr. Abba Hillel Silver
The Temple
E. 105th Street at Ansel Road
Cleveland, Ohio

Dear Dr. Silver:

I have just received from Mr. Fahy the attached report to you, written in longhand, with his request that I have it transcribed and mailed from here.

With kindest personal regards, believe me

Sincerely yours,


Philip Levy

✓ cc: Dr. Abba H. Silver
Sulgrave Hotel
67th and Park Avenue
New York, New York

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METROPOLITAN 4741
CABLE ADDRESS "LEX"

Paris
November 1, 1948
(transcribed from
longhand)

Dear Dr. Silver:

As you know the Security Council subcommittee has not greatly improved the U. K. - Chinese Resolution re the Negeb; but time I think is a factor in our favor and the long week-end holiday I believe is a help. I believe it is now certain (if anything can be certain) that the U. S. will oppose the retention in the Resolution of consideration of sanctions. But, aside from this, the revised Resolution vests too much authority in the Acting Mediator and relies too little upon negotiations pursuant to the October 19 Resolution as construed when it was passed. Yesterday I had lunch with Mrs. Roosevelt and am to leave a memorandum with her today, which she welcomed. She is quite concerned over the Security Council developments, as is Mr. Cohen who was with us and with whom I talked further after the lunch ended. Today I am seeing Mr. Ross again; he is working closely with Senator Austin who is still sitting on this matter in the Security Council. Since the proposal before the Security Council has cut across and may vitally affect later Assembly consideration of the larger problem I have concentrated the last few days on the former. Should the Security Council situation clear up it will argue well for a better Assembly approach, and vice-versa. There is beginning to be some talk of postponing Assembly action on Palestine until a special session after January. This might be all right, especially if this meeting could approve Israel's admission to U. N.

Later the same day.

I have just returned from a leisurely lunch with Mr. Ross. (Today, being All Saints' Day, is a national holiday in France, which explains the leisurely character of the lunch.) This afforded me a good opportunity to talk again with him about the whole situation. While it is impossible to gauge the precise effect of such a conference I feel that it was worthwhile. He does not attempt to commit the delegation, quite properly, but did say that at least he thought the sanctions paragraph of the pending resolution in the Security Council would not be approved. He was less decided on its other provisions though did not dispute my position that the Acting Mediator should not be given such large residual powers.

On the general problem he emphasized again the desirability of obtaining status for Israel at this Assembly. As to details of a final settlement he inclines towards trying to bring U. K. along with the U. S. but I elaborated at some length the reasons why U. S. policy re Israel cannot be limited to a policy to which the U. S. can gain U. K. approval -- it must be a U. S. policy not so watered down. I have the feeling that Mr. Ross is one who from an overall standpoint is unduly concerned with coordination with the U. K.; so I used the occasion as best I could on this point. (As a matter of fact I am convinced good U. K. policy itself, in the long run, is with a strong Israel which looks westward.) The U. K., with whom we do have so much in common in the whole world situation, has made some notable historical mistakes in its relations with people who love freedom. Had, i.e., she been wiser with respect to Ireland, Ireland would have been her staunch ally in World War II instead of a neutral. It is we who should prevail in the policy regarding Israel, for many reasons which prevent England now seeing the situation more lucidly.

Toward the end Ross remarked that he thought our whole policy would be made in Washington. This is vague. It emphasizes again the problem of coordinating policy with action on particular matters which arise here. The trouble is that a friendly Washington policy is not carried out by particular attitudes on particular points that arise here. A general instruction from Washington is needed that its policy be applied consistently in the field.

He also wondered if it would not be possible for the Jewish organizations in the U. S. to make a practical public suggestion of help on the Arab refugee problem -- offer of funds or medical assistance, for example. He thinks it would help the general climate in the U. N.

Sincerely yours,

/s/ Charles Fahy

Charles Fahy

Dr. Abba Hillel Silver
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Cleveland, Ohio

cc: Dr. Abba Hillel Silver
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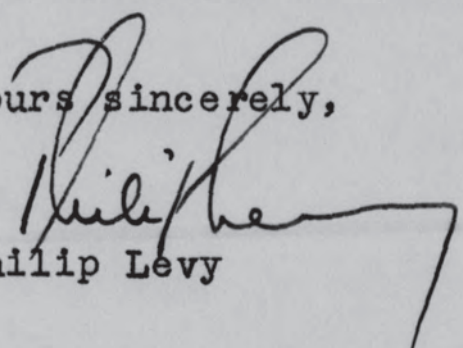
November 4, 1948

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

Dear Dr. Silver:

Enclosed is another report from Mr. Fahy to you received here in longhand and transcribed. This was written, of course, prior to the election results. President Truman's extraordinary victory, followed by reiteration of his platform pledges, should react decisively in our favor, against all enemies foreign and domestic; but we have all learned not to take anything for granted where Palestine is concerned.

Yours sincerely,


Philip Levy

Encl.

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

CLASS OF SERVICE

This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable symbol above or preceding the address.

WESTERN UNION

JOSEPH L. EGAN
PRESIDENT

1201

SYMBOLS

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NL = Night Letter

LC = Deferred Cable

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RABBI ABBA HILLEL SILVER=

THE TEMPLE=

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FOLLOWING FROM EBAN QUOTE FAHY SOMEWHAT DISCOURAGED
DOUBTFUL IF HE SHOULD REMAIN MYSELF STRONGLY
CONVINCED HE SHOULD ESPECIALLY IN VIEW (IMMINENT
DISCUSSIONS POLITICAL COMMITTEE PLEASE ADVISE SILVER
UNQUOTE ASSUME YOU WILL CABLE=

:LOURIE=

EBAN FAHY

ASSOCIATES

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METROPOLITAN 4741
CABLE ADDRESS "LEX"

Paris
November 7, 1948
(transcribed from
longhand)

Dear Dr. Silver:

I was advised to wait a few days before seeing Secretary Marshall, -- I believe perhaps good advice. Yesterday I saw Mr. Bohlen, Counsellor of the Department, who is very close to the Secretary, although not apparently working on Palestine. Yet he was quite familiar with what had been going on regarding the Negev. Later in the day I left a memorandum with him.

At the risk of some repetition the following are noted:

1. The principal justification advanced by the U. S. here for supporting the amended U. K. resolution on the Negev is the prime need to stabilize the fighting; that if Israel continued this the U. K. would feel hard pressed to arm again the Arabs; and that the Amendments of the U. S. were helpful to Israel.

2. That the aim of the U. S. is to bring its assistance to the establishment of a "viable" Israel, but this must now be done peaceably to pacify and keep pacified the whole area.

3. That all Palestine matters are cleared with the White House.

4. That the position of the U. S. in the Assembly will emanate primarily from Washington and is no doubt now in the making there.

I believe the best thing we can do now is to seek a simplification, and clearing of the air, and that this can be done by urging that the time is ripe for a peace conference. If the President would insist on that simple, state-manlike approach so much of all the troubles and confusion would I believe soon be over. The Acting Mediator seems to think this is the approach to the problem now. It is an approach that rises above all details of the admittedly numerous questions involved, but it is a high-minded approach to

the settlement of those details. We could gain, I believe, wide support for such a simple program and it would no doubt be one the President would adopt if urged as the present statesmanlike method of moving to a solution within his recent statement.

I do not know whether I should or can stay much longer. What is your feeling about this? Please let my office know as soon as possible; and I would like to know what is likely to eventuate in Washington in connection with the President. You can entrust any message to Mr. Levy, at my office.

Sincerely,

/s/ Charles Fahy

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

cc: Dr. Abba Hillel Silver
Sulgrave Hotel
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METROPOLITAN 4741
CABLE ADDRESS "LEX"

Paris
November 8, 1948
(transcribed from
longhand)

Dear Dr. Silver:

Following my talk with Mr. Bohlen Saturday, and the memo I left with him Saturday night, we had a briefer talk today and he wants to talk with me again tomorrow. I had a long talk with Dr. Jessup also this morning. I believe both Bohlen and Jessup are becoming more important in the developing situation. I must say I feel encouraged somewhat compared with the feeling of the last few days after the Negev resolution. The delegation I think is now troubled about that action, though not admitting it was wrong and seeking to justify it as not antagonistic. I found today also a somewhat generally more receptive and mature consideration of a simple and constructive approach by the U. S., namely a central position based on a call for a peace conference or direct negotiations. This is the approach I am urging, combined with a sustained criticism of the Negev resolution in the hope this criticism will result in a moderate working out of its details as well as a warning against similar hasty action in the future. My feeling today is that the atmosphere is improving, and even that the point of view expressed by me is making headway. This may be an illusion; but for the time at least I take some encouragement from it. My opinion remains, however, that the basic position of the U. S. before the Assembly is still unformed so far as Paris is concerned, and that on this Washington remains crucial.

I take Mr. Bohlen's interest in further discussions as a desire to help the Secretary with whom I believe he works closely on many matters, or a desire to justify what has thus far been done. In either event it affords further opportunity to try to create a better approach; and the unhurried discussion with Jessup this morning gave me the same opportunity.

Sincerely,

/s/ Charles Fahy

Dr. Abba Hillel Silver
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cc: New York

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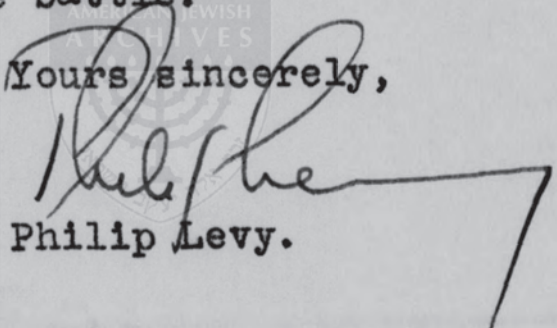
METROPOLITAN 4741
CABLE ADDRESS "LEX"

November 8, 1948

Dear Dr. Silver:

Enclosed are two reports from Mr. Fahy to you which arrived in this morning's mail. I have already given you the substance of his additional letter to me, dated Friday evening, making various suggestions for approaches to the President and for new blood in U. S. personnel at UN. At his request, I have also conveyed these to David Ginsburg here in Washington. This is the most pessimistic report I have had from Mr. Fahy on this round of what seems our interminable battle.

Yours sincerely,


Philip Levy.

Enclosures (2)

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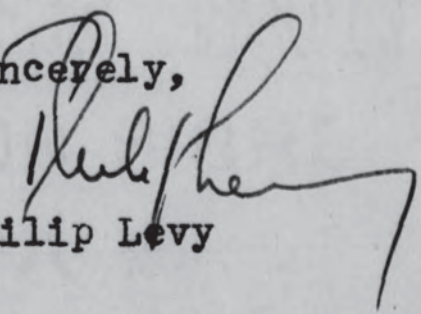
November 12, 1948

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

Dear Dr. Silver:

Enclosed are two further reports from Mr. Fahy received here this morning. In a subsequent letter to me, dated November 9th, he writes as follows: "I am cabling you today to pursue vigorously the effort to get the earliest possible sailing reservation for me. By the time I can get a boat, however soon, my work here will have run its course. I am seeing Bohlen today for the third time, had a good talk with Jessup yesterday; and I feel I only need to see the Secretary now. I am extremely anxious to have a date for sailing. I had done nothing until now about a reservation because I did not before see my way clear. Now I do. The general balance is in favor of getting back now as soon as possible." Dr. Akzin was good enough to convey this request of Charles' to you on Tuesday following my phone call to him. Your answer then was that Eban was most anxious for Fahy to remain, but that you would consider and consult further in the light of Fahy's urgent request. I earnestly hope you now have further word for me to convey to him as indicated in his letters.

Sincerely,


Philip Levy

Encls.

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

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METROPOLITAN 4741
CABLE ADDRESS "LEX"

Paris
November 12, 1948
(transcribed from
longhand)

Dear Dr. Silver:

Since I do not retain here copies of these letters to you, it is possible there are some gaps in their continuity. Wednesday morning, the 10th, I had another long talk with Mr. Bohlen, and yesterday saw Mr. Cohen. I also left a memorandum with Dr. Jessup last evening. The talk with Bohlen centered more on the U. S. position to be taken in the Assembly, those with Cohen and Jessup (memo) on the pending Security Council consideration of truce problems. Bohlen agrees himself to our peace-conference approach but says the U. S. needs in that connection some "terms of reference" within which the conferences would work. This position is based on the fear that the U. S. cannot bring along U. K. support if there are no "terms of reference" or limitations to Israel's demands. He points out the strong feeling of the U. K. that their obligations to the Arab States (treaty and traditional) causes the U. K. to feel it must not abandon them; to which I counter that what we ask is the opportunity to agree with the Arab States; that if Israel and the Arab States agree on a settlement the latter certainly cannot feel that the U. K. has abandoned them; that what he seems to be saying is that Israel must agree with U. K., not with the Arab States, on a peaceful settlement. He then said the two went together, whatever that means.

I have told Major Eban of the Bohlen "terms of reference" suggestion, and it may be something cannot be done to meet this in general terms.

With Cohen and particularly with Jessup, since he is our representative in the Security Council now, I am emphasizing that it would be wrong as well as impracticable to require Israel to withdraw to October 14 lines; that the November 4 Resolution does not so require; that what is needed now is a general armistice, with lines drawn in direct negotiations if possible in the field; that with the Assembly about to take up the whole matter the Security Council should be willing to merge its approach with what we hope the U. S. will do in the Assembly, namely, build

around the central idea of a peace conference under the impetus of an Assembly resolution; that if this is to be done the Security Council should not now create difficulties; it should also go in the direction of direct negotiations.

There does seem to be an improvement in the general U. S. attitude here. The hasty November 4 action causes trouble just as all unfortunate steps do. It is always hard to erase error in the human sphere of activity; but at present the U. S. seems to be wary of further mis-steps and generally to be moving toward a constructive position in the Assembly. The U. S. desire (or the desire of some of the U. S. people here) to coordinate with the U. K. still I think presents a difficulty.

Eban has had a personal conference with Jessup, and Mr. Shertok has recently communicated with the Secretary. I urged both; and have now urged Eban to see Bohlen too.

It remains quite vital that White House approval of positions to be taken here is with full understanding.

Sincerely,

/s/ Charles Fahy

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

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

ASSOCIATES

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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"

Paris
November 14, 1948
(transcribed from
longhand)

Dear Dr. Silver:

The Acting Mediator's directive under the November 4 Resolution of the Security Council re the Negev is some improvement over his directive of October 26 but needs to be followed promptly by U. S. effort to obtain the proposed Armistice Resolution for all of Palestine with its emphasis on negotiations. If this Resolution is now advocated by the U. S., as we are urging, it will no doubt cure the situation created by the November 4 Resolution. We may know tomorrow whether prompt introduction of this Resolution is made by the U. S. Eban and I saw Cohen this afternoon; and Eban is trying to see Jessup tonight or early tomorrow. I am leaving a note for Jessup which he will have tonight.

Had a good visit with Dr. Ben-Horin today.

November 15.

The Security Council met this afternoon to consider the U. K. resolution to extend the principles of the November 4 Resolution on the Negev to the Northern part of Palestine. The Armistice Resolution referred to above was introduced by Canada, joined by Belgium and France, with a previous understanding no doubt with the U. S. Its operative part is a distinct advance; but its preamble includes favorable reference to the November 4 Resolution and the Acting Mediator's directive thereunder re the Negev. This Resolution will undoubtedly pass tomorrow. Jessup supported it today. We are disappointed in the preamble, particularly paragraph 3, but it appears the U. S. came to agree to this inclusion in order to obtain the requisite support. On the whole it is an improvement over the present situation and I feel confident will supplant the U. K. Resolution for the north of Palestine. It still presents the difficulty, however, created by the Acting Mediator's directive re the Negev under the November 4 Resolution.

On the whole there seems a perceptible trend in the right direction on the part of the U. S. toward a call for

a peace conference; but there is also a very perceptible continuing desire on the part of the U. S. to bring the British along on whatever progress is made. This slows (and endangers) the progress; and I must say it seems to me that much greater weight is placed by the U. S. upon this angle of the situation than is wise. There is also the general feeling in part of the U. S. group that Israel should not continue to rely upon force, should act with more trust in peaceful methods, is too aggressive, etc. These general attitudes cover mistakes such as the November 4 Resolution and all sorts of arguments are advanced (in private) to justify particular positions and at the same time to support a friendly attitude toward Israel. Every advance is made in a kind of backward-forward move, but the net is some advance and I feel in the end things will not turn out badly here if the November 4 Resolution can be met in some way without a break between Israel and the U. N. I think we did everything possible to obviate points which cause that problem. It is extraordinarily hard to bring the position to a clean-cut one satisfactory in all respects. It is difficult to explain in short compass, and difficult to understand. Some are simply unable to see it altogether the way we see it; although I do feel the U. S. is moving now more obviously to the position we have urged. How much that position will be compromised no one can say at this time.

Had another rather long talk with Bohlen today.

Sincerely,

/s/ Charles Fahy

P. S. I am planning to take the America back on the 25th. Although it is unlikely the Palestine decision in the Assembly will have been made (debate opened there today), the U. S. position will no doubt then have been made known and stated; and the course of events will largely have been shaped. But of course I will reconsider if you wish.

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

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

Via Air Mail-Special Delivery

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WASHINGTON 6, D. C.

METROPOLITAN 4741
CABLE ADDRESS "LEX"

Paris
November 17, 1948
(transcribed from
longhand)

Dear Dr. Silver:

During the course of the Security Council adoption of the Armistice Resolution yesterday there was a formal rejection of Syria's effort to extend the November 4 Resolution re Negev to the North of Palestine, although China and Belgium supported Syria's motion. The U. S. and U. K. opposed Syria by their vote, the U. K. having previously withdrawn its proposal to the same effect, no doubt as part of the arrangements for its support of the Armistice Resolution with the inclusion of the reference to the November 4 Resolution and subsequent directive re Negev. Thus some progress has been made over the situation left by the November 4 Resolution, and I am urging Israel representatives to avoid a rejection of the Negev order, unfortunate as it is. I am convinced the U. S. could not have secured passage of the Armistice Resolution without its preamble reference to the November 4 action. This is due not only to the U. K. but to other members of the Council who feel that this reference was essential. No doubt it is better to have the Armistice Resolution in its present terms than to have left the November 4 situation as it was. That situation is somewhat dulled by the new Resolution and Arab opposition to it. Israel is given better ground on which to avoid rejection of withdrawal in the Negev at a time when a clash with U. N. would be very prejudicial to efforts to gain a sound decision from the Assembly as to the future. There is good indication the U. S. is to have a satisfactory position, but one is not yet altogether certain. A clash between Israel and the Security Council now would make it difficult for the U. S. to succeed. Perhaps it is a time when one must stoop to conquer, though the Security Council in my opinion missed a great opportunity in not blanketing

out all outstanding truce orders in the Armistice Resolution of yesterday. I believe the U. S. would have been willing to do so but could not gain enough support.

Sincerely,

/s/ Charles Fahy

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

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



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WASHINGTON 6, D. C.

METROPOLITAN 4741
CABLE ADDRESS "LEX"

November 17, 1948

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

Dear Dr. Silver:

Mr. Fahy has written me, as of Sunday, November 14, asking me to convey the following, supplementing his more detailed reports to you:

In September, the Undersecretary of War had requested him to undertake a three weeks' trip to Germany to make a special study in an important matter connected with the Military Government. He postponed any commitment in view of the anticipated trip to Paris at your behest. This request from the War Department was renewed just before he left for Paris and again most recently. Mr. Fahy's feeling was that he could not interrupt his work in Paris for the period requested, and that his office and other commitments did not permit him to undertake this task for the War Department after the completion of his work in Paris. He finally suggested to the War Department that he might go to Berlin or Frankfurt for two or three days and discuss the general policies and outlines of the matter with General Clay and his advisers; and that upon return to Washington he would continue this task, particularly by advising with other members of a Commission who will go to Germany for a more extended study and report. This suggestion has been adopted, and Mr. Fahy may shortly go to Germany for this two or three day trip. He feels that this will not interrupt the continuity of his activity in Paris.

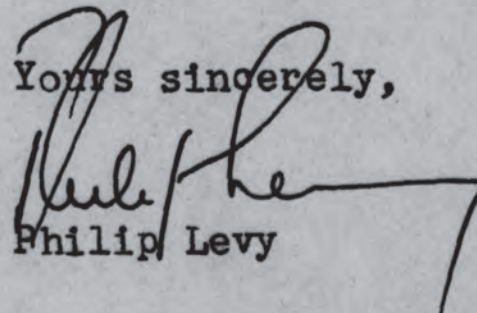
Mr. Fahy believes that the various conferences he has had and memoranda supplied to the members and advisers of the American Delegation have been useful, but that these things having been done, there seemed no pressing need for him to remain through the debates in the General Assembly once the United States position has been clarified, in Paris but more particularly in Washington. He is, therefore, hopeful that the situation will permit his sailing home on a tentative reservation he has obtained for Novem-

ber 25th, unless you feel very strongly to the contrary. He is, of course, consulting with Eban and the others in Paris on this, and is considering other possible activities before he leaves, such as a talk with the Secretary and further memoranda perhaps with Mrs. Roosevelt, Mr. Cohen and Dr. Jessup. He feels of course that the United States fell down in the Security Council Committee, in translating its proposed good intentions into action helpful to Israel and effective in finally settling the whole question. He reports, for example, that Shertok and Eban saw the Secretary on Saturday. The result is confusing. The Secretary still emphasizes the need for the United States to draw along the British, and he complains of "pressures" on the State Department in Washington — attitudes that are not hopeful. Mr. Fahy has been urging that United States policy stand on its own feet rather than pull or drag the British up to it; and he wants to bring United States policy in Paris into line with the President's position, in Washington, as the answer to the contention about "pressures". The Secretary did, however, indicate a possible favorable United States position in the Security Council in support of an armistice over all Palestine, with ultimate Israel-Arab agreement as the goal of final settlement.

When the above was written, Mr. Fahy was still working to modify the position of Bunche and the Security Council Committee in demanding a return to the October 14 lines. This, of course, has not eventuated in so many words, but the subsequent action regarding Galilee, McDonald's trip to Paris, and the Security Council Resolution of November 16, all look in the right direction.

Mr. Fahy's tentative reservation for November 25th, on the liner "America", was evidently made without regard to the strike situation in Atlantic ports. The vessel has already been delayed in New York for several days because of the strike, and doubtless will be delayed further both here and on the return trip. I am advising him of this new factor.

Yours sincerely,


Philip Levy

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

November 18, 1948

Mr. Philip Levy
1625 K Street, N.W.
Washington 6, D.C.

My dear Mr. Levy:

Thank you for your letter of November 17th. I am sure that Mr. Fahy is the best judge of the value of his remaining in Paris, and if he feels that his work is largely done, I certainly see no reason why he should not return. I know that he has been very helpful, and I am very happy that he went to Paris. I trust that the strike in the Atlantic ports will not delay his return too long.

With all good wishes, I remain

Most cordially yours,

ABBA HILLEL SILVER

AHS:er

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LAW OFFICES
CHARLES FAHY
1625 K STREET, NORTHWEST
WASHINGTON 6, D. C.

METROPOLITAN 4741
CABLE ADDRESS "LEX"

Paris
November 24, 1948
(transcribed from
longhand)

Dear Dr. Silver:

We are rather hopeful that a subcommittee will be appointed to consider the final form of the Political Committee's resolution. It seems to me that we have nothing to lose by that procedure and that it is more likely to result in improving the U.K. draft and the U. S. amendments thereto than would be so if efforts to amend are confined to the meetings of the full Committee.

It seems obvious the divergence between the U.K. draft and the U. S. amendments should logically have led to a separate U. S. Resolution, or to the use, e.g., of the Australian draft as a basis rather than the U. K. draft. On the whole, we have, however, come a long way from Secretary Marshall's statement in September, and no doubt other improvements are possible in the situation as it stands today.

I am continuing such conversations as seem desirable, though now at a slower pace than earlier. Today I saw Mr. McDonald, who is being furnished a memorandum this afternoon; and reviewed the situation with Major Eban, Mr. Comay and Dr. Robinson, preparatory to possible talks with Dr. Jessup, Mr. Dulles and Mr. Cohen if I have not worn out my welcome. My judgment is that the U. S. position as now made known will not go backward and that any change will be an improvement.

Sincerely yours,

/s/ Charles Fahy

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

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

Via Air Mail Special Delivery

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WASHINGTON 6, D. C.

METROPOLITAN 4741
CABLE ADDRESS "LEX"

December 1, 1948

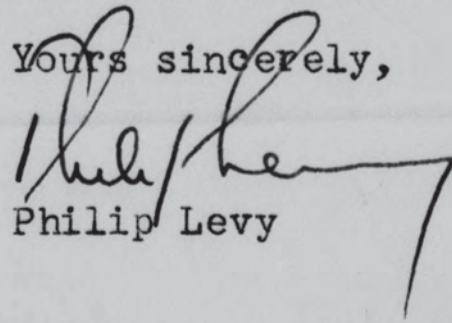
Dr. Abba Hillel Silver
The Temple
E. 105th Street at Ansel Road
Cleveland, Ohio

Dear Dr. Silver:

The enclosed report from Mr. Fahy was written Thanksgiving Day and just received here.

Mr. Fahy has just cabled me to advise you that he has engaged passage on the Queen Mary leaving Cherbourg tomorrow, December 2nd. No doubt he will communicate with you immediately upon landing in this country.

Yours sincerely,


Philip Levy

Encl.

cc: New York

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METROPOLITAN 4741
CABLE ADDRESS "LEX"

December 2, 1948

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

Dear Dr. Silver:

Mr. Fahy's last letter just received from Paris, dated November 27, asks me to convey the following to you:

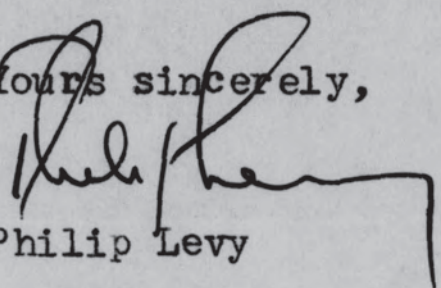
"It seems to me that the danger now is that no resolution of the type we wish will command a 2/3 majority. For weeks the principal struggle was in connection with the position of the U. S. (aside now from the Security Council problem). The U. S. position is now clearer, and while not entirely satisfactory as a whole, is one within which Israel I believe can reasonably well work out its problems. The principal difficulty now seems to me to be one of tactics in obtaining Assembly approval of a resolution which is favorable. It is quite probable no unfavorable resolution will muster 2/3 votes. But will a favorable resolution suffer the same fate? This now I feel depends largely on U. S. tactics. My judgment is that the best tactics (although others are no doubt available) are for the U. S. to join with Australia and Guatemala in a redraft -- (taking perhaps the U. K. preamble and maybe something else from the British draft) and thus to seek a coalition behind either a composite redraft or a U. S. sponsored redraft. If we stay tied in with the U. K. draft we might get bogged down by loss of support otherwise available. Indeed, if we succeed in amending the British draft, the U. K. itself might well vote against the amended U. K. draft, carrying China, Belgium and perhaps others along.

"There is also the danger that the U. S. having now stated its views and having stood by the President on Negev,

might relax and fail in sufficient leadership and tactics to obtain final success in this Assembly."

This is rather a prophetic statement in view of the action taken today by the Political Committee on the Palestine Resolution.

Yours sincerely,



Philip Levy

cc: New York



ASSOCIATES

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LAW OFFICES
CHARLES FAHY
1625 K STREET, NORTHWEST
WASHINGTON 6, D. C.

METROPOLITAN 4741
CABLE ADDRESS "LEX"

Paris
Thanksgiving Day, 1948
(transcribed from longhand)

Dear Dr. Silver:

This morning I left a memorandum with Mr. Dulles, Mr. Jessup, Mr. Cohen and Mr. Rusk on the U. S. amendments to the U. K. draft resolution. I also had talks on the subject with Jessup, Rusk and Gross, with Rusk chiefly on the problem of U. N. membership. I have asked for an appointment with Dulles.

It is my judgment the new U. K. effort by its amended resolution of today will not bring any recession in the present U. S. general position as reflected in its amendments to the original U. K. draft. The probabilities are there will be drafting and perhaps other improvements in the U. S. proposals. I am however not confident we shall succeed in separating the U. S. entirely from the U. K. draft; that is, in bringing the U. S. to a separate resolution of its own or to amendments of the Australian draft rather than of the U. K. draft. It is still possible but not as yet probable. We are doing what we can in this respect; also regarding an explicit provision on the status of Israel; and other improvements. On the whole the situation seems not bad and I believe that whatever resolution now eventuates will be one which though not perfect will enable Israel to solve its problems reasonably well.

I hope you are enjoying a happy Thanksgiving and are in good health.

Sincerely yours,

/s/ Charles Fahy

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

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

TELEGRAM

DECEMBER 10, 1948

MR. CHARLES FAHY
1625 K STREET, N.W.
WASHINGTON, D.C.

DELIGHTED THAT YOU ARE BACK. MANY THANKS FOR AN IMPORTANT
MISSION MOST EXPERTLY PERFORMED. WARMEST REGARDS.

ABBA HILLEL SILVER





Telegraph your
CHRISTMAS and NEW YEAR
Greetings

ASK FOR LIST OF
SUGGESTED MESSAGES

SPECIAL BLANK - SPECIAL ENVELOPE

6014 (1948)

WESTERN UNION

JOSEPH L. EGAN
PRESIDENT

1901

SYMBOLS

DL - Day Letter

NL - Night Letter

LC - Deferred Cable

NLT - Cable Night Letter

Ship Radiogram

(57)

The message is

CLO47 PD= WASHINGTON DC 10 925A

DR ABBA HILLEL SILVER, THE TEMPLE

EAST 105 ST AT ANSEL RD

1948 DEC 10 AM 10 04

BACK IN WASHINGTON, REGARDS

CHARLES FAHY



C
O
P
Y

PROVISIONAL GOVERNMENT OF ISRAEL

Office of the
Acting Representative
to the United Nations

Paris,
16th December, 1948.

Dear Mr. Fahy,

On winding up the affairs of our Delegation in Paris and looking backwards over the weeks that have passed I recall with particular appreciation our happy association with you and the invaluable help you have rendered to our work. It was of vital importance at many a crucial stage to have the benefit of your penetrating insight and constructive advice.

I hope very much that your connection with our work in Washington and New York will continue and that I will have the opportunity of meeting you again in connection with the General Assembly session which is scheduled to take place at Lake Success in April.

With cordial greetings, I beg to remain,

Yours sincerely,

/s/ M. Shertok

Mr. Charles Fahy,
1625 K. Street, N.W.
Washington, D. C.

MS/RH

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"

December 21, 1948

Dear Dr. Silver:

I was pleased to receive this morning letter from Mr. Shertok copy of which is enclosed and which I thought you would like to see.

Yours sincerely,

Charles Fahy

Encl.

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

December 24, 1948

Mr. Charles Fahy
1625 K Street, N.W.
Washington 6, D.C.

My dear Friend:

Thank you for sending me a copy of the letter which was addressed to you by Mr. Shertok which voices what all of us feel about the very distinguished service which you rendered our cause in Paris.

I have thought over the suggestions contained in your previous letter to me, and I agree with you that it would be advisable that your official arrangement in the future be with the American Zionist Emergency Council under the same terms which obtained heretofore. Should you desire any formal statement from the Emergency Council, I shall be very happy to forward it to you.

With all good wishes and with warmest holiday greetings, I remain

Most cordially yours,

ABBA HILLEL SILVER

AHS:er

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LAW OFFICES
CHARLES FAHY
1625 K STREET, NORTHWEST
WASHINGTON 6, D. C.

METROPOLITAN 4741
CABLE ADDRESS "LEX"

December 28, 1948

Dear Dr. Silver:

Thank you very much for your letter of December 24th. I am glad you feel that it would be advisable that my official arrangement in the future be with the American Zionist Emergency Council. I think no formal statement from the Council is necessary so far as I am concerned.

Since your letter refers to future arrangements, the question remained open as to whether my representation in Paris was technically for the Agency or the Council, particularly from the standpoint of registration with the Department of Justice. We reached Mr. Hammer in New York to clarify this point. He suggested that the termination date with the Agency be set as of December 31st, thus including the Paris assignment under the Agency. He also requested that I submit a bill for services covering this period so that the account may be settled on his books. Evidently the termination of the Agency's political activities was not accomplished as of the earlier date I had supposed. This conclusion of the matter is entirely satisfactory to me.

Yours sincerely,

Charles Fahy

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

C O P Y

December 31, 1948

Dr. Abba H. Silver
Jewish Agency for Palestine
16 East 66th Street
New York, New York

Dear Dr. Silver:

Attn: Mr. Gottlieb Hammer,
Comptroller

I am submitting herewith at this time, at Mr. Hammer's suggestion, my bill for professional services to December 31, 1948, the closing date of my retainer by the Jewish Agency for Palestine. This includes my mission to the United Nations sessions in Paris over a period of approximately seven weeks, except for an interlude of three or four days in Germany on a special task for the Department of the Army.

As you know, the work in Paris, which took me away from my office for such an extended time, was of a special character. The sum fixed for my services is subject, however, to your complete approval. If it is out of proportion to your own estimate or to the funds available, please do not hesitate to advise me. As Chairman of the American Section of the Agency, you are in the best position to evaluate all the circumstances.

Before leaving for Paris, I received an advance of \$1500 for personal expenses. I expended \$750 of this sum, and am therefore crediting the balance on my bill for professional services.

Yours sincerely,

Charles Fahy

Encl.

C O P Y

December 31, 1948

The Jewish Agency for Palestine

To

Charles Fahy, Dr.

For professional services

\$15,000

Plus telephone toll charges,
travel and other office dis-
bursements (April, 1948 to
date)

275
15,275

Less credit on personal ex-
pense account of \$1500 advanced
October, 1948 for Paris mission

750

NET

\$14,525

5500 Chevy Chase Pkwy., N. W.
Washington, D. C.

January 11, 1949

My dear Dr. Silver:

Today is the first day I have been up and about in two weeks, due to a bad throat; else I would have written you to thank you for "Crusade in Europe", and your thoughtfulness in sending it to me. I deeply appreciate this and apologize for what must have seemed an unseemly delay in writing you.

With kindest personal regards, believe me,

Yours very sincerely,

Charles F.

Dr. Abba H. Silver
19810 Shaker Boulevard
Shaker Heights
Cleveland, Ohio

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

METROPOLITAN 4741
CABLE ADDRESS "LEX"

January 17, 1949

Dear Dr. Silver:

On Friday last, the 14th of January, I had a talk with Senator McGrath regarding the United States representative on the Conciliation Commission. He confirmed the report that Mr. Keenan would not be able to serve. I urged favorable consideration of Mr. Hilldring. He said that some problem had been raised about him because it was felt in some quarters that he was more or less committed to one side. I pointed out that any opinions he had were based on his good judgment as to what was wise and were not due to any ulterior or personal motive and his views therefore should not be a disqualification. He said that he did not sympathize with the objections but was merely advising me there was a problem with regard to his selection. He asked me what about myself, saying that I had also been suggested. This was new to me and I pointed out that I had been acting as attorney for the Zionist interests and that the objections that had been raised regarding Hilldring might be pertinent in my case whereas they were not in his case.

Yours sincerely,

Charles Fahy

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

cc: New York

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LAW OFFICES
CHARLES FAHY
1625 K STREET, NORTHWEST
WASHINGTON 6, D. C.

METROPOLITAN 4741
CABLE ADDRESS "LEX"

January 18, 1949

Dear Dr. Silver:

Yesterday Mr. Meeker of the State Department legal staff called me on the phone to advise that the Department had received from Tel Aviv a copy of the Draft Constitution with the suggestion that the Provisional Government would be glad to have the comments of our Government; that the Department after considering the matter rather felt that the Government of the United States should not comment on the draft but might submit it to bar associations, for example, for their suggestions. Mr. Meeker wanted my view about this procedure. I told him that a draft had been submitted to individuals in the United States for their suggestions and that I thought the State Department should not invite the comments of bar associations without first clearing that course with the Israeli Mission. I suggested that the Department might respond to Tel Aviv that the United States did not think it could appropriately as a Government comment on the draft, that it understood individual experts within the United States were giving their suggestions and that the Department would be glad to secure the suggestions of bar associations or the like if that were desired.

I do not think the Department should circularize bar organizations at least without Israeli approval. Meeker agrees.

Yours sincerely,

Charles Fahy

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

cc: New York

January 20, 1949

Mr. Charles Fahy
1625 K Street, N.W.
Washington, D. C.

My dear Mr. Fahy:

I wish to acknowledge your letters of January 17th and 18th. I agree with you fully on your feeling that the bar associations in the United States should not be solicited for comments on the draft of the Israeli Constitution. I can fully understand the position taken by the State Department that the government of the United States should not comment on the draft.

Of course, I believe that you would be the best man to represent the United States on the Conciliation Commission. If the appointment is to be made, it should, of course, be with the knowledge by the State Department of the fact that you have been acting as an attorney for the Zionist interests.

I wish to thank you for your thoughtfulness in sending me your message of condolence. I appreciate it deeply.

With all good wishes, I remain

Most cordially yours,

ABBA HILLEL SILVER

AHS:er

ASSOCIATES

JOHN A. DANAHER
RUFUS G. POOLE
MILTON C. DENBO
PHILIP LEVY
BARRETT QUIRK

LAW OFFICES
CHARLES FAHY
1625 K STREET, NORTHWEST
WASHINGTON 6, D. C.

METROPOLITAN 4741
CABLE ADDRESS "LEX"

January 31, 1949

Dear Dr. Silver:

A little more than a month ago Mr. Hammer asked me to send a statement for services as of December 31, 1948, which would include the Paris mission. A few days thereafter I mailed a letter addressed to you, for his attention, and a statement, copies of both of which are enclosed. I have heard nothing further and this leads me to wonder if there may be some difficulty. I would not want to cause you any embarrassment and of course would not want the statement to become involved in any difference of opinion if it is possible to avoid it. The letter, as you will see, stated that if my fee is out of proportion I wish to be advised, which was intended to elicit your guidance or suggestions.

The reason I am writing you now is not to suggest the matter be attended to immediately; it is rather due to concern that the delay in having any word might indicate some difficulty. In that event I would like to help in getting it adjusted.

Yours sincerely,

Charles Fahy

Encls.

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

C
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Law Offices
CHARLES FAHY
1625 K Street, Northwest
Washington 6, D. C.

February 1, 1949

Dear Mr. Secretary:

From time to time this office has had occasion to present applications by American citizens for passports for travel to Palestine, as individuals or in behalf of organizations associated with the American Section of the Jewish Agency for Palestine or the American Zionist Emergency Council. The policy of the Department has been to regard Israel and surrounding Near Eastern countries as a disturbed area, and to deny passports for travel thereto unless the grounds for such travel were regarded as sufficiently urgent.

Although this policy was applied most vigorously in the early period when conflict was threatened or in progress, a gradual relaxation has been evident in recent months as conditions became more normal. The growing stability and permanence of the State of Israel has won increasing recognition in a series of significant international acts of the Government of the United States toward the new State, culminating most recently in the extension of de jure recognition and the loan of \$100,000,000 for agricultural and industrial development. Israel has also been recognized by numerous other powers, large and small, and its early admission to the United Nations, with full support of the United States, seems a foregone conclusion. In addition, all hostilities between Israel and its neighbors have ceased and important conferences are in progress between the parties, under United Nations auspices, looking to permanent settlement of all differences.

The State of Israel is now rapidly returning to normal peacetime conditions, from a social, economic and governmental standpoint. The fulfillment of Israel's role in world affairs obviously requires full re-opening of all normal channels of international intercourse, communication and transportation. Such action would be in furtherance of the interests of the United States and the world community as well.

In keeping with these developments, and particularly the most recent actions of the Government of the United States, there is no longer a tenable basis for distinctions which have been applied in the past among American appli-

cants for passports, whether they travel for personal, business or religious reasons. The devout, the businessman or property owner, the prospective investor, the tourist or the student, or the traveller for other legitimate purposes, all merit favorable consideration in documentation for travel.

It is respectfully submitted that all remaining passport restrictions on travel to Israel by American citizens be removed, and that such travel be placed on the same footing, so far as passports are concerned, as travel to other peace-loving countries throughout the world with which the United States maintains relations of peace and amity at the present time.

Sincerely yours,

Charles Fahy

The Secretary of State
Washington, D. C.

cc: John E. Peurifoy
Assistant Secretary of State
for Administration

Joseph C. Satterthwaite
Director, Office of Near Eastern
and African Affairs



CLASS OF SERVICE

This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable symbol above or preceding the address.

WESTERN UNION

JOSEPH L. EGAN
PRESIDENT

1201

SYMBOLS

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NL=Night Letter

LC=Deferred Cable

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DR ABBA HILLEL SILVER, THE TEMPLE=

105 ST AND ANSEL RD=

AMERICAN JEWISH
ARCHIVES

AFTER TELEPHONE CONVERSATION THIS MORNING CHECKED
FAHY BILL FOUND I HAD MISINFORMED YOU BILL HAD BEEN
MISFILED AND NOT PAID CHECK IMMEDIATELY DRAWN AND
AIRMAILING TODAY HAVE TELEPHONED LEVY EXPLAINED
SITUATION AND CONVEYED DEEPEST APPOLOGIES REGRET
ADMINISTRATIVE SLIPUP HOPE INCIDENT CAUSED YOU NO
INCONVENIENCE REGARDS=

HAMMER=

February 2, 1949

Mr. Charles Fahy
1625 K Street, N.W.
Washington 6, D.C.

My dear Mr. Fahy:

Permit me to thank you for your letter of January 31st. I called Mr. Hammer this morning and I was informed that a check was forwarded a day or two ago. I am sure that by now you are in receipt of it.

It was good to see you the other evening in New York. I trust that you are well.

With all good wishes, I remain

Most cordially yours,

ABBA HILLEL SILVER

AHS:er

Via Air Mail

ASSOCIATES

JOHN A. DANAHER
RUFUS G. POOLE
MILTON C. DENBO
PHILIP LEVY
BARRETT QUIRK

LAW OFFICES
CHARLES FAHY
1625 K STREET, NORTHWEST
WASHINGTON 6, D. C.

METROPOLITAN 4741
CABLE ADDRESS "LEX"

February 2, 1949

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

Dear Dr. Silver:

This seemed to me the appropriate time to press strongly for removal of existing passport restrictions on travel of American citizens to Israel. These restrictions continue to harass many prospective travellers according to letters that are here received almost daily from Dr. Bernstein, Director of the Palestine Bureau. I have accordingly sent the enclosed letter to the Secretary of State.

Yours sincerely,

Charles Fahy

Encl.

cc: Arthur Lourie, Esq.
Consul General
State of Israel
11 East 70 Street
New York, New York

Dr. S. Bernstein
Director, Palestine Bureau
60 East 66 Street
New York, New York

Dr. Benjamin Akzin
American Zionist Emergency Council
342 Madison Avenue
New York, New York

ASSOCIATES

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BARRETT QUIRK

LAW OFFICES
CHARLES FAHY
1625 K STREET, NORTHWEST
WASHINGTON 6, D. C.

METROPOLITAN 4741
CABLE ADDRESS "LEX"

February 3, 1949

Dear Dr. Silver:

Thank you very much for your note of yesterday.
Everything has cleared up.

Let me tell you again how much I enjoyed the
visit with you in New York and your beautiful address.

With kindest regards, believe me,

Yours very sincerely,

Charles Fahy

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

DEPARTMENT OF STATE
Washington

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February 23, 1949.

My dear Mr. Fahy:

Your letter of February 1, 1949 addressed to the Secretary of State with respect to granting passport facilities to American citizens who wish to proceed to Israel has been referred to me for reply.

As you know, while conditions were actively disturbed in Palestine and the Near East, the Department's policy on this matter was in accord with the long standing policy of this Government of refusing to grant passport facilities to American citizens who wished to travel to areas in which there was conflict or where unsettled conditions existed.

At the present time, a satisfactory truce is in effect throughout Palestine, and armistice negotiations under United Nations auspices are taking place between Israeli Government authorities and representatives of the Arab states. It also appears probable that arrangements leading to a final settlement of the Palestine situation may soon be negotiated by the parties concerned.

So long as the present peaceful conditions persist in Palestine, the Department's policy with respect to the issuance of passports valid for that area will not differ, for all practical purposes, from that followed with regard to other areas of the world where peaceful and orderly conditions prevail.

Sincerely yours,

/s/ R. B. Shipley

R. B. Shipley,
Chief, Passport Division

Mr. Charles Fahy
1625 K Street, N. W.,
Washington 6, D. C.

C
O
P
Y

ASSOCIATES

JOHN A. DANAHER
RUFUS G. POOLE
MILTON C. DENBO
PHILIP LEVY
BARRETT QUIRK

LAW OFFICES
CHARLES FAHY
1625 K STREET, NORTHWEST
WASHINGTON 6, D. C.

METROPOLITAN 4741
CABLE ADDRESS "LEX"

February 25, 1949

Dear Dr. Silver:

I know you will be pleased to read the enclosed letter from the Chief of the Passport Division, Department of State, ending the special restrictions which have prevailed on the issuance of passports valid for travel to Israel. Henceforth, the policy will not differ from that followed for other areas of the world where peaceful and orderly conditions prevail. I had previously furnished you a copy of my letter of February 1st., to which this letter of Mrs. Shipley is a response.

With personal regards, believe me,

Yours sincerely,

Charles Fahy

Encl:

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

AMERICAN ZIONIST EMERGENCY COUNCIL

Constituent Organizations

Hadassah, Women's Zionist Organization of America
Mizrachi Organization of America
Poale Zion-Zeire Zion of America
Zionist Organization of America

342 MADISON AVENUE
NEW YORK 17, N. Y.
MURRAY HILL 2-1160

April 5, 1949

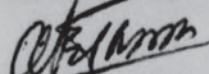
Dr. Abba Hillel Silver
The Temple
Cleveland, Ohio

Dear Dr. Silver:

I was surprised to receive the enclosed copy of a bill from Charles Faby. I know that you retained him for a specific job, but I am unaware of the details concerning his fee. Accordingly, I would appreciate word from you explaining your agreement, so that our records in the matter may be complete.

Kindest personal regards.

Cordially yours,


Abe Tuvim

AT: BC
Enc.

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LAW OFFICES
CHARLES FAHY
1625 K Street, N. W.
Washington 6, D. C.

(no date)
(received 4/4/49)

Dear Sirs:

Enclosed is statement for legal services for the three months ending March 31, 1949. The principal work done during this period has been in connection with numerous specific passports, the straightening out of the general passport problem, and conferences with the Attorney General and other officials of the Department of Justice regarding the case pending in Florida. If desired, I would be glad to give a more exhaustive itemization.

Yours sincerely,

Encl:

(Charles Fahy)

American Zionist Emergency Council
342 Madison Avenue
New York 17, New York
ATTN: Mr. Abraham Tuvim,
Executive Director.

C
O
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Law offices
C H A R L E S FAHY
1625 K Street, N. W.
Washington, 6, D. C.

AMERICAN ZIONIST EMERGENCY COUNCIL

TO

CHARLES FAHY, DR.

To professional services
for January, February and
March, 1949.....\$ 3,000.00

Office disbursement during
above period.....25.68
Total.....\$ 3,025.68

3,025.68

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

Dear Dr. Silver:

Mr. Fahy has written me, as of Sunday, November 14, asking me to convey the following, supplementing his more detailed reports to you:

In September, the Undersecretary of War had requested him to undertake a three weeks' trip to Germany to make a special study in an important matter connected with the Military Government. He postponed any commitment in view of the anticipated trip to Paris at your behest. This request from the War Department was renewed just before he left for Paris and again most recently. Mr. Fahy's feeling was that he could not interrupt his work in Paris for the period requested, and that his office and other commitments did not permit him to undertake this task for the War Department after the completion of his work in Paris. He finally suggested to the War Department that he might go to Berlin or Frankfurt for two or three days and discuss the general policies and outlines of the matter with General Clay and his advisers; and that upon return to Washington he would continue this task, particularly by advising with other members of a Commission who will go to Germany for a more extended study and report. This suggestion has been adopted, and Mr. Fahy may shortly go to Germany for this two or three day trip. He feels that this will not interrupt the continuity of his activity in Paris.

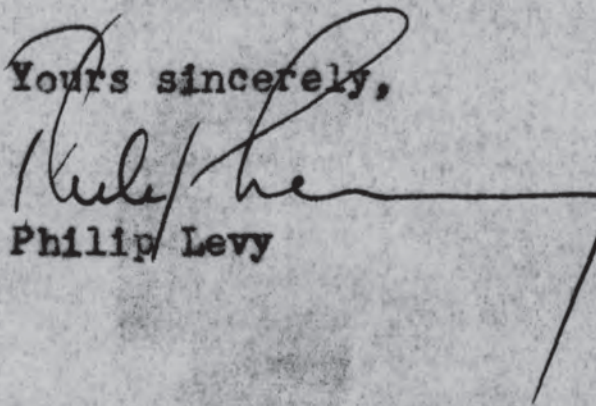
Mr. Fahy believes that the various conferences he has had and memoranda supplied to the members and advisers of the American Delegation have been useful, but that these things having been done, there seemed no pressing need for him to remain through the debates in the General Assembly once the United States position has been clarified, in Paris but more particularly in Washington. He is, therefore, hopeful that the situation will permit his sailing home on a tentative reservation he has obtained for Novem-

ber 25th, unless you feel very strongly to the contrary. He is, of course, consulting with Eban and the others in Paris on this, and is considering other possible activities before he leaves, such as a talk with the Secretary and further memoranda perhaps with Mrs. Roosevelt, Mr. Cohen and Dr. Jessup. He feels of course that the United States fell down in the Security Council Committee, in translating its proposed good intentions into action helpful to Israel and effective in finally settling the whole question. He reports, for example, that Shertok and Eban saw the Secretary on Saturday. The result is confusing. The Secretary still emphasizes the need for the United States to draw along the British, and he complains of "pressures" on the State Department in Washington -- attitudes that are not hopeful. Mr. Fahy has been urging that United States policy stand on its own feet rather than pull or drag the British up to it; and he wants to bring United States policy in Paris into line with the President's position, in Washington, as the answer to the contention about "pressures". The Secretary did, however, indicate a possible favorable United States position in the Security Council in support of an armistice over all Palestine, with ultimate Israel-Arab agreement as the goal of final settlement.

When the above was written, Mr. Fahy was still working to modify the position of Bunche and the Security Council Committee in demanding a return to the October 14 lines. This, of course, has not eventuated in so many words, but the subsequent action regarding Galilee, McDonald's trip to Paris, and the Security Council Resolution of November 16, all look in the right direction.

Mr. Fahy's tentative reservation for November 25th, on the liner "America", was evidently made without regard to the strike situation in Atlantic ports. The vessel has already been delayed in New York for several days because of the strike, and doubtless will be delayed further both here and on the return trip. I am advising him of this new factor.

Yours sincerely,


Philip Levy

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

Paris
October 29, 1948
(Transcribed from
longhand)

Dear Dr. Silver:

I have been here one week. On Saturday, the 23rd, after the postponement of the Palestine matter in Committee I for a week, I had a good visit with Mr. Comay and later in the day with Mr. Shertok and Mr. Eban. Mr. Shertok left that night for Israel. I did not see any of the American Delegation or advisers until after reviewing the situation with representatives of Israel. Since then, in the order named, I have talked with Mr. Cohen, Mr. Gross, Mr. Rusk, Mr. Dulles, Mr. Ross, Mr. Austin, and again with Mr. Cohen and Mr. Rusk. The most lengthy and significant of the earlier talks was the one with Mr. Rusk, on Tuesday. This was after the statement of the President, which had followed Mr. Dewey's statement. My approach has been that the problem needs simplification; that the Assembly Resolution, with the Jerusalem problem added, should be limited to three basic points: 1. Cessation of hostilities; 2. Calling upon the parties for direct peace negotiations, including the question of possible adjustment in boundaries; 3. A conciliation commission to use good offices in aid of the negotiations. I urge that this approach is not inconsistent with Bernadotte's report, since twice in that report when he said the United Nations should fix the boundaries this was "in absence of agreement of the parties", or like expression; that there had been no effort to implement this condition to reconsideration by the Assembly of the November 29 boundaries; that this approach also reconciles Secretary Marshall's earlier statement with the President's recent statement. It seems to me that the best way of getting the U. S. Delegation into the clear in supporting direct negotiations is to emphasize the "agreement of the parties" references in Bernadotte's report; and that no true effort by the Assembly itself in that direction has yet been made at a time when the status of Israel must be recognized by all, including the Arab States. Bernadotte's report recognizes the permanence of Israel, and the Assembly of course must do so. To questions such as "But will the Arabs negotiate", and "Which parties do you mean", I answer certainly some of the Arab States will negotiate (i.e. Trans-Jordan) if called upon by the Assembly to do so now; and the resolution should not make negotiations contingent upon all

Arab States participating. Negotiations should begin by any or all (excluding of course the new Arab "State" for all of Palestine). I argue that some will negotiate now and others no doubt later; and that agreement between Israel and Trans-Jordan would no doubt lead to agreement between Trans-Jordan and Egypt, for example.

In my talk with Mr. Rusk (and in this respect the little that Mr. Dulles was now willing to say confirmed it) I believe the U. S. position while still not solidified in a new form, is definitely becoming more flexible than it seemed from the Secretary's earlier statement; and that no effort to obtain approval of transfer of the Negeb to the Arabs is likely to be made. A construction of the Bernadotte report that it envisaged direct negotiations is welcomed as the clue to following the President's recent statement and at the same time interpreting Marshall's approval of the report.

The Israel representatives press also the juridical argument that the Negeb is a part of Israel and may not be changed in its boundaries without Israel's consent. I do not disagree with this but believe I could more usefully urge to the same conclusion along the other route initially, which reconciles this approach with the previously stated U. S. views and furnishes a reasonable basis for following the President without repudiating Marshall.

After my first talk with Mr. Rusk I checked again with Mr. Eban and Mr. Comay and we are in accord. I am also urging that the U. S. be as generous as possible in aiding the Arab refugee problem, on humanitarian grounds and also on the ground it would improve the atmosphere as a whole regarding Palestine. Mr. Eban and Mr. Comay agree.

We are also trying to strengthen the U. S. effort to admit Israel as a member of the United Nations. Mr. Eban attaches great importance to Israel's status being recognized by the U. N.

The conferences are moving along normally. The one with Mr. Dulles was, due to his own absorption in the Greek case, not as full as I desired. But he listened, I thought receptively to my suggestions, though his own comments were brief. He did say that he thought there was evidence that the approach I stated was gaining headway in other quarters.

Since writing the foregoing the U. K. - Chinese resolution came up in the Security Council yesterday -- calling for restoration of positions in the Negeb and threatening sanctions. We had understood the U. S. was not interested in supporting action on the Egyptian complaint to the Security

Council, and were surprised to learn that the U. K. - Chinese resolution, only available after the Council was in session, would have U. S. support. By a close call a vote was avoided. If it had come to a vote it probably would have passed yesterday (Thursday). A breathing spell of one day, however, has resulted in quite a change. You know what occurred when word got back to the U. S. on this matter. Here, after the meeting adjourned until today, I first saw Mr. Ross, then Senator Austin and then had a lengthy phone talk with Mr. Rusk. I also urged Mr. Eban to see Austin, which he did. I shall not detail my conversations, but I took a very strong line, including the insistence that to support this Resolution was an unfriendly attitude just when both the President and Mr. Dewey had shown again that the position of the U. S. was one of friendship, and that to talk of sanctions about the Negeb truce violations was incredible, especially so when the Council action of October 19 called for negotiations and the matter of sanctions had never in the history of U. N. been approached with such rapidity, even in the face of Arab international aggression. I said a good deal. All in all, the work in the U. S. and here brought overnight a change. When the Council met this morning it appointed a subcommittee, the Council to reconvene when the subcommittee is ready to report perhaps sometime next week. I do not believe Senator Austin yesterday fully appreciated the significance of the hastily formulated U. S. position in support of the U. K. - Chinese resolution; but that there is now a clear awareness of that ill-considered position. There is a fair chance I think of the subcommittee working out a reasonable solution. France's position has been very helpful.

The conferences yesterday on the Security Council problem, which had unexpectedly become so critical, led to further discussion, particularly with Ross, of the U. S. Assembly position. I feel that the U. S. does not wish this Assembly to reconsider boundaries, and is moving toward "direct negotiations", with a Conciliation Commission. But it is uncertain just how much deference will be paid to Benadotte's recommendation re Negeb. Ross also told me the U. S. is anxious that Israel be admitted to U. N. at this session. He is troubled about the "aggressive" attitude of Israel, "pressures", and the fact that Israel may make admission difficult by lack of cooperation with U. N. Rusk also mentioned this.

I am afraid this is not a very adequate report; my present feeling, in the end, is that we are in fairly good position now with the Delegation, but that such things as the close call yesterday in the Security Council are indeed cause for concern. I think it fair to say that the underlying position of those who work closely in the Delegation on Israel

matters is to help Israel, but that they go about it in ways which are likely to have the opposite effect, and they do not practically carry out the Government's fundamental position of friendship. This is due to complicated causes, such as "we must bring the British (and others) along"; etc. I think today that the strong reaction they received as a result of their willingness yesterday to vote for the U. K. - Chinese resolution will have a healthy effect.

I have asked today for an appointment with Mrs. Roosevelt.

I do not know how long I should remain, but it seems advisable not yet to return. Mr. Schulson has been most helpful.

Sincerely,

Charles Fahy

Dr. Abba Hillel Silver
The Temple
E. 105th Street At Ansel Road
Cleveland, Ohio

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



November 4, 1948

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

Dear Dr. Silver:

Enclosed is another report from Mr. Fahy to you received here in longhand and transcribed. This was written, of course, prior to the election results. President Truman's extraordinary victory, followed by reiteration of his platform pledges, should react decisively in our favor, against all enemies foreign and domestic; but we have all learned not to take anything for granted where Palestine is concerned.

Yours sincerely,

Philip Levy

Philip Levy

Encl.

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

Paris
November 1, 1948
(transcribed from
longhand)

Dear Dr. Silver:

As you know the Security Council subcommittee has not greatly improved the U. K. - Chinese Resolution re the Negeb; but time I think is a factor in our favor and the long weekend holiday I believe is a help. I believe it is now certain (if anything can be certain) that the U. S. will oppose the retention in the Resolution of consideration of sanctions. But, aside from this, the revised Resolution vests too much authority in the Acting Mediator and relies too little upon negotiations pursuant to the October 19 Resolution as construed when it was passed. Yesterday I had lunch with Mrs. Roosevelt and am to leave a memorandum with her today, which she welcomed. She is quite concerned over the Security Council developments, as is Mr. Cohen who was with us and with whom I talked further after the lunch ended. Today I am seeing Mr. Ross again; he is working closely with Senator Austin who is still sitting on this matter in the Security Council. Since the proposal before the Security Council has cut across and may vitally affect later Assembly consideration of the larger problem I have concentrated the last few days on the former. Should the Security Council situation clear up it will argue well for a better Assembly approach, and vice-versa. There is beginning to be some talk of postponing Assembly action on Palestine until a special session after January. This might be all right, especially if this meeting could approve Israel's admission to U. N.

Later the same day.

I have just returned from a leisurely lunch with Mr. Ross. (Today, being All Saints' Day, is a national holiday in France, which explains the leisurely character of the lunch.) This afforded me a good opportunity to talk again with him about the whole situation. While it is impossible to gauge the precise effect of such a conference I feel that it was worthwhile. He does not attempt to commit the delegation, quite properly, but did say that at least he thought the sanctions paragraph of the pending resolution in the Security Council would not be approved. He was less decided on its other provisions though did not dispute my position that the Acting Mediator should not be given such large residual powers.

On the general problem he emphasized again the desirability of obtaining status for Israel at this Assembly. As to details of a final settlement he inclines towards trying to bring U. K. along with the U. S. but I elaborated at some length the reasons why U. S. policy re Israel cannot be limited to a policy to which the U. S. can gain U. K. approval -- it must be a U. S. policy not so watered down. I have the feeling that Mr. Ross is one who from an overall standpoint is unduly concerned with coordination with the U. K.; so I used the occasion as best I could on this point. (As a matter of fact I am convinced good U. K. policy itself, in the long run, is with a strong Israel which looks westward.) The U. K., with whom we do have so much in common in the whole world situation, has made some notable historical mistakes in its relations with people who love freedom. Had, i.e., she been wiser with respect to Ireland, Ireland would have been her staunch ally in World War II instead of a neutral. It is we who should prevail in the policy regarding Israel, for many reasons which prevent England now seeing the situation more lucidly.

Toward the end Ross remarked that he thought our whole policy would be made in Washington. This is vague. It emphasizes again the problem of coordinating policy with action on particular matters which arise here. The trouble is that a friendly Washington policy is not carried out by particular attitudes on particular points that arise here. A general instruction from Washington is needed that its policy be applied consistently in the field.

He also wondered if it would not be possible for the Jewish organizations in the U. S. to make a practical public suggestion of help on the Arab refugee problem -- offer of funds or medical assistance, for example. He thinks it would help the general climate in the U. N.

Sincerely yours,

/s/ Charles Fahy

Charles Fahy

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

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