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United Nations, Security Council, 1953-1954.

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Excerpt from the "HABOKER" daily newspaper which appeared on the 28th of September 1953, in Israel:

The Program of the Twelve Tribes.

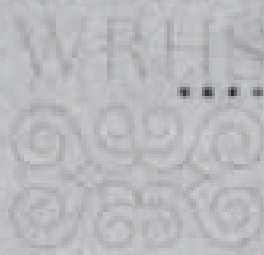
To the Editor's desk arrived these days a booklet in colorful binding - a proposal for a Constitution for the State of Israel published by Adan Graetz in Switzerland. Mr. Graetz considers that the great lowering in the moral which is evident in the State is largely due to the non-existence of a Constitution and he tries to formulate such a Constitution by a somewhat arbitrary integration of different elements from the Constitutions of the United States, Britain and Switzerland. The influence of the latter is particularly noticeable. Relying on the tradition of the twelve tribes (a map of Israel and its devision according to the Biblical tribal boundaries appear on the cover) Graetz proposes to devide the country into cantons with considerable self-government and to follow the system of Public Referendum (Plebiscite) in determining issues of major national import. He recommends elections to take place in elector-districts along geographically determined constituencies, and suggests the establishment of a bicameral Parliament.

It is pointed out that although the problem of elections has lately been subject to deliberations in the Israeli Public, the proposal to regulate the functions of the Knesset by an Upper-House was first voiced, so it seems, in Mr. Graetz's booklet and it may be worth further study- even without reference to the program of the twelve tribes...

.... How Is
The faithful city become a harlot!
It was full of Judgment,
Righteousness lodged in it,
But now murderers...

Thy rulers
Are ~~distinets~~ and
Companions of thieves;
Every one loveth gifts, and
Followeth after rewards....

Thy silver
Is become dross;
Thy wine
Mixed with water.....



.....And the strong shall be as tow
And his deed as a spark
And they shall burn together
And none shall quench them.....

Zion shall be redeemed
With lawfulness
And her remnants
With righteousness

From the words of I S A I A H
Prophet of the Restitution.

I S R A E L , H O W

by

ADAM GRAETZ.

Five years have passed from the date of our declaration of Independence. During this time our state has been fortified both from within and from without, so that today it stands amongst the other small countries of this world and its right of existence as the Jewish State is no longer a matter for deliberations.

Great deeds have taken place in the State within the five years of its existence, but after having acknowledged the great miracle of the very establishment of the state, it is right that we observe the living conditions of the people and of the different individuals for whose development the state provides a frame.

It seems that even the most ardent supporters of the regime now existing in Israel will admit when they are amongst themselves that it is not thus - not like the present reality - that the development of life in the Jewish state had ever been contemplated. And reference here is not made to the material difficulties confronting us, because no man had expected that the absorption of hundreds of thousands of destitute brothers could take effect without most serious personal and material sacrifice from all the inhabitants of the country during the transition period.

We were well aware of the road we chose of our own free will also of the material difficulties confronting us. But the grey apathy, impotent frustration, discouragement and anguish which envelope the country today have much surpassed the fatigue which may be expected after reaching any objective. It is not possible to justify the general situation in the country today with the fact that the waves of life of a single man, as well as of a nation, are subject to the tidal influence of rise and fall, and that after the rise comes always the fall. The reality in the land has greatly surpassed variations which may be excused as the

influence of unforeseen factors in the process of transforming plan into an established fact, or the result of difference between imagination and reality in Israel.

And what is the reality as it developed from the day on which we assumed responsibility for ourselves and declared our National independence in new Israel: The spirit of brotherhood which resulted in the victory of our liberation struggle has gone underground. It disintegrated to bits partly through "one-hand-washing-the-other" of characters in the nature of "slaves who became Kings", sick with the lust for power, and partly amongst immigrants ill in body and soul, those because of whom the way from Pythom and Ramses to Jericho lasted for over forty years.

The youth, natives of this land, in whose spirit a true image of the Hebrew Man was once again alive - is no more here! alas... and the remainders - their blood is shed on the "battle - fields" of Shvitat Hayamaim, Ein Charod and Kibutz Yiftach. The youngsters - most of them are lost in the fog of the ways of thought which their parents brought along from exile, without a shadow or trace of Hebrew originality, either old or new, which is worth while.

The nation the essence of which is Human solidarity and individual Integrity as symbolized by the "One God in whose image all men are born free" and who carried this monotheistic conception to modern mankind, these people are divided and subdivided with each man holding the torn shreds of his brother's hair.

The people whose red line of existence was the revolt against any form of life based on slavery - from the day in which Abraham the Hebrew first crossed the "land of across the river" more than five thousand years ago, until today - these people are building in their renewed homeland a nation and a society which is basing its existence, not on the equality of all its citizens, but on citizenship of different grades. Their leaders no longer recognize the sacred human unit of a free man on his land living from the toil of his hands and the effort of his mind, as basis for rebuilding the homeland. They prefer to support

xx The immigration policy today does not enable the new immigrants to become self sufficient and self supporting. It is calculated so as to make the new immigrants permanently dependant on partizan centralized control which includes a great amount of totalitarianism.

themselves on donations and imports of stagnant finances, fixed ideas and hapless men. Their immigration policy is dictated not only by the needs of people who are brought in to be saved from peril, neither exclusively by the need to establish an Israeli national structure, independent, human, social and cultural - one that shall withstand the future. The immigration policy is used by them, primarily, to achieve the ambitions and maintain the interests of selected narrow eyed monopolists most of whose actions having the taste and smell of "my way-or not at all." ^{xx}
(see the back of page 3)
Our monopolistic leaders those of the right and those of the left are generally idealists, who identify the good of Israel with their own particular good, and they are forcing themselves on Israel through outbalancing and overruling, by way of trying to outnumber the existing community, for their own selfish ends.

The situation today was not caused by having no other alternative, neither is it due to choosing evil in its lesser form. The lack of confidence in the future which spread over the land, the doubt nibbling at the hearts of the people and in the mind of the citizen - in regard to the chances of every and each individual to realize a required minimum of human happiness, of dignity, of a creative and satisfying life - are rooted in a disappointment. This disappointment emanates not from the smothering of the Jewish national flame, but because of a contradiction between the political system practiced in the state of Israel and the character of the Israeli people. It is due the lack of coordination and the conflict between the frame in which the nation is set and the creative forces that are interacting in the land and striving for an expressive outlet.

And, if we desire to avoid the doubt combined with the lack of confidence being transformed into despair, not only what is wrong must be outlined, but also the way to improvement.

The sworn supporters of the existing Partizan political structure are doing their best when they try to convince outsiders that here we have been successful in creating a State like all the other States: government, an army, police force - (policemen and

thieves), just as in all other countries. Had we been a people just like all other people who inhabit their own land and are bound to this or other political system resulting from their own particular inheritance - in such a case, it might have been considered a certain achievement for us to establish our new state "just like any other state". However, it is difficult to say that all the other countries are so worthy, that we should want to be jealous of them and imitate them. It seems as if, somehow, even such states the government of which is evil in its lesser form and in which the powers of government are divided and subdivided - whether by a Constitution or through precedents rooted in reality - such states also were not successful in solving all the conflicts between the individual and the group to which he belongs. They were not all successful in overcoming the unfortunate fact that the power of Governmental Authority when left in the hands of a human being for a prolonged period tends to stiffen his senses.

In any case, it seems that in so far as not a uniform political system exists in all countries, the attitude to try and build in our land a political structure which will benefit from all others without falling to their limitations, if possible, is proper. Such attitude should try without ignoring our own particular inheritance to create a political system characteristic of our own spirit, suitable to the times in which we live today, and not at odds with the needs of our future.

The Colonial structure of the British Mandate of Palestine, the struggle against which finally brought about the establishment of the state of Israel, cannot serve as a basis for Jewish National life. The mandatory laws of the government of Palestine together with the outdated legal system of the old Ottoman Empire are still in effect. These laws, and the ruling methods of the High-Commissioner (which drew their authority from the legislative power given to King George of Britain and which from their very existence here were intended to chain the development of the country) - such laws and such ruling methods are not to serve as binding legal statutes for us, legal precedents on which we can rely when we are faced

with realistic problems of today and those of tomorrow.

Right after the establishment of the state because of no other choice and in order to prevent chaos, we have temporarily endorsed the validity of the Mandatory laws of Palestine. The inability of the present political regime in the new state of Israel, within the five years that have passed from the declaration of our renewed independence in the ancient homeland, to completely emancipate itself from the colonial order of the Palestine Mandate whether on the civil, legal or cultural fields of our national life, is for our leadership the certificate of miserable spiritual poverty and the sign of inscribed failure. For all of us it is the badge of traitorship in those with whose blood the land was liberated, as well as, in the destiny of our life as a free people living in their own homeland.

The Jewish people continued their creative efforts in Israel notwithstanding the shortcomings of the Palestine Mandatory system and in spite of their own unrepresentative leadership. Our Polish-Russian born leaders today, after five years of national independence, have not yet learned that Democracy is a function of all the people of the state and cannot be limited to chosen individuals in key positions. What is the result:

There is an inability of those standing at the head today to raise a constitution and a way of life which shall be suitable to the reality of our present life in the light of the future development of our needs. There is blindness to the fact that the separation of the branches and powers of government is a primary condition for active participation of all the citizens in the national life, for their cooperation with the government and for the expression of their will in a true, positive, practical and creative way.

There is ignorance in our leadership to the principle that Democracy can function effectively only through small federated areas. They do not know that such small federated areas must lean on territorial proximity, on cultural and economic unity and on a voted representation. They forego a representation by

personalities known to and responsible to the voters. They do not like a representation which draws its support from the fact that my neighbour is also my reliable political associate. They forget that my neighbour is the man who is confronted with most of the problems that confront myself. They are not aware that my neighbour is subjected to most of the factors to which I am subjected. They do not see that my neighbour is the man whose sons are visiting the same school to which my sons are going and whose wife turns to my wife when the pressure in the waterline is not sufficient to bring water to her kitchen. They do not know that my neighbour is the man with whom I have in common as much as possible, in whose opinion I take council, and to whom I come for help in an emergency. They do not need to know what an Israeli citizen and his neighbour have to say about their own affairs because they do not care!

The present ruling system has not found a way to harness most of the creative forces of the people to the wheels of the State without Partizan agents and political go-between organizations which are competing not only amongst themselves but, also with the very State in securing the personal fidelity of the citizen and his alliance. Our rulers close their eye to the side-tracking interference of their political party-organizations with every phase of life of the citizen in the State, by way of appeal to his prejudices and to his ill emotions in respect of class doctrine, or this or the other "race" (land of origin) theory, etc. They turn their face away from the terrible waste in manpower, spiritual as well as physical which predominates with us as a result of lack of productivity inherent in exaggerated clique tendencies and artificial duplication.

All that has been enumerated herein including the nonexistence of regular fixed channels authorized correctly to express the spirit of the people and the will of those inhabiting the different parts of the country, and last not least the non-guarantee of the principle of "same law for everybody" - all these are the roots from which the lack of satisfaction and the

disappointment in our daily life are growing and on which they feed and flourish.

As long as no stop is put to the system of issuing places of work against guarantee for political support in the elections, as long as equal opportunities do not exist for every citizen of Israel to develop his personality and to integrate his energy in a free manner in the life of his country, without conditions which are preconceived so as to maintain existing interests of clique - leaders or party-secretaries, one or the other, the doubt in the justice of the existing regime will not diminish and the disappointment shall rise and rise.

It is impossible to look at the political system in the country today without wondering at the lack of direct communication between the public of voters and the representatives of the people. No voting citizen in Israel today can actually name the representative in the Knesset who was elected by his personal vote and who is therefore responsible to him. The votes are now being cast for party-lists and the final composition of the members of Parliament is being decided by the relative party secretariats after the result of the elections has been published. The present form of legislation exercising its rule from above through party secretaries instead of by way of authority coming directly and in practice from the voters to their representatives in parliament is enforced by virtue of the fact that the various party secretariats are holding letters of resignation from the Knesset, with an open date, signed by every one of the members of their party in the Knesset. (A signed letter of resignation, the date at the head of which can be inserted by the party secretary, at any moment suitable to the secretary, is demanded and received from each member of the Knesset before his appointment to the Knesset by the party is confirmed.)

Abandoning the appointment of the people's representatives, their elected choice, to the hands of party secretaries instead of effecting the appointment to parliament by way of straight forward selection by these citizens to whom the voted representative is

responsible, this is the most negative manifestation of the present regime and it's Achilles' heel. ^{that in various party-secretaries in turn are dust at the feet of an governmental oligarchy - that does not make our government more democratic} It seems that the fact that a man can delegate to another the possibility to express an opinion in his stead, but cannot give to another the ability to think in his place, is not known to ^{the oligarchy} those organizing the "party-exclusive-rule" system in Israel, or may be ^{the participants of that oligarchy} they are not so interested that every mature citizen shall think about the serious problems which are to effect his future and shall actively participate in decisions which determine his own destiny.

It must henceforth be avoided that the people's representative shall be responsible directly not to the people of his constituency who elect him and whose channel for expression on the national scene he must be and provide, but to a party secretariat to which he owes gratitude for his seat in Parliament, as is today. The personal composition of the lists of the people's representation in parliament must, once and for all, be taken out of the hands of anonymous party secretariats, who with all their talent, purity of heart and goodwill are given to a subjective partizan attitude - an attitude which cannot always uplift itself from the vested narrow partizan interests, that put the party before all and above all, and which are not forever identical with the well being of all the citizens or even with a truthful expression of the spirit, the forces and the interests of the majority of the citizens, in the state.

It looks as if the possibility has been taken away from an Israeli citizen to actively participate in the government of his country or practically take part in the political life of the state and indeed in his national life, except through the bottleneck of this or another political party; and this inspite of the fact that the political go-between, the permanent "professional" politician, is fundamentally superfluous and foreign to the free character of the natives of this land. Citizens who respect themselves do not necessarily and in particular and imperatively need "self established go-between peddlers" in the matter of a state for which they are, at any moment, ready to sacrifice their

partizan house-of-cards

life. The situation ruling today as a result of the government by the party-politicians, investing a Partizan Coalition with a predominating and exclusive value must be corrected, so as to guarantee to the nation that the state shall not cease to function with the fall of this or other Prime Minister. Those who wish to put an end to our present moral, cultural and national bankruptcy, must educate the citizens to take the matters of the state out of the hands of the party politicians who forced their way to rule the country. The citizens must put their affairs in the hands of men who will secure public confidence and support on the basis of their personal human character and the nature of their behavior today and actions in the past, and not because of the ideologies which they profess to support or because of the ^{wealthy} relatives they have and ^{the good} "friends they know."

If we observe closely our general political partizan structure and the psychology of the Coalition in particular, we find that the very elements forming the government of the new state of Israel are principally a direct continuation of the political powers of the Diaspora, the parties in the Jewish Agency executive previous to the establishment of the State. It may be natural that the natives of this land, who were capable to cast a new original print of Hebrew government did not find their place in such parties which are rooted even today in the Diaspora and which draw their context from the one time reality of Russia, Poland, Germany, Hungary, Rumania, etc.: but although it may be natural, it seems justified to claim that it is not healthy that a free nation building a new life on its land with a face to the future should be bound by chains of slavery ^{and bonds of simony} which are not suitable to the daily concrete reality of its citizens and shall forego the creative power of its sons in shaping the National political life.

The spirit of coalition of the professional money-beggars of the various party funds in the Jewish Agency, when it is coupled up with the stamp of the Palestine Mandate officials -

types of the social bicycle-riders (of bow your head and knee to those above and kick and strumple those below) - such spirit does not and cannot express the spirit of the western Galilee or the southern Negev. This spirit cannot put life in a Hebrew government and give a healthy pulse-beat to a Parliament which should make laws on a realistic democratic basis of a free people making laws for themselves.

With all the respect that is due the elders of the Coalition, they will also agree that interested idealism of social-butterflies and fixed prejudices concerning a "way of life" and "class struggle" of the professional politician (preconceived in exile and brought along from his particular land of origin) do not fit a new and changing Israeli reality. Even they must realize that an attitude which always attempts to stretch the facts of life so that these will conform to and cover the "declared party line" ^{this attitude} when it comes with the dangerous concentration of all powers of government - the legislative branch, the executive branch and the judicial branch - in a Partizan Coalition ^{such attitude} does not serve a true liberated Israeli reality, as it is expressed in the daily life of the citizens settled on the land in the Jordan valley, in the shfella, in the Galilee, in the hills of Jerusalem, in the Sharon and in the Negev.

If a democratic rule is based on a political system which recognizes the principle of "one law for all" and which allows all citizens in a republican state to determine their authorities by way of voting, it seems that a primary law - a Constitution, which will define the branches of government and separate their entities, which will prevent an exaggerated concentration of power in the executive branch, and which will fix a stabilized channel to determine the will of the people and the way for active participation of all the citizens in the political life of the nation - is required.

Every democratic state which is not bound through traditional precedents sanctified by years and generations of practice so that they become second nature, requires a backbone, a skeleton, a Constitution which shall guarantee its political foundation from a point of view of a standing structure. A constitution can define a political construction which is not subject to the influence of this or the other passing element. By doing so it enables a life of security, and liberty, of tranquility, of dignity and happiness to the inhabitants of the country. The constitution is not required to provide ready-made answers to all the passing problems confronting the nation in daily events. The purpose of the constitution and its task, is to safeguard the principle of democratic liberty which is the basis for exercising healthy political life in a Republic.

True Democratic liberty cannot be preserved without: one law for all, the rule of the majority in the nation, and the active participation of all citizens in the government-through freedom of choice, truthful representation and the right for Public Referendum and National Plebiscite, the latter being the ultimate authority in the State.

The constitution must secure the way for an exact expression of the voice of every citizen in the state, without enabling any one whatever to force upon him what and whom he should support. The constitution must protect the people from the danger incubating in the power of government altogether, and in government of the majority in particular, by way of "fixing the power of the majority to determine an issue but, not to the extent of eliminating the opposition altogether." The constitution must safeguard the equilibrium between the whole nation and the different sections which compose it, and allow for progressive development of all parts of the people and the various sections of the country. It must do so through separations of the different branches of government in the state, through defining them, and by way of maintaining a political structure balanced to serve the interests

of all the citizens of the state - any citizen, alike. Balance and order in the political structure result in stability of the National life.

There are four pillars around which the building of an Israeli Constitution should be centered in order to create a durable political structure that will withstand the present reality on the basis of the past specific to the people of Israel in their homeland, without avoiding the possibility of future development in the direction of the united states of the Middle East, in the event that a colony of democratic political structures shall rise in the Middle East to enable support for the idea, sooner or later.

The first pillar for the creation and establishment of a constitution for new Israel is the distinctly national element in the Jewish people, the traditional element - a people composed of twelve tribes, each tribe exercising maximum local government based on same law for everybody (citizens as well as aliens) and on love thy neighbour and do not do unto him that which to yourself you would not like to happen. Democracy and truthful representation are possible only in small communities where the factor of knowledge of the personality chosen to represent the citizens, to whom such delegate is continuously responsible, carries maximum weight.

Only by way of separating the territory for democratic activity into sections limited in size can the danger be overcome that the democratic process in a republican system of elected government and of true representation by way of votes shall become passive in character. Through defining districts with similar topographic conditions relying on territorial proximity and on cultural and economic homogeneity is the possibility given to the voters not only to say "yes" or "no", but to bring forward through their personal representative the man responsible to the inhabitants of the district, also useful criticism and constructive proposals.

The second pillar is the corner-stone of British democracy: Two legislative houses, and the protection of the people from the corrupting danger in the power of government; an evolutionary not a revolutionary development; an attitude which looks at the past in order to overcome its limitations.

The third pillar is composed of the elements of American democracy: The root of governmental power and the right to legislate of which emanate from the will of the people to whom these are responsible; the right of every citizen to self-determination; the appointment of all the representatives of the people by the citizens in a form of direct elections; avoiding the concentration of absolute authority in the executive branch by way of dividing the branches of government and defining them in the Constitution.

The fourth pillar is the matrix and monument of Swiss democracy: The right of the people for Public Referendum and National Plebiscite; direct and active participation in the government, in the political life of the state and in the national life of the people, not necessarily through a political party; the personal vote of all the citizens, on any issue, is the highest legislative authority in the land.

In order to guide the life of the people in the state in a light of the values which were mentioned; in order to translate to reality the principle of "Freedom of the individual and collective responsibility" for a maximum number of human beings, not on account of an established minimum of the rights and obligations of a human being in accordance with the Jewish tradition (which must be redefined); in order to safeguard the value of property, private and public, and the purchase power of the individual - a form of political structure and practical government is suggested herewith with the granted knowledge that this proposal can serve only as basis for discussion.

The first section in the following proposal for an Israeli Constitution deals with the function of the Public Referendum and National Plebiscite. It reserves to the citizens

the ultimate legislative authority in the State. It translates to reality the principle of government of the people by the people in a republic and guarantees that no law shall be enacted in the State against the will of the majority of the citizens. It maintains the term "law" in its original human sense: Itemization of a compact, voluntarily entered into by the citizens for their own protection.

The second section deals with the division of the area for democratic activity to small units, to tribes. It secures a political structure which enables free development to the different parts of the people and the various sections in the land, without damaging the united overall structure of the country.

The third section deals with the technical, organizational problem of how to express the will of the people in the state, in a practical way, through a voted representation to whom the voters may delegate their views for further enumeration in the law making process. This section protects the people from the danger that their legislative authority shall lose direct contact with the citizens, by making the voted representation the delegates of the people and holding them responsible directly and subject to the public of voters. It allows equal influence to all the different sections of the people and the land in enacting laws. It maintains balance between the will of the people as a whole, as expressed in the Lower House, and the needs of the different parts from which the country is composed, as expressed in the Upper House.

The fourth section refers to the President of the State. It classifies him as the man who is responsible for, and representative of the will of the people. He is the man who carries the moral of the nation and the conscience of the State. This section obliges the President to prevent the possibility that the members of Parliament, instead of representing the citizens who voted for them by way of enacting appropriate legislation, shall take to themselves the legislative authority away from the people. It

It secures the nation from the lack of candidates known to the people, in a way that it requires each and every tribe to always propose one candidate for the Presidency. This section put the high command of the army, the spirit of volunteers being the spirit required for its effectiveness, in the hands of the people's elected choice.

The fifth section defines the way in which Law shall be enacted in the State so that the laws shall not serve like chains to one section of the population and to another, like a cloak which is put on for comfort and junked aside when it no more serves its purpose. This section provides the way for the legislative authority to act efficiently, without letting the factor of efficiency be converted to an instrument for overruling the people and crouching on their liberties in a way that will prejudice the democratic character of the State. This section guarantees that the process of enacting law for the State shall always be given the attention of the people, and that it shall be subject to the ultimate authority of the citizens. This section forbids any person holding a public office, one in which he must give service to the whole nation, to accept any other office, thereby separating the legislative, executive and judicial branches of the State and also preventing the financial dependency of public servants on outside sources. This section also provides for all money matters of the State to be subject to law and given to the continuous inspection of the representatives of the people.

The sixth section defines the Executive Branch of the government, its authority, and its way of functioning so that the executive authority of the State shall be exercised not in fulfilling the personal desire of the officers of the Executive Branch, but through exercising the laws of the State and seeing to their fulfillment. This section prevents the Executive Branch from overruling and enslaving the Legislature and sees to it that the Legislative Branch shall carry out its legislative functions and not continuously aspire to become the Executive, thereby foregoing its legislative duties. It puts the control of the

Executive Branch in the hands of the Legislative Branch by way of making the Executive collectively responsible directly to the legislators in the Lower House. This section provides the procedure to dismiss any government of its executive powers by way of non-confidence vote to the Prime Minister, by the majority of the members of the Lower House, and allows any man to suggest a vote of non-confidence to the Prime Minister or to his government, without disrupting the legislative work of the Lower House unless the suggestion is supported by at least twenty members of the Lower House.

The last section deals with the Judicial Branch of the State. It tries to establish the principle that in the justice of the state are united all the political, social and cultural, ethical factors of the nation and its different sections. It defines the Judiciary authority of the State in a Supreme Court and lays the foundation for extending the Judicial authority by way of further legislation.

In order to demonstrate how the mentioned conceptions can be united, preserved, and practically enumerated in a Constitution for New Israel, the following proposal is put forward for consideration.

1. The highest legislative authority in the State of Israel shall be a National Personal Vote of all the citizens of the State and the will of the Majority as determined by such a vote.

2. Every person entitled to take part in a National Personal Vote shall take part in it. The nature of any single vote shall be strictly confidential, and every voter after having voted shall sign a voters list prepared by the office of the President of the State, wherein he will certify to the effect that his vote was effected according to his constitutional rights and duties.

3. The right of National Personal Vote shall be given to every native (born in the land), who has reached the age of twenty-one years, after having terminated his regular military

service or after having been released from this duty.

4. The right of National Personal Vote shall be given to every person who knows how to read and write, and has reached the minimum age of twenty-one years, after having resided in the State for at least five continuous years and after having sworn alliance to the State and its Constitution and after having terminated his regular service in the army, in the event that he is eligible for such service by Law.

5. A National Personal Vote of all the citizens in the State shall take place at any time when a demand for National Personal Vote, signed by an Israeli citizen and supported by the hand-written signatures of twenty-five thousand citizens of Israel, shall be delivered to the office of the President of the State addressed to the President, within six weeks of the day in which delivery of the demand as mentioned herein was effected.

6. A National Personal Vote of all the citizens in the State shall take place at any time, at the direction of the President of the State.

7. A National Personal Vote of all the citizens in the State shall take place at any time when a legislative proposal shall be passed from the Lower House (to be defined hereinafter) to the Upper House (to be defined hereinafter) of Parliament, in the event that the Upper House after having returned the legislative proposal with the respective amendments to the Lower House twice and after having received the legislative proposal back from the Lower House for the third time shall not pass the final legislative proposal, as sent from the Lower House to the Upper House for the third time, with regular majority vote.

II 8. In accordance, as much as practicable, with the Biblical boundaries of the Tribes of Israel, the area of the State shall be divided into Tribes (Cantons or Districts). Each tribe shall exercise maximum local government, subject to what is written in this Constitution.

9. Subject to what is written in the first paragraph, the highest legislative authority of every Tribe shall be a personal vote of all the citizens of the Tribe (hereinafter called Tribal Vote.

10. A Tribal Vote of all the citizens of the tribe shall take place through the office of the President of the State subsection for Tribal votes, in any event where a demand for Tribal Vote, signed by a citizen of the Tribe and supported by the hand-written signatures of five thousand citizens of the tribe, shall be delivered to the office of the Chief of the Council of the Tribe (to be defined hereinafter), within six weeks of the date at which the demand for a Tribal Vote as mentioned herein was delivered. A Tribal vote shall also take place at any time in accordance with the decision of the Chief of the Council of the Tribe.

11. The governmental Authority of the Tribe shall be appointed by the majority of members of the Council of the Tribe and it shall be responsible to the Council. The Council of the Tribe shall be composed of a voted representation elected for five years, chosen by the citizens of the Tribe in a ratio which shall provide a minimum of one representative for every ten thousand Dunams of land or for every five thousand citizens of the Tribe.

12. A representative in the Council of the Tribe, shall be an Israeli citizen regularly residing for minimum three years, in the area which he represents, whose letter of election is signed with the hand-written signatures of the majority of, or the largest number of citizens residing in the territory which he represents, or in the personal hand-written signatures of five thousand citizens residing in his area. Every citizen shall vote only for one representative residing in the area in which he lives, for the Council of the Tribe.

13. The Council of the Tribe shall have the authority to legislate laws for the Tribe without infringing the higher authority of a Tribal Vote of all the citizens of the Tribe as written in paragraph nine herein.

14. The right of Veto shall be vested in the Upper House of Parliament to be used in every case where a conflict exists between a law of the Tribe and the law of the State. Tribal laws shall become invalid if the Upper House shall exercise its right to veto them and advise same to the Chief of the Council of the Tribe within two weeks from the date on which the veto notice of the Upper House shall be received in the Council of the Tribe for the Chief of the Council. Nothing written in this paragraph shall in any way limit the authority of the National Personal Vote in the State, as written in paragraphs one, five and six, as the ultimate authority to decide any issue.

15. The Chief of the Council of the Tribe shall be elected by the majority of the members of the Council from their midst, for a period of five years from the day of his election. However, no man shall be eligible for the position of Chief of the Council of the Tribe for a second term right after termination of his first service term (of five years only). The Chief of the Council shall be elected by the Council members in the first meeting of the Council of the Tribe, within one month from the date on which the results of the elections for the Council of the Tribe had been published by the office of President of the State, Tribal vote Section.

16. The appointment of the Judicial organ of the Tribe shall be effected by the Chief of the Council of the Tribe with the support of the majority members of the Council, and shall be subject to the authority and rule of the Supreme Court of the State. The Judicial organ of the Tribe shall exercise its Jurisdiction on Tribal and National Laws.

17. A legislative proposal in the Council of the Tribe shall be brought forward by any member of the Council and shall become Tribal Law when supported by the majority of members of

the Council, after being signed by the Chief of the Council of the Tribe. The Chief of the Council of the Tribe shall be required to sign every legislative proposal adopted by the majority of members of the Council, but the Chief of the Council of the Tribe shall not sign any legislative proposal of the Council, except after the expiration of three months from the date on which the legislative proposal in its final form was published on the wall of the House of the Council of the Tribe. Every legislative proposal must be published in its final form on the wall of the Council of the Tribe, in a place where it can be read by any person whatsoever on the day at which the legislative proposal is presented by the Council to the Chief of the Council for signature. The Chief of the Council shall not exercise his vote in the Council, except in the case where no majority can be reached otherwise.

18. Every Council of any Tribe shall keep a record book, wherein shall be written a correct and truthful account of the progress of work in the Council. Every vote in the Council must be recorded in the record book, and except in the case of unanimous vote the names of all voters and how they voted shall be recorded. The council must publish copies of its Record-book in a place where these shall be available to everybody once a month.

19. Authority shall be given to the Council to determine its working procedure, subject to what is written in the Constitution, but the Council shall meet for business purposes at least once every month in a permanent place.

III 20. The Lower House of Parliament of the State of Israel shall be composed of the representatives of the people, whether in parties or not, at the ratio of ten thousand votes per representative. Elections for the Lower House shall take place simultaneously all over the State once every four years. The authority is vested in the Lower House of Parliament to determine its own working procedure, subject to what is written in the Constitution. The Lower House shall elect a chairman in its first meeting by majority vote. If no member of the Lower House

shall obtain the support of the majority of the other members for his election to the position of chairman of the Lower House the member obtaining the largest number of votes shall be the chairman, until such time as another will obtain a majority vote for his service as chairman of the Lower House. The chairman of the Lower House shall not exercise his right to vote in the Lower House, unless no majority can be reached without his vote. The Lower House shall meet for business purposes at least once every month in a permanent place.

21. A member of the Lower House shall not be obliged to give account of anything said in the Lower House, except to the Lower House. The right shall be given to the Lower House of Parliament to expell a member of the Lower House by way of Legislative proposal.

22. The Lower House of Parliament shall keep a Record-Book wherein shall be kept a correct and truthful account of the progress of work in the Lower House. Every matter of confidential nature brought before the Lower House for discussion shall be put in the Record-Book as confidential. Each and every vote in the Lower House must be recorded in the Record-Book, and except in the event of unanimous vote the names of all voters and how they voted must be recorded. The Lower House shall publish copies of its Record-Book in a place where it shall be accessible to anybody whatsoever once monthly.

23. The Upper House of Parliament of the State of Israel shall be composed of representatives of the Tribes. Each Tribe shall have two representatives in the Upper House.

24. The representatives of the Upper House of Parliament shall be elected for a term of service of six years but every two years the representatives of one-third of the Tribes represented in the Upper House shall resign in favor of new representatives from their Tribes:

25. The election of representatives to the Upper House of Parliament shall be as follows: Every Chief of the Council of a Tribe shall draw up a list of all the members of the Council and shall send this list to the official address of every citizen in the Tribe. Every citizen shall mark with his hand written signature two members of the Council in the list whom he supports for the Upper House and shall return the list to the Chief of the Council of the Tribe. The two members of the Council who receive the greatest number of signatures shall be the representatives of the tribe in the Upper House of Parliament. In the event that more than two members of the Council will receive the same number of signatures, the Chief of the Council of that particular Tribe shall select the two representatives of that Tribe to the Upper House from those receiving the same number of signatures. In the event that a place of a representative of a tribe shall become vacant during his service term, the Chief of the Council of that Tribe shall appoint a substitute for the elected representative in the Upper House, who shall serve until the expiration of the term of the elected representative whose seat became vacant.

26. The authority is vested in the Upper House of Parliament to determine its working procedure, subject to what is written in the Constitution, and to elect a chairman; but the Upper House of Parliament shall meet for business purposes at least once a month in a permanent place.

27. Members of the Upper House of Parliament shall not be obliged to give account of anything said within the Upper House except to the Upper House. The right shall be given to the Upper House to expell a member by way of a majority vote of at least three-fourths of all the members of the Upper House and after the consent of the President of the State.

28. The Upper House of Parliament shall keep a Record-Book wherein shall be written a correct and truthful account of the progress of work in the Upper House. Every matter of confidential nature brought before the Upper House for consideration shall be put in the Record Book as "confidential". Each and every vote

in the Upper House must be recorded in the Record-Book, and except in the event of unanimous vote the names of all voters and how they voted must be recorded. The Upper House shall publish copies of its Record-Book at a place where these shall be available to anybody whosoever once monthly.

29. Every confidential matter for the purpose of non-publication in the Record-Book shall become confidential after the President of the State shall confirm such classification with his hand written signature, and only then same may not be published in either of the Record-Books. Any confidential matter so classified shall not be divulged by the members of both houses of Parliament during their service terms, and also after termination of their service terms for a period which shall be fixed in each and every case by a legislative proposal after it becomes law, but also such law when going into effect shall be subject to the authority of the National Personal Vote if and when carried out.

30. The Lower House and the Upper House together shall be called the Sanhedrin (Congress). Any member of the Sanhedrin shall enter his legislative function only after having been sworn to his duty by the Chief Justice of the Supreme Court and before the President of the State, as follows: "I hereby swear to guard alliance to State of Israel and its Constitution." Any member of the Sanhedrin (Congress) may vote only in his own name. Every vote in the Upper House or in the Lower House shall be affected by way of hand-written signature of the voter on a formular showing the respective number of votes, wherein the voter shall mark "Yes" or "No" or "Abstain".

IV 31. The President of the State shall express the will of the people and shall be responsible for it. He shall carry the conscience of the State, and he shall be the Commander-in-Chief of all military forces and armed security forces, when they are called to the service of the State.

32. The President of the State shall be elected for a period of seven years, as follows: The representatives of all the Tribes in the Upper House of Parliament shall draw a list of candidates for the Presidency in such a way that each and every Tribe shall put up one candidate who is resident in that particular Tribe for Presidency. The list of one candidate from each and every Tribe shall, after having been signed by the representatives of that Tribe in the Upper House, be sent to the office of the President section for National Personal Vote. The National Personal Vote section of the office of the President of the State, shall make a National Personal Vote for the Presidency by way of sending the list of candidates for Presidency (one candidate from every Tribe) to the address of every citizen in the State. Every citizen in the State shall mark on the list with his handwritten signature one candidate only whom he supports for the Presidency and then return the sealed list to the office of the President of the State section for National Personal Vote (within two weeks from the day at which the list for candidates for Presidency was delivered to his address) where it shall be opened in the presence of the members of the Court for Votes (to be defined herein after) within three months from the date at which the office of President of the State shall become vacant. The candidate receiving most of the votes of the citizens in the State shall be the President. No President of the State shall be elected for a second term right after termination of his first term as President of the State. The President of the State shall not leave the boundaries of the State during his term of office.

33. When elected, the President of the State of Israel shall before commencing his official duties be sworn in by the Chief of Justice of the Supreme Court of Israel, as follows:
"I hereby swear alliance to the State of Israel and to the will of its people."

34. In the event that the office of the President of the State shall become vacant before expiration of the term of service, the Upper House of Parliament shall elect by a majority vote of its members a substitute to the President from its midst, a member who will fulfill the functions of the office of President until elections for a new President according to paragraph thirty-two herein shall take effect. Election for a new President shall take place in the shortest time possible, but not later than one month from the day in which the office of President may become vacant. In the event that no majority will be obtained in the Upper House for the appointment of a substitute for the President, the person receiving the support of the greatest number of members of the Upper House shall be the substitute for President during the interim period.

35. A state of emergency in the State of Israel shall be established by a declaration of the Sanhedrin (Congress) to be decided upon through majority vote, and shall be valid for a period of a maximum three months. After termination of three months the State of emergency shall cease, unless a new decision shall be taken by the Sanhedrin to prolong the state of emergency for an additional maximum of three months, etc. The vote to establish a state of emergency shall take place only in accordance with a request from the President of the State, at a joint session of both houses of Parliament, to be called by the President for that purpose; but each House shall vote independently - first the Lower House and then the Upper House shall vote. In the event that the office of the President of the State shall become vacant during a state of emergency the Upper House shall by majority vote elect from its members a substitute for the President, who will exercise the office of President until the termination of the State of emergency. Any appointment of a substitute for the President by the Upper House shall without exception be valid for three months only, and shall automatically expire after a maximum three months from the date of appointment by the Upper House. The Upper House may decide, because of the prolongation of the state of emergency on account of war, to make a new appointment or an

additional appointment for a maximum of three months, of a substitute for the President, as long as the state of emergency prevails.

36. The office of the President of the State shall include a voting section. This voting section shall have a subsection for National Personal Vote in the State and other subsections for Tribal votes of each and every Tribe, in compliance with the provisions of the Constitution. The voting section shall be an integral part of the office of the President, and shall be subject to his direct attention and authority.

37. The President of the State shall appoint once in every two years members of the Court of Votes, according to the suggestion of the outgoing members of the Upper House. Every two outgoing members of a Tribe shall propose one candidate for a service term of two years. The Court of Vote shall be subject to the jurisdiction of the Supreme Court of the State.

38. Every attempt to falsify and every wilful falsification of forgery in a National Personal Vote or in any other vote in the State of Israel shall be punished by a prison term of not less than ten years and by withdrawing citizenship after the accused shall be found guilty before the Court for Votes. Every man shall have the right to complain about any irregularity of vote in a letter directed to the President of the State. Every complaint shall be brought before the Court of Vote, but authority is given to the Court of Vote to decide whether or not any complaint should become cause for further action. The Court for Vote shall be obliged to keep a Record-Book wherein shall be written all its decisions without any exception and which shall be published from time to time, not less than once in every three months.

39. The authority is vested in the President of the State to declare null and void any vote which took place in the State of Israel either on the basis of Judgment given by the Court for Vote or on the basis of his own personal conviction that the vote was not properly executed. Every Vote that was nullified by the President shall be revoted within three weeks from the date at which the President declared the first vote null and void.

40. The exclusive authority to grant clemency in the State of Israel shall be vested in the President, and it shall be used by him as he deems fit.

41. All the commanders of all security and armed forces of the State of Israel shall be obliged to render a written report signed with their hand-written signature to the President of the State in his capacity of Commander-in-Chief of all armed and security forces in the State, at any time when they are called upon to do so by the President.

V. 42. Any one holding an office under the terms of the Constitution wherein he is required to give service to the Nation and to all its citizens shall not be eligible for and shall not accept or hold any other office as long as his term of office in accordance with the Constitution is not terminated.

43. Further to what is written in paragraph seven, any legislative proposal must, in order to become law of the State of Israel, be proposed by any member of the Lower House of Parliament to the Lower House, be supported and passed with regular majority in the Lower House, with a majority of three-fourths in the Upper House of Parliament, and be signed by the President of the State. The President of the State of Israel shall be obliged to sign any legislative proposal after it was passed by both Houses of Parliament as provided for, but the President shall not sign any legislative proposal after it passed both houses as mentioned except after a period of three months is passed from the day at which the legislative proposal in its final form was published on the wall of the Lower House. Every Legislative proposal must be published in its final form on the wall of the Lower House in a place where it can be read by any man whatsoever and which is accessible to any man whosoever, on the day at which it is transmitted for signature from the Upper House of Parliament to the President of the State.

44. In a time of emergency the right shall be given to the President of the State (or to the substitute for President as written in paragraph thirty-two) to sign a legislative proposal

after it was passed by the Lower and Upper Houses of Parliament in accordance with what is written in this Constitution, without waiting three months from the date at which the legislative proposal in its final form was published on the wall of the Lower House. But every law thus enacted shall also be subject to the ultimate authority of a National Personal Vote which may take place.

45. In any event the Law of Israel shall be the will of the majority of the people as expressed in a National Personal Vote of all the citizens and shall become effective right after the result of the National Personal Vote signed with the hand-written signature of the chairman of the Court for Vote shall be published, not later than four months after the demand for National Personal Vote in accordance with this Constitution was delivered.

46. The legislative authority in the State of Israel, shall be given to the National Personal Vote, and to the Sanhedrin and the President, subject to and in accordance with what is written in this Constitution.

47. Any amendment in this Constitution to become effective must be supported and passed by a majority of three-fourths in the Lower House and in the Upper House of Parliament, and must be then put to a National Personal Vote and supported by three fourths of all the citizens who were eligible to participate in the National Personal Vote in accordance with this constitution, at the time when the vote supporting or rejecting the proposed amendment shall take place.

48. There shall be One Law in the State of Israel, and all inhabitants shall be equal before the Law. No man shall be found guilty before any court in the State, except when he had broken a law and was prosecuted and found guilty either on the basis of his own admittance or on basis of evidence of at least two witnesses. No man in Israel shall be punished except according to Law in Israel, and unless he was accused before a court, in accordance with the Law, within ten days of arrest, he shall not be detained further. As long as any man in Israel was not accused before a Court in Israel and pronounced guilty by that

court, he shall be deemed innocent. Any man shall be judged in Israel only in the presence of Defence Council and Prosecution. The right shall be given any man in Israel to defend himself in court. The right shall be given to any accused man in Israel to be tried by Jury.

49. All the citizens of the State, and all inhabitants in the boundaries of Israel, shall keep alliance to the State of Israel, to its inhabitants, to its Constitution, and to its laws.

50. All the moneys and all the taxes and all matters concerning the coin of the State of Israel shall become valid and be vested with effective value by way of an appropriate legislative proposal after it becomes the Law of Israel.

51. No funds shall be withdrawn from the Treasury of Israel and no money paid into the Treasury, except by way of complying with a Law specifically authorizing such transaction. With the Treasury shall be kept an official Book wherein shall be written every entry into and every withdrawal from the Treasury and any other action done within the Treasury of Israel and the authority according to which the action took place. The Official Book of the Treasury may be subject to inspection by any and all members of the Sanhedrin (Congress) at any time upon demand of any member of the Sanhedrin. The exclusive right to coin money and print notes of money in Israel shall be given to the Treasury of the State of Israel.

WI 52. The executive Branch of the State of Israel shall be subject to the laws of the State and shall function only by way of exercising the laws of the State and guarding them.

53. All executive authority in the State of Israel, except what is otherwise written in the Constitution, shall be vested in a Prime Minister who shall be elected by the Lower House of Parliament from within its members and who shall be continuously supported by the majority of the members of the Lower House during his office. Every member of the Lower House shall upon being elected Prime Minister resign from the Lower House. In the event that no member of the Lower House will receive the support of the majority members of the Lower House

for his service as Prime Minister, the President of the State shall disperse the Lower House, and new elections for the Lower House shall take place without delay throughout the State.

54. Any decision by the President of the State to disperse the Lower House shall not be taken except after a minimum of one month has lapsed from the day on which the last Prime Minister was dismissed - as a result of having failed to secure support of the majority members of the Lower House for his office - in a vote of confidence or non-confidence by the Lower House to the Prime Minister. However, in accordance with the demand of the President of the State, the out-going Prime Minister shall not leave his office before the election of a new Prime Minister by the Lower House. In the event that after having dispersed one Lower House, a new Lower House was elected which also does not support any of its members for the office of Prime Minister, within one month from the date on which the new members were sworn into their duties, the President will appoint a Prime Minister who will exercise his duties as long as a non-confidence vote to him by the majority members of the Lower House will not be voted, until a Prime Minister who will secure support of the majority members of the Lower House for his appointment shall come up, or until the Lower House be dispersed again according to the provisions of the Constitution.

55. A vote of confidence or non-confidence to the Prime Minister, shall take place at any time when a written demand for same, signed with hand-written signatures of twenty members of the Lower House, be delivered to the chairman of the Lower House, in the next meeting of the Lower House which shall take place not later than three weeks after the delivery of the demand. Any member of the Lower House may address the Lower House and propose a non-confidence vote at any time. In the event that at a confidence or non-confidence vote, which shall be held as provided for in the Constitution, the Prime Minister shall fail to secure the support of the majority members of the Lower House, then he himself and all the members of his government are dismissed right after such vote.

56. The authority is given to the Prime Minister to appoint ministers in his government. In the event that a member of the Lower House shall be appointed minister, he will resign from the Lower House to take his position as Minister of the government. The responsibility for the activities of all the ministers altogether and for foreign affairs in particular shall rest with the Prime Minister who is responsible to the Lower House. The Prime Minister and all his Ministers shall be allowed to participate in all the sessions of the Lower House with the right to speak but not to vote, but they are required always to reply to any question put to them by any member of the Lower House, verbally or in writing within reasonable time. The Prime Minister and his Ministers must be present in the Lower House of Parliament at any time when a vote of confidence or non-confidence to the Prime Minister is being held, and also, at any time in accordance with a demand of the chairman of the Lower House.

57. The Prime Minister and his Ministers shall each be sworn into their duties as follows: "I hereby swear alliance to the State of Israel, to its citizens and to its constitution, and shall try to the best of my ability to execute the laws of the State." However, the Prime Minister shall be sworn in by the President before the Sanhedrin (Congress), and the Ministers shall be sworn in by the Prime Minister before the President of the State.

VII 58. The Judicial authority in the State of Israel shall be vested in a Supreme Court of the State that shall be composed as follows: One Justice of the Supreme Court from each and every Tribe shall be elected by the Chief of the Council of that particular Tribe with the supporting majority of the members of his Council; one Justice of the Supreme Court shall be elected by the majority of members of the Lower House, one Justice of the Supreme Court shall be elected by the majority of the members of the Upper House; one Justice of the Supreme Court to be elected by the President of the State.

59. In the event that a place of a Justice of the Supreme Court shall become vacant, a new Justice shall be elected to the Supreme Court, so that the composition of the Supreme Court shall always be as mentioned in the previous paragraph. A vacant place of a Justice of the Supreme Court must be filled within three weeks.

60. The members of the Supreme Court shall elect a Chief Justice of the Supreme Court from their midst and shall serve as Justices of the Supreme Court as long as they shall be deemed fit to fulfill their duties by a three-fourths majority of all the members of the Supreme Court. All other decisions of the Supreme Court shall be reached by a regular majority vote.

61. The Chief Justice of the Supreme Court shall be the chairman of the Supreme Court, and he shall not exercise his right to vote in the Supreme Court unless no majority can otherwise be reached. The Chief Justice of the Supreme Court shall also be chairman of the Court for Vote and shall like-wise not exercise his vote there unless no majority decision can be reached otherwise.

62. The authority is given to appoint courts of law and Justices in them who shall all be subject to the rule of the Supreme Court of the State, by way of legislative proposal after it becomes Law. The right to convict law-breakers and to sentence them is given to the Judges, but the treatment of lawbreakers in the State of Israel shall be directed to correct the damage done, to prevent further offenses, and to improve the ways of lawbreakers in a sociological, educative manner. The right shall be given to any man in Israel to approach the Supreme Court of the State and request that Justice be done to him after he had been convicted by any a court which is subject to the rule of the Supreme Court. In any event decision or judgment of the Supreme Court of Israel shall be final. No man shall be punished twice for the same offense in Israel. There shall be no Capital punishment in the State of Israel.

63. The principles of International Law shall be a part of the legal code of Israel only insofar as they do not contradict the Constitution of Israel, according to the decision of the Supreme Court of Israel.

An attempt has been made by an Israeli layman to draw basic lines for an Israeli Constitution that may fulfill what is lacking and greatly needed in our young State, so as to solve the existing conflict between the political system ruling and the character of the inhabitants of Israel. This suggestion was drafted not by an expert in the legal field. It is written not in a polished formulation, because the artists in whose power it could have been to better formulate a Constitution for Israel along the values referred to, are too "involved" to tackle a job of this magnitude in a practical way, after having been advised from "heaven" above, that the present parties in Israel do not intend to establish an Israeli Constitution. These party men whose one hand is holding the other, refuse to be bound to a written Constitution which may not only define but perhaps even limit the absolute authority that they have given to themselves today in fixing the destiny of the State.

These words are written by a native of Israel who relies only on his common sense, and on a conviction which resulted from active experience in the Maritime field of our National Life, before the establishment of the State, during the liberation struggle and after it. The value of water to human beings is known, whether to satisfy thirst or to purify the flesh and clean the hands. But there is one quality to water of which we are not always fully conscious. It is the fact that in water is reflected the image of human beings, as in a mirror. With the knowledge that the Maritime field of our National Life is simultaneously the pulse-beat of our total existence in the land, as well as the mirror wherein are reflected all the forces interacting in the other fields of our national life, the writer met these forces and learned to know them. He was a witness to the way things began rolling from bad to worse and to how we all have been sinking and sinking. In order to prevent our going deeper and lower, and to save ourselves from drowning, he was convinced that our national bull of the state of affairs today must be caught by the horns and pulled out of the red monopolistic muddy

quick-sand in which we are all vanishing. With a cry of protest and an attempt to harness the rush of our gilded calf from eating or racking everything in his reach - this was the way in which what is written herein was crystallized.

Not the incidentals which are mentioned nor their formulation are important in the suggested proposal for a Constitution. The major point is the very need to classify our political structure and to determine it. And here reference must be made to the fact that a proposal for an Israeli Constitution was once before put forward in 1948.

The previous proposal was written by Dr. Yehuda Pinchas Cohen, before the establishment of the State. But, although it provided basis for deliberations in the Provisional State - Council, it failed in the most important aspect, namely, no Constitution for new Israel has so far been enacted and this is to the credit of the party politicians. They feel comfortable in the present "closed shop" set up, and are dictated to by the needs of their daily bread, to put and hold our political structure in constant fog and thinly coated anonymity.

The proposal of Dr. Cohen was written before the establishment of our State and therefore is not based on our reality as it developed from then until today. The proposal here is different from the former, inasmuch as it is written as a result of practical living experience in our own state during the first five years of its existence. In this latter respect the suggestion here is not intended to invalidate the former one, but to add to it and to correct it, in order that it should comply with the needs of our development, those of today and those of tomorrow.

The first proposal was buried alive in 1949. The fact that the urgent need for a Constitution to be established in Israel is not yet fully shared by everybody is sad, but it is not too late. The future is in our hands whether for better or for worse it is in your hands!

In the event that you think that the demand for the expression of your opinion and the opinion of all other citizens in the State on important issues is justified; in case you approve of the human principle that the highest authority in Israel should be the will of the people as expressed in a National Plebiscite, because man is close to himself and there is no other way to integrate the will of the individual in the society in which he lives, to share with him the responsibility for what goes on, and at the same time to maintain a way of life of one together with the other and not one on account of the other; if you understand that the existing disorder and arbitrary confusion cannot last indefinitely - then do express your view in any form you consider proper, through a National Referendum.

The idea exists to establish an Institute for public opinion in Israel, one that could as time progresses, exercise the role of the office of Vote in the State. It is possible that the establishment of the Institute for Public Opinion may help educate people to the need for a Constitution to be enacted in Israel as early as can be. This is for the future to decide. In any case, nothing can stand for long in the way of the people - don't forget THE PEOPLE-IS YOU! We have once before been told! "IN TIRTZU-EIN ZO AGADA.....(If you wish - This shall not stay a wish.)

I. L. KENEN

3636 SIXTEENTH STREET, N. W.

WASHINGTON 10, D. C.

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NORTH 7-0765

WASHINGTON REPRESENTATIVE
AMERICAN ZIONIST COUNCIL

October 5, 1953

Dear Dr. Silver:

This is the Sharett statement
about which I spoke to you.

Cordially,



I. L. Kenen

Encl.

3

Rabbi Abba Hillel Silver
The Temple
Ansel Road
Cleveland, Ohio



from J. L. Keren

PERMANENT DELEGATION OF ISRAEL
TO THE UNITED NATIONS
11 EAST 70th ST.,
NEW YORK 21, N.Y.

GAC-4

25 September 1953

LETTER FROM MR. MOSHE SHARETT TO MAJOR-
GENERAL VAGN BENNIKE OF 24 SEPTEMBER 1953.

Herewith is the full text of the letter sent by the Foreign Minister of Israel, Mr. Moshe Sharett, to Major-General Vagn Bennike, Chief of Staff of the United Nations Truce Supervision Organisation, dealing with the work being carried out in the North of Israel.

I have the honour to acknowledge receipt of your letter of 23 September 1953 and of the attached memorandum setting forth your views concerning work which is being carried on South of the Bnei Yaacov Bridge.

2. I must point out at the very outset that the substance of your views and their underlying assumptions appear to be at marked variance with the position so far maintained by the competent organs of the United Nations as regards works of this nature in the Demilitarized Zone. As early as in 1949, during armistice negotiations, the United Nations adopted an unequivocal attitude concerning the future development of the Zone. In his covering letter to a statement, which you yourself mention as an authoritative comment on Article V of the Israel-Syria General Armistice Agreement, written on 26 June 1949, the Acting Mediator, Mr. Ralph Bunche, stated: "I may also assure both parties that the United Nations, through the Chairman of the Israel-Syrian Mixed Armistice Commission, will also ensure that the Demilitarized Zone will not be a vacuum or wasteland". Since that statement was made, the gradual restoration of normal civilian life, provided for by Article V of the Armistice Agreement, has indeed comprised the resumption and continuation of development and settlement activities. New agricultural settlements have been established in the Zone; roads have been constructed; wastelands were brought under cultivation; the Jordan river-bed has been deepened and at certain points its very channel has been altered. All these changes have taken place with the full concurrence of the United Nations authorities.

3. Syria's consistent opposition to such peaceful development work, voiced in pursuance of its established policy of economic warfare against Israel, has at no time been endorsed by the United Nations. Under the Charter, the United Nations stands to promote the conditions for economic progress and development. Under the Israel-Syria General Armistice Agreement, the sole concern of the United Nations representatives throughout has been to ensure that in the course of the execution of development projects, the established private rights in the Zone should be adequately protected.

4. Certain questions regarding private rights did indeed arise in connection with the Huleh Drainage scheme, the work on which commenced three years ago. The points at issue were at the time fully examined by the then Chief of Staff, General William E. Riley, as well as by the Security Council. The conclusions, reached as a result of that examination, have been accepted as a basis for all development projects in the Demilitarized Zone. The drainage work has ever since proceeded with the full concurrence of the United Nations and without interference from outside. It is important to define the exact scope of the United Nations' concern in the matter. Such a definition was offered by General Riley himself when at a session of the Security Council on 2 May 1951, in reply to a question asked by the Netherlands Delegate as to whether the question of rights involved in the concession of the Palestine Land Development Company for the drainage of the Huleh is one which might fall within the jurisdiction of the Mixed Arbitration Commission; he stated that the United Nations was only involved with that land within the Demilitarized Zone which is the property of Arab refugees. "That is the only part of the concession with which we had anything to do. I feel that the United Nations should never impede progressive work. However, I am involved here with the Armistice Agreement in which the United Nations is charged with the normal restoration of civilian life. I have no quarrel with the project itself. I feel that that is not a matter which affects either Syria or the United Nations. I am only involved in the normal restoration of life within the Demilitarized Zone which affects the 30, 40 or 50 Arabs that own the approximately seven or eight acres of land within the Demilitarized Zone".

5. In the present case the work of digging a canal in execution of a project of power development is conducted on the basis of existing rights including the concession held by the Palestine Electric Corporation. These constitute important private rights within the Demilitarized Zone which the United Nations Truce Supervision Organisation, as authoritatively laid down, is called upon to safeguard. Full care has been taken to ensure that the work should in no way impinge upon any private Arab land in the area nor curtail the use of water for irrigation by land owners and cultivators within the Demilitarized Zone. In these circumstances it was but natural that the Chairman of the Israel-Syrian Mixed Armistice Commission, when informed of the commencement of the project on the 2nd of September 1953, should have expressed his concurrence with it. In so far as you yourself and your deputies raised any points for clarification, none of which question the legitimacy of the project itself, they were satisfactorily settled. This situation of understanding and co-operation continued until the Syrian Government, in accordance with its established practice, proceeded to raise baseless objection to the project accompanying its protests by public threats of violence. In the face of these tactics of intimidation from the Syrian side which manifestly conflict, not only with the Armistice Agreement but with the fundamental principles and purposes of the Charter of the United Nations, it is regrettable and disturbing that an attempt should now be made to reopen issues previously disposed of and to modify the established position of the United Nations by raising questions extraneous to the Armistice Agreement.

6. You base your conclusions on an examination of the following three points:

- a) Whether the work so far performed has interfered with civilian life in the Demilitarized Zone.
- b) Whether construction of the projected canal within the Demilitarized Zone will interfere with such life, and
- c) Whether the first object mentioned in Article V Para 2 of the General Armistice Agreement concerning separation of the armed forces of the two parties will be affected by the work in question.

7. On these points and on the facts adduced in their examination the following observations are offered:

A. Israel representatives have repeatedly given you and your deputies categorical assurances summarised in Sgan Aloof A. Shalev's letter to you of 22 September 1953, that the project has not so far involved, nor will it involve in future, the use of Arab owned land in the Demilitarized Zone and that it has not otherwise affected, nor will it in future affect, such land. In no conversation which had taken place during past weeks, including my own conversation with you on the 22nd of September, was any reference made to the possibility that the ownership of any land involved might be under dispute. It is evident, therefore, that such possibility, conjured up on the part of Syria, is purely hypothetical not to say imaginary, that Syria, which under the Armistice Agreement has no status in the matter, has raised the question merely to obstruct the work, and that consequently this provides no valid reason for discontinuing a vital development scheme. At the same time, there is of course no objection at all to your representatives examining the files of the relevant Land Registry Office, in which examination they will receive the full co-operation of the Israel authorities.

B. What is called in your letter "the small island" is actually a speck of land the size of which never exceeds 400 sq. meters. It is submerged every winter and rises above the water in varying sizes and shapes in summer. It is entirely uncultivated and has never been cultivated, inhabited, or otherwise used by men within living memory. It is not owned by any Arabs. In these circumstances the question whether this insignificant site is or is not partly flooded as a result of the construction of the dyke, is purely irrelevant; but the fact is that it is not, and care is being taken that it should not be.

C. As for the Water Mills, neither in past discussions between United Nations representatives and ourselves on the utilization of the Jordan waters, nor in direct context between us and the Syrians have any claims ever been advanced that water from the Jordan river is required for operation of mills on the East bank. The falseness of the contention made to you on this score is proved by the fact that the two mills shown to you on the 14th of September as having ceased to work owing to the lack of water, have actually not been in operation for years; and that moreover,

the canal leading to these mills branches off from the Jordan North of the point from which the contested canal is being dug; so that digging of the canal and diversion of water into it could have no possible effect upon these two mills.

D. The point concerning the likelihood of interference with normal civilian life in the Demilitarized Zone as a result of the construction of the projected canal is fully met by our definite assurances that the volume of Jordan water now used by Arab land owners or cultivators for irrigation purposes will remain available in future. The claim in your letter that the projected canal would leave the Jordan with very little, if any, water is entirely unsubstantiated, whereas explicit assurances given to you by Israel representatives orally and confirmed in writing by Sgan Aloof Shalev are based on thorough topographical and hydrological investigation.

E. The provision you quote from Article 7 of the Armistice Agreement, which defines the object of the Demilitarized Zone as that of separating the armed forces of the two parties in such manner as to minimize the possibility of friction and incident is, needless to say, fully valid. It is axiomatic that whether a canal is dug or not, such separation would remain effective as long as the Zone continuous demilitarized and the parties adhere to the Armistice Agreement. As for the possible effect that the digging of a canal can have upon the achievement of that objective -- so far from hampering the canal can only facilitate it, since a party bent upon aggression will find yet another obstacle to overcome. For its part the Government of Israel has consistently abjured aggression. Were it nursing aggressive designs it would be thwarting its own purpose by digging the canal. On the other hand the fact that objection to the canal comes from Syria has epinous significance.

F. Moreover Syria's title to raise the question of military advantage must be challenged in principle as clearly indicated in Article II Para 1 of the Armistice Agreement. The principle that no military advantage must accrue to either party was valid only during the Truce periods which preceeded the conclusion of the Armistice. The parties to the Armistice Agreement are not entitled to invoke that principle, either under the above mentioned article or by reference to any other provision of the Armistice Agreement. Had the right to do so been conferred by the Armistice Agreement, Syria might raise objections to any measure or project anywhere in Israel which strengthened this country's potential.

In this connection it is pertinent to point out that Syria's previous complaints concerning military advantages to Israel which were supposed to result from the execution of the Huleh Drainage Project were rejected by the United Nations Chief of Staff as lacking validity.

8. The question of the Buteiha farm, raised in your memorandum, calls for special treatment. The arguments advanced by the Syrians on Israel's good will in regard to the irrigation of their lands must be emphatically rejected as irrelevant in the context of the Armistice Agreement. A converse contention on the part of Israel that she cannot possibly be made to depend on Syrian good will where the execution of development projects of crucial importance for her economic future is at stake would be, on both legal and practical grounds, of infinitely greater cogency. The decisive consideration here is that the Armistice Agreement provides for the restoration of civilian life, and by implication for the protection of private rights, only within the Demilitarized Zone and not outside it either in Syria or in Israel. The undertaking given repeatedly to the United Nations representatives and to the Syrians direct, that the volume of Jordan water now used by Buteiha farm for irrigation purposes would be assured for the future, was an ex gratia act motivated by considerations of equity and future good neighbourliness and not by any obligation arising from the Armistice Agreement. This undertaking is reaffirmed in Sgan Aloof Shalev's letter, where assurance concerning provision of the customary amounts of water to Arab cultivators is to be read as applying also to Buteiha farm. As for the operation of the checking gates in April 1952, this again was a matter of internal administration of the Demilitarized Zone and not one of concern to Syria. It was not subject to agreement between Israel and Syria but was carried out solely with the concurrence of the Chairman of the Mixed Armistice Commission.

9. In the light of the foregoing the Government of Israel fails to see any justification for the conclusion that peaceful work of an eminently constructive and beneficial character which is in progress within the Demilitarized Zone should now be interrupted. It takes a particularly serious view of the fact that this conclusion was preceded by open threats on the part of the Syrian Government. It regards the freedom of development work within the Demilitarized Zone as an integral and essential part of the restoration of normal civilian life provided for in the Armistice Agreement, and has hitherto always been sustained

in this contention by the competent United Nations authorities. It is ~~not~~ ready and has indeed formally undertaken to respect to the full whatever private rights as to ownership of land or use of water may be involved. It upholds at the same time private rights possessed by Israel interests in the area and cannot agree that they have a lesser priority than individual rights of others. In actual fact there ~~has~~ been no infringement of any such rights possessed by Arabs as a result of work already carried out and none is to be foreseen in its continuation. The Government of Israel is always ready to clear up any point with you and your representatives and if necessary to submit the issue for examination to the Security Council in its interpretation of the Armistice Agreement as borne out by former United Nations practices and pronouncements. The only question of agreement that can arise is with the local inhabitants of the Demilitarized Zone bearing on their private rights. In the specific circumstances of the present case no issues exist which call for such agreement and consequently continuation of the work cannot be made conditional thereon.

10. It remains the firm policy of the Government of Israel to adhere strictly to its obligations under the Armistice Agreement. In stating its views on the issues which have arisen the Government of Israel does not depart from its conception of the powers and functions of the Chairman of the Mixed Armistice Commission under the terms of the Israel-Syria General Armistice Agreement. The Government's understanding in this regard was formulated by its representative Ambassador Eban, at the 547th Meeting of the Security Council of 18 May 1951, in the following terms: "the Chairman of the Mixed Armistice Commission is not an authority appointed by the United Nations and imposed over the signatories to the Agreement. He is an organ established as a result of an Agreement and his functions are precisely those which they have defined. If either party had not wished the Chairman to have certain functions than he would not have had them. This fact, together with the specific provision, that he may not exercise administrative responsibilities anywhere rules out any idea that he should operate by mandatory requests directed to the very governments which had defined his functions and which are presumably, therefore, in a position to know what powers they have conceded to him".

11. I am confident that you will give the considerations set forth in this letter your very serious attention and shall be glad to receive your comments on them.

Please return -
Atts



MITCHELL Studio

4112 LORAIN AVENUE • CLEVELAND, 13 OHIO

Oct 10-1953 ME 1-1076

Rabbi Abba Hillel Silver
19810 Shaker Blvd.
Shaker Hts. Ohio.

Dear Rabbi:

I would like to call your
attention to the article enclosed,
which was published in the Catholic
Universe Bulletin on Oct. 9th.

It was given to me by
Mrgs. Augustine Tomack.

I would appreciate very much
your comment on it.

Sincerely yours
Irving Mitchell



Israelis Blow Up Catholic Village, Church, Homes

JERUSALEM—(NC)—A Catholic village and church were blown up by Israeli authorities last Sept. 16, it was revealed in an appeal sent to Pope Pius XII and to the ambassadors of the U. S., France, England and Turkey.

The village, called Kafr-Birra, is three miles from the border of Lebanon.

The message sent to Pope Pius XII by nearly 700 Catholics in Israel said:

"Israeli authorities have completely destroyed our church at Kafr-Birra, Wednesday, Sept. 16. Six hundred and seventy Arab Maronites, faithful Israeli citizens, are today without a roof, without lands, and without work."

Destruction of the village was carried out Sept. 16 and 17 with fire bombs and dynamite.

The Maronites, who belong to an eastern rite of the Catholic Church, had received a promise from the late President Chaim Weizmann of Israel that they would be allowed to return to their homes. The promise was given after a petition was sent by Maronite Patriarch Anthony Peter Arida of Antioch.

The villagers were not involved in the Arab-Jewish strife following the end of the British mandate.

In October 1948, the village was occupied by Israeli troops. For 15 days, the troops remained on friendly terms with the Catholic villagers. Then suddenly, the people were ordered to leave. Some were forced to go to the neighboring village of Jish (Goush-Halav), others to the village of Yaroun across the Lebanese border.

DURING THE FIVE YEARS THE VILLAGERS WERE KEPT FROM THEIR HOMES AND FARMS, the church at Kafr-Birra was profaned several times and the villagers' houses robbed.

The damage caused by the dynamiting and burning of the village is estimated at 200,000 Israeli pounds. The destruction began with an Israeli plane dropping incendiary bombs. Then followed a number of detonations which lasted from two to five in the afternoon on Sept. 16. The villagers, not far away, could see their homes blown into the sky. Dynamiting went on the entire next day.

Renew Call for UN Jerusalem Action

BY NCWC NEWS SERVICE

WASHINGTON—The brutal destruction of a Catholic village in Israel underscores anew the precarious position of Christians in Israel. It also emphasizes that the world community should take effective measures to insure the adequate protection of Christian shrines in all Palestine, and particularly in the Jerusalem area.

Destruction of Christian property in Israel is not something new. There were repeated acts of vandalism and profanation in the Jewish area during the Palestine fighting, and some since.

The important thing is that these incidents are continuing at the present time when there can be no excuse that they are due to "irresponsible elements" or are the result of "wartime excesses."

It is also noteworthy that Catholic villages have been destroyed in this brutal manner while Moslem villages even nearer the Arab-Israel frontier have not been touched, nor have their inhabitants been molested.

THE CRUX OF THE MATTER IS WHETHER CATHOLICS CAN LIVE IN PEACE IN ISRAEL. It is not a question of Arab refugees scattered in other countries, but of people who are citizens of Israel. They did not flee to other lands. They wished to remain in that part of Palestine now called Israel and they have the right to remain there and live in peace, particularly because they were never involved in the Arab-Jewish conflict.

The Kafr-Birra incident came to light as a new call was made before the UN General Assembly for effective action by that body to internationalize Jerusalem and its environs.

The call came from the Lebanese

delegate, Charles Malik, who read before the 60-nation assembly a letter sent to UN Secretary-General Dag Hammarskjöld from the Catholic Near East Welfare Association. The letter protested the recent transfer of the Israeli government offices from Tel Aviv to Jerusalem as an infringement of Christian interests and a violation of UN resolutions. After reading the letter Dr. Malik himself demanded that the entire area of Jerusalem be placed under "effective international supervision."

INTERNATIONALIZATION OF JERUSALEM has several times been voted by the UN General Assembly but has never been carried out. The Holy Father has repeatedly called for this internationalization as the only genuine way to safeguard Christian shrines in the area. None of the so-called "compromises" suggested by Israeli authorities has ever found favor with Catholic officials.

In addition to Nazareth, these other important Christian shrines are now in Israeli-controlled areas: the Shrine of the Dormition, venerated as the place where the Blessed Virgin died and was assumed into Heaven; the House of Caiphas on Mount Zion where Christ was held a captive before His crucifixion, and the Cenacle, where Christ instituted the Holy Eucharist.

COPY

COPY

EMBASSY OF ISRAEL

SK/427

1621 Twenty-Second Street
Washington, 8, D.C.

October 21, 1953

Mr. Harry A. Steinberg
A2C, 342 Madison Avenue
New York 17, New York

Dear Mr. Steinberg:

Forwarded herewith for your guidance and possible use the information we have just received with regard to Biram Village.

The facts given in the Catholic press reports are substantially true with one notable exception: we have categorical assurances from our Government that the church in Biram remained intact. The Catholic press, of course, completely misinterpreted and distorted the background leading to this action. The village was abandoned by its Arab inhabitants in the course of the War of Independence.

The village is situated a few miles from the Lebanese border, and the empty houses served as shelter and base of operations for Arab infiltrators, smugglers, and thieves from across the border who constantly endangered the security of that part of Israel. Therefore, the Israel Army was compelled to blow up the houses. Because of the strategic location of the village, there was no chance whatsoever of as unreliable an element as the former Arab residents of Biram being allowed to return there.

As soon as I receive additional information, I shall be pleased to let you know.

Sincerely yours,

/s/

S. Kariv
Second Secretary

AMERICAN ZIONIST COUNCIL

342 MADISON AVENUE

• TELEPHONE MURRAY HILL 2-1160 •

NEW YORK 17, N. Y.

Cable Address: AMZIONIST

October 27, 1953

Rabbi Abba Hillel Silver
The Temple
Ansel Road & East 105th Street
Cleveland, Ohio

Dear Rabbi Silver:

With reference to Mrs. Kozlen's inquiry based on Mr. Irving Mitchell's letter to you, it is our information that the Embassy has written directly to the Catholic Press. For your information, I enclose copy of a letter from the Embassy to us, dealing with the situation.

With kindest regards,

Cordially,



Harry A. Steinberg
Assistant Executive Director

HAS/res
Enclosures

CONSTITUENT ORGANIZATIONS

Hadassah, Women's Zionist Organization of America • Hapoel Hamizrachi • Labor Zionist Organization of America-Poale Zion
• Mizrachi Organization of America • Progressive Zionist League—Hashomer Hatzair • United Zionist Labor Party (Achdut
Avodah-Poale Zion) • Zionist Organization of America • Zionists-Revisionists of America

DELEGATION OF ISRAEL TO THE UNITED NATIONS
11 East 70th Street
New York 21, New York

Trafalgar 9-7600

GA 8-30
FOR RELEASE ON DELIVERY

DIRECTOR OF PRESS RELATIONS
Harry Zinder

THIS IS AN ADVANCE COPY

CORRECT ONLY AS DELIVERED

STATEMENT BY AMBASSADOR ABBA EBAN,
PERMANENT REPRESENTATIVE OF ISRAEL TO THE UNITED NATIONS,
BEFORE THE SECURITY COUNCIL,
OCTOBER 30, 1953.

Mr. President:-

I welcome this opportunity to give a preliminary outline of my Government's views on the objection raised by Syria against the execution of the B'nath Ya'acov canal project under a Concession held by the Palestine Electric Corporation.

The problem before us raises many points of detail, on each of which I shall be prepared to make a full submission at future meetings. I shall invite the Security Council to reaffirm such principles and procedures as will facilitate the resumption of this work. I have no doubt that the Security Council, in conformity with the highest judicial principles, will embark upon this investigation with no prior commitment to any of the viewpoints submitted to it.

Amidst the difficulties and stress of recent weeks we have endeavored to demonstrate the high seriousness of this problem for our present welfare and our future destiny. Neither Syria nor any other people has its whole national future at issue in this case. For Israel, and for Israel alone, the principles here involved touch the very essence of national and economic independence.

DESCRIPTION OF THE PROJECT

I have circulated a map of the project under discussion. It provides for the erection of a power station to be located at the southern end of a new canal which will extend from the River Jordan south of the B'nath Ya'acov bridge

to Lake Tiberias. Starting 40 metres above sea level the canal will proceed to a point 200 metres below sea level, at a distance of some 2 kilometres west of the Jordan where the power station will be built. The power generated will, in the course of three years, pay off the cost of the entire project. When the construction of the canal is completed, within a period of two to three years, the amount of water required for the generation of electricity will be diverted into the canal and thence into Lake Tiberias.

Thus even after the construction of the canal, the River Jordan will continue to flow in its existing bed without alteration of its general course. All the waters of the Jordan, both in their original bed and in the newly constructed canal, will flow into Lake Tiberias. The diversion of water is contemplated after the completion of the canal, in two to three years.

This project is being carried out under the Concession granted on March 5, 1925 to the Palestine Electric Corporation for the utilization of the waters of the Rivers Jordan and Yarmuk for generating and supplying electric energy. This Concession constitutes a legally established private right, deriving from the period before Israel's establishment. It is a right which, according to the principles of international law, any government would be obliged to respect and uphold.

The electricity to be generated in the new plant near Lake Tiberias will be used for industrial and civilian purposes. It could also be integrated into broader national or regional power or irrigation schemes. The canal itself could form an organic part of any regional or national water arrangement. Indeed, its construction and location are entirely consistent with all regional water schemes which we have had an opportunity to study including those recently brought to our notice. At present, however, and for a few years ahead we are considering only the hydroelectric project now under discussion. The existence of this project has been on public record for many years; and in every stage of its planning and execution the Government of Israel and the Palestine Electric Corporation have been authoritatively advised by experts of international experience and renown, mostly from the United States of America.

The River Jordan, which supplies the waters for this project, flows through Israel territory into Lake Huleh, thence into Lake Tiberias, entering Arab territory for the first time south of Lake Tiberias, in an area occupied

by the Hashemite Kingdom of Jordan. The River Jordan does not touch the territory of Syria at any single point. At no place does the Syrian border come up to the banks of the Jordan River. Thus the statement of the representative of Syria in a letter to the Security Council on October 16th, 1953, that "the Jordan divides Palestine and Syria" is simply untrue. The international frontier of the Syrian Republic was established in 1922, and has not been modified in the General Armistice Agreement, under which all Syrian forces were withdrawn from territory which they had occupied beyond the established international frontier. I repeat that there is no River Jordan in any part of Syria.

This point is of importance in the broad perspectives of our debate. The immediate issue is a hydroelectric project essential to Israel's economic development. To execute this project is a worthy and legitimate objective in itself; but behind the specific project lies an issue of far greater magnitude and scope. The question is whether Israel's access to the only meagre source of natural power and surplus water available to it shall be submitted to the mercy of a neighboring state implacably opposed to cooperation with Israel and bent upon our economic downfall. If any such sinister veto policy were approved - which we cannot believe will happen - our country would face economic servitude and dependence; its bright vision of social progress and stability would be obscured; large areas would be doomed to perpetual aridity, while surplus waters in the north remained piled up in useless swamps, imprisoned by an illegitimate Syrian veto. Israel would have nothing before it but permanent dependence even for its daily bread upon external sources of aid. This is a fate which we are absolutely determined to avoid, and against which we must develop every resource of legitimate resistance. What is for Syria a single phase of its avowed political and economic warfare against Israel, and for other countries an international dispute of marginal importance, is for Israel a vital issue of national freedom and economic independence. For Syria to control Israel's water sources would be to clutch our country at its throat and to command its prospect of development and growth. For Israel to command them has no such effect on Syria, whose vast abundant rivers dwarf our meager water resources and poignantly illustrate the unseemly avarice of this complaint.

SUMMARY OF ISRAEL CASE

Mr. President, this project for the construction of an electric power station on Israel's soil deserves nothing but sympathy and support. This plan is not inconsistent with any instrument of international law, nor is it incompatible with any provision of the Syrian-Israel General Armistice Agreement. It cannot legally, or morally, be made subject to Syria's veto, for it does not adversely affect Syrian interests. It has no relevance to any legitimate military considerations to which the United Nations owes deference. Moreover, the jurisprudence of the Security Council in a case of similar effect in the same area in 1951 provides the most explicit authority and justification for this work. While it is true that all established private or public rights can be reconciled with the continuation of the project, its non-continuation would constitute an arbitrary violation both of a valid private Commission and of the legitimate development interests of the State of Israel. Finally, this project can be carried out without prejudice to any private land rights and without depriving any lands or populations of their normal irrigation waters.

In elaboration of the arguments which I have enumerated, I shall invite the Security Council to a more detailed consideration of each point at issue. Today I wish to lay down the general outline of our position.

PROCEDURAL POSITION

Let me first explain how this matter comes before the Security Council. The plan of the Palestine Electric Corporation to proceed with work on this project was communicated orally to General Bennike in Jerusalem on July 31, 1953, and more formally on September 2 and again on September 3 to Colonel Tillotson, Acting Chairman of the Mixed Armistice Commission, who was given information on the project and shown a map thereof. Assurances were given that all arrangements for the plan would be consistent with the principles laid down by the Security Council in 1951 for civilian work in the Demilitarized Zone, and specifically that no digging would be undertaken on Arab owned land and that existing irrigation needs would be fully preserved. In the light of these assurances, the Chairman expressed his concurrence with the project; and a letter confirming these understandings was despatched to him on September 4, 1953. In the ensuing weeks, the United Nations Chief of Staff and his representatives drew our attention to certain aspects of the work which should be modified in

the interests of civilian life in the Demilitarized Zone. They did not, however, raise any questions concerned with the project itself.

On September 23, 1953, when the work had been in progress for over three weeks, the United Nations Chief of Staff addressed to my Government a letter, now on the Security Council's table, requesting the suspension of the work on certain specific grounds. The Israel Minister for Foreign Affairs replied in detail on September 24, 1953, pointing out that the objections raised against the project were in part factually inaccurate, and in other parts inconsistent with the undertakings and conclusions previously reached by the Security Council. General Bennike was accordingly invited to reconsider his request. Discussions on many complex and intricate details followed in subsequent meetings, in one of which, held on September 28, the Minister for Foreign Affairs made an offer, later confirmed in writing, that the work be temporarily suspended for a period of reasonable length to enable the investigation to proceed. In a letter dated October 14, General Bennike wrote "that the very grounds which in your opinion would have justified a temporary suspension of the work no longer exist today;" and at a meeting on October 15 the Israel Government and General Bennike mutually agreed that the matter might be pursued in the Security Council. I must point out that the action which the Security Council so generously and unanimously applauded on Tuesday has been our policy in this matter - and has been known to be our policy - since September 28.

These are the circumstances in which the matter now comes before you.

[REDACTED]

[REDACTED]

[REDACTED]

PREVIOUS POLICIES OF THE SECURITY COUNCIL

The Security Council is not now embarking upon an entirely new discussion. The principles governing United Nations policy in the Demilitarized Zone were laid down in a debate held three years ago. At that time, Syria claimed that the straightening and deepening of the Jordan River bed and the alteration of sections of its channel with a view to the drainage of the Huleh marshes should be halted by United Nations authority.

I do not recollect all the fearful consequences for Syria, the Near East and for humanity at large which were then ascribed to the drainage of the Huleh marshes; but all the arguments heard in our present discussion were invoked by Syria at that time. It was alleged that Arab private rights were prejudiced; that a so-called "military advantage" would be gained for Israel; and that Syria's consent was indispensable to the pursuit of any work in the Demilitarized Zone. The Security Council and the United Nations Chief of Staff devoted much time and thought to these claims and charges. It was finally revealed that Syrian objections to the drainage of the Huleh marshes lacked any substance or justification; and after measures had been taken for the protection of private land interests, this development project went forward without international challenge, notwithstanding violent Syrian opposition.

In the course of the 1951 discussion, the Security Council and the United Nations Chief of Staff developed a specific and detailed jurisprudence which has since constituted the policy of the United Nations in matters relating to civilian development in the Demilitarized Zone. The Security Council expressed a consensus of opinion in favor of encouraging such development work, provided that legitimate private interests could be adequately protected. The Syrian attempt to invoke an issue of "military advantage" was categorically rejected by General Riley in his capacity as Chief of Staff. The project was adapted to avoid encroachment on private land interests. It was specifically ruled that the procedures for carrying out the project in the Demilitarized Zone should be approved not by Syria, but by the United Nations Chief of Staff acting as the custodian of the interests of local Arab inhabitants; and the work went forward in the Demilitarized Zone with specific United Nations authorization, notwithstanding Syria's opposition. Indeed, the rejection of the doctrine that Syrian consent is required for the execution of Israeli development projects, even involving work in the Demilitarized Zone, was the most conspicuous and emphatic conclusion to which the United Nations came in its 1951 discussions.

DOES SYRIA HAVE A VETO?

It is strange to see an alleged Syrian right of veto invoked in the Syrian complaint, when this matter has been decisively settled in the jurisprudence of the United Nations. General Bernike's letters, now before

the Security Council, nowhere specify that the "agreement" necessary for the resumption of the work is that of Syria. Such a claim, however, is contained in the Syrian complaint. Now it has been decisively established in United Nations debates that the agreement required for such projects in the Demilitarized Zone is between the concessionaire company on the one hand, and the Chairman of the Mixed Armistice Commission on the other hand, in his capacity as custodian of private interests of the inhabitants of the Demilitarized Zone, and it has also been established that the Chairman of the Mixed Armistice Commission possesses a right to influence such normal civilian projects only for the purpose of protecting other private interests.

Let me illustrate this from the record. In April and May 1951 a situation very similar to that now before the Security Council was exhaustively discussed. Israel had embarked on a scheme to drain the Huleh marshes by working in the Demilitarized Zone a few kilometres north of the present hydroelectrical project. Syria asserted that this work could not proceed without Syrian consent. The Israel position was that since the Concession was a valid legal right, and since there was no bar in the General Armistice Agreement to normal civilian life in the Demilitarized Zone, neither the consent of Syria nor that of the United Nations Chief of Staff was required.

The Security Council, took a middle view. It rejected the view that Syrian consent was required. But Israel was not upheld in the contention that the Chairman of the Mixed Armistice had no jurisdiction to delay the execution of a normal civilian project. Thus the Security Council reached the view that such projects could not be vetoed by Syria but could be held up at the behest of the United Nations Chief of Staff for the purpose of ensuring that other legitimate private interests were saved from prejudice.

Thus, in reply to the question whether United Nations authorities were concerned with the Huleh drainage project itself, General Riley said:

"Only where it involves land within the Demilitarized Zone which is the property of Arab refugees. This is the only part of the Concession with which we have anything to do. It is not the Concession itself but the expropriating of land essential to the carrying out of the project of the Huleh Concession. It is regrettable that within the Demilitarized Zone there should be 7 or 8 acres of land located as to interfere with the project itself. However, I am not involved myself at any time in the Huleh Concession as a Concession. I am only interested in protecting the rights of Arab refugees who are within the Demilitarized Zone and whose land is expropriated without their consent."

At a later stage of the same meeting the General said:

"I feel that the United Nations should never impede progressive work. However, I am involved here with the Armistice Agreement in which the United Nations is charged with the normal restoration of civilian life. I have never found fault with the Concession and never will... I feel that it is not a matter which affects either Syria or the United Nations. I am merely involved in the normal restoration of life within the Demilitarized Zone which affects the 30, 40 or 50 Arabs that own approximately the 7 or 8 acres of land within the Demilitarized Zone."



The Chief of Staff was then asked directly whether the Huleh project violated any provision of the Armistice Agreement. He replied:

"I do not believe you will find anything in the Armistice Agreement in this respect. I have never questioned the right of the Huleh concession as a whole. I have always maintained that it can be done without expropriating Arab land within the Demilitarized Zone. It is not a problem for the Mixed Armistice Commission or for the Chairman."

The Security Council at its 547th meeting on May 18, 1951, was disposed to accept General Riley's limited definition of the reservations applying to development projects in the Demilitarized Zone. The operative paragraph of the Resolution under discussion asked that the Palestine Land Development Company should be instructed to:

"...cease all operations in the Demilitarized Zone until such time as an agreement is arranged through the Chairman of the Mixed Armistice Commission for continuing this project."

The Security Council will note that similar language concerning the need for "an agreement" occurs in General Bennike's request for a stay of work on the hydroelectrical project. The problem before us is to define more specifically who the parties to such an agreement must be. [It is here that we have the clearest and most specific answer in the 1951 debate. The Representative of the Netherlands, Ambassador Balluseck, asked whether the requirement of agreement through the Chairman of the Mixed Armistice Commission meant that nothing could happen unless the interested parties agreed. He went on to say that:

"...in that case protracted disagreement amongst the parties could well mean the indefinite stoppage of the work. I wonder whether such is the proper interpretation. If in the eyes of the Chairman of the Mixed Armistice Commission the drainage works were considered to be in the interests of the restoration of normal civilian life, would it indeed be the right course that the continued absence of any agreement between the parties should be an obstacle to any progress?"

On behalf of the sponsors of the Resolution (France, Turkey, the United Kingdom and the United States of America) Sir Gladwyn Jebb replied with the utmost precision:

"If I may summarize the intention which the sponsors of this draft resolution had in mind...I should like to say that they hoped that a negotiated settlement between the Palestine Land Development Company and the land owners might be quickly achieved; but that if, in spite of the clearly expressed views of the Council to this effect, no such negotiated settlement proved possible, then the procedures and machinery provided by the General Armistice Agreements should be used in order to make a final settlement possible."

May I draw the Security Council's attention with the utmost care to this authoritative definition of the provision concerning the need for "an agreement." It will be seen that the parties do not include Syria, - they are the concessionaire company and certain Arab land owners in the Demilitarized Zone. It was ruled that the interests of the land owners might be represented by the Chairman of the Mixed Armistice Commission as the custodian of civilian life in the zones. The views presented by Sir Gladwyn Jebb were supported on behalf of France. M. La Coste said:

"What will happen if the agreement which General Riley is instructed to facilitate does not later materialize? Will this lack of agreement indefinitely prevail and prevent the resumption of work which is of great utility and which the Israel delegation justly regards as of great urgency? That is certainly not what my delegation understood."

On behalf of the United States Mr. Gross said:

"The Representative of Israel referred in his statement, and I quote from it, to the apprehension of his Government that as he said 'the text of the draft resolution irrespective of the intention of its sponsors does confer a veto power upon the very interests which are implacably opposed to the drainage of the Huleh swamps. Since there will be no agreement there will be no drainage.' That is a quotation from the statement made by the Representative of Israel this afternoon. In associating the delegation of the United States of America with the statement made by Sir Gladwyn Jebb just now, I hope that the apprehensions expressed by the Representative of Israel will have been met. I should like to underline on behalf of my delegation the comment made on behalf of all its sponsors by Sir Gladwyn Jebb, that the sponsors of the draft resolution are all agreed that the Lake Huleh drainage project would undoubtedly promote the general welfare of the area, and on general grounds they would like to see it put into effect as soon as possible."

The Representative of the Netherlands then summed up the position as follows:

"This in effect would mean that neither of the parties possesses in practice a veto power over the other in this respect, which I believe is a very sound position."

An eloquent observation in the same sense came from the Representative of Ecuador.

Mr. President, if in 1951 Syrian veto power was not accepted by the United Nations in theory, it is even clearer that that veto power was not accepted in practice. For the Palestine Land Development Company found it possible to proceed with the drainage project without infringing on Arab owned land in the Demilitarized Zone, whereupon the United Nations Chief of Staff gave his authority for the resumption of the work. General Riley made it clear that he gave this authority notwithstanding the absence of Syrian consent, and

that he acted in accordance with Article V of the General Armistice Agreement and with the terms of the Resolution of the Security Council of May 18, 1951. He reported accordingly to the Security Council and there was no challenge.

This decision is of special interest because at a preliminary stage of the discussion General Riley had been under the impression that Syrian consent was required; but the emphatic pronouncements which I have quoted illustrate how he reached a different view under the impact of the Security Council's discussion. Finally, the United Nations doctrine about the parties between whom an agreement must be arranged reached its most specific definition at the 62nd Israel-Syrian Mixed Armistice Commission meeting at which General Riley said:

"At no time in my capacity as Chief of Staff and in statements made before the Security Council did I ever deal with the Huleh drainage project as a project. The project itself in my mind is outside the competence of either the Mixed Armistice Commission or the Chairman of the Commission.

"Therefore the Security Council Resolution as adopted does call for the stoppage of work within the Demilitarized Zone until the Chairman can make arrangements that are satisfactory to the Arab landowners and to the Palestine Land Development Company."

Syria continued to oppose and the United Nations to support the drainage work on the Huleh marshes. Those members of the Security Council who remember the tormented discussions which we had three years ago will be glad to hear that the Huleh drainage project is going forward to swift completion, liberating thousands of acres to food production, banishing swamps and promising in time to create a new volume of water for the Jordan river bed.

THE MORAL OF 1951

The armistice system cannot operate honestly or effectively if there is to be no consistency and continuity in its jurisprudence. In 1951 it was held lawful for a concessionaire holding statutory and legal property rights in the Demilitarized Zone to alter the Jordan bed for drainage, provided that private land rights were respected. It is equally lawful for a legitimate concessionaire now to construct a canal for electric power in the same area and under an equally valid title, provided that private rights are not prejudiced. If Syria's objections to work in the Demilitarized Zone leading to the drainage of marshes outside the Zone were rejected in 1951, then equally they cannot be accepted now with regard to work in the Demilitarized Zone leading to power and irrigation development outside the Zone. If the drainage project was subject

only to the reservations of private rights in 1951, another project cannot be subject to new and more far-reaching reservations today. The Security Council cannot, in all honor and justice, transform the law of yesterday into the illegality of today. We cannot be selective in the application of principles. If the United Nations and the governments concerned will show fidelity to the ideas and principles which they enunciated in the summer of 1951, there is no insuperable obstacle to the peaceful execution of this hydroelectric project, with the full protection of legitimate interests.

GENERAL BENNIKE'S RESERVATIONS

I now come to make some general observations on the objections which have been raised against this project in the Demilitarized Zone.

In his letter to Mr. Sharett of October 20, General Bennike brings us considerably nearer the prospect of a solution. In paragraph 4 of his letter, he specifically and correctly defines the limits within which the authority of the Chief of Staff may operate under the Armistice Agreement. He makes it clear, as did his predecessor in a similar case, that he does not feel called upon to pronounce on the legitimacy of the development project as a whole. He is concerned only with Article V of the General Armistice Agreement which lays down the functions of the Chief of Staff with respect to the Demilitarized Zone. Only insofar as any work on this project in the Demilitarized Zone may affect the rights of other parties in that Zone, does General Bennike feel himself to have a responsibility. He writes:

"I can state today that the question of the rights involved in the Concession granted by the High Commissioner for Palestine to the Palestine Electric Corporation Ltd., on 5th March 1926 does not fall within the jurisdiction of the Mixed Armistice Commission or its Chairman but that I am only concerned with the implementation of Article V of the General Armistice Agreement. The provisions of Article V include the protection of the rights of Arab owners whose land should not be worked upon, flooded or deprived of water without their consent and also the protection of acquired rights to the waters of the River Jordan which flow in the Demilitarized Zone and which has been used up till now for irrigating land, watering cattle or operating mills."

This is a clear and specific definition of the responsibilities and concerns of the United Nations Chief of Staff in the Demilitarized Zone. A similar picture emerges with even greater clarity from paragraph 6 of General Bennike's letter of October 20 in which he writes to Mr. Sharett:-

"I agree with your statement that my conclusions are based on the examination of the three points you have summarized in your paragraph 6. I should like to add in this connection that they are based on no other consideration."

Mr. President, this statement enables me to discuss with the Security Council the three considerations which are authoritatively described as the sole criteria on which the right to continue this work should be based. The three considerations as acknowledged by General Bennike in his October 20 letter are:

- (a) whether the work so far performed has interfered with normal civilian life in the Demilitarized Zone;
- (b) whether the construction of the projected canal within the Demilitarized Zone will interfere with such life; and
- (c) whether the first object mentioned in Article V paragraph 2 of the General Armistice Agreement concerning the separation of the armed forces of the two parties, will be affected by the work in question.

It is a fair conclusion from General Bennike's letter -- indeed, it bears no other meaning -- that if satisfactory answers can be found to these three questions, the work in the Zone may proceed. These details therefore deserve the Security Council's close and meticulous attention. Under the three headings which I have enumerated, on the basis of this official correspondence, a number of specific objections and questions have been raised over the past few weeks. In terms of General Bennike's letter there are issues of land rights, of existing irrigation practices and of demilitarization.

Mr. President, I feel fully entitled to state on the basis of the October 20 letter that these are the only three substantive issues before the Security Council. An answer to these questions is, therefore, an answer to the problem which now confronts the Security Council, whether or not the United Nations has reason to oppose the continuation of work on the hydro-electric project.

After careful and deliberate consideration I am able to state that the Government of Israel is able to offer binding and conclusive proof and assurance covering all three of the considerations involved:

THE LAND PROBLEM

First, with respect to land, the project under discussion does not necessitate any digging on Arab owned land within the Demilitarized Zone. Indeed, to avoid such encroachment and in order to conform with the principles which General Riley had laid down in 1951, a special diversion of the project

was made, sacrificing $3\frac{1}{2}$ metres of height in the water drop, in order to ensure that no work should be carried out on Arab land. This can be seen on the map which I have had prepared; the canal has deliberately been commenced to the south of the area marked as "Arab land". General Bennike's letter of October 20 indicates that there may have been inadvertent passage over Arab-owned land on the way to and from the project. It is hard to imagine a more slender encroachment on a private interest in the pursuit of a great project of national utility; but in any case, this is something for which remedy has been found. My Government has ascertained that with respect to the four Arab plots described by General Bennike, they have not been affected by the work in question: that if any debris of any kind was inadvertently thrown on these plots of land in the process of digging, it has been subsequently removed. What is more important, my Government undertakes to ensure that these plots of land shall in no way be affected in the continued course of the project, and is prepared to take all suitable measures accordingly. Indeed, for this purpose these parcels of land have already been specially fenced off. Furthermore, we shall undertake that no further plots of Arab land shall be affected by the execution of the project.

THE WATER PROBLEM

Second, with respect to the water, the Government of Israel reserves its position on some of the legal assumptions in General Bennike's letter, especially the highly remarkable suggestion that Israel in its relations with Syria must be governed by the Franco-British agreement of March 7, 1923. This was an accord between those two governments entitled "Agreement of Good Neighborly Relations Concluded between the British and French Governments on behalf of the Territory of Palestine on the one part and on behalf of Syria and Great Lebanon on the other part, signed in Jerusalem on February 2, 1926."

Israel does not inherit the international treaties signed by Britain as Mandatory Power and I do not know if Syria inherits the treaties of France. That we should be bound in the context of Syria's attitude of belligerency and hostility to Israel to recognize a defunct treaty of good neighborly relations, is a thought of which the humorous possibilities are infinite.

I have not heard that Syria wishes to maintain such a treaty relationship with Israel, although if Syria will now announce its readiness to sign such a treaty we shall not fail to respond. Nevertheless, despite the absence of any legal commitment, the Government of Israel is prepared to undertake that the supply of irrigation water to Buteiha Farm will be maintained. The Government of Israel is prepared to give a binding undertaking that the volume of Jordan water required by Arab land owners or cultivators for irrigation purposes in the Demilitarized Zone will remain available in the future. I have already pointed out that the hydroelectric project makes it entirely possible to ensure that at all seasons sufficient water should continue to be available to satisfy existing irrigation needs. In this I am responding, on my Government's behalf, to an implication contained in General Bennike's letter of October 20, paragraph 7 (d). In that paragraph, the Chief of Staff asserts that prejudice to existing water interests would arise "unless definite obligations are entered into to protect existing water rights." I am empowered to express my Government's readiness to enter into such "obligations", and we are willing to embody them in a formal instrument which can, if necessary be invoked internationally by the parties concerned. This applies both to operating water mills and to the Buteiha lands further to the south in the Jordan's course.

The Security Council should bear in mind that if all the Buteiha lands which could be irrigated by the Jordan were cultivated up to the last inch, no more than $1\frac{1}{2}$ percent of the total volume of water in the Jordan at that point could be used. This illustrates the relatively small dimensions of the irrigation interests here involved and the clear possibility of their satisfaction.

Indeed, one of the most remarkable features of the Syrian complaint is its entirely negative character. Syria comes on the scene not to claim water for herself, - which we would respect - but simply to deny it to Israel. It is not only that Syria possesses vast water resources whereas Israel's only water supply is this section of the Jordan without which we would become a parched and withered desert.

The facts of geography make it quite impossible for Syria to use Jordan waters herself since her frontier is wholly east of the Jordan. It is interesting that a recent TVA scheme endeavoring to find new water for Syria takes it from the Yarmuk and not from the Jordan since it is physically impossible for Syria to utilize the Jordan for her water supply. There is therefore not even a shred of valid comparison between the positive interests of Israel and Syria in the Jordan River. It is the only source of Israel's water supply, and it is not a possible source of any of Syria's water supply.

MILITARY ADVANTAGE

I am left with the third and final issue. I refer to the question of military advantage. I am a little puzzled by a point of view which asserts that this question is relevant to Article V of the General Armistice Agreement. That is not a military article at all. It is clear even from the language of Article II (1) of the Agreement that the question of "military advantage" is relevant only "during the truce." The truce has been replaced by the General Armistice Agreement which is envisaged as the permanent end of all military phases of the conflict. It is therefore our contention that neither party of the Armistice Agreement is entitled to invoke the question of military advantage; for this would mean that we would be inviting the United Nations to protect our rights to wage a successful war in the future.

In 1951, General Riley considered this question and reached the very conclusion which I have just expressed. He entered the discussion, with a declared reluctance, only because both parties invited his good offices in that investigation. He stated on May 2, 1951:

"Although I have already covered that question of military advantages pro and con in my memorandum to the Mixed Armistice Commission in reply to a specific question that had been put to me by the parties themselves, I would prefer staying away from the question of military advantages either for Syria or for Israel, for the simple reason that it is contrary to the Armistice Agreement."

On the same day, General Riley stated:

"The question of military advantage can be taken out of the picture. It was answered only because it was a question that was put to me by both parties. Believing that both parties were acting in good faith, I gave an opinion."

Mr. President, my Government, after long discussions with General Bennike, firmly adheres to the view laid down by his predecessor, that the question of military advantage should not enter this picture at all. If you recognize

the right of either party to object to military gains by the other during the period of the Armistice Agreement, then you are recognizing a right to go to war in violation of the Armistice Agreement. But it is also true that no such considerations of a military character are possible under Article V which is the sole source of juridical authority for the Chief of Staff in the Demilitarized Zone and indeed the only Article on which he relies. For it is clear from many statements concerned with the Demilitarized Zone that the presence or absence of natural obstacles is entirely irrelevant to its demilitarized character or to the role which it has to play in the armistice system. The only special military characteristic of the Demilitarized Zone is that the armed forces of either party are forbidden to enter it. By that provision and by it alone, the separation of the armed forces is assured. It is of no significance under the Agreement what properties of topography the Demilitarized Zone possesses. Here I am on solid ground of established United Nations doctrine. In response to a joint request by Syria and Israel in 1951 to give an opinion on military advantage in the Huleh scheme, General Riley after expostulating that talk about military advantage should not go on at all in respectable armistice circles, handed down the following decision:

"From these Articles, it is conclusive that a Demilitarized Zone was created where the truce lines did not correspond to the international border between Syria and Palestine, and not in locations where no natural obstacles prevented the movement of armed forces. It is concluded that:

1. in draining Lake Huleh, the Israelis will not enjoy any military advantage not equally applicable to the Syrians;
2. the Demilitarized Zone was not created where natural obstacles to the movement of armed forces were non-existent."

While we share this established view that military advantage arguments in the correspondence now before us are without validity, our case becomes even stronger if we put aside this reservation of law and principle to examine the actual military effect of the construction work. As I have explained, the effect of this work is that there will be two water obstacles instead of one water obstacle in the Demilitarized Zone. Where there is now the River Jordan, there will be - in two or three years time - both the River Jordan in its original bed and the new canal running roughly parallel to the Jordan River bed down to Lake Tiberias.

It will, therefore, be twice as difficult as it is now for Syria to invade Israel, and twice as difficult as it is now for Israel to invade Syria. The more canals we dig in a Demilitarized Zone, the more effectively can this Zone fulfill its major function of "separating the armed forces of the parties." This is the only function of the Demilitarized Zone and there is no obligation to preserve its present topographical situation, as is clear from Dr. Dunche's communication to the parties on the meaning of Article V, as well as from General Riley's decisions which I have quoted and which we regard as established United Nations doctrine.

Mr. President, I do not wish to occupy the Security Council with any further detailed argument at this stage. I should like only to summarize my conclusions:

1. The hydroelectric project, involving the construction of the Jordan canal is a legitimate civilian project which the Palestine Electric Corporation has a legal right to execute. The project itself is of vital economic benefit, and the canal when completed could easily be integrated either into national or regional water projects conducive to the general welfare.
2. The waters concerned at no point pass through Syrian territory so that the Syrian complaint is ill-founded. Moreover, the principles and practices adopted by the Security Council and General Riley in 1951 commit the United Nations firmly to the view that Syria has no lawful right of veto in development projects in the Demilitarized Zone.

As a matter of general equity Syria which has no physical ability to use the Jordan herself and which has vast water resources should not be encouraged to deny access to Jordan waters for Israel in whose territory that river does flow and for whom it is the only source of water supply.

3. The powers of the Chief of Staff in this matter are defined in General Bennike's letter of October 20 in terms of protecting land and water interests in the Demilitarized Zone and ensuring that the Zone fulfills its role under the Armistice Agreement. General Bennike's letter clearly states that these are the only issues which determine the right to continue the project.

4. With respect to those three issues:

- (a) With reference to land rights, - the execution of the project does not necessitate any encroachment on Arab lands without the permission of their owners. In cases where any encroachment by passage, however, slight, has been proved, the Israel Government undertakes the avoidance of any such encroachment in the future;
- (b) With respect to water, - it is an undoubted fact that the hydroelectric project under discussion can be reconciled with the full satisfaction of all existing irrigation rights. The Government of Israel is prepared to give an undertaking to this effect, and to discuss procedures whereby such an undertaking could be statutorily invoked, even in areas where Israel has no legal duty to make such provision.
- (c) With respect to the military aspects of the Demilitarized Zone, the Government of Israel adheres to the terms of the Armistice Agreement according to which the military advantage consideration is relevant only to the truce which has now been replaced. It also holds that neither party should invoke this argument under the principles of the Armistice - an argument fully supported by General Riley's statement of May 2, 1951, which I have quoted. Subject to this reservation that no one has the right to raise this matter at all without discrediting the basic assumptions of the Armistice, the Government of Israel points out that the practical effect of the new canal would be to make the aggressive movement of armed forces in either direction through the Demilitarized Zone more difficult than it is at present; and that the maintenance of the exact topography of the Zone is not something which either party is entitled to invoke.

I will only say a word about the Syrian objection claiming that Israel has militarized the Demilitarized Zone. Here it will suffice for me to say that we have a letter from the Chairman of the Mixed Armistice Commission expressing satisfaction with the absence of any military units or guns from the Zone.

Mr. President, I do not fully understand why my country is called upon so frequently to justify the most modest exercise of rights and facilities which nearly all other countries possess in more abundant measure. We have only eight thousand square miles of soil, the greater part of it arid and desert, requiring the utmost sacrifice and devotion to enable its restoration to fertility. Yet neighboring countries which have millions of square miles of rich fertile territory at their disposal continue to begrudge us this small stretch of land. The same is true of water. Through the rich domains of the free Arab world flow the great historic rivers of Tigris, Euphrates, Nile, Orontes and Litany, and a host of other streams. On the other hand, all Israel's hope of enlarged food production, of power development and irrigation hangs upon the Jordan flowing for a few miles from northern Galilee to south of Lake Tiberias. On this meagre resource, which, small as it is, is the blood stream and the life artery of our country, covetous eyes are cast by governments to whose projects of development and growth our river has no relevance at all. In this struggle between the Syrian attempt to ensure Israel's economic strangulation, and Israel's vital ambition to preserve and utilize its only source of natural power and irrigation, is there any doubt where the duty of the United Nations lies - the United Nations whose Charter bids us all to promote not only international peace but also "higher standards of living, full employment and conditions of economic and social progress and development."

The project under discussion is just as beneficial, just as compatible with the Armistice Agreement, just as legal and reconcilable with every affected interest as was the project for the drainage of the Huleh marshes which now advances towards early completion. The Israel delegation invites the Security Council to examine these statements and undertakings which I have made, with due care and gravity and on the basis of these patently established facts to help us with the utmost speed overcome the obstacles which have been raised against this wholly peaceful and constructive work.

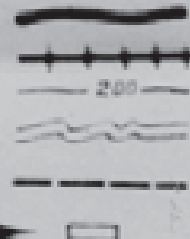
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BNOT YA'AKOV CANAL PROJECT

SCALE
METERS 1000 500 0 1 2 3 KILOMETERS

REFERENCE

CANAL
INTERNATIONAL BOUNDARY
CONTOURS
RIVERS
DEMARCATION LINE
OF DEMILITARIZED ZONE
MILLS



DEMILITARIZED ZONE

ABANDONED MILLS

ARAB LAND

TAHUNAT
HAIMAT ES SURH

TAHUNAT
ES SEIYARA

SYRIA

ISRAEL

JORDAN

Reservoir

Penstock

Power House

Al Butciha

LAKE TIBERIAS

This Map is Based on 1:100,000 Palestine Sheet 3 Safad EDITION 1953

Emphasizes the obligations of the Governments of Israel and Jordan to cooperate fully with the Chief of Staff of the Truce Supervision Organization,

Requests the Secretary General to consider with the Chief of Staff the best way of strengthening the Truce Supervision Organization and to furnish such additional personnel and assistance as the Chief of Staff of the Truce Supervision Organization may require for the performance of his duties.

Requests the Chief of Staff of the Truce Supervision Organization to report within three months to the Security Council with such recommendations as he may consider appropriate in compliance with and enforcement of the General Armistice Agreements with particular reference to the provisions of this resolution.




HOTEL *Statler* CLEVELAND ^{Hening}

Personal.
Confidential.

At four.
Embassy of Israel,
Washington D.C.

2 Nov. 53.

Dear Rabbi Silver,

The Ambassador and Mr.
Chilcote wish us to take advantage
of my presence in Cleveland to address
a Joint meeting,  to call on
you and apprise you of developments.
I regret that you are not in town
and will attempt to explain the
problems in brief.

We are entering a critical
phase in the U.N. deliberations this
week and they feel that you may

2.
wish to communicate with the
Secretary of State.

— The Border Issue: we shall
probably be rebuked ^{for Kibye}, but we are
anxious that the resolution include
a call for both sides to
resolve the problem by negotiating
peace. No Security Council
Resolution to date on our problems
has failed to include such a
recommendation. This is the first
international resolution on the problem
with the drafting of ^{which} ~~with~~ the
new administration will be
associated.

The parliamentary situation is

HOTEL Statler CLEVELAND

3.

that Britain is opposed to such a resolution, France is in favor of it and the key to the final attitude of the Western Powers rests with the United States.

The U.S. Delegation to the U.N. under Ambassador Lodge favors the inclusion of the peace paragraph, while the Near East and Africa Division of the State Department is opposed to it.

Failure to include a peace paragraph will have a most undesirable effect on the Arabs, and vindicate their intransigence.

2. The Jordan Water Issue: We are

anxious for a resolution which will enable a continuation of the work. We are striving for a resolution based on the positive elements in General Ben-Nuri's last letter (Oct 20, 1957) to Mr. Shatt.

Such a resolution would in fact return the problem to the True Supervision Organization in Israel and would call on the Chairman thereof to reach a conclusion which will guarantee and safeguard the rights of all Jordan water users involved between the area of the present work and the Sea of Galilee (the area to be affected by the work).

I am enclosing under

HOTEL

Statler

CLEVELAND

Sr.

separate cover, a copy of the text
of the Ambassador's statement on
the Torda water problem.

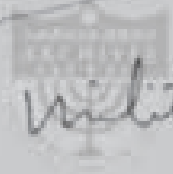
With kindest regards.

Respectfully yours

Chaim Herzog.

Colonel.

Military attaché.



November 3, 1953

Mr. Irving Mitchell
4112 Lorain Avenue
Cleveland 13, Ohio

Dear Mr. Mitchell:

I forwarded the clipping which you sent me to the American Zionist Council of New York, which in turn contacted the Israeli Embassy in Washington. The Embassy wrote directly to the Catholic Universe Bulletin giving them the correct information.

With all good wishes, I remain

Very cordially yours,

AHS:dlc

ABBA HILLEL SILVER

C
O
P
Y

AE/1324

November 18, 1953

Dear Ambassador Lodge:

I have received a copy of a draft resolution now under consideration for submission to the Security Council by France, the United Kingdom and the United States of America. I should like in all frankness to offer the following observations on the character and effect of the proposed draft.

SECTION A. PARA 2.

The Security Council was not requested in 1948 or thereafter to express censure of the Arab assault on Israel which caused death and suffering to thousands of people. The discriminatory use of this language in the context of the Qibya action is therefore open to the clear implication that the murder of thousands of Israelis in a war of Arab aggression was of lesser international import than an admittedly deplorable incident of much lesser fatal effect. Moreover, the Security Council, by reticence, would be implying that the murder and wounding of hundreds of Israelis under Jordan's responsibility since the Armistice is something to be condoned.

The statement that the Qibya action "can only prejudice the chances of the peaceful settlement" could be interpreted as an exhortation to Arab governments not to seek such a settlement, whereas recent tragic events leading to and including the Qibya incident make such a peaceful settlement more urgent than ever before. [The fact is that the Arab refusal to make peace is the cause of frontier tension. It is a complete reversal of fact to assert that incidents of frontier tension are the cause of the absence of peace.]

SECTION B. PARA 1.

The Jordan marauding with its tragic toll of life is not described as a violation of the Armistice Agreement (Article IV (3)), nor is it censured or disapproved. Indeed, implied satisfaction is expressed with the existing Jordan policy which still results in thousands of crossings and hundreds of violent incidents.

I am afraid that this paragraph comes very close indeed to condonation and praise by the Security Council of the present state of affairs with regard to illicit border crossings, and resultant acts of violence, and will almost certainly be so interpreted in Jordan.

SECTION C.

The absence, for the first time in a Security Council Resolution, of a call for a negotiated peace settlement can only indicate that the three governments have abandoned this objective which was once central in their policy. At the very moment when an unconditional call for peace is most urgently necessary it appears to be jettisoned from the declared policies of the three Western Powers.

In consequence, the effect of the draft in its present formulation is likely to be:

- a) to indicate the retreat by the Western Powers from their previously expressed policy for an urgent peace settlement,
- b) to indicate to the Arab world an indifference to the thousands lost by Israel under the assault of Arab violence and thereby to encourage the increase of violent pressure on Israel, and also to furnish an international excuse for avoiding a peace settlement,
- c) to encourage in Jordan an attitude of apathy and levity in respect to the murderous marauding which is now going on, and in which the draft comes close to expressing satisfaction with existing tendencies, progress and policies,
- d) to acquiesce in the present incomplete application of the Armistice by avoiding a call for ~~their~~ integral implementation.

(~~I am gravely concerned that~~) the adoption of such a resolution would foster hostile tensions, and contribute to a deterioration of an already tense situation.

The draft in its present stringent and inequitable form is surely inconsistent with the spirit of the existing friendly relations between our governments, with the policies previously upheld by the Western Powers in favor of a peace settlement, with historic justice, and with the basic necessity for an improvement of the situation.

While the resolution is in my view of grave negative effect for the reasons enumerated above, I suggest that the minimal requirements for alleviating its prejudice to peace and its lack of balance and objectivity would appear to be:

SECTION A, PARA 2: Delete from "express⁶⁴" to ... "seek".

SECTION B, PARA 1: Delete "takes note of the fact" - insert "finds".
Delete "by unauthorized persons often resulting in" -
insert "and of". After "violence" add "in violation
of the General Armistice Agreement".
Delete "and requests ... crossings" - insert "and
calls upon the Government of Jordan to take effective
measures to prevent such violations".

SECTION C, PARA 1: For "by their obligations" - insert "by all their
obligations".

In the interests of peace and security in the Near East, may
I express the earnest hope that these observations and informal suggestions
will facilitate a reconsideration of this draft, and a postponement of
its submission or publication until a greater degree of conciliation,
equity and of peaceful spirit is imparted to its text.



Yours sincerely,

Abba Eban.

His Excellency,
Henry Cabot Lodge, Jr.,
Permanent Representative
of the United States to the United Nations,
New York, N.Y.

The Agreement for the evacuation of British troops from the Suez Canal has a direct effect on Israel. If unaccompanied by appropriate measures, both political and practical, this agreement will threaten Israel's security and the stability of the Middle East. On the other hand, it is well within the capacity of the western powers to prevent such prejudice from arising as a result of the Anglo-Egyptian agreement.

The Military Balance

1. The withdrawal of the 80,000 British troops from the Canal eliminates a military barrier between Egypt and Israel and brings Egyptian armed forces within striking distance of Israel's vital centres. This is a fundamental change to Israel's disadvantage in the military situation expressed by the Egyptian Israel Armistice Agreement.

2. If Egypt receives military assistance from the United States as a result of the agreement, a further drastic change in the military balance will take place, thus undermining the spirit and intent of the Three Power Declaration of May 1950, which aimed to preserve a balance between Israel and the Arab States. This balance has already been adversely affected by the U.S.A. decision to furnish arms to Iraq.

3. The political background of these events is disturbing. Egypt refuses to entertain peaceful relations with Israel, proclaims a doctrine of belligerency, and has recently uttered a series of direct and hostile threats against Israel through the mouth of its Prime Minister, Colonel Nasser, and Minister of National Guidance, Major Salem. The latter said on 2 July 1954:

"As for the problem of Palestine, that is a problem which can be solved only by force. That force will not be achieved until the Suez Canal is freed. The Egyptian Army is unable to fight as long as the British Army separates it from its bases. The United States and Britain are withholding arms from Egypt and are preventing Belgium from selling her arms ... They know that with the freeing of our economic and military forces an end will be put to foreign occupation throughout the Middle East."

4. In these circumstances the Western powers have a profound moral and political responsibility to discharge if they wish the Anglo-Egyptian agreement to be carried out without damage to Middle Eastern stability. The obvious minimal measures to meet that responsibility are:

(a) If the United States increases Egypt's armament, military aid should be offered to Israel as well under the terms of the Mutual Security Act. Israel's application was filed in February 1952 and has not been rejected.

(b) The three western powers should declare their intention of opposing, if necessary by military means, any attempt to alter the existing armistice frontiers in the Middle East by armed force. This would give specific value to the existing 1950 Declaration which, in its present vague form does not constitute a security guarantee. It would be necessary to negotiate instruments or agreements between the three powers and the Middle Eastern states affected in order to give this undertaking a proper international status.

(c) The western powers should seek from Egypt a firm and binding commitment to respect the integrity of Israel's frontiers as defined in the armistice agreement.

The Canal as a Waterway

In confirming Egypt's exclusive physical presence in the Canal Zone the Western powers are politically and morally bound to seek respect for international law in the waterway. This means the cessation of the blockade whereby Egypt prevents the passage of oil tankers and other traffic bound for Israel ports through the Suez Canal. The Security Council of the United Nations in its resolution of 1 September 1951 has decided in favour of this cessation; and it would be extraordinary for the western powers to grant Egypt her main national aspiration without insisting on the satisfaction of this vital international interest. The present text is not interpreted by Egypt as obliging her to abandon this illicit blockade.

Holy Blossom Temple

Bathurst Street at Ann Road

Toronto, Ontario, Canada

Study of The Rabbi

ABRAHAM L. FEINBERG

December 4, 1953

Rabbi Abba Hillel Silver
Congregation Tifereth Israel
East 105th Street and Ansel Road
Cleveland, Ohio

Dear Dr. Silver:

Enclosed is copy of a letter I sent to the
Toronto "Globe and Mail", on the Arab-Israel problem,
with special reference to the Kibya incident. This
letter was published as an article on the editorial
page of the "Globe and Mail" this morning. It occurred
to me that you might be interested in reading it, since
the "Globe and Mail" is one of Canada's leading and most
influential newspapers.

With warmest good wishes, I am

Sincerely,

Abraham L. Feinberg
Rabbi Abraham L. Feinberg

ALF:rs
Ecn.

December 31, 1953

Rabbi Abraham L. Feinberg
Holy Blossom Temple
Bathurst Street at Ave Road
Toronto, Ontario, Canada

My dear Feinberg:

Let me thank you for your thoughtfulness in sending me a copy of your letter which appeared in the Toronto GLOBE AND MAIL. It is a fine letter, and I read it with great interest. It was particularly important that the things you said should reach the reading public in a country which is a member of the British Commonwealth, for it is clear that the pressure behind the vote of censure in the United Nations came principally from Great Britain.

With warmest regards and all good wishes, I remain

Very cordially yours,

ABBA HILLEL SILVER

AHS:rms

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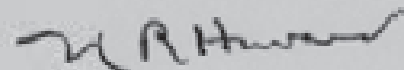
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N. R. HOWARD
EDITOR
CLEVELAND NEWS

Dear Rabbi Silver:

There may be an element of information in this letter from Lawrence Levenberg with the March 6th date, which will not get into his stories. I thought you might be interested in reading it. You need not return or acknowledge.

Sincerely,



Rabbi Abba Hillel Silver
The Temple,
Ansel rd. and East 105th st.,
Cleveland, Ohio.
15 March 1954.

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Saturday, 6 March

Dear Nat,

Got in here yesterday, (Friday) after a hectic tour of the Galilee and the Jordan Valley, including the hydro-electric project which was stopped by Syria's complaint to the United Nations. They gave me special permission to take some pictures. Hope they come out as it is all terribly interesting stuff. But it was all a little tense, as we could see Syrian soldiers just across the border watching us as I was taking the pictures. Was all surrounded by Israeli police for protection. They call these guys police, but if they aren't soldiers, my name is McCarthy, but that of course is on the hush-hush. They just wear police uniforms instead of military. Also was in a couple of border settlements where there has been considerable infiltration and trouble. Can't say much about those things on account of censor. Hope you will understand. Will tell you more fully later.

Saw the prime minister for about half an hour. Hope to see Ben Gurion when I get into the desert. Understand he is now much easier to see than when he was in the government. Also talked with two top guys in foreign office, finance minister and a couple of Rabbi Silver's friends in the cabinet, who are becoming more and more influential. The prime minister and the majority of cabinet and the parliament are Mapai (rightist Socialist), but the General Zionists (Silver's crowd) are the business-free enterprise section. As Schlomo Eisenberg, the general secretary of the Jewish Agency, told me, "they are the Republicans". He steers clear of politics, but the suspicion is strong that he is one, too. He told me that he never was especially sympathetic to Ben Gurion, as he was a friend and supporter of Weitzman any time there was argument--and there were a lot of them.

On oil, the feeling is that it is here and there is
~~it~~ quiet confidence it will be found, but it is conceded that it
 may take time. Can't give you authority for this now, but will later

Also last night saw the manager of the new paper mill, which is owned by the Mazer interests of U.S. All newsprint used here is now made in Israel, with pulp coming from Finland on trade agreement scheme. Saves dollars. Some chemicals come from U.S. but some are now locally produced.

That's the story all around. They are making more and more products here, but there is a serious shortage of dollars with which to buy the materials needed to produce manufactured things. However, they started last week exporting sulphuric acid, and are exporting cement, tires, fertilizer, citrus fruits -and even some vegetables by air in off season, which bring in currency. But too much is being shipped to soft-currency countries and too much on trade treaties, which is practically barter as it ~~xxxxxx~~ works out.

Strangely enough, Turkey, which is a Moslem country, is now one of Israel's best customers--on trade pact basis. German reparations are beginning to come in and are helping out, especially in steel industry and fuel oil.

Well, more of all that later. Regards to everybody in the office.

Levy

I'll be back in Jerusalem before I leave the country and will pick up any mail there, if any.

Maybe I forget to tell you, but please give the stamps on these envelopes from Israel to Sammy Katzel in Treasurer's office. He saves 'em.

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JOHN A. VAN BUREN
VICE PRESIDENT

Dear Rabbi Silver:

Here is another and more informative and private letter from
Levenberg, which you need not return or acknowledge.

Sincerely,



Rabbi Abba Hillel Silver,
The Temple,
Ansel Rd. and East 105th st.,
Cleveland, Ohio.
23 March 1954.

Dear Nat,

Out of the country (Israel) now ^{can} and write more freely. I hope you get some of the implications in my notes to you from Israel.

The censor has been getting tougher ever since the Syrian - Egypt mess and I leaned over backwards trying to avoid any disputes or questioning. As far as my stories went I had no difficulty whatever, but with the films I had a hell of a squabble and for a time was afraid I couldn't get some of what I thought was my best stuff--several rolls of film-- out of the country. ~~It~~ The guide, an agriculture expert rather than a military guy, took me out to some border settlements and I shot pictures right and left. Fact is I was out there a couple of days, but they wouldn't let me stay overnight, returning to Jerusalem in the evening and then going back the next day. I suppose when I turned in my report on what subjects had been photographed I could have steered around it, but I didn't. I put down the exact names of the settlements. What should have been done, of course, was clear with the military before we went out, but that got fouled up some way. Then, one day out of Tel Aviv I made arrangements with the major in the military public relations office to go out to a camp and take some pictures under military supervision and with a military guide. I had one captain, three lieutenants and a sergeant major with me all the time and it was all cleared through the unit commanders and the camp commander. But the PRO forgot, or for some reason, failed to notify the censor's office.

So when I brought that batch of film in for clearance for shipment to Eastman, there was all hell to pay. The worst of it was the chief censor was not there--and a blond babe was in charge. She was a good looking doll, but not very smart. She went into hysterics and I not only had to convince her, I practically had to calm her. Finally, I got hold of the government Public Information Office (we couldn't find the military gent who arranged the whole thing) and with considerable patience and difficulty he convinced her it would be all right to OK the films--he would take the responsibility. All the girl would say, was she had instructions and it was all contrary to those instructions and regulations and she couldn't approve the three or four rolls of films involved. All this was with shrieking, weeping and hand wringing. She got so burned up, the peroxide started to fade from her hair,

Anyway, the film is now on the way, and probably by now in Rochester and being developed. All I hope is that the pictures are good after that experience. I can stand most anything except, weeping women and this censor babe put on quite a show. In her excitement, she forgot her English and gave me an argument in Hebrew--and then I was surked. All I know is "Shalom" which means "peace" and is also the salutation and good-bye in conversation. So I "shalomed" all over the place, but as Patrick Henry said "there was no peace".

So after that I was pretty careful as you may have noticed. I have sent in 11 pieces, which were all general and in a way nebulous. I think I can get down to cases now.

I had a notion to cable you the other night when the Neger killing incident occurred to ask if I should stay on. But I had a long talk with Eric Gottgetreu of the AP and Ben Feller (friend of Howard Brown in promotion) of the London Exchange Telegraph and some people at the Jewish Agency and they all agreed this was just another incident in a long series and there was no immediate prospect of war. As far as all of us could see there was no mobilization or no call to the reserves. Both Eric and Ben are reservists (of the bottom of the barrel variety--like I am in the Air Force) but they would know if anything of the sort was in the wind. Feller was of the opinion this was a retaliation for the Kibya incident of a couple of months ago, but the AP man doubted it. So did Al Rosenfeld of the Jewish Agency. By the way, the government, meaning the foreign office and the defense ministry, weren't doing much talking aside from the official statement which was along the usual and expected lines. They are terribly concerned, but the Army crowd rather rubs its collective hands. There is a faction, within the Army and some considerable sentiment within the Ben Gurion crowd, for a showdown. The Herut party, the outgrowth of the old Irgun gang, wants to start the war right now and take ~~all~~ over all Jordan, the Suez Canal and in fact everything in sight. But Sharett is of the calmer type and has things pretty well in control. Fact is Israel couldn't fight a war very long because of lack of money and resources, but it is a hell of a good army and its equipment is getting better. Have jet planes now and they show them off at the slightest provocation. They also have a lot of mobile artillery and small arms, but their heavy stuff doesn't amount to much and a lot of the transport that they must depend on is showing signs of ~~wax~~ wear. (This is really confidential and can't be printed. It wouldn't be fair).

Thought sure I would hear from you in Israel, but got no word. Wish you would write me and give me an idea how the copy reads and whether it is making any impression. I'll be leaving here in a couple of days, so suggest you write me to the HOTEL AMBASSADOR, BOULEVARD HAUSEMAN, PARIS. (I guess that's the way to spell the name of the boulevard.)

Also have some pictures (stills) coming, taken of me in the Negev and at the Dead Sea by a photographer of the Bonds for Israel office. He was with me for a while on the trip to the desert and he promised to send them to me in Cleveland. If such an envelope or package should come in, addressed to me and from the Jerusalem office of Bonds for Israel, open it and use them as you like, if they should add any interest to the ~~story~~ series. Also to prove to you I've been working. *Suggest, however, they might better go with the stories that this I'll be sending along.*

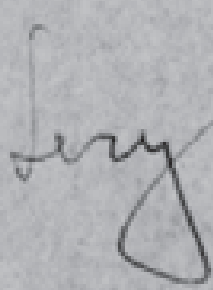
Really, I'm awfully tired. This was the toughest of the three trips there. Covered all the ground I had before and a lot more, looking at all the new things and getting an idea of the real accomplishments and advances.

Wonders have been done, but its the same old story. The foreign currency margin is so narrow, it is a struggle to allocate it properly and the result is no one in business or industry is happy. The only guy who didn't gripe was the director of the irrigation pipe factory at Ashkelon, which is really a marvelous enterprise, and he is getting all the dollars he needs for present operations, but he wants to expand and can't because of the dollar shortage.

Oil prospects are good, but that means nothing until it actually is found and oil drilling is a big gamble anyplace, even in the U.S. and other oil producing countries. If the operators are lucky they'll hit; if not they may have to drill for a long time, but most of the experts and geologists are convinced now that there is oil, not only in the Negev desert, but it might be in the Galilee and around the plains area. There is a sort of genius and screwball at Weitzman Institute, named Chaim Pekeris, who is also connected with the Einstein Institute for Advanced Studies at Princeton, who has worked out a mathematical formula for geological surveys for oil. He says "I know there is oil in Israel", but he won't talk for publication and it is reputed he won't even discuss it privately--and he cautioned me not to use his name or quote him and I had to promise before he would even say that much. He is screwy, no doubt, but a relative of his told me his formula worked for Sun Oil operations in Texas and some other Pennsylvania companies. He wouldn't even discuss that. Queer duck, but terribly smart. Fact is when he gets to talking about ordinary things, I can't understand him ~~because~~ he talks about everything in higher mathematical terms--and I can't even keep my check book straight. So he floors me.

Want to start writing some pieces while here, because I'll be laying off and resting up for a few days after I leave here. And also, my friend, I regret to tell you and the Forest City Publishing Company that this is the most expensive trip I've taken. I'm practically broke and I'm just waiting for Mary to get here tonight to bring some dough. I did a hell of a lot more travelling and entertaining this time, mostly at the Dan Hotel, the new super-duper de lux hotel in Tel Aviv and some at the King David in Jerusalem, and with price controls removed on hotels and meals, the boys have not been very modest about upping prices and getting the dollars from Americans. I can't prove it, but I'm sure there are two price scales--one for the natives and one for tourists. The result of all this activity was that I saw a lot of places, country and people, but I got little sleep and practically no rest. In my old age, I'm beginning to cave in.

Regards and best wishes to you and all the people.



The Truth About The National Service Law



Published by

Hapoel Hamizrachi of America

154 Nassau Street

New York 38, N. Y.

Thirteen Questions and Answers About Israel's National Service Law

1. What are the main provisions of the law?

The law stipulates that non-married women from the ages of 18 - 26 who are exempt from regular military service on religious grounds be drafted into national service of a civilian nature for a period of two years in *religious settlements, transitory immigrant settlements and in educational, social welfare and health institutions.*

2. How does the law for the draftee insure a religious way of life?

By employing her in religious settlements and in religious educational institutions and by enabling her wherever possible to return home after her day's work. If it is impossible for her to return home, she will be billeted in a religious home. The law explicitly stipulates that the draftee in the national service will be assured of adequate facilities to preserve her religious way of life.

3. Which government department will implement the law?

The Ministry of Labor. The girls will therefore be under civilian and *not* military jurisdiction.

4. Who will determine the type of service?

Wherever possible, each draftee will choose the kind of service most suitable to her conditions and preferences.

5. Will the girls in the national service wear military uniforms?

No. The law provides that the girls will continue to wear their civilian dress because the service is of a civilian and *not* a military nature.

6. What about girls who do not work outside their homes because of religious scruples?

The law provides for the *exemption from all forms of national service* of those religious girls whose family background and way of life do not permit them to leave their home environment for outside work.

7. Did the Chief Rabbinate issue an Halachic edict (issur) against the law?

No. The Chief Rabbinate in its statement said: "When the military conscription for girls was introduced, the Chief Rabbinate declared that this was against Jewish Law. It still holds

this opinion. The Chief Rabbinate is now concerned over the National Service Bill which is not free of possible danger to the moral standards of girls and particularly of those who are raised in highly sheltered homes. Therefore, for the sake of unity among the people and in order to avoid a fratricidal struggle, we request that the law be removed from the agenda of the Knesset". The Chief Rabbinate issued a second statement (J.T.A. Aug. 5) which *directed the religious parties to remain in the Government coalition*. In no sense can the first declaration be construed to mean that the Chief Rabbinate has delivered a rabbinical edit (Psak Din) against national service for girls, nor can it be interpreted to mean that the National Service Bill is contrary to Jewish Law, for if it were, the Chief Rabbinate would have insisted on a negative vote by all religious parties — government crisis or no.

8. Why did the Chief Rabbinate issue a statement requesting Mizrachi and Hapoel Hamizrachi to remain in the Government coalition?

Under a mutual responsibility pact, all government parties (Mapai, General Zionists, Mizrachi and Hapoel Hamizrachi) are bound to vote in favor of government sponsored bills. By voting against the National Service Bill or abstaining, any government party would in effect be resigning from the government. The Chief Rabbinate in advising the religious parties to remain in the government, gave tacit sanction to Mizrachi and Hapoel Hamizrachi to vote for the Bill.

9. What was the advice of the "Chazon Ish"?

The "Chazon Ish" sent a letter to the religious representatives of the Knesset requesting them to vote against the bill. The religious members of Knesset then designated Minister Moshe Shapiro and Deputy Minister Warhaftig to visit the "Chazon Ish" (Aug. 18]. After they had explained the particulars of the bill, the "Chazon Ish" stated that he now saw things in a different light and had he known that the Chief Rabbinate had already declared that it did not prohibit support of the Bill, he would not have written this letter. He told the Hapoel Hamizrachi and Mizrachi to follow the advice of the Chief Rabbinate and that his opinion on the Bill was a personal one, "ex cathedra" as he did not claim to be a "moreh horaah". He further stated that he had told Dr. Kalman Kahane last year that the Agudah should not leave the government since much more could be accomplished within the government than from without.

10. Were leaders of Agudah and Poale Agudah formerly in favor of drafting religious girls for national service?

Yes. Leaders of the Agudah, which have recently fomented mass demonstrations against the National Service Bill, had actually expressed themselves in *favor* of National Service for religious girls at a meeting of its executive held on Wednesday, October 3, 1951, according to Bulletin 16, Cheshvan 5712, of the World Agudah Organi-

zation. Poale Agudah, the laborite section of Agudah, had actually *signed an agreement with Ben Gurion accepting this proposal* as a condition of entry into the government coalition. It is to be noted that at that time, the Bill did *not* contain the concessions later won by Hapoel Hamizrachi leaders.

11. Why a National Service Law?

Under the Defense Service Law, 1949, men and unmarried women alike from the ages of 18 - 26 are liable to conscript service, men for a period of 30 months, women for two years. Women conscripted for military service are trained in auxiliary functions and duties thereby relieving men for active military training. The law exempts women on religious and conscientious grounds.

There has always been vigorous objection to the complete exemption of women who claim religious grounds for exemption. While religious girls might be justified in claiming exemption from military service whereas all other girls spend two years in such service, they could at least be expected to render national service of a non-military character under conditions conducive to the preservation of their religious way of life.

12. Women's Service—what for?

Israel is surrounded by states incessantly claiming to be in a state of war with her and threatening her very existence. This encircled

nation of a million and a half cannot therefore forego the service of half of its youth. Furthermore, the absorption of 700,000 new immigrants through extensive health, educational and social welfare facilities necessitates the maximum use of the available manpower to which young women are most adaptable.

13. What are the positive achievements for religious Jewry in this Bill?

There has been a shortage of personnel to service the religious needs of immigrants. As a result, thousands of religious immigrants have accepted the guidance of non-religious counselors. With the conscription of religious girls to work with religious immigrants, we are afforded a better opportunity of keeping thousands of religious Jews in the fold.

Israeli Women and Power Politics

▲ JACOB GREENBERG

IN THE CLOSING weeks of the year 5713, the Israel Knesset enacted into law the Religious Women's National Service Bill. Few pieces of legislation have so divided the religious forces in Israel and abroad. Hapoel Hamizrachi and Mizrachi voted for the bill. Agudah has been vitriolic in opposition. More significantly, basic philosophic differences have been in issue. It was not without reason that Minister Moshe Shapiro announced in the Knesset on August 26, date of the vote, "We believe that the Jewish religion must be a part of the entire state . . . Hapoel Hamizrachi will stand firm against any attempt to divide the Jewish people and to ghettoize Jewish religion". And with telling effect he inquired: "Would Agudah prefer religious Jews to withdraw from the Jewish community and return to a religious ghetto in Mea Shearim?"

What are the provisions of this bill which has

JACOB GREENBERG, H.H. member of the first Knesset is a director of the Brit Olamit, World Organization of Hapoel Hamizrachi.

created such controversy and which probes ideological roots so deeply? Simply stated, it provides that girls exempted from military duty on religious grounds shall, while continuing to live at home, spend a specified period in the service of the nation under the control of the Ministry of Labor. (If they be girls who for religious reasons would not even accept employment outside of their homes, they need not serve under the Act either). To understand the furor, one must understand the historical background. The problem had its origin in 1949 when the military leaders of Israel requested that women be drafted into the armed forces to improve Israel's dangerous security position. At that time, let it be remembered, Jews were surrounded by Arabs in the ratio of forty to one. The fact that women had participated in the Haganah during the War of Independence and had fought side by side with the men in the bloodiest of battle, lent force to their argument. If the enemy struck again, Israel would need every individual—trained for defense and attack.

H.H. Opposed to Military Conscription for Girls

HAPOEL HAMIZRACHI at that time urged her partners in the religious bloc to join in opposing military service for all women, whether religious or not. This was a readily understandable position based on principle. Dr. Zorach Warhaftig, a member of the Knesset, recently emphasized the history at a rally in Israel. He said: "When military conscription for girls was intro-

duced in the Knesset, Hapoel Hamizrachi vigorously opposed this bill and urged the members of the religious bloc to join this opposition, convinced that, because of our position as a balance of power in the government, we could defeat the measure. However, when Rabbi I. M. Levin of Agudah won a concession from Ben Gurion exempting religious girls from the draft, the religious bloc decided to go along with the bill despite our opposition. We felt that sooner or later, the question of drafting religious girls would come up.

When the bill was introduced, Hapoel Hamizrachi succeeded in cutting the length of service from 24 months to 12 months. However, 3 months later the government requested an extension in service length to 24 months. When we complained, we were told: 'Why are you worried, your daughters are exempt.'

We of the Hapoel Hamizrachi were opposed to such obvious discrimination between religious and non-religious women and we urged the other members of the religious bloc not to accept it but we were overruled. When the law exempting religious women from military service was put through, Hapoel Hamizrachi was able to reduce its bias in favor of the religious girls by including conscientious objectors as well."

Religious Girls Exempt From Military Conscription

There were many who warned against such a compromise which differentiated between re-

ligious and non-religious. They claimed that it would be detrimental to the prestige of religious Jewry, for if it is forbidden and immoral to draft women into the Army — the exemption should apply likewise to all Jewish girls. Let us be consistent. It should be noted here that even then, when Military Service for women was on the agenda, not a voice was raised in the religious circles in favor of leaving the government on account of the Bill. A compromise was looked for, and the above arrangement was accepted. Even the representatives of the Agudah in the government voted for it.

But this law, according to which religious girls were free from Military Service, had organic faults. First, some girls, while not religious actually claimed exemption on religious grounds. This caused a more critical attitude on the part of the draft committees to all girls claiming religion as a ground for not going into the Army, an attitude that brought a great deal of confusion and sacrilege. Secondly, from a social, and indeed ethical point of view it was a highly discriminatory piece of legislation. At a time when thousands of girls were fulfilling their obligation to their homeland in the armed forces, other girls were totally free from any type of service. Some of the latter took over the jobs vacated by those who went into the Army. The press and public opinion were aroused against this obvious inequity.

The idea was then born that if some Jewish girls cannot fulfill their national duty in the usual manner, they should do it in a way compatible

with their religious beliefs. It was realized, even in religious circles, that the situation was abnormal and could not last for long. National non-military service was considered to be an appropriate solution. The Agudah and Poalei Agudah went along with this idea, as is testified by the minutes of a meeting of the Agudah leadership, including Jacob Rosenheim and Rabbi Senkiewicz, member of the *Moatzoth Gdolei Hatorah* of the Agudah, recently published in the *Hatzofe*. Rabbi I. M. Levin, in a speech quoted by *Hamodia*, the Agudah paper in Jerusalem, expressed himself amenable to the idea of National Service For Girls.

It should be borne in mind, however, that at that time the Agudah was still part of the government coalition. They were therefore loyal, modest and not at all militant. The *Moatzoth Gdolei Hatorah*, used as a political instrument by the Agudah, was dormant and did not issue the fiery proclamations they now do.

Political Manoeuvring By Agudah

At that point the "Historical" incident occurred: the Agudah suddenly decided to leave the government because of—Civil Service! Those acquainted with the machinations behind the scenes within the Agudah have reason to believe differently. They know that it was a result of personal politics, intrigues, jealousies and opposition to a certain Agudah personality who was accused of sacrificing Agudah principles for a ministerial portfolio. There were some who had their own ambitions to replace the Agudah incumbent in the

government. These, together with the extremists, had seized the leadership and compelled the Agudah to resign when Mr. Ben Gurion intended to present the National Service Law before the Knesset.

Immediately after the Agudah left the coalition, the Poalei Agudah, heretofore the most vociferous in demanding that the Agudah resign, began negotiations with Mapai about joining the coalition, the only difference being the replacement of Rabbi I. M. Levin by Benjamin Mintz, Poalei Agudah head. The Poalei Agudah, to boot, obtained some concessions in the National Service law and was factually on the threshold of joining the government. This caused the greatest confusion among the Agudah circles. It is easy to understand what the entry of Poalei Agudah in the government would mean to the Agudah, and it therefore mobilized the *Moetzet Gdolei Hatorah* and used every possible pressure to prevent the Poalei Agudah from achieving this goal.

Hapoel Hamizrachi requested that the projected law be recommitted, and when it did not succeed, it tried and obtained very considerable changes in the law favorable to the religious point of view. (Poalei Agudah was ready to consent to the law when it was much less favorable and without the far-reaching concessions that have now been incorporated in it.) This was not an easy task. Again quoting from Dr. Warhaftig:

"This situation was further complicated by the cabinet crisis. Whereas in the first Knesset, the religious parties, by virtue of the fact that

they held the balance of power, could exert pressure to eliminate conscription of religious girls (and most likely defeat the entire bill, if they tried), in the second Knesset with the General Zionists in the Government, the religious parties were no longer a balance of power and were in no position to apply pressure. Incidentally, this situation came about as a result of the sudden withdrawal of Agudah from the government. This led to a government reformation which weakened the religious parties.

Our Recommendations Based On Consultations With the Chief Rabbinate

"As to the bill itself, we have tried to work out a formula which would be acceptable on religious grounds. To guarantee these safeguards we have introduced recommendations as a result of our consultation with the Chief Rabbinate.

"We are opposed to military conscription for all girls — religious or not. We would prefer to do without conscription for men, but national security demands an army."

This theme deserves emphasis, for it aids in understanding the comments of many sincere people who would have preferred that we need not have such a bill in Israel today. Even Rabbi Frank of Jerusalem, one of the leaders in the fight against adoption of the law, stated that it is not forbidden from an *halachic* viewpoint, but from a viewpoint of morals only. Rabbi Frank in the same breath was disturbed over what happened to men who, according to him, were spoiled

by service in the Armed Forces. Of course everyone would prefer a situation in which an army was unnecessary. But Israel's security, unfortunately, requires that the maximum use be made of her manpower.

No rabbinic interdiction against the bill has been issued by the Chief Rabbinate. Against the possible dangers which some profess to see in its provisions must be weighed the risk of isolating a portion of the religious community from Service of the State of Israel and from the broader community of the State. It is appropriate to note the words of Minister Moshe Shapiro:

"Our decision to support the National Service Bill comes after consultations with the Chief Rabbinate concerning recommendations for religious safeguards in this bill which have been accepted by the government. We are convinced that the provisions of this bill supply ample protection for the purity of the girl's serving in national service."

And again, on the day of the vote, Shapiro emphasized the crucial factor:

"To Hapoel Hamizrachi the Jewish state is a realization of a centuries old dream. We believe that the state and religion are compatible. To this end we are dedicated. We will not withdraw nor will we be a party to a plot to isolate religion".

Back to Ghetto Isolation?

THE debate on the question of national service for religious girls in Israel has placed in sharp focus a basic choice for religious Jewry: Shall it participate in the life of the State to the fullest permissible measure or shall it retreat to a self-imposed isolation built on privilege and exemptions? The question, as put to the members of the Knesset, was whether girls, exempted from military service for religious reasons, shall be obliged to perform national service in a manner precisely equivalent to the way they normally earn their livelihood. Hapoel Hamizrachi and Mizrachi voted yes. Agudah voted no.

The leaders of Hapoel Hamizrachi, to whose efforts much of religious accomplishments in the Yishuv must be credited, believe that only by showing that the Torah is a way of life which can be "lived" by Israel's inhabitants, is there the remotest chance for weaving Torah into the warp and woof of the newly fashioned Hebrew Commonwealth. Theirs is the conviction that a state whose constitution is based on the Torah can only be realized when the Torah and those who uphold it are not isolated from all other segments of Israel's life. That is not to imply that the way chosen by the Hapoel Hamizrachi consists of a succession of compromising sacrifices which in the end may make a mockery of religious observance. Yet, not every single threat to religion, real or imagined, is to be viewed as a major catastrophe.

The painful but real facts of life in Israel are that the organized religious forces represent only a minority of the population, and responsible religious leadership must be able to determine what is of paramount significance and what is a matter subject to compromise. In this type of situation, it becomes exceedingly important to distinguish between an *halachic issur*, a competent finding that an act is forbidden by Jewish Law, and a suggestion by a rabbinical group that a course of action is considered poor policy. The former without doubt leaves no room for discretion and strategic evaluation. The latter, however, still leaves the political action to be taken as a matter for the religious statesmen who wrestle with the totality of the problem. This is a distinction which the experienced Hapoel Hamizrachi legislators have long observed and it lies at the core of their actions in the Knesset where they represent the largest religious party.

Hapoel Hamizrachi Won Major Concessions in National Service Bill

The issue of conscription of women—be it for military or non-military purposes—is a delicate one from both religious and secular viewpoints. The security requirements of Israel make it necessary for her to consider utilizing her manpower to a far greater extent than do the United States of America and other western states. While the Hapoel Hamizrachi opposed conscription of women into Israel's army on religious grounds on the

Chief Rabbi's advice, they took a different attitude to the bill to draft religious women, exempt from military service, into various forms of national non-military service. They succeeded in winning important changes in the projected bill from their government coalition partners in order to preserve both the Torah and the State at one and the same time. They placed their faith, as they have in the past, in the give and take of democratic processes in the Jewish State, where the Sabbath Day has become the official day of rest, where Rabbinical law does govern the areas of family relationships, and where the laws of Kashrut apply to all government and army installations.

Chief Rabbinate Did Not Declare *ISSUR* Against the Bill

UNFORTUNATELY, the Agudah parties, who had placed themselves in the Knesset Opposition last year, appear to be using the National Service Bill in an attempt to make political capital both in Israel and in America. Their private "Council of Rabbis", who have long attempted to usurp the authority of the Chief Rabbinate, immediately issued an *halachic issur* in which they used the strongest possible terms to prevent its acceptance under any conditions. Various innocent religious leaders were prevailed upon to join the fight against the Jewish State. Shameful processions in Israel and picketing of the Israeli Consulates in New York and London were carried out under the mantle of defenders of the faith. A

statement of apprehension by Israel's Chief Rabbinate concerning the Bill was misinterpreted to mean a sanction for further attacks on Zion. The fact is that the Chief Rabbinate did not declare an *halachic* injunction against the Bill, but on the contrary, permitted the religious delegates to the Knesset to vote as they wished. The most recent cables from Israel inform us that even the *Chazon Ish*, the much respected sage, made clear that he had issued no *issur*, no finding that the bill was in violation of Jewish law, and further expressed his opinion that it was not a matter sufficient to cause religious parties to leave the government.

More painful than any other aspect of the controversy is to see individuals and religious parties representing matters to the public and manoeuvring in private in a manner which is not calculated to enhance respect for Torah or for the efficacy of religion in raising the standards of the market place or the political forum. This is a disservice which can cause injury long after the need for any form of conscription has passed.

It is to be hoped that now that the Bill has been passed, the clamor and the shouting of those who sought to reflect improperly on the State and on the creative religious forces of Hapoel Hamizrachi in Israel, will be stilled. It is to be hoped that the harmful effects of the acrimony will be dissipated by the steady growth of a religious Yishuv in Israel which shines forth as the beacon light of Torah for the entire world.

It would be a grave error of omission if we

did not take this opportunity to laud the parliament of Israel for having passed at the same sitting at which the National Service Bill was passed, a Bill which gives the full control of marriages, divorces, inheritance and family relations to the Rabbinical Courts. Great credit for achieving this victory must be given to the Hapoel Hamizrachi which has insisted on its acceptance to prevent a splitting of the Yishuv into two camps, unable to live with each other. Here is a constructive step which will aid in insuring that the task of building the Jewish State will continue unabated.

