

SAMUEL I. ROSENMAN
165 BROADWAY
NEW YORK 6

July 30, 1948.

Mr. Clark Clifford,
White House,
Washington, D. C.

Dear Clark:

I am enclosing herewith a copy of a memorandum which I have asked be prepared for me on the question of the recognition of Israel.

Maybe the State Department would be willing to change the designation of MacDonald and of Epstein.



Very sincerely yours,

A handwritten signature in cursive script, appearing to read "Sam".

Samuel I. Rosenman

SIR/sg
Enclosure

July 29, 1948

WHAT KIND OF RECOGNITION HAS BEEN GIVEN TO THE STATE OF ISRAEL
AND ITS PROVISIONAL GOVERNMENT BY THE
PRESIDENT OF THE UNITED STATES?

1. This is the text of the President's pronouncement of May 14:

"This Government has been informed that a Jewish State has been proclaimed in Palestine, and recognition has been requested by the Provisional Government thereof. The United States recognizes the Provisional Government as the de facto authority of the new State of Israel.

Harry S. Truman
President"

2. The nature of this recognition has given rise to some controversy. It has been maintained that this is de jure recognition of the State of Israel and a de facto recognition of the Provisional Government of Israel. It has also been maintained that this latter recognition can not at this time be other than de facto in view of the provisional character of the Government. On the other hand, it has been argued that since the recognition of the Government is only a de facto one, the same would also apply to the recognition of the State.

3. It would help very little to go into the intricacies of the problems concerning the difference between de jure and de facto recognition. There is one test which unfailingly gives an answer to the proper nature of recognition; and this is whether or not under this recognition there is full diplomatic intercourse between the recognizing and recognized State, and whether or not full diplomatic immunities are conferred upon the representatives of the authority recognized de facto. (Out of the mass of literature on the subject, see the authoritative volume of Prof. Lauterpacht, "Recognition in International Law" 1947, pp. 345-346)

4. If it is held that the recognition of Israel is a de jure one and "a full one", it is certainly inconsistent to give the representatives of the two States (U.S.A. in Israel, and Israel in U.S.A.) the unusual title of "Special Representative", completely unknown in international law, instead of the generally accepted title of "Minister Plenipotentiary and Envoy Extraordinary". If the title "Special Representative" was not meant to imply a status inferior to that of the Minister, the question arises: why was it chosen? It must have had some meaning.

5. We arrive, therefore, at the conclusion that on this test it can hardly be said that the recognition of May 14 can be properly defined as "full" or "de jure".