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,

Samuel I. Rosenman

SIR/sig
Enclosure
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 re-
   quested 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 recog-
   nition 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 unambiguously 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 rep-
   resentatives of the authority recognized de facto. (Out of the mass of 
   literature on the subject, see the authoritative volume of Prof. Lauper-
   schutz, "Recognition in International Law" 1957, pp. 449-456)

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".