

Congress of the United States
House of Representatives
Washington, D. C.

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August 3, 1948

The President,
The White House,
Washington, D. C.

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Dear Mr. President:

I wish to express to you my deepest gratitude for the support which you have given to the establishment of the State of Israel. Without your support and friendship to the Jewish people, the re-establishment of the independent Jewish State - the dream and hope of countless generations - would not have been realized today.

I have the honor to draw your attention to the following pledges contained in the Israel plank of our Party's platform, adopted at the recent National Convention of the Democratic Party:

"President Truman, by granting immediate recognition to Israel, led the world in extending friendship and welcome to a people who have long sought and justly deserved freedom and independence. We favor full recognition of the State of Israel.

"We affirm our pride, too, that the United States, under the leadership of President Truman, played a leading role in the adoption of the Resolution of November 29, 1947 by the United Nations General Assembly for the creation of a Jewish State.

"We approve the claims of the State of Israel to the boundaries set forth in the United Nations Resolution of November 29 and consider that modification thereof should be made only if fully acceptable to the State of Israel.

"We look forward to the admission of the State of Israel to the United Nations and its full participation in the international community of nations.

"We pledge appropriate aid to the State of Israel in developing its economy and resources.

"We favor the revision of the arms embargo to accord to the State of Israel the right of self-defense. We pledge ourselves to work for the modification of any Resolution of the United Nations to the extent that it may prevent any such revision.

"We continue to support within the framework of the United Nations the internationalization of Jerusalem and the protection of the holy places of Palestine."

You will have noted that the objectives of this plank are also supported by the platform of the Republican Party.

The subject of Palestine, falling as it does within the field of foreign relations, is one in which the President is generally free to act on his own, without need for specific action by Congress. In view of the urgent need of the newly created State of Israel for the measures of support pledged in our platform, I hope that you will make a special effort to achieve without delay the objectives pledged by the Democratic Party. Knowing that public sentiment, as formulated in the platforms of both major political parties, would be behind you, and that all constitutional means for action are in your hands, I hope that you will give immediate implementation to the pledges contained in the Democratic platform on Palestine.

Two of the pledges contained in our Party's Palestine plank are particularly significant in that they are capable of immediate fulfillment:

- (1) The pledge of full (de jure) recognition to the State of Israel, and
- (2) The pledge of appropriate aid to the State of Israel in developing its economy and resources.

I am enclosing a legal memorandum entitled "De Facto and De Jure Recognition of Israel" in support of my contention that our Government has the power to accord immediate full (de jure) recognition to "the Provisional Government of the State of Israel."

To date, the following nations have accorded full (de jure) recognition to the Provisional Government of the State of Israel: Bulgaria, Costa Rica, Czechoslovakia, Dominican Republic, Finland, Guatemala, Nicaragua, Panama, Poland, Rumania, Union of Soviet Socialist Republics, Uruguay, and Yugoslavia.

I was very happy with your appointment of Dr. James G. MacDonald to serve as Special Representative of the United States of America to head the mission of the U.S.A. in Israel. It would have been more appropriate, however, if you had appointed Dr. MacDonald as a Minister to the State of Israel, enjoying all the prerogatives and rank which go with that office. The title of Special Representative rather than Minister does not accord to the United States Representative to the State of Israel the rank and status which a United States diplomatic representative should command. Why should Dr. MacDonald not enjoy at least the same rank to which the diplomatic representatives of other countries have been named? If the United States would accord full (de jure) recognition to the Provisional Government of the State of Israel, then Dr. MacDonald could be

appointed as a Minister, a Legation could be established in Israel, treaties of commerce and trade, etc. could be negotiated between the Governments of the United States and the State of Israel. I hope that our Government will accord full (de jure) recognition to the Provisional Government of the State of Israel without delay.

I am informed that the Provisional Government of the State of Israel, through its Special Representative in the United States, Mr. Elishu Epstein, has applied to the Export-Import Bank in May 1948 for a loan of 100 million dollars; that there have been several informal conferences between the representatives of the Provisional Government of the State of Israel and the Export-Import Bank; that the Export-Import Bank is willing to approve the loan from an economic point of view; and that action on the application for the loan now awaits the approval of the Department of State and the President. I am also informed that Dr. Chaim Weizmann, President of the State of Israel, had discussed this loan with you and that your reaction was most favorable. It is my understanding that the monies will be spent in the United States for agricultural machinery, fertilizer, industrial and other necessary materials.

The State of Israel is in need of American support. Israel is utilizing all its resources in order to establish its State on a firm democratic foundation. Its economy must be reorganized, developed, and expanded. Israel is absorbing weekly thousands of Jewish displaced persons from Europe and elsewhere.

The American Army in Germany is now feeding countless displaced persons - tens of thousands of Jewish displaced persons among them. These Jewish displaced persons wish to go to Israel. America has done much for these victims of Hitlerism. By helping to resettle the Jewish displaced persons in Israel, the American Government would be relieved of the burden of maintaining them in displaced persons camps, and would thus actually save the American taxpayer millions of dollars.

It would be very much appreciated and very helpful if our Delegates to the United Nations Conference to be held in Paris this year could be instructed to take the leadership in the Security Council in proposing immediately the admission of the State of Israel to membership in the United Nations and to use our best efforts to secure Israel's admission at the forthcoming meeting of the General Assembly.

In view of the fact that both our Party and the Republican Party pledged appropriate aid to the State of Israel in developing its economy and resources, I hope you will do everything within your power to see that the Export-Import Bank loan is granted immediately. Such a loan would not only be a great act of humanitarianism but would also be in line with the best American tradition.

Respectfully yours,

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1. There are several instances in the last few decades in which the United States has recognized a provisional government without waiting upon elections or upon the establishment of a permanent government:

(a) Russia after the Revolution when we recognized the "Provisional Government" established by Kerensky. Full recognition was granted -- despite the fact that the government itself was de facto in character, weak and later overthrown by the Soviet authorities. See I Hackworth 135-136.

(b) Poland after the recent war. The Potsdam Declaration specifically indicates that recognition was granted by Great Britain, the U.S.S.R. and the United States to the "Polish Provisional Government of National Unity." The interesting thing here is that recognition was unqualified at a time when future elections were contemplated and Poland's borders remained to be delimited.

(c) France after liberation. We unqualifiedly recognized the "Provisional Government of the French Republic", although it was understood that elections remained to be held and a new constitution framed and adopted.

2. There would seem to be no reason or warrant for making the nature of our recognition -- de facto or de jure -- turn on whether the particular government is provisional or final. What a new sovereignty chooses to call its government -- whether it decides to regard it as provisional or otherwise -- is irrelevant from the viewpoint of another country which must determine whether or not to recognize that government. The Provisional Government of Israel is the legal, de jure government of that country, and what procedure the Israelis choose to follow before drafting a constitution, establishing a permanent government, etc. has no bearing whatever on the issues before the United States.

3. The United States is properly concerned with matters such as these: Whether in fact the Israeli government is in possession of the machinery of the state; whether it governs with the assent of the people; whether it can fulfill its international obligations. But assuming these tests are met -- and so far as I am aware no one has denied that Israel can meet these tests -- to withhold full or so-called de jure recognition because the Israelis happen to have described their own government as provisional is an act of political expediency not law.

4. American history offers illustrations where appropriate use has been made of limited recognition. For example, in the case of various South American republics established by revolution; where power has been transferred from one to another group and where the authority of the government in power is under obvious challenge -- de facto recognition may be appropriate. But certainly no one in the State Department has yet suggested that the "Provisional Government of Israel" does not fairly meet the historical tests of recognition. What appears to have happened is that those who were loath to recognize Israel seized on the word "Provisional" in the title of the government and then developed a legalistic thesis: that since the government was "provisional", American recognition would only be "de facto." From the viewpoint of reason and precedent this is an absurd non sequitur.