

ההסתדרות הציונית של ארצות הברית

ZIONIST ORGANIZATION OF AMERICA

RECEIVED
JUN 4 - 1948
41 EAST 42nd STREET
NEW YORK 17, N. Y.

CRIMINAL DIVISION

June 2, 1948

The Hon. Thomas C. Clark
Attorney-General of the United States
Department of Justice
Washington, D.C.

RECORD

Attention: Mr. William E. Foley

749-1603
JUN 3 1948
DIVISION OF RECORDS
CRIM.-INTERNAL SECURITY SEC.

FARA

Dear Sir:

1. I wish to acknowledge receipt of Mr. Foley's letter of May 27th, 1948, No. WEF:NBL:et.149-1603, pursuant to his earlier letter of February 25th, 1948, No. WEF:NBL:uml.149-1603, in reference to the status of the Zionist Organization of America with regard to the Foreign Agents Registration Act of 1938. As you are undoubtedly aware, representatives of the Zionist Organization of America have taken up the matter with the Department of Justice and have conferred with the Attorney-General on two occasions.

It is our contention that the Zionist Organization of America is in no way an agent for a foreign principal within the meaning of the Act. Its relationship to the World Zionist Organization is that of a constituent body, not that of an agent. It is not essentially different in this respect from the relationship of American trade-unions to the international federation of trade-unions, of the American Chamber of Commerce to the international congress of Chambers of Commerce, etc. As a constituent organization of the World Zionist Organization, the membership of the Zionist Organization of America, through delegates taking part in the World Zionist Congress and various committees, influences the activities of the World Zionist Organization. With a view to making this possible, provisions regarding membership dues and the manner in which members are entitled to participate in the election to the World Zionist Congress are uniformly set for the constituent groups of the World Zionist Organization in different countries.

This relationship, does not, however, mean that the Zionist Organization of America acts on behalf of, or is subject to instructions from, any Zionist body situated outside the United States. Whatever action is undertaken in the United States on behalf of or subject to instructions from the World Zionist Organization, has been taken hitherto by the American Section of the Jewish Agency for Palestine, a body elected by the World Zionist Organization. This body acts indeed as agent of a principal located abroad, viz., the World

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Zionist Congress and the Jewish Agency for Palestine. Accordingly, the American Section of the Jewish Agency for Palestine is duly registered with the Department of Justice under the Foreign Agents Registration Act. But the activities undertaken on the American scene by the Zionist Organization of America are the activities of an American organization, and there is as little ground to consider our organization a foreign agent because similar activities in the interests of Jews in Palestine may be pursued in other countries by other Zionist groups, all affiliated with a World Zionist Organization, as there would be to ascribe this character to American trade-unions, to American Rotary clubs, or to the American Red Cross on the ground that similar activities in the interests of wage-earners or in the interests of human welfare in general are pursued by trade-unions, Rotary clubs or Red Cross organizations abroad.

For these reasons, we do not believe that the Zionist Organization of America is subject to registration under the Foreign Agents Registration Act, and we hope that you will confirm our understanding thereof.

2. At one of the conferences referred to above, we received an indication from the Attorney-General that the status of the Zionist Organization of America as not falling under the provisions of the Foreign Agents Registration Act would be further clarified to the satisfaction of the Department if certain constitutional relationships between the World Zionist Organization and the Zionist Organization of America were modified so as to make plain that neither in collecting membership dues nor in electing delegates to the World Zionist Congress nor in conducting its activities does the Zionist Organization of America act as agent of the World Zionist Organization.

While believing that the relationship between the Zionist Organization of America and the World Zionist Organization under the provisions hitherto in force in no way represents a relationship of agent and principal, the Zionist Organization of America has taken steps to secure such clarification. To that end, the Zionist Organization of America has requested the Executive Committee of the World Zionist Organization to adopt a formal resolution declaring that certain provisions of the Constitution of the World Zionist Organization will not be applicable to the Zionist Organization of America. The Executive Committee of the World Zionist Organization, ^{has} agreed to our request. However, following the conference held between the Attorney-General and Mr. Bartley Crum on May 10th last, we understood from Mr. Crum that he was told by the Attorney-General that there was no necessity for further action. Accordingly, we refrained from taking any further action in the matter. It appears from Mr. Feley's letter of May 27th that this understanding has perhaps not been communicated to him by the Attorney-General. I therefore have the honor to inform you that by resolution of May 3rd, 1948, the Executive Committee of the World Zionist Organization has decided that Articles 7, 15, 58, 64, 65, 65a, 65b, 66 and 79 of its Constitution shall not be applicable to the Zionist Organization of America. Copies of the letter of the Executive Committee and excerpts of the Constitution of the World Zionist Organization containing the articles referred to therein are attached herewith.


3. I have further the honor to inform you that, if the Department considers it essential in the interest of a further clarification of the status of the Zionist Organization of America as not falling under the provisions of the Foreign Agents Registration Act, I will be prepared to take up with the Executive Committee of the Zionist Organization of America the question of a recommendation by the Executive Committee to the forthcoming national convention of the Zionist Organization of America that appropriate changes be introduced in the Constitution of our organization. The national convention of the Zionist Organization of America is scheduled to take place on July 2-5, 1948, and under the Constitution of the Zionist Organization of America, the national convention is the only body authorized to amend it.

I should like to state in this connection that the resolution of the Executive Committee of the World Zionist Organization of May 3rd and the contemplated changes in the Constitution of the Zionist Organization of America do not imply any departure in the practice of the Zionist Organization of America from that of an agent for a foreign principal to that of a non-agent. The Zionist Organization of America has never intended to act as an agent for a foreign principal nor does it intend to act so in the future. The changes made or contemplated merely aim at the deletion of such terms occurring in the Constitutions of the World Zionist Organization and of the Zionist Organization of America which may have given rise to a misapprehension in this respect.

You will permit me to state that an amendment of the Constitution of the Zionist Organization of America, should it appear necessary, will be undertaken with great reluctance. The Constitution of the Zionist Organization of America has been in existence for many years, it was drafted to a large extent by the late Mr. Justice Brandeis, a former President of our organization, and it is regarded with reverence by our members. In view of the explanations contained in this letter and in view, furthermore, of the far-reaching reorganization which will soon take place in the entire structure of the Zionist movement following the establishment and recognition by the Government of the United States of the State of Israel, it is greatly hoped that the Department will not insist on the submission of such a resolution at the forthcoming national convention of the Zionist Organization of America.

4. If the Department has any further doubts regarding the status of the Zionist Organization of America as not falling under the Foreign Agents Registration Act, representatives of the Zionist Organization of America will be glad to confer with the Department regarding this matter.

Sincerely yours,


Rabbi Jerome Unger
Associate Executive Director

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THE EXECUTIVE OF THE ZIONIST ORGANISATION

Ref. No. 243/1816

JERUSALEM
POB 92

May 3rd, 1948

The President,
Zionist Organisation of America,
41 East 42nd Street,
NEW YORK

Sir,

I am directed by the Executive to transmit to you the following resolution adopted by them to-day, May 3rd, 1948:-

Pursuant to Article 8 of the Constitution of the World Zionist Organisation, and upon the request of the Zionist Organisation of America, the Executive declares herewith that Articles 7, 15, 58, 64, 65, 65a, 65b, 66 and 79 of the Constitution of the World Zionist Organisation shall not be deemed applicable to the Zionist Organisation of America.

Members of the Zionist Organisation of America affiliated with the World Zionist Organisation will, upon payment and remittance to the Executive of a contribution equivalent to the Shekal, be deemed to hold membership in the World Zionist Organisation.

I am directed to add that in accordance with the Constitution, this resolution will be submitted by the Executive to the next meeting of the General Council for their assent.

I am,

Sir,

Yours faithfully,

(SIGNED) Dr. L. Lauterbach,
Executive Secretary.

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EXCERPTS FROM THE CONSTITUTION OF THE WORLD ZIONIST ORGANISATION

Article 8.

In so far as the laws of a country may prevent the carrying into effect of the system of organisation prescribed in this Constitution, the Executive may, upon the request of the governing body of the Federation in question, and with the previous assent of the general Council, permit temporary exceptions from the regulations of this Constitution. In case of urgency, the Executive may, on its own accord, permit such exceptional measures to be taken, subject to the subsequent assent of the General Council.

Article 7.

1.--The instructions issued by any superior authority (the Executive, or the governing body of any Federation or Separate Union) within the scope of its powers, are binding upon the authorities subordinate to it.

2.--The several organs of the movement are responsible for the actions of their officers within their respective spheres of work.

Article 15.

The Congress is the supreme legislative body of the Zionist Organisation.

Article 58.

1.--The Executive shall be empowered, with the consent of the General Council, independently of the Territorial Shekel Unions or the Federations and Separate Unions, to make arrangements for the collection of the shekolim and the transaction of other work relating to organisation and propaganda resolved upon by the General Council.

2.--A resolution to this effect by the General Council must be adopted by a two-thirds' majority.

Article 64.

1.--The Shekel is the annual contribution of the members to cover the current expenditure of the World Zionist Organisation, which, subject to the provisions of Article 58, shall be collected by the Territorial Shekel Unions and shall be remitted without deduction to the Executive at regular intervals to be fixed by the Executive.

2.--Only the shekel receipts issued by the Executive or on its behalf shall be valid.

3.--The shekel shall be uniform for the entire Zionist Organisation.

Article 65.

1.--The price of the shekel shall be fixed by the Executive within the limits of the resolution adopted by the Congress.

2.--All shekel moneys shall be remitted to the Executive at the end of each month. In the case of countries with a fluctuating currency, consideration shall be given to the rate of exchange at the time when the monthly remittance is made. The detailed execution of this resolution shall rest with the Executive.

Article 65a.

1.--The administration of the shekel (distribution, accounting, checking) shall be carried on uniformly in each country. The Federation and the territorial groups of the Separate Unions in one and the same country shall form a joint working arrangement (Territorial Shekel Union) for this purpose. The territorial limits of the Shekel Union shall be determined by the Executive.

2.--The Executive shall see to it that the shekel administration shall be carried out in a proper manner, and shall create organs in each country, according to its discretion, for the supervision of the shekel administration.

Article 65b.

1.--The price of the Golden Shekel (Article 63) shall be one pound sterling yearly, and in countries with a low rate of exchange ten shillings.

2.--A Zionist who pays the Golden Shekel shall enjoy the same rights as a shekel-payer. (Article 2).

3.--It shall be regarded as the duty of every Zionist who is in a position to do so, to pay the Golden Shekel.

Article 66.

1.--In order to cover any estimated or actual deficit, the Congress, as well as the General Council, may levy special contributions from the general body of the Federations and Separate Unions assessed in proportion to the membership of each organisation. These contributions shall be remitted to the Executive without deduction.

2.--Each federation and Separate Union shall decide independently upon the method of raising the assessment levied from it, subject always to the provisions of Article 58.

Article 79.

1.--The adhesion to the Zionist Organisation presupposes subordination to its laws and the resolutions of its governing bodies.

2.--(a) Political negotiations with Governments and the League of Nations may be conducted by Zionists and Zionist groups only with the approval of the Executive.

(b) In special cases the Executive can demand that special political actions of another kind which fall within the sphere of competence of the Executive shall be undertaken only with its approval.

3.--The adhesion of persons and bodies to the Zionist Organisation presupposes that in all Zionist questions the duty of discipline in regard to the Zionist Organisation must take precedence over the duty of discipline in regard to any other organisation.

4.--It is the duty of the Executive to report all cases of infringement of the aforementioned resolutions (1, 2, 3) as well as all other cases of grave violation of the duty of discipline or of serious injury to Zionist institutions by Zionists or Zionist bodies to the Attorney of the Court of Honour for the purpose of taking appropriate proceedings.

Upon the motion of the Attorney of the Court of Honour, the Executive can, pending the judgment of the Court of Honour, order the suspension of certain or of all rights of the persons or bodies concerned within the Zionist Organisation.

The Court of Honour must pronounce a judgment not later than six months after the order issued by the Executive, otherwise the measures taken cease to be valid.

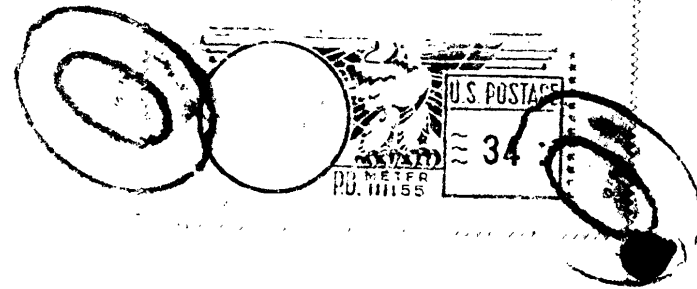
The Court of Honour has the right, in proceedings against bodies to pronounce the dissolution or the exclusion of the body concerned or of its members from the Zionist Organisation. After the dissolution or exclusion by the Court of Honour, the body concerned can propose to the General Council that it shall be reestablished or readmitted and the General Council shall decide on the proposal by a two-thirds majority.

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AIR MAIL

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The Hon. Thomas C. Clark
Attorney-General of the United States
Department of Justice
Washington, D.C.

Atts Mr. Wm. E. Foley

REGISTERED

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