

501.BB Palestine/5-948 : Telegram

*The United States Representative at the United Nations (Austin) to
the Secretary of State*

SECRET PRIORITY

NEW YORK, May 9, 1948—10:25 p. m.

615. The following is explanation of text of an arrangement for possible provisional regime based on Chapter XII of the Charter as transmitted in USUN 614.¹

General outlines of text were worked out in informal conference yesterday with Hopkins and Ignatieff (Canada) with brief participation of Trafford Smith (UK). Text discussed this morning with Beeley and Trafford Smith and Hopkins. Subject minor questions Beeley indicated he would telegraph text immediately to London presumably with indication it is satisfactory if it is decided to proceed on basis Chapter XII of Charter.

Basic considerations:

1. To meet principal lines of objection as well as suggestions raised in debate in first committee on our working paper. New text represents compromise between British "empirical" approach and widespread demand in GA for firmer, less equivocal legal basis for action.

2. To provide sound legal basis under charter for provisional emergency regime in Palestine.

3. Reduction to minimum of responsibilities for administering authority. There is widespread agreement that some minimum responsibilities should be assumed but they should be on strong legal basis.

4. Combined idea of minimum arrangements parties can agree upon with role of UN as mediator building upon cooperation and agreement of parties.

5. Suspension of operation of GA resolution of 29 November 1947 but as part of positive proposal with sound legal basis in Charter. The idea is to avoid complexities of 29 November resolution without discarding it entirely, providing affirmative substitute as interim provisional regime and overcoming the argument that existing *de facto* partition is identical with compliance with November 29 resolution.

6. Providing a link with the Truce Commission of the SC and assisting in correlating and unifying Palestine efforts of various UN organs.

7. Affording legal foundation for any desired subsequent action by US and other states in support of UN solution without prior commitment to send armed forces while avoiding interfering with realistic developments along the lines, for example, of Abdullah proposal.

¹ Dated May 9, p. 942.

8. Taking advantage of actual subcommittee situation resulting from willingness of members of committee one to consider Creech Jones approach supported by Canadians; since Canadians now working with US and British on new ideas tactical situation would facilitate bringing proposal into subcommittee and getting favorable consideration.

9. Reduces to minimum idea of UN making empty gestures and developing futile paper schemes involving obligations which cannot be discharged; obligations in present approach can be discharged. On the other hand, we would avoid letting UN get into position of virtual bankruptcy re Palestine and also avoid US, after strong leadership, getting into position of washing hands.

Comments on text.

Preamble is designed to point out charter authority and to stress emergency and temporary nature of proposal. Parenthetical reference to situation of Jerusalem in second paragraph of preamble included to cover possibility of taking account of some special trusteeship or other regime for Jerusalem.

I. First paragraph following preamble is considered implicit suspension of resolution of November 29. This paragraph is intended to reserve the ultimate political solution and should be read together with II re suspension November 29 resolution. This paragraph alone, however, is implicit suspension.

Article 1 retains our previous concept of UN as administering authority and seems preferable to named group of powers. We doubt possibility in time available of making agreement on the powers to be named (see additional comments below).

Article 2 is designed to avoid filling details in this agreement by providing residual authority for TC to develop functions if agreement between the two parties is expanded.

Article 3 follows original US working paper on method of appointing high commissioner.

Article 4 embodies the concept which lies at the heart of the Creech Jones approach. The second sentence is taken from the British draft based upon that approach. Emphasis is here put upon thought that high commissioner will function chiefly through Jews and Arabs with a minimum of direct legislative or executive power.

Article 5 is based on Article 84 of Charter and contemplates use only of locally recruited police and volunteer forces. While this would discard idea of international force whether contributed by states or com-

posed of volunteers recruited among member states this article should be considered in light of additional comments below.

Article 6 frankly faces fact that high commissioner could not cope with large scale hostilities. This article ties in the SCTC and indicates that the business of truce and the containment of full scale organized conflict between Jews and Arabs remains primarily a question for the SC.

Article 7 closely reproduces another cardinal point in the British suggestions following the Creech Jones approach, namely stress on mediatory functions and the realistic concept that progress towards ultimate solution depends upon agreement of parties.

Article 8 regarding defraying of expenses should probably be supplemented by some appropriate provision possibly making use of UN working capital fund to meet preliminary expenses of high commissioner.

Article 9 is designed further to integrate all actions of UN bodies and to assure continuing authority of the special municipal commissioner if he is appointed, in accordance with the recommendation of the GA of 6 May 1948. If he is not appointed, this article would be eliminated and high commissioner would presumably exercise his functions.

Article 10 with regard to protection of holy places, etc. might be supplemented by provisions for special regime in Jerusalem if such action is decided upon.

Article 11 ties in the general suggestions made by the US representative in first committee on April 20, takes account of current activities of International Red Cross and also takes account of British idea and emphasis in subcommittee on necessity for such practical steps, for example, as securing cooperation of both groups with WHO assistance re epidemics.

Article 12 on termination takes account of Jewish and Arab objections to indefinite duration of trusteeship as outlined in our original working paper. If parties reach agreement, the agreed regime should immediately supplant UN regime as soon as high commissioner notifies the TC. Suggested date of January 1, 1950 would give GA further opportunity to consider matter in its 1949 regular session if no agreement reached by parties before that date.

II was included on basis of strong belief of Canadians and British that it would be virtually unavoidable. In order to avoid confusion we agree that this issue might as well be frankly faced. Since in first committee such a resolution would probably be voted on paragraph by paragraph by simple majority, members would have an opportunity

to abstain or vote against this particular paragraph while subsequently voting for resolution as a whole. At the same time, the question of suspension would be merely part of positive affirmative proposal and would not emerge strongly as separate issue which would otherwise almost certainly be the case.

III is intended to afford justification for any supporting action which we might later decide was desirable. It is further designed to eliminate plausible legal foundation for fishing in troubled waters by Russians or others.

Additional comments.

Referring to above comments on Articles 1 and 5 the trusteeship concept as developed in this draft obviously appeals to Beeley as providing strong legal basis for minimizing risk (*a*) of Russian interference (on theory that it would make illegal proclamation and recognition of Jewish or Arab state); and (*b*) that conflict could not be confined to Palestine if Abdullah plan gets out of hand. While reiterating British position against use of British forces inside Palestine, Beeley himself [seems?] to have made up his own mind that UK should be prepared, if necessary, should either or both (*a*) and (*b*) above materialize, to participate in embargo, naval patrols, or any other action which seemed suitable and desirable without, however, involving any prior commitment to take such action. While speaking personally Beeley feels that our present concept might appeal to London for reasons indicated.

Beeley seems to feel that while our original working paper goes too far in the direction of implementation by force, the present draft may not go quite far enough. For this reason and perhaps for others he is inclined to feel that a group of states rather than the UN itself should be the administering authority.

In discussing alternatives with British and Canadians at conclusion of informal meeting this morning, we tentatively suggested possibility of including an article which would establish a board composed of representatives of France, UK and US (possibly others) authorized to advise and assist the high commissioner in the discharge of his duties. We also discussed as another alternative the idea of giving either the high commissioner or the TC authority to seek outside assistance if necessary.

General estimate—recommendations.

Our estimate of general situation is that we could pass such a proposal as this by a two-thirds vote. If such a proposal is to be introduced we could probably get another delegation to propose it, but feel on balance it would be preferable for us to do so for reasons stated below

although we can see some advantage if Canadians would jointly or separately introduce proposal if assured of UK and US support. If proposal along these lines is not introduced, we must take account of likelihood of some other delegation introducing a less satisfactory resolution involving propositions it would be embarrassing either to support or oppose. Further, we estimate that Russian bloc will be content to let situation drift and avoid all action by GA in the belief that resulting factual situation will be to their liking.

In our opinion introduction of resolution such as we propose would be acceptable to Arabs and might be a strong factor in inducing Jews to accept truce.

We feel that US would be in a very weak and vulnerable position in terms of American public opinion and general prestige in the UN if we come forward with no definite suggestion before GA adjourns. We have consistently insisted that our trusteeship working paper was not a proposal and we are, therefore, in the position of having called the special session without having made any specific proposal to it for meeting the situation. Other delegations are constantly coming to us offering to help and asking our guidance and leadership.

If we make no specific proposal for GA action before May 15 and if Arab armies move in, we believe opinion generally will be convinced that we have instigated or are supporting Arab action against the Jewish state. Also, if we fail to introduce specific proposal and press hard for its adoption, and also if we rest on our oars at this point and *de facto* situation develops in Palestine along Abdullah lines, the two facts taken together will make US vulnerable to accusations either of incredible naivete or power-politics machinations.

If Russians in SC charge Arab states with aggression legal arguments about invitation from Palestinian Arabs would not meet public demand. One possibility we see to meet such a contingency would be for SC to attempt to stabilize situation by ordering parties not to move their forces across lines laid down in GA resolution of November 29, which lines would for this purpose be taken as demarcating cease fire basis. If JA could then work out agreement on such a basis position of US and UN might be less vulnerable. Such a procedure in the SC could more appropriately be followed if proposed UN provisional regime based on Chapter XII had been adopted.

Thus, formal proposal of such plan in our opinion would enhance likelihood of concluding truce now or subsequent to May 15; would not commit US to placing armed forces in Palestine; would strengthen the UN and the US position in the organization and in general would meet in advance more contingencies and afford a sounder basis for possible future action than any other course.

867N.01/5-1048: Telegram

*The Consul at Jerusalem (Wasson) to the Secretary of State*CONFIDENTIAL NIACT
URGENT

JERUSALEM, May 10, 1948—noon.

582. High Commissioner handed me morning of May 10 the pro-pounded terms of a truce for Jerusalem which Palestine Government is communicating to both the Jews and the Arabs.¹ Text of terms follow:

1. In this memorandum the word "Jerusalem" means the town planning area of Jerusalem.
2. All hostilities within Jerusalem shall cease. No fire shall be directed into Jerusalem or from it.
3. No arms or warlike stores shall be permitted to enter Jerusalem.
4. Supplies essential to the civil life of the population of Jerusalem shall be allowed to be brought to Jerusalem subject to check by an impartial body acceptable to both Arabs and Jews which will ensure that supplies other than such essential supplies do not pass into Jerusalem.
5. At least one of the following routes shall be open for the transport to Jerusalem of essential supplies (subject to such control) from each of the places where they are available and for the movement of unarmed persons from the place where they may be, that is to say, the Tel Aviv-Jerusalem road via Bab el Wad when possible or Ramallah, and the main roads leading to Jerusalem via Ramallah, Jericho and Bethlehem; provided that no movement shall take place leading to any substantial increase in the Arab or Jewish population of Jerusalem or any exchange of population calculated to increase Arab or Jewish military strength in Jerusalem.
6. Jews, whether living within or without the Old City, shall have the right of free entry and exit to the Jewish quarter of the Old City and from there to the Wailing Wall. Such entry and exit shall be effected through the Zion gate. For the purpose of ensuring that no arms are taken into the Old City, control shall be established at a point outside the Zion gate by the impartial body referred to in Paragraph Four.
7. Jews shall evacuate the Arab quarters of Qatamon now occupied by them.
8. Any dispute concerning the meaning or application of these terms (including the interpretation of the term "essential supplies") shall be decided by the impartial body referred to in Paragraph 4.

WASSON

¹The High Commissioner, on May 7, met at Jericho with Azzam Pasha and other Arab representatives in order to obtain a cease-fire for Jerusalem. The communiqué issued by the Palestine Government noted that "The Arab League representatives agreed to maintain the cease-fire in Jerusalem as from 12 noon tomorrow on the understanding that the Jews also abstain from firing." (Telegram 558, May 7, from Jerusalem, 867N.01/5-748)

The High Commissioner informed the Truce Commission on May 9 that the Jewish delegation had not appeared for talks scheduled for that morning. Bad flying weather was the reason given by the Jews for their nonappearance; but Consul Wasson understood that they "resented keenly not having been brought into cease-fire discussion prior to issuance official communiqué re Jericho talks." (Telegram 570, May 10, 10 a. m., from Jerusalem, 867N.01/5-1048)

501.BB Palestine/5-1048 : Telegram

The Ambassador in the United Kingdom (Douglas) to the Secretary of State

TOP SECRET US URGENT

LONDON, May 10, 1948—8 p. m.

NIACT

2028. Deptel 1673, May 8, received yesterday. Impossible see Bevin Sunday. Saw him this afternoon after previously transmitting to him message contained Deptel 1672, May 8.¹

You ask three questions:

1. Whether Shertok's account of his talk with Creech Jones accurately represents British policy.

2. Whether it reflects Bevin's understanding of Abdullah's intentions.

3. Whether it indicates that Bevin is of the opinion that further truce effort is unnecessary.

As to the third question, Bevin says categorically that it does not mean that he feels that further truce effort is unnecessary. On the contrary, he endorses truce efforts and believes, after a preliminary review of the amendments, truce proposals are sound and has advised the Arabs to accept them. This is in connection with his general view about the matter which he will send me in writing, and which will serve as an answer to the first question which you have raised.

As to the second question, Abdullah's intentions are not clearly and precisely known to Bevin, but he believes that if Abdullah's troops move into Palestine at all, they will confine their movement only to the legitimate and clearly recognized Arab portions.

In addition to the above, Bevin, orally, told me his views which may serve as a partial answer to your first question, but will be amplified in writing. For the moment they are as follows:

- a. He has attempted, and will continue to hold Abdullah back.
- b. He instituted vigorous steps to terminate the attack on Jaffa.
- c. He has taken vigorous measures to keep the Jews out of the Arab quarters in Jerusalem.
- d. He would like to keep the Arabs out of the Jewish areas.
- e. He would like to keep the Jews out of the Arab areas.
- f. Thus he believes there will develop, if it has not already largely developed, a natural what he calls "sorting out of Palestine" which would set the conditions under which a truce, established under a resolution of the UN, could be made effective.
- g. If this develops, he is contemplating an immigration of 4,000 Jews a month from Cyprus.
- h. If Palestine having been so sorted out and truce established under UN resolution accompanied by some sort of a commission, Abdullah's Arabs in the Arabian areas and Haganah's forces in the

¹ See footnote 1, p. 940.

Jewish areas might provide the militia to preserve order and administer affairs of Palestine.

i. The terms of reference of the commission should be as simple as possible and should include those items to which both the Jews and the Arabs agree.

j. He thinks that if the truce for Jerusalem can be obtained as proposed, while it may be but a beginning, an extension to all of Palestine will be facilitated and the remainder of the problem simplified.

k. As a final word, he said that he thought Jaffa and Haifa should be open cities, and that Gaza should be reserved for the Arabs.

I am sending under separate cable ² a report from the UK delegation to the UN to the Foreign Office describing Creech Jones' views as presented to a closed meeting of the sub-committee of Committee One in the afternoon of the 7th of May.

Bevin is extremely anxious that the above, given to me orally, be treated with the greatest secrecy.

DOUGLAS

² No. 2029, May 10, not printed.

867N.01/5-1048: Telegram

The Consul at Jerusalem (Wasson) to the Secretary of State

CONFIDENTIAL

URGENT

JERUSALEM, May 10, 1948—9 p. m.

NIACT

584. Haganah forces commenced battle to open Jerusalem-Tel Aviv road at Bab el Wad Saturday night and after fairly heavy fighting succeeded in opening road later Monday afternoon. 4500 persons are reported as having been engaged but number was probably much less. Haganah believed in brigade strength. Arabs pushed back initial Jewish attacks but Jews brought up reinforcements and took key hills and occupied wide area each side of road. American correspondent visiting scene stated that road block presented no problem to clear away and that Jewish engineer units with bulldozers were in action. Food convoy from Tel Aviv is expected Tuesday.

High Commissioner commented to me on Monday that while Jews would undoubtedly be able to open road, it would soon be closed by Arab Legion armor. He said Arab Legion and other Arab armies would march into Arab areas of Palestine after mandate ends.

With opening of Jerusalem-Tel Aviv road Arabs' strongest bargaining point for truce has disappeared and it is believed doubtful Jews will be willing consider any truce not based on their maximum conditions. While Jews say they are prepared continue cease-fire arrangements, they appear ready to take over Jerusalem if necessary. Con-

sequently, Arabs will have either make considerable concessions to obtain truce or give up what they now hold.

WASSON

501.BB Palestine/5-1148

Memorandum by the Department of State to President Truman

SECRET

WASHINGTON, May 11, 1948.

The Department of State recommends that the President approve the following position on Palestine for the United States during the remainder of the Special Session of the General Assembly, and authorize the United States Delegation to introduce necessary resolutions, if that appears desirable in the light of the negotiating situation at Lake Success.

1. The General Assembly should strongly support by resolution the present efforts of the Security Council to obtain a truce in Palestine.
2. The General Assembly should appoint a United Nations Commissioner for Palestine, who shall have the following functions:

a. The United Nations Commissioner shall use his good offices as a mediator with the local and community authorities in Palestine to

- (1) Arrange for the operation of common services necessary to the maintenance of law and order in Palestine and the health and well-being of its population.
- (2) Assure the protection of the Holy Places, religious buildings and sites in Palestine.
- (3) Assist in reaching agreement between the local and community authorities on the future government of Palestine.

b. The United Nations Commissioner shall cooperate with the Truce Commission for Palestine appointed by the Security Council in its resolution of April 23, 1948.

c. The United Nations Commissioner may, with a view to the promotion of the welfare of the inhabitants of Palestine, invite the assistance and cooperation of appropriate specialized agencies of the United Nations such as the World Health Organization, of the International Red Cross and of other governmental or non-governmental organizations of a humanitarian and non-political character.

d. The United Nations Commissioner shall render monthly progress reports, or more frequently as he deems necessary, to the Security Council and to the Secretary General for transmission to the Members of the United Nations.

e. The United Nations Commissioner shall be guided in his activities by the provisions of this resolution and by such instructions as the Security Council may consider necessary to issue.

f. Measures taken by the United Nations Commissioner under the terms of the present resolution shall become immediately effective unless the United Nations Commissioner has previously received contrary instructions from the Security Council.

3. The General Assembly should establish a Temporary United Nations Trusteeship for the City of Jerusalem under the direction of the Trusteeship Council or some other form of special regime under the United Nations auspices for that city.

4. The November 29, 1947 resolution should stand, except that the General Assembly should relieve the Palestine Commission of any responsibilities thereunder and should take note of any directive given by the General Assembly to the Trusteeship Council regarding an alternative course with respect to the City of Jerusalem.¹

¹ Marginal notation by Mr. McClintock: "Approved by President May 12, 1948"; the memorandum, prior to its approval by President Truman was transmitted to New York in telegram 298, May 11, 4 p. m. (501.BB Palestine/5-1148).

Editorial Note

On May 11, the United States presented a draft resolution to the First Committee, calling for the creation of a subcommittee to examine further measures for the protection of Jerusalem and make recommendations to the First Committee as promptly as possible (GA (II/SS), *Main Committees*, page 229); for text of the United States proposal, see GA (II/SS), *Annex*, page 35. The First Committee the same day adopted the United States proposal, as amended; for text of the resolution, see *ibid.*, page 36.

France and the United States, in a joint document given United Nations control number A/C.1/SC.10/1, May 11, proposed to Subcommittee 10 of the First Committee creation of a temporary international regime for Jerusalem, to exercise authority in that city from May 15. New York sent an "unofficial" text to the Department in telegram 638, May 12, 9:04 p. m. This text designated the United Nations as the administering authority in Jerusalem, with the Trusteeship Council to exercise the functions of the administering authority. The government of Jerusalem was to consist of a high commissioner, to be appointed by the Trusteeship Council, who would be responsible for the maintenance of internal order (501.BB Palestine/5-1248).

Subcommittee 10 made its report to the First Committee on May 13; for text, see GA (II/SS), *Annex*, page 37. Incorporated in the report was the revised version of the joint French and American proposals, which retained the substance of the original proposals.

The First Committee, on May 14, adopted a motion by the United States to transmit the report of Subcommittee 10 to the General Assembly without a vote. The motion carried by 15 votes to none, with 26 abstentions (GA (II/SS), *Main Committees*, page 274).

The General Assembly considered the report of Subcommittee 10 at the last meeting of Second Special Session on May 14. The draft resolution, as amended by the Assembly, received 9 affirmative votes and 15 negative votes. There were nine abstentions. The President of the Assembly ruled the measure rejected, since it failed to receive the required two-thirds majority (GA (II/SS), *Plenary*, pages 28-36).

867N.01/5-1048

Memorandum by the Legal Adviser (Gross) to the Under Secretary of State (Lovett)

[WASHINGTON,] May 11, 1948.

RECOGNITION OF NEW STATES AND GOVERNMENTS IN PALESTINE

The attached memorandum discusses, from the legal point of view, the question of recognition by the United States of the existence of a new state or states in Palestine after May 14, 1948, and the question of extending diplomatic recognition to a government or governments in the new state or states. The memorandum reaches the following conclusions on the basis of the facts presently existing:

(1) The Arab and Jewish communities will be legally entitled on May 15, 1948 to proclaim states and organize governments in the areas of Palestine occupied by the respective communities.

(2) Inasmuch as recognition of any new state and government in Palestine during the current special session of the General Assembly might be considered to contravene the Security Council resolution of April 17, 1948, it would be desirable that the special session be concluded before the recognition of any new state and government in Palestine.

(3) The United States will be free to recognize the existence of any new states and their governments, proclaimed by the communities of Palestine in the areas occupied by them respectively. Whether it should do so is a matter of executive discretion which may be decided upon the basis of the political interests of the United States.

(4) Neither community will be legally entitled to proclaim a unitary state and organize a government for all of Palestine without the consent of both communities. The United States therefore should not recognize a unitary state and government for all of Palestine proclaimed without the consent of both communities.

ERNEST A. GROSS

[Annex]

*Memorandum by the Legal Adviser (Gross) to the Under Secretary of State (Lovett)*¹

[WASHINGTON,] May 13, 1948.

RECOGNITION OF SUCCESSOR STATES IN PALESTINE

The possibility exists that the Jewish Agency for Palestine will proclaim a Jewish state in part of Palestine on May 15, 1948, and that the Arab Higher Committee will at the same time proclaim an Arab state for all of Palestine. The present memorandum considers from the legal point of view what the attitude of the United States should be toward recognition of one or both of these states and their respective governments. It is assumed, for present purposes, that the United Nations General Assembly will not repeal its Palestine resolution of November 29, 1947; if the General Assembly were to do so, presumably its action would be taken under circumstances of a truce and provisional settlement for Palestine which would obviate the proclamation of any new state in Palestine with a new government.

Recognition of a new state.

If Jewish and Arab states were proclaimed in Palestine, the problem of recognition in relation to them would be first a problem of recognizing the existence of a new state or states—a question separate from the extension of diplomatic recognition to a new government. Premature recognition of a new state's existence within the territory of a previously existing state is wrongful in international law because such recognition constitutes an unwarranted interference in the affairs of the previously existing state. The present memorandum is limited to consideration of the legal question, and does not concern the political question whether the existence of a new state ought to be recognized. If the United States is legally free to recognize the existence of a new state, it is entirely a question of policy whether recognition shall be given or not.

We have now to consider whether recognition of the existence of any new states in Palestine would constitute an international tort against any previously existing state. This inquiry calls first for a determination concerning the legal status of Palestine just prior to the proclamation of any new states in that country. The whole territory of Palestine, including the Trans-Jordan, was detached from the former sovereign, Turkey, in the World War I peace settlement. A Class "A" mandate for Palestine, under Article 22 of the Covenant

¹ This text is the later of two versions found by the editors in the Department of State files. The earlier version of May 10, which constituted the original annex to Gross' memorandum of May 11, is not printed.

of the League of Nations, was conferred on Great Britain by the Principal Allied and Associated Powers. The mandatory power was given general powers of administration over Palestine. The mandate could be altered by Great Britain with the consent of the Council of the League of Nations, or could be terminated by completion of the tutelage of Palestine by Great Britain and the grant of full independence to the people of Palestine as contemplated in Article 22 of the League Covenant.

On April 2, 1947 Great Britain asked the General Assembly to consider the question of the future government of Palestine. This request could lead either to a recommendation by the Assembly to the mandatory on the manner in which Palestine's tutelage should be completed and full independence granted, or to an act of consent by the General Assembly to alteration of the mandate terms.* It is possible to interpret the General Assembly's resolution of November 29, 1947 as constituting either of the two actions just mentioned. When Great Britain first asked the General Assembly to examine the Palestine problem, the request appears to have been made with a view to securing a General Assembly *recommendation*. Later, at the regular 1947 session of the Assembly, Great Britain announced that the mandate would be terminated and that Britain would not take the undivided responsibility for implementing any solution which was not agreed to by both Arabs and Jews, thus implying a changed British theory concerning the nature of the action sought from the General Assembly. On either theory, the mandatory power and Great Britain together were competent to make a legally effective political settlement for Palestine. By virtue of the Assembly's passage of the resolution and Great Britain's "acceptance" of the plan, these authorities appear to have made a legal disposition for the future of Palestine.

The Palestine plan contained in the General Assembly's resolution of November 29, 1947 provided for termination of the mandate, provisional arrangements for administration, and subsequent emergence of two independent states and an international territory (the City of Jerusalem); the partition of Palestine was to be accompanied by economic union. The working out of this Plan required the active functioning of the General Assembly's Palestine Commission. That body has now suspended its political operations, and the Plan cannot be carried forward without a resumption of activity by the Commission (including the designation of provisional councils of government).

On May 15, 1948 the mandate for Palestine will end, pursuant to the provisions of the Plan; at that time Great Britain will withdraw its

*The mode of devolution of League of Nations functions and powers to United Nations organs is not discussed in the present memorandum. It is the opinion of this Office that the General Assembly could decide to exercise the power—formerly held by the Council of the League of Nations—to consent to an alteration of the Palestine mandate. [Footnote in the source text.]

mandatory administration, even though other steps contemplated by the plan are not being taken and even though Great Britain herself has failed to take some important measures called for by the General Assembly resolution of November 29, 1947. Under these circumstances, British abandonment of the mandate may be a breach of Great Britain's international obligations; but as a practical matter the mandate would nevertheless be terminated. According to the plan, the Palestine Commission was to be legally responsible for the administration of Palestine upon termination of the mandate, pending transfer of authority to the successor governmental agencies. If the Commission after May 14 is suspended, or is paralyzed and makes no effort to administer Palestine, the question must be asked whether any other authority can have legal capacity to carry on with the governing of Palestine.

At this point we must consider the role of the remaining Principal Allied and Associated Powers. It was these powers which allocated the Palestine mandate to Great Britain after World War I. Possibly they retained some residuary rights of disposition over Palestine after the mandate was granted. If such rights persisted, they might be asserted in the event that the mandate ended abruptly without provision for a future political settlement. Such might be the case if the General Assembly before May 15, 1948 repealed its resolution of November 29, 1947 and no other legally effective disposition of Palestine should be made by the Assembly and Great Britain. But in the absence of such repeal by the Assembly of its resolution, it seems particularly doubtful that the remaining Principal Allied and Associated Powers could assert any residuary rights.†

We are then faced with the situation where the only agencies claiming to have governing powers over Palestine are organizations within that country.‡ The law of nations recognizes an inherent right of people lacking the agencies and institutions of social and political control to organize a state and operate a government.

Article 22 of the League Covenant provided

"Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone."

†Apart from the legal aspect of this matter, it appears highly unlikely from the political point of view that the United States, United Kingdom, and France would assume responsibility for the government of Palestine in their role as the remaining Principal Allied and Associated Powers. [Footnote in the source text.]

‡The present memorandum does not discuss the question of the power of the Security Council to take action under the United Nations Charter in the form of assuming provisional administration over Palestine. [Footnote in the source text.]

Palestine was covered by this Article, later being made a Class "A" mandate. Just what constituted the "communities" referred to in Article 22 was not made clear. Quite evidently Palestine as a whole was not a *community*, as is shown by the fact that the mandatory in 1946 detached the Trans-Jordan from Palestine and gave it independence. The Palestine mandate instrument referred specifically to "communities" and in a manner so as to make clear that the principal religious communities of Palestine—Jewish and Arab—were intended by the reference.

There is, of course, in the background of the mandate and of the League Covenant, the Balfour Declaration of November 2, 1917 by the British Government, declaring in favor of the establishment in Palestine of a national home for the Jewish people. When the Council of the League of Nations gave its approval to the Palestine mandate so that the instrument could become effective, the Council in its approving resolution cited the agreement of the Principal Allied Powers that Great Britain "should be responsible for putting into effect the declaration originally made on November 2, 1917, by the Government of His Britannic Majesty, and adopted by the said Powers . . ."§ It is therefore apparent that the disposition of Palestine by the competent Powers after World War I included a provision, having the nature of a trust, in favor of a Jewish national home in Palestine. This was to be, however, without prejudice to the civil and religious rights of existing communities in Palestine. One of the ways in which this trust might be carried out would be through the establishment of a Jewish state in Palestine.

The existence of this trust together with the inherent right recognized in international law afford a legal basis for the formation of a state and government by the Jewish community in the areas of Palestine which that community occupies.¶ Such action would also have the moral sanction of the partially implemented disposition of Palestine made by the mandatory and the United Nations General Assembly in the Partition Plan. Similarly, the Arab Community would be entitled to organize a state and government in the areas of Palestine which it occupies.¶

It should be noted that the proclamation of a state and government by either community during the current special session of the General Assembly would be contrary to the provisions of paragraph 1(d) of the Security Council truce resolution of April 17, 1948. This resolution

§ The relationship of the United States to the Palestine mandate was set forth in the Anglo-American Convention of 1924. [Footnote in the source text.]

¶ In this connection, the Jewish Agency for Palestine occupies a special position in relation to the Jewish community under the terms of the mandate instrument. [Footnote in the source text.]

¶ Questions concerning doubtful areas, in dispute between the communities, would have to be adjusted. In this matter the Partition Plan would naturally provide a basic guide. [Footnote in the source text.]

does not bind legally either community nor would it bind the states and governments proclaimed, since none of these are or would then be members of the United Nations.**

The same resolution called upon governments "and particularly those of the countries neighboring Palestine to take all possible steps to assist in the implementation of the measures set out under paragraph 1 above, and particularly those referring to the entry into Palestine of armed bands and fighting personnel, groups and individuals and weapons and war materials". This provision, binding upon members of the United Nations, might be construed to cover the recognition of any new states in Palestine during the special session of the Assembly.

One may conclude, therefore: (1) the United States probably should not recognize the existence of any new state in Palestine during the special session, unless the Security Council should repeal its April 17 resolution; (2) the United States, after the special session, will be legally free to recognize the existence of Jewish and Arab states in the areas of Palestine occupied by them, respectively; (3) the United States should not recognize the existence of either an Arab or Jewish unitary state for all of Palestine in the absence of consent by the communities, since to do so would contravene obligations and rights arising out of the provisions of the League Covenant, the mandate instrument, the General Assembly resolution of November 29, 1947, and the principles of the law of nations regarding self-determination of peoples.

Recognition of a new government.

In any situation where the United States is free under international law to recognize the existence of a new state, the determination of whether diplomatic recognition should be accorded to a particular regime as the government of that state is entirely a question of policy. United States policy in this matter has been set forth in a paper of the Policy Planning Staff (PPS 24), dated March 15, 1948,² which was subsequently approved. Relevant Policy Planning Staff recommendations are attached at Tab A.³

Certain criteria, relating to the character of the government under consideration, have in the past been employed in deciding on the granting or withholding of recognition. These are:

(a) *de facto* control of the territory and the administrative machinery of State, including the maintenance of public order;

** It is possible that compliance with the April 17 resolution would be made one of the criteria in passing on applications of the new states for membership in the United Nations. But it is questionable to what extent this would affect consideration of the applications, both communities and the states bordering Palestine having frequently violated the Security Council truce resolution. [Footnote in the source text.]

² Vol. IX, p. 17.

³ Not printed.

(b) the ability and willingness of a government to discharge its international obligations;

(c) general acquiescence of the people of a country in the government in power.

In Tab B⁴ of this memorandum there are collected a number of illustrative instances in American history.

ERNEST A. GROSS

⁴ Not printed.

USUN Files

*Transcript of Remarks Made by Mr. Dean Rusk in Conversation by Telephone With Mr. Jessup and Mr. Ross on May 11, 1948*¹

Mr. Jessup: Did you see the newspaper stories this morning from London about the Russian-United States agreement to settle all their difficulties.² Is there anything in that?

Mr. Rusk: I think there is, yes.

Mr. Jessup: If we now make a switch over to the side the Russians have been defending³ it would be an implication that we have a deal with them on the ME.

Mr. Rusk: Yes, but regardless of what people have said, we have never fundamentally abandoned this other plan. We have taken some time out to try to get a truce and a trusteeship.

I have a simplified view of this thing. It seems if we go back to what we are after, it has been all along a peaceful settlement of this thing in Palestine. As late as March 17 we were trying to find some inkling of some sort of agreement between the Jews and the Arabs with the help of the Security Council, with some effort to adjust the partition plan to what they would accept, but we went black-out because the Arabs would not talk about it. So we shifted on March 19, the whole emphasis, to a straight truce. That truce would have taken us beyond May 15 and beyond the period when there was no government in Palestine. If we had gotten a truce we were prepared to go in on a trusteeship to formalize the truce arrangement and for that we made suggestions to

¹ Mr. Rusk was in Washington; Messrs. Jessup and Ross in New York City. The transcript was classified secret.

² For documentation on the conversations between Walter Bedell Smith, American Ambassador in the Soviet Union, and Soviet Foreign Minister Molotov, which took place at Moscow from May 4 to May 9, see vol. iv, pp. 845-854, *passim*. At the conversation on May 9, the Foreign Minister handed to Ambassador Smith the text of an oral statement, which read in part as follows: "The Soviet Government shares the desire, expressed in this statement by the Government of the USA, to better these relations, and is in agreement with the proposal to proceed with this aim towards a discussion and settlement of the difference existing between us." The text of the statement is presented in telegram 867, May 10, from Moscow, *ibid.*, p. 854.

³ The reference is to the Soviet support of the partition of Palestine into Jewish and Arab States.

various governments about going in with us to establish this trusteeship. The President never did decide we had to impose a trusteeship against the wishes of either community. At the present time the situation is we have no truce and also we have no basis here for trusteeship unless it is asked for at least by some of the parties. The UK has not asked for a trusteeship. They have not in fact turned it down but they're playing around with this thing. The Jews certainly have not asked for it and would bitterly oppose it. The Arabs have not asked for it. Under certain conditions they might vote for it but certainly are not seeking a trusteeship.

Mr. Ross: I think they are.

Mr. Rusk: They may now but they have not made any formal proposal that that be done. They could still come in to ask for trusteeship for Arab parts of Palestine.

If the UK comes forward with a proposal for any UN responsibility, I guess we will have to extend the Mandate long enough to permit the UN to give it consideration. They certainly cannot expect action in the next few days which would indicate a change of mind on the part of the UK. The simple question is what is the UN responsibility on May 15. We clearly stated on March 19 that it will not have overall administrative governmental responsibility for Palestine. If it is to have such responsibility somebody has to ask for it. I don't think it is up to us to ask for it if the UK, the Jews and the Arabs are not asking for it. Our interest is in a peaceful settlement and not in the interest of pushing or imposing a truce on the people of Palestine. It seems the present parliamentary situation is that we have had in fact a rejection of a truce. Rejection of the truce cuts the heart out of trusteeship unless the parties come in on a trusteeship. It seems we must pursue a truce line in the Security Council. It seems the General Assembly might among other things stand by to help but specifically the General Assembly might authorize the Trusteeship Council to establish a trusteeship for Jerusalem in negotiation with the Jews and Arabs and with suitable arrangements for security of the City and if the General Assembly authorized the Trusteeship Council to take that necessary action with regard to Jerusalem, leave the truce negotiations in the hands of the Security Council, and ask that both report back to the next Session of the General Assembly if there is further action the General Assembly might possibly take to assist in getting a peaceful settlement, we have about all we want out of the situation. It is true but the main thing across the way is if this is going to happen anyway, why don't we go ahead and get credit for it and we are trying to break that off. It sets our noses in a direction which we can't disregard here.

I am not assuming for the moment it is a pushover at all, nor that it will develop that way, but I think as the pattern has got to develop

within the efforts of the Security Council to get a truce. Otherwise you put the General Assembly in a position of putting something on paper that either somebody will enforce or will not be represented by the facts on the ground.

I would say as soon as the Special Session adjourns, then the truce resolution, that particular paragraph, of course, dissolves, but my guess is it is a ———⁴ resolution at this stage and does not really bind the parties.

I think the General Assembly should back up the Security Council truce effort. Whether you do it in terms of a specific resolution or simply by means of a strongly worded General Assembly resolution in support of the idea of a truce is something else, but I think the terms of the truce ought to be negotiated between the parties solely on the grounds of what will stop the fighting, and I don't think the Security Council or the General Assembly should lay down terms of the truce except in direct reference to the state of affairs in Palestine.

I think we ought to go ahead in the Security Council but I do think that there is a difference between the Security Council establishing provisional measures of a stricter military nature and the Security Council ordering cessation of political activity. I think the two elements are on different footing and I think the Council ought to be careful it shouldn't put itself in an artificial position.

It hasn't ordered them not to but has called upon them.

Phil, I think what is likely to come out from down here, particularly across the way,⁵ is the idea that something has happened in fact over there. It is not according to plan but nevertheless there is a community in existence over there,⁶ running its own affairs. Now that community apparently is going to get an open shot at establishing itself. We have told them that if they get in trouble don't come to us for help in a military sense. Nevertheless, I don't think the boss⁷ will ever put himself in a position of opposing that effort when it might be that the US opposition would be the only thing that would prevent it from succeeding.

I don't know whether the Arabs are going to do that and whether the Arabs are going to invite Abdullah in, but it seems to me that what you have there then is simply a continuation of the status quo in this sense. You have people, each fairly responsible for its own community but with a political settlement which has to be negotiated because you have these succeeding claims.

⁴ As in the source text.

⁵ The White House.

⁶ The Jewish community in Palestine.

⁷ President Truman.

I don't quite see—I think the way you state the possibility is entirely accurate and it may take all sorts of different forms. We have no assurance at all that there is any agreement between any Jews and any Arabs on anything. Nevertheless, unless we assume that our basic problem is a negotiated settlement between the Jews and the Arabs, then we get into the possibility of either having to enforce something or imposing something, which is merely a piece of paper, and has no connection with what is going on in Palestine.

I think the idea that they worked on here yesterday was that the Palestine Commission would be discharged of its responsibility but that the plan would stand as an expression of the views of the General Assembly on what the future of Palestine ought to be.

Ross: In principle?

Rusk: That's right. It seems to me that one of the positive things we need do is authorize the Trusteeship Council in negotiation with the Jews and Arabs to undertake international administration for the City of Jerusalem if that can be arranged because I do think that might avoid a terrific battle between the Jews and Arabs and one which both might accept. The Jews are committed to accept it, in one sense.

Yes, I think making a full disclosure of our truce negotiations would be entirely reasonable and possible, and also, a disclosure of the basis on which they were turned down. I think, Jack, your third alternative is one which is going to be bought down here.

You, remember, Jack, that the Committee 1 effort and the trusteeship discussions have always been embarrassed by the fact—and our basic position paper—the fellow carrying that was always looking over his shoulder at the progress of the truce negotiations and those didn't materialize.

Yes. I can tell you right now that Bob Lovett is most anxious to have a completely clean breast of all these negotiations, and I think you can assume that our efforts from, oh, certainly March 19 on, would be a completely appropriate basis for a good statement. In other words, we have literally done our damndest on this thing. Now if it doesn't work, we certainly aren't going to take this thing on our own backs single-handed and it is not up to us to continue to bat our brains out on the theory we are solely responsible for what the General Assembly does on this situation and what action the Assembly takes has got to be something which is either a provisional or final solution of this thing.

That part of the GA which is critical to trusteeship is not willing to approve it.

Jessup: Yes but I think we can count on two-thirds.

Rusk: Yes, but if the UK and France are unwilling to step in and help implement it you really haven't got anything yet.

Yes, but we have had some difficulty though calling something an administering authority which would be something less than the central government of Palestine. If the UN becomes administering authority the UN becomes responsible in X number of ways—the UN would thereby take on unbeknownst to itself an unlimited number of obligations merely because it becomes the government, and we don't know what those obligations are, and I think our British friends would like nothing better than to trap us in an arrangement like that so that we would take on an excess number of responsibilities or liabilities.

I think if we start taking up any of these things, the only possible way would be to extend the Mandate for a long enough period to be able to consider it. The caboose has gone by on a number of this stuff and they would have to start a new train here.

Jessup: When do you think we will get some word from you, Dean?

Rusk: I definitely hope this afternoon.

I think you better be quiet during the morning unless I can call you back. I think what we can do is to go ahead on the Jerusalem thing, but don't you think there is a possibility the General Assembly might authorize the Trusteeship Council with a certain amount of discretion to negotiate an international zone for Jerusalem?

Jessup: Yes.

Rusk: So that these truce negotiations will always have the possible element in them as one way of reducing friction between the Jews and Arabs. I hope by early afternoon we can give you the green light to go full speed ahead at a snail's pace.

501.BB Palestine/5-1148: Telegram

The Secretary of State to the Consulate General at Jerusalem

SECRET US URGENT
NIACT

WASHINGTON, May 11, 1948—6 p. m.

384. Absence of report of action in response to Dept's 377, May 9, 6 p. m., suggests that you may have misconstrued Dept's intention as set forth first paragraph that telegram. If you have not already done so, please informally give draft of truce articles as transmitted Dep-cirtel May 7, 6 a. m. to representatives of Jewish Agency, Arab Higher Committee, and Arab League in Palestine. This should be done preferably in concert with your colleagues of SC Truce Commission, but if they are without instructions you may act alone.¹

MARSHALL

¹ Mr. Wasson, joined by the other members of the Truce Commission, informally handed the draft of truce articles to representatives of the Jewish Agency and of the Arab Higher Committee, presumably on May 12 (telegram 602, May 13, 3 p. m., from Jerusalem, 867N.01/5-1348).

501.BB Palestine/5-1148: Telegram

*The United States Representative at the United Nations (Austin) to
the Secretary of State*

SECRET

NEW YORK, May 11, 1948—6:51 p. m.

628. From Ross. Following are my notes on further telegram Beeley has received from Foreign Office on status of negotiations here. This telegram is based on comparison in London of two alternative draft texts.

Foreign Office considerably more negative today than yesterday on question of trusteeship, and greatly prefers resolution along lines Anglo-Canadian text. UKDel instructed to concentrate on securing approval of resolution along lines Creech Jones proposal in simplest terms. Much of telegram detailed and now out of date so will record in memorandum. Principal points to note here are:

(1) Foreign Office feels great advantage in building on the existing Truce Commission.

(2) Foreign Office cites objection to Anglo-American draft as not providing means of isolating conflict and preventing means of penetration (Russia). To meet this defect UK instruction suggests adding new point running as follows: "To take all practical steps to secure observance of SC truce resolution 17 April and with this object to seek advice and assistance from other powers as it may be necessary."

Hopkins (Canada) also feels strongly need of some provision, regardless of form of GA action which will provide opportunity of assistance re Russian penetration and isolating conflict, if needed, outside of SC framework, and handed me following formula in separate conversation this afternoon:

"The Commission (administering authority) may seek advice and assistance in the exercise of its functions from any member of the UN (state) willing to provide such advice and assistance."

In conversation with Beeley, referred to above, I told him we expected our instructions this afternoon and we would want to work very closely with them in developing program we might be able to agree upon.

I told him I wanted to say a few things very frankly on a personal basis and made clear I was not acting under instructions.

I said very unlikely we would approve trusteeship but for reasons somewhat different than UK Government's views. Principal difficulty was improbability success of truce efforts before May 15; this difficulty resulting from very noticeable stiffening Jewish attitude resulting, in

turn, from temptation they obviously reveal to play with Abdullah idea.¹

Second reason, I said, for probability we would not push Trusteeship idea further was that before we made our original trusteeship proposal three or four weeks ago we had asked the British if they would be willing to participate in necessary implementation and had got what must be described as flatly negative response. Show of cooperation by UK during past three or four days and indication of participation in effective action by naval patrol, etc., must be described as eleventh hour effort but too little and too late. Time at present was too short to permit working out details of such cooperation. For this reason, approach, I anticipated we would be getting in our instructions this afternoon, would be a very simple one and I hoped our close cooperation over past few days could be continued. [Ross.]

AUSTIN

¹Jerusalem reported, on May 10, that a spokesman for the Jewish Agency "hinted broadly that there was an understanding with Abdullah whereby Trans-jordan forces would occupy areas allotted to Arabs under partition plan. He said that the Jews and Abdullah got along well and that they placed little stock in bellicose statements Abdullah, pushed by Arab states, was making." (Telegram 585, 867N.01/5-1048)

867N.01/5-1148: Telegram

The Consul at Jerusalem (Wasson) to the Secretary of State

SECRET URGENT
 NIACT

JERUSALEM, May 11, 1948—10 p. m.

591. Contel 582, May 10. During meeting with Truce Commission morning May 11, High Commissioner said that Jews were short-sighted not to accept his proposed terms of truce for Jerusalem. He went on to say that flushed with victory Jews did not realize that Arabs could keep Tel-Aviv-Jerusalem road closed, thus starving population of Jerusalem.

During interview High Commissioner said that he perceived no objection to Truce Commission's issuing an appeal to people of Jerusalem to continue to observe the "cease-fire" in order that the Truce Commission might pursue its work, although he said that his responsibility for truce negotiations had not ended. High Commissioner observed that he would invite Truce Commission to be present at meeting with Jews, should they appear, at which time he would turn over to Truce Commission entire responsibility for conducting future negotiations.

During afternoon meeting of Truce Commission, at which Azcarate of UN was present, Berman of JA informed us that Jews were pre-

pared to continue observing "cease-fire" provided Arabs did likewise. Truce Commission is having difficulty finding any representative Arabs. They have apparently fled or gone underground.

Berman said that there had been more fighting on the Tel-Aviv road and that the situation was confused. The impression which Berman left us was that Jews will be most difficult to deal with in truce talks, since they appear to feel that they have nothing to gain by a truce unless it gives them everything that they wish in Palestine. It appears to us that they are delaying discussions for the purpose of setting up their government and improving their position.

There are unconfirmed reports that Jews will receive large quantities of military equipment, now in various Mediterranean ports, after May 15. From our very limited vantage point in Jerusalem, it appears that Jews are now prepared to gamble everything for unlimited immigration and the formation of their state.

It is my opinion that truce talks for all of Palestine have very slight chance of success. Our efforts to maintain a "cease-fire" in Jerusalem may succeed for a time. Each side is already accusing the other of breaking the "cease-fire". The Arabs say that by sending Jewish troops to clear the Tel-Aviv road, the Jews did so. The Jews accuse the Arabs of sniping. The Truce Commission will do its best to maintain the uneasy "cease-fire" while discussing terms for a truce in Jerusalem.¹

WASSON

¹The High Commissioner, in the afternoon of May 12, informed the Truce Commission that neither side had replied to the terms of truce proposed for Jerusalem by the Palestine Government and requested the Truce Commission to assume responsibility for further truce talks (telegram 595, May 12, 8 p. m., from Jerusalem, 867N.01/5-1248).

501.BB Palestine/5-1248

*Memorandum of Conversation, by Secretary of State*¹

TOP SECRET

[WASHINGTON,] May 12, 1948.

Participants: The President

The Secretary of State

The Under Secretary of State

Messrs. Clark Clifford, David Niles, Matthew Connelly—The White House

Fraser Wilkins (NE)—State Dept.

Robert McClintock (UNA)—State Dept.

The President said that he had called the meeting because he was seriously concerned as to what might happen in Palestine after May 15.

¹Drafted by Mr. McClintock.

Mr. Lovett gave a lengthy exposition of recent events bearing on the Palestine problem. He recalled that on the preceding Saturday, May 8, the Political Representative of the Jewish Agency, Mr. Moshe Shertok, had called upon the Secretary and himself, accompanied by Dr. Epstein. Mr. Shertok had related that the British Minister for Colonial Affairs, Sir Arthur Creech Jones, had told him that Abdullah, the King of Transjordan, might enter the Arab portions of Palestine but that there need be no fear that Abdullah's forces, centered upon the British subsidized and officered Arab Legion, would seek to penetrate Jewish areas of Palestine. Furthermore, Mr. Shertok told the Secretary that a message, a week delayed in transmission, had been received from the Jewish Agency in Palestine, recounting overtures by a Colonel Goldy, an officer of the Arab Legion, suggesting that a deal could be worked out between Abdullah and the Jewish Agency whereby the King would take over the Arab portion of Palestine and leave the Jews in possession of their state in the remainder of that country.

Mr. Lovett said that this intelligence had obviously caused an abrupt shift in the position of the Jewish Agency. Only a week before, the Jewish Agency had officially communicated to the Security Council its charges that Arab armies were invading Palestine. Likewise, only a week before, Mr. Shertok and other representatives of the Jewish Agency had seemed seriously interested in proposed articles of truce. Now, however, their attitude had shifted and they seemed confident, on the basis of recent military successes and the prospect of a "behind the barn" deal with Abdullah, that they could establish their sovereign state without any necessity for a truce with the Arabs of Palestine.

I intervened at this juncture to recall what I had told Mr. Shertok on May 8. I had stressed that it was extremely dangerous to base long-range policy on temporary military success. There was no doubt but that the Jewish army had gained such temporary success but there was no assurance whatever that in the long-range the tide might not turn against them. I told Mr. Shertok that they were taking a gamble. If the tide did turn adversely and they came running to us for help they should be placed clearly on notice now that there was no warrant to expect help from the United States, which had warned them of the grave risk which they were running.

Later during the conversation a telephone call was received from General Carter² stating that a UP press despatch from Tel Aviv reported that following two interviews with me by Mr. Shertok the latter had flown to Tel Aviv bearing a personal message from me to Mr. Ben Gurion, who was styled in the press despatch as the forth-

² Marshall S. Carter, Special Assistant to the Secretary of State.

coming President of the Jewish State.³ The despatch likewise was reported as saying that Shertok had informed me of the intention of the Jewish Agency to establish a sovereign state on May 16.

I directed, with the President's concurrence, that no comment be made on this press story. In actual fact, no message had been sent to Mr. Ben Gurion, and I did not even know that such a person existed. Furthermore, Shertok had not told me of any intention to establish a Jewish State on May 16.

Resuming his summary of the situation, Mr. Lovett read a telegram just received from New York City, indicating that, while the United Kingdom Government was prepared to support our draft resolution, it desired that the United States give further consideration to the possibility of a commission being appointed by the General Assembly to deal with the administration of Palestine, this commission to be made up of Belgium, France and the United States.

It was generally agreed that the British had played a lamentable, if not altogether duplicitous, role in the Palestine situation and that their last-minute approaches and indications of a change in heart could have no effect upon our policy.

The President then invited Mr. Clark Clifford to make a statement. Mr. Clifford said that he had three main suggestions to offer, based upon consultation with colleagues of the White House staff.

Mr. Clifford said that he objected to the first article of our draft resolution which would place the General Assembly on record as reaffirming support of the efforts of the Security Council to secure a truce in Palestine. He said this reference was unrealistic since there had been no truce and probably would not be one. He said that on March 24, Mr. Rusk at a White House conference⁴ had estimated that a truce could be negotiated within two weeks but this goal was still not in sight. Instead, the actual partition of Palestine had taken place "without the use of outside force".

Mr. Clifford's second point was strongly to urge the President to give prompt recognition to the Jewish State after the termination of the mandate on May 15. He said such a move should be taken quickly before the Soviet Union recognized the Jewish State. It would have distinct value in restoring the President's position for support of the partition of Palestine.

Mr. Clifford's third point was that the President, at his press conference on the following day, May 13, should make a statement of his intention to recognize the Jewish State, once the provision for democratic government outlined in the resolution of November 29, had been complied with, which he assumed would be the case. The proposed

³ David Ben Gurion, Chairman of the Executive of the Jewish Agency, in fact became the first Prime Minister of Israel.

⁴ See Mr. Clifford's memorandum of March 24, p. 755.

statement would conclude: "I have asked the Secretary of State to have the Representatives of the United States in the United Nations take up this subject in the United Nations with a view toward obtaining early recognition of a Jewish State by the other members of the United Nations".

The rebuttal was made by Mr. Lovett. With regard to Mr. Clifford's reference to the article on truce, Mr. Lovett pointed out that the Security Council was still seized of this matter under its resolutions of April 1, April 17 and April 23. The United States in fact was a member of the Security Council's Truce Commission on Palestine. Surely the United States could not by its unilateral act get the Security Council to drop this matter and it would be most unbecoming, in light of our activities to secure a truce.

On the question of premature recognition, Mr. Lovett said that it would be highly injurious to the United Nations to announce the recognition of the Jewish State even before it had come into existence and while the General Assembly, which had been called into special session at the request of the United States, was still considering the question of the future government of Palestine. Furthermore, said Mr. Lovett, such a move would be injurious to the prestige of the President. It was a very transparent attempt to win the Jewish vote but, in Mr. Lovett's opinion, it would lose more votes than it would gain. Finally, to recognize the Jewish State prematurely would be buying a pig in a poke. How did we know what kind of Jewish State would be set up? At this stage Mr. Lovett read excerpts from a file of intelligence telegrams and reports regarding Soviet activity in sending Jews and Communist agents from Black Sea areas to Palestine.

Mr. Lovett also failed to see any particular urgency in the United States rushing to recognize the Jewish State prior to possible Soviet recognition.

I remarked to the President that, speaking objectively, I could not help but think that the suggestions made by Mr. Clifford were wrong. I thought that to adopt these suggestions would have precisely the opposite effect from that intended by Mr. Clifford. The transparent dodge to win a few votes would not in fact achieve this purpose. The great dignity of the office of the President would be seriously diminished. The counsel offered by Mr. Clifford was based on domestic political considerations, while the problem which confronted us was international. I said bluntly that if the President were to follow Mr. Clifford's advice and if in the elections I were to vote, I would vote against the President.

Mr. Lovett and I told the President that naturally after May 16 we would take another look at the situation in Palestine in light of the facts as they existed. Clearly the question of recognition would have to be gone into very carefully. A paper presenting the legal aspects

of the problem had been prepared in the Department and would be promptly sent to Mr. Clifford.

The President initialed the draft resolution and the underlying position paper of May 11, and terminated the interview by saying that he was fully aware of the difficulties and dangers in the situation, to say nothing of the political risks involved which he, himself, would run.

Editorial Note

Undated notes on the White House meeting of May 12 by Mr. Elsey state that it was held at 4 p.m. Attached to the notes is a statement prepared for the May 12 meeting drafted by Max Lowenthal, an unofficial White House consultant, with changes by Elsey. Also attached is a revised statement by Elsey, printed *infra*.

Elsey's notes indicate that this statement was read to the group, presumably by Mr. Clifford, and received a "violent reaction from Marshall: This is just straight politics. 'You wouldn't get my OK.' CMC was enraged—& Marshall glared at CMC. State had no policy except to 'wait'."

Page 2 of Mr. Elsey's notes presents "CMC's position, as worked out with GME on 12 May & as expounded by him at 12 May meeting [:]

"1. Recognition is consistent with U.S. policy from the beginning.

"2. A separate Jewish State is inevitable. It will be set up in a few days.

"3. Other nations will recognize it. We shall have to, also, in a few months.

"4. It is better to recognize now—steal a march on U.S.S.R.

"5. The proposed State Dept action would accomplish nothing at all (i.e. memo of 11 May)". (Elsey Papers)

The "memo of May 11" is Mr. Gross' memorandum to Mr. Lovett, page 959.

These five numbered points bear a marked resemblance to those in the editorial note on page 906.

John Snetsinger, *Truman, the Jewish Vote, and the Creation of Israel*, presents on pages 107-109 an account of the May 12 meeting based on the author's interviews in 1968 with Messrs. McClintock and Henderson and with Carlton Savage, who in 1948 was Executive Secretary of the Policy Planning Staff.

Various details of the meeting are also presented in Kurzman, *Genesis, 1948*, page 215, and in Jonathan Daniels, *The Man of Independence* (Philadelphia and New York, J. B. Lippincott Company, 1950), page 319. Kurzman's account states erroneously that the meeting took place on May 11.

For the discussion by Messrs. Lovett and Clifford on May 14 concerning the question of the recognition of the State of Israel, see Mr. Lovett's memorandum of conversation dated May 17, page 1005.

Elsley Papers

*Statement Presented by the President's Special Counsel (Clifford)
at the White House Meeting of May 12, 1948.*¹

[WASHINGTON, undated.]

I would like to make a brief statement of my views on the situation in Palestine.

When the United Nations Committee on Palestine concluded its study of the Palestine problem last fall, it recommended a plan of partition with economic union. The United States Government, after most careful consideration of all aspects of this plan, decided to support it, with certain comparatively minor modifications. The General Assembly of the United Nations, by the overwhelming vote of 33-13, approved this plan with the modifications we favored in a Resolution passed on November 29, 1947.

The United States Government felt that partition was the best possible solution to the Palestine problem and hoped that all members of the United Nations, and all elements of the population in Palestine, would abide by the terms of the Resolution of November 29, 1947. Unfortunately, disorder and strife became widespread in Palestine during the weeks following the passage of that Resolution, and it became apparent to the United States Government that the terms of the Resolution of November 29 could not be put into effect peacefully by May 15, 1948, the date of the termination of the mandate. This Government decided to make every effort to obtain a peaceful solution to the Palestine problem, even at the expense of temporary postponement of partition. We requested a special session of the General Assembly in the hopes that an intermediate step could be devised which would lead to the peaceful implementation of the partition Resolution of November 29.

Secretary Marshall stated on March 20th and I stated on March 25th that the most important consideration in our minds was to avert violence and bloodshed, and to this end we sought every method of

¹ The source text bears the following notation in the handwriting of Mr. Elsley: "As done by G[eorge] M. E[lsley], based on Lowenthal Draft. Used & read by C[lark] M. C[lifford] at 4:00 12 May Conference."

The statement was possibly intended for the President's May 13 press conference, but was not used by the President on that date. (Marginal notation by McClintock on State Department file copy, 501.BB Palestine/5-1348) For the remarks actually made by President Truman at his press conference of May 13, see *Public Papers of the Presidents of the United States: Harry S. Truman, 1948*, p. 253.

action through the Security Council as well as through the General Assembly. As we then said, we were trying to get a temporary bridge, in the form of trusteeship, on the road toward peaceful implementation of the partition plan approved by the United Nations Assembly.

The date set for partition in the Resolution of the Assembly of November 29, 1947, is at hand, and it appears that a Jewish State will be set up in the very near future, and an Arab State sometime thereafter.

I look with favor on the creation of a Jewish State in accordance with the provisions laid down in the Resolution of November 29, and I assume that, when a Jewish State is set up, the provisions for democratic government outlined in that Resolution will be complied with. When the Jewish State is set up in accordance with those provisions, I favor the recognition of that State by the United States Government.

I have asked the Secretary of State to have the representatives of the United States in the United Nations take up this subject in the United Nations with a view toward obtaining early recognition of a Jewish State by the other members of the United Nations.²

I also hope that when the peoples in the portion of Palestine assigned for an Arab State have set up a State in accordance with the provisions of the Resolution of the Assembly on November 29, 1947, similar recognition will be granted to that State by the United States and by the other members of the United Nations.

² At this point in the statement as originally drafted the following sentence appears: "I believe that the United States should recognize the Jewish state promptly after its establishment." This sentence had been penciled out by an unidentified person.

501.BB Palestine/5-1148: Telegram

The Secretary of State to the United States Representative at the United Nations (Austin)

SECRET US URGENT
 NIACT

WASHINGTON, May 12, 1948—7 p. m.

301. The President has approved position paper of May 11, text of which was set forth in Deptel 298, May 11,¹ and draft resolution of May 12 as perfected by telephone between Dept and USUN. Final text of this draft is repeated for the record:

"The General Assembly

Taking account of the resolutions adopted by the Security Council with reference to Palestine on March 5, April 1, April 17, and April 23, 1948,

¹ Not printed.

I

Strongly affirms its support of the efforts of the Security Council to secure a truce in Palestine and calls upon all persons, organizations, and governments to cooperate in making effective such a truce.

II

1. *Empowers* a United Nations Commissioner for Palestine, to be chosen by a committee of the General Assembly composed of representatives of China, France, the USSR, the United Kingdom, and the United States, to exercise the following functions:

a. To use his good offices as mediator with the local and community authorities in Palestine to

- (1) Arrange for the operation of common services necessary to the safety and wellbeing of the population of Palestine,
- (2) Assure the protection of the Holy Places, religious buildings and sites in Palestine,
- (3) Promote agreement on the future government of Palestine.

b. To cooperate with the Truce Commission for Palestine appointed by the Security Council in its resolution of April 23, 1948.

c. To invite, as seems to him advisable, with a view to the promotion of the welfare of the inhabitants of Palestine, the assistance and cooperation of appropriate specialized agencies of the United Nations such as the World Health Organization, of the International Red Cross, and of other governmental or non-governmental organizations of a humanitarian and non-political character.

2. *Instructs* the United Nations Commissioner to render progress reports monthly, or more frequently as he deems necessary, to the Security Council and to the Secretary General for transmission to the members of the United Nations.

3. *Directs* the United Nations Commissioner to conform in his activities with the provisions of this resolution, and with such instructions as the Security Council may issue.

4. *Authorizes* the Secretary-General to pay the United Nations Commissioner an emolument equal to that paid to the President of the International Court of Justice, and to provide the Commissioner with the necessary staff to assist in carrying out the functions assigned to the Commissioner by the General Assembly.

III

(Here would be inserted any arrangements for the City of Jerusalem which may be approved on the recommendation of Subcommittee 10.)

IV

The General Assembly, as of this date, discharges the Palestine Commission from the further exercise of responsibilities under its Resolution 181 (II) of November 29, 1947."

You are authorized to support foregoing resolution if introduced by another delegation, as we hope may be the case, or, if necessary, to introduce it if that appears desirable in light of negotiating situation at Lake Success.

MARSHALL

501.BB Palestine/5-1248

Memorandum by the Legal Adviser (Gross) to the Under Secretary of State (Lovett)

[WASHINGTON,] May 12, 1948.

I believe that the draft General Assembly resolution transmitted to the Department today by the Mission in New York is susceptible of alternative interpretations on the question of what authority or authorities may legally govern Palestine from May 15, 1948. The alternatives, both of which appear possible under the draft resolution, are: (1) Upon the termination of the mandate local and community authorities in Palestine will exercise governmental functions in their respective areas and will be legally entitled to proclaim states and organize governments; and (2) Upon the termination of the mandate there will be no legally constituted authority exercising governmental functions in Palestine, and no states may be proclaimed or legal governments organized until after the United Nations Commissioner has gone to Palestine and sought to carry out the mediatorial functions assigned to him in the draft resolution.

If, in view of the improbability that the special session of the General Assembly will provide a legal authority to succeed the mandatory in Palestine (as, for example, by a trusteeship), it is desired to avoid a situation in which no legally constituted authority is available to govern Palestine after May 14, the draft resolution should be amended to remove any doubt on this point. To this end it is suggested that two changes be made:

- (1) A paragraph should be inserted between I and II reading:

"Recognizes that after May 14, 1948 local and community authorities will exercise the powers of government in Palestine [, except in the city of Jerusalem].¹"

- (2) Subparagraph II (1) (a) (3) of the draft resolution should be amended to read:

"Promote agreement on the political settlement in Palestine."

The effect of these changes would be to make clear that the General Assembly resolution did not postpone the organization of a legal government or governments and the legal proclamation of a new state

¹ Brackets appear in the source text.

or states beyond the date of the mandate's termination to a time after the United Nations Commissioner had exercised his mediatorial function under the Assembly resolution. The changes would also make clear that the General Assembly in paragraph I of the draft resolution was not affirming support for paragraph 1(d) of the Security Council resolution of April 17, 1948 (calling for a standstill on political activity) and was not urging the Security Council to press political truce efforts.

ERNEST A. GROSS

501.BB Palestine/5-1248

Memorandum by Mr. Robert M. McClintock to the Under Secretary of State (Lovett)

SECRET

[WASHINGTON,] May 12, 1948.

Subject: This morning's developments at Lake Success re resolution on Palestine.

Last night our delegates discussed the draft resolution which you approved this morning with representatives of the British and Canadian Delegations in New York City on a purely tentative and informal basis. I am now informed by Mr. Ross that the British Delegation has received a telegram from London authorizing it to support this resolution. I am likewise informed that the Canadian Delegation will give warm support if certain that the resolution is approved by the United States and the United Kingdom. Apparently our delegation has been working on the assumption that the resolution would be introduced by the United States Delegation. I said that you were highly allergic to this idea but the delegation stressed that in the present position at Lake Success no other delegation seems willing to propose a motion which would be suitable to us and that it will be difficult—provided we desire our resolution to pass—to refrain from sponsoring it.

In their conversations in New York, the United States Delegation has been careful to describe our resolution as a draft worked out in New York without commitments on the part of the delegation and submitted to Washington for further instructions.

For your convenience I attach a clean copy of the resolution¹ which you approved this morning. The authors of this draft were principally Mr. Rusk here and Dr. Jessup in New York City. Mr. Henderson has concurred with this draft. Mr. Gross likewise concurs but has suggested alternative language for Article Ia [II(1)(a)](3). A copy of Mr. Gross' draft language is likewise attached.²

[Here follows final paragraph about a purported leak of information.]

¹ Not printed; for text, see telegram 301, May 12, to New York, p. 978.

² Not found attached.

501.BB Palestine/5-1248 : Telegram

The Secretary of State to the Embassy in Sweden:SECRET US URGENT
NIACT

WASHINGTON, May 12, 1948—7 p. m.

Special

327. For the Ambassador. It is probable that ~~Spanish~~ ^{Special} Session of United Nations General Assembly in concluding its consideration of Palestine problem will seek to appoint a UN Commissioner for Palestine whose principal duties will be to mediate between Jews and Arabs of Palestine with view to eventual solution of problem of govt. in that country. UN Commissioner would also seek to arrange for operation of common services necessary to maintenance of law and order and of public health, assure protection of the Holy Places and cooperate with Security Council Truce Commission.

For your secret info name of Count Folke Bernadotte has been mentioned in this connection. While this is strictly a UN appointment, we are favorably impressed by Bernadotte's qualifications and would like your immediate indication whether you feel he would be available for such an important post and whether Swedish Govt would object to his accepting that appointment. You should not give any indication that this govt. is pressing for Bernadotte.¹

Repeated to USUN 302.

MARSHALL

¹ Stockholm, on May 13, reported information from the Swedish Foreign Office that while there would be no objection in principle to Count Bernadotte's appointment, such a development would present a delicate problem for the Swedish Government. Ambassador Matthews evaluated the situation to mean that the Swedish Government would prefer that Count Bernadotte decline appointment as an individual (telegram 585, 501.BB Palestine/5-1348).

Truman Papers, Official File

Dr. Chaim Weizmann to President Truman

NEW YORK, May 13, 1948.

DEAR MR. PRESIDENT: The unhappy events of the last few months will not, I hope, obscure the very great contributions that you, Mr. President, have made toward a definitive and just settlement of the long and troublesome Palestine question. The leadership which the American government took under your inspiration made possible the establishment of a Jewish State, which I am convinced will contribute markedly toward a solution of world Jewish problems, and which, I am equally convinced is a necessary preliminary to the development of lasting peace among the peoples of the Near East.

So far as practical conditions in Palestine would permit, the Jewish people there have proceeded along the lines laid down in the United Nations Resolution of November 29, 1947. Tomorrow midnight, May

15th, the British Mandate will be terminated, and the Provisional Government of the Jewish State, embodying the best endeavors of the Jewish people and arising from the Resolution of the United Nations, will assume full responsibility for preserving law and order within the boundaries of the Jewish State; for defending that area against external aggression; and for discharging the obligations of the Jewish State to the other nations of the world in accordance with international law.

Considering all the difficulties, the chances for an equitable adjustment of Arab and Jewish relationship are not unfavorable. What is required now is an end to the seeking of new solutions which invariably have retarded rather than encouraged a final settlement.

It is for these reasons that I deeply hope that the United States, which under your leadership has done so much to find a just solution, will promptly recognize the Provisional Government of the new Jewish State. The world, I think, would regard it as especially appropriate that the greatest living democracy should be the first to welcome the newest into the family of nations.¹

Respectfully yours,

CHAIM WEIZMANN

¹ President Truman replied on May 15 as follows:

"I appreciated very much your letter of May thirteenth and I sincerely hope that the Palestine situation will eventually work out on an equitable and peaceful basis." (Truman Papers, Official File)

800.00 Summaries/5-1348: Circular telegram

*The Secretary of State to Certain Diplomatic Offices*¹

SECRET

WASHINGTON, May 13, 1948—2 a. m.

Daily Report Palestine (infotel):

Arab Situation—Internal weaknesses in various Arab countries make it difficult for them to act in Pal. Whole govt structure Iraq is endangered by political and economic disorders and Iraq Govt can not at this moment afford to send more than handful of troops it has already dispatched. Egypt has suffered recently from strikes and disorders. Its army has insufficient equipment because of its refusal of Brit aid, and what it has is needed for police duty at home. Syria has neither arms nor army worthy of name and has not been able to organize one since French left three years ago. Lebanon has no real army while Saudi Arabia has small army which is barely sufficient to keep tribes in order. Jealousies between Saudi Arabs and Syrians on one hand and Hashemite govts of Transjordan and Iraq, prevent Arabs from making even best use of existing forces. Without Brit officers, Transjordan army will not make as good a showing as it would otherwise since organization of army depends on Brit officers in key

¹ At London, Arab capitals, and Jerusalem.

positions. This does not mean however that over long period Jewish State can survive as self-sufficient entity in face of hostility of Arab world. If Jews follow counsel of their extremists who favor contemptuous policy toward Arabs, any Jewish State to be set up will be able survive only with continuous assistance from abroad.

Your comment on above estimate would be appreciated.

MARSHALL

501.BB Palestine/5-1348

Memorandum for the Files by Mr. Robert M. McClintock

SECRET

[WASHINGTON,] May 13, 1948.

Dr. Jessup telephoned me at 9:20 a. m. to inquire to what extent he had leeway to accept verbal modifications of the resolution which the President approved yesterday for General Assembly action on Palestine. Dr. Jessup also wished to know with respect to Article IV ("The General Assembly, as of this date, discharges the Palestine Commission from the further exercise of responsibilities under its Resolution 181 (II) of November 29, 1947") what action he should take if other delegations, as he thought probable, would seek to amend this article in order to further diminish the effect of the resolution of November 29.

I referred Dr. Jessup's inquiry to Mr. Lovett, who said that the delegation should keep in close touch with the Department on any verbal changes and that our delegation should be careful to accept no alterations which would change the sense of our proposed draft resolution. As for our attitude on proposals further to diminish the effect of the resolution of November 29 Mr. Lovett said that, since we were acting in the Assembly and no veto applied, we should vote "No" on any amendment which would seek further to reduce the effect of the resolution of November 29.

Mr. Lovett confirmed this instruction by reference to the White House and so informed me at 10 a. m.

At 10:01 a. m. I communicated the foregoing to Mr. Ross in New York City, who said that he would at once get in touch with Dr. Jessup, who was then en route to Lake Success.

ROBERT McCLINTOCK

867N.01/5-1348: Telegram

The Consul at Jerusalem (Wasson) to the Secretary of State

SECRET

JERUSALEM, May 13, 1948—1 p. m.

599. Recent successes of Haganah forces have given Jews new hope and courage. Proclamation of Jewish state following termination of mandate is awaited by Yishuv¹ with greatest excitement and jubila-

¹The Jewish community in Palestine.

tion. Jewish national administration which is already functioning in wholly Jewish areas and partly in Jerusalem will become government of new Jewish state. So far with exception of Irgun attack on Jaffa and Haganah occupation of certain areas on Jerusalem-Tel Aviv road Jews have strictly observed territorial limits imposed by UN resolution of 29 November. However speculation is rife as to whether new-found strength may not encourage Jews to attempt to acquire more territory. Jewish Agency spokesman when asked by (AP?)² correspondent whether Jewish Agency would regard invasion of Palestine by Arab Armies as releasing Agency from obligations of 29 November resolution, replied that Ben Gurion had always said that main aim of Jews was to get all of Palestine. Jewish Agency officials have steadfastly maintained intention to remain within UN boundaries and Consulate General has seen no particular indication up to present that they have changed their plans. Most observers believe that Jews are winning first round at least of their battle and will desire consolidate positions.

Arab opposition to Jews in towns has completely disintegrated. Haifa is under Jewish domination; Jaffa is a deserted city and has been declared "open city"; and the Arabs have been given much needed breather by cease-fire. It is not believed Jerusalem Arabs would be able to present much opposition to Jews if latter decided to occupy city. Most representative Arabs have fled to neighboring countries and Arabs of authority are found only after most diligent searching. Consequently truce and cease-fire talks are greatly hampered and slowed down. It is possible Arabs do not wish to be placed in difficult position of having to make definite decisions which would be public admission of fact that Jews have upper hand. Perhaps they hope events will decide future course of policy. We believe Arab Legion and possibly other Arab armies will march into Arab areas of Palestine after termination of January date³ but will not risk major operation with Jews. Existence of informal arrangements between Jews and Abdullah should not be overlooked. Abdullah's desire for additional territory and lucrative neighbor as well as his present strong position with fellow rulers may make such agreement possible of execution.⁴

WASSON

²As in the source text.

³"January date" which appears in the source text should presumably read "mandate".

⁴London advised, on May 11, of information from Mr. Burrows that "In urging Arab states to accept truce past few days British representatives on Foreign Office instructions have taken line that it is better for Arab Governments to stand fast against popular demand for intervention than to intervene unsuccessfully. In latter event governments could not hope weather popular rage at failure. Burrows considers this effective argument since no Arab state is in any financial or supply position to conduct lengthy campaign Palestine." (Telegram 2053, 867N.01/5-1148)

867N.01/5-1348: Telegram

The Consul at Jerusalem (Wasson) to the Secretary of State

JERUSALEM, May 13, 1948—11 p. m.

605. There is quoted below text of letter dated May tenth addressed to Chief Secretary, Palestine Government by General Secretary, Executive of the Jewish Agency, setting forth its stand on subject of "cease-fire" imposed by mandatory power:

"I am directed by the Executive of the Jewish Agency to lodge a formal protest against the manner in which the 'cease-fire' arrangement for Jerusalem was fixed for May 8 at 12 p. m. without the Jewish Agency having been consulted. The Jewish Agency has accepted and will honour the arrangement. I must, however, protest against the arrangement having been put into force on the basis of consultations with the Arab side only. The Jewish Agency expressed its readiness to agree to a cease-fire all over Palestine if the other side agreed to it. The government has not imposed any such country-wide cease-fire upon the Arabs. The Jews for their part cannot agree that the Arabs could select one particular place in which they are concerned for a cease-fire arrangement, and that the cease-fire should thereupon be imposed on the Jews by the government without their even having been consulted.

"I am to add that if there is no arrangement before hand on arrangements of this kind; the Jewish Agency must reserve to itself freedom of action".

WASSON

Editorial Note

A review of the summary records of the meetings of Subcommittee 9, which were held in private, indicates that the United States advocacy of trusteeship for Palestine was discussed only briefly. Finally, on May 13, Mr. Jessup introduced the United States draft resolution (General Assembly document A/C.1/SC.9/1) and "explained that it had been submitted in an attempt to ascertain the area of agreement that had been reached in the discussion. The United States had not abandoned its view that a temporary trusteeship would have afforded the most satisfactory solution, but it was clear that that had been dependent upon the negotiations [*sic*] of a truce before 15 May. The draft resolution . . . was based upon the two points upon which general agreement appeared to have been reached at the previous meeting, namely, support for the action of the Security Council in its efforts to negotiate a truce and the idea of good offices and mediation." (*Summary Record of the Tenth Meeting of Subcommittee 9, A/C.1/SC.9/SR/10 corr. 1, pages 1, 2, IO files*). One section of the United States draft provided for the discharge of the Palestine Com-

mission from further responsibilities under the resolution of November 29, 1947.

Subcommittee 9 submitted its report to the First Committee on May 13. The report included a proposed resolution based on the United States draft, with modifications; for text, see GA (II/SS), *Annex*, page 42. The First Committee began immediate consideration of the report, Mr. Jessup addressing the Committee in support of the document. He noted that "neither Jews nor Arabs were willing to sacrifice their interests to enable a temporary trusteeship to operate effectively. It was clear that in the absence of agreement between the parties, armed forces would be essential to any trusteeship plan. The United States had offered to contribute a share of the required forces and had approached certain other Governments which it felt might have a similar interest . . . but these Governments were not in a position to participate." (GA (II/SS), *Main Committees*, page 242) Later in the same address, he stated that "The United States proposal was based on the need to satisfy two conditions: first, that any proposal should be based on the authority of the Charter, and secondly, that it should be practical and take into account the existing situation and the importance of bringing an end to the conflict. The proposals sought to add the authority of the Assembly to the truce endeavors of the Security Council. The second part of the proposal rested on mediation. Since the use of force to impose a solution was impossible, they had been driven to choose mediation as the central theme of Assembly action." (*Ibid.*, page 246) The First Committee, on May 14, adopted the United States draft resolution, as amended, by 35 votes to 6, with 10 abstentions (*ibid.*, page 262).

501.BB Palestine/5-248

The Secretary of State to the Australian Ambassador (Makin)

TOP SECRET

WASHINGTON, May 14, 1948.

MY DEAR MR. AMBASSADOR: I should be grateful if you would transmit the following message to Dr. Evatt: ¹

"The President has asked me to reply to the message ² which you were good enough to send him in respect to the problem of Palestine.

¹ Herbert V. Evatt, Australian Minister for External Affairs.

² Dr. Evatt's message was incorporated in a letter of May 2 from Ambassador Makin to President Truman, not printed. The President, on May 3, read to Mr. Lovett excerpts which "proposed that the only way to save the Palestine situation would be by direct intervention of the Great Powers—thus including the USSR. The President shared my [Mr. Lovett's] view that such a proposal was preposterous." (Memorandum of conversation by Mr. Lovett, 501.BB Palestine/5-348)

The President and I appreciate the high purpose which motivated you to offer your assistance in arranging a meeting between the leaders of the three great powers for the purpose of settling this and other problems which threaten the maintenance of peace.

"It is the view of the United States Government that the current situation in Palestine is such that the most urgent problem is to prevent the spread of armed conflict which threatens to cost the lives of countless Jews and Arabs. The United States Government is making strenuous efforts in the Special Assembly to prevent further bloodshed.

"With respect to the possibility of a three-power meeting, you are doubtless aware of the initiative taken by the Government of the United States in the series of conferences that were held with the British and Soviet Governments in an effort to find solutions for the problems arising out of the war. The British and the United States Governments made every effort in a spirit of genuine cooperation to meet the point of view of the Soviet Government in order that settlement might be reached on the most pressing of these problems, so necessary to enable the peoples of the world to devote their energies to the tasks of reconstruction. The developments that followed conferences at Teheran, Yalta, and Potsdam, as well as the many meetings held for the purpose of negotiating the peace treaties, show clearly that agreements reached with the Soviet Government on paper do not in themselves constitute a solution. It is apparent that certain conditions must come into being before a genuine settlement can be achieved. As I recently stated to the Foreign Affairs Committee of the United States House of Representatives, the underlying problem in the immediate future, in our opinion, is to bring about as quickly as possible the restoration of economic, social and political health in the world and to give to the peoples of the world a sense of security, which is essential for them to carry on the task of recovery. The Government of the United States maintains normal diplomatic relations with the Government of the Soviet Union and is always ready to examine with the greatest objectivity any proposals put forward by the Soviet Government. The United States Government is constantly endeavoring to advance constructive proposals in the United Nations and elsewhere whenever there appears to be an opportunity for progress to be made. We do not believe, however, that in the present circumstances a meeting of the Heads of Government would serve a useful purpose. On the contrary, since it would dramatically raise the hopes of the peoples of the world, its probable failure under existing conditions would result in a very depressing reaction which would make the moves for eventual solution of the many problems all the more difficult."

You will have seen the reports of the recent interview between the American Ambassador in Moscow and the Soviet Minister of Foreign Affairs, as well as the statements made to the press by the President

and myself concerning this matter. I believe these statements make clear the position of this Government.³

Faithfully yours,

G. C. MARSHALL

³ For documentation on these matters, see vol. iv, pp. 822-857, *passim*.

Truman Papers, President's Secretary's File

*The Agent of the Provisional Government of Israel (Epstein)
to President Truman*¹

WASHINGTON, May 14, 1948.

MY DEAR MR. PRESIDENT: I have the honor to notify you that the state of Israel has been proclaimed as an independent republic within frontiers approved by the General Assembly of the United Nations in its Resolution of November 29, 1947, and that a provisional government has been charged to assume the rights and duties of government for preserving law and order within the boundaries of Israel, for defending the state against external aggression, and for discharging the obligations of Israel to the other nations of the world in accordance with international law. The Act of Independence will become effective at one minute after six o'clock on the evening of 14 May 1948, Washington time.

With full knowledge of the deep bond of sympathy which has existed and has been strengthened over the past thirty years between the Government of the United States and the Jewish people of Palestine, I have been authorized by the provisional government of the new state to tender this message and to express the hope that your government will recognize and will welcome Israel into the community of nations.²

Very respectfully yours,

ELIAHU EPSTEIN

¹ Mr. Epstein sent an identical letter to the Secretary of State on May 14 (867N.01/5-1448).

² The undated George M. Eley notes cited in the editorial note on p. 976 indicate also that on Friday May 14 "C[lark] M C[lifford] spent the afternoon getting arrangements made, including arrangement that Epstein would send in the request to U.S. Gov't for recognition." (Eley Papers)

For further details on the activities of May 14, see the memorandum of conversations by Under Secretary Lovett, p. 1005.

Editorial Note

For an account of high-level conversations on May 14 regarding the question of the recognition of Israel, see Mr. Lovett's memorandum of conversations, May 17, page 1005.

867N.01/5-1448: Telegram

The Ambassador in the United Kingdom (Douglas) to the Secretary of State

SECRET US URGENT

LONDON, May 14, 1948—5 p. m.

2113. Following obtained from Foreign Office sources today re Palestine:

1. Foreign Office has no confirmation press story dated Cairo May 13 to effect Arab states henceforth will pay TJ 3,000,000 per year for services Palestine and that half this sum already paid TJ for first six months, Egypt's share being pounds 630,000.

2. Kirkbride¹ telegraphed from Amman at 10 a. m. today that (a) Arab plans for tonight are as follows: Syrian and Lebanese column will attack from Lebanon. Another Syrian column will attack from Samakh. Iraq forces will attack Jisr Majani. Arab legion will establish itself Hebron, Ramallah and Nablus and then extend its sector; (b) it is understood Amman that High Commissioner and GOC have left Jerusalem² 18 hours in advance schedule as understood by Arabs with result Arabs protesting; (c) British Army has been asked assist AL units cut off from Jerusalem to reach Rafah and to return TJ via Akaba.

3. According earlier Foreign Office information last two companies AL will leave Palestine today. This will be announced Commons.

DOUGLAS

¹ Sir Alec S. Kirkbride, British Minister in Transjordan.

² Jerusalem reported, on May 14, that these two officials and all senior members of the Palestine Government departed from Jerusalem at 0900 hours local time that morning. Mr. Wasson stated that the "High Commissioner . . . will proceed Haifa and board British cruiser for Malta at midnight tonight thereby officially terminating mandate." (Telegram 606, 867N.01/5-1448) The British Government, in a statement prepared for public information by the Colonial Office and the Foreign Office, released a White Paper in 1948 entitled *Palestine, Termination of the Mandate, 15th May, 1948* (London, His Majesty's Stationery Office).

867N.01/5-1448: Telegram

*The Secretary of State to the Embassy in the United Kingdom*TOP SECRET US URGENT
NIACT

WASHINGTON, May 14, 1948—6 p. m.

1761. For Douglas. Please inform Bevin or other responsible official Brit Govt that we have reason to believe that provisional govt of new Jewish state will make request at once for recognition and that in

present circumstances we feel that we should grant recognition to Jewish provisional govt as de facto authority of Jewish state.¹

MARSHALL

¹The Department of State, simultaneously, sent telegrams of similar import to Paris (1675) and to Brussels (722). The same day, it also sent a circular telegram to Missions at Cairo, Jidda, Baghdad, Beirut, and Damascus, and to Consulates at Alexandria, Port Said, Dhahran, Jerusalem, Haifa, Aden, and Basra, which stated: "For your secret info and for such precautions as you may consider it necessary to take this Govt may within next few hours recognize provisional Jewish govt as de facto authority of new Jewish state." (867N.01/5-1448)

867N.01/5-1448: Telegram

The Ambassador in Egypt (Tuck) to the Secretary of State

SECRET

CAIRO, May 14, 1948—7 p. m.

519. In commenting on infotel May 13,¹ Embassy suggests that while internal weaknesses Arab countries mentioned do exist in greater or lesser degree they will not affect to extent indicated immediate action in Palestine by Egypt, Iraq, Syria, Transjordan. Effect will be more observable in long run. Believed also that existence of internal dangers as in Iraq will in fact force Arab Governments to press positive action in Palestine with all vigor in order to ward off rising resentment and to justify Palestine policy. Egypt has suffered recently particularly from police strike, but it must be pointed out that fear of recurrence of such event has not prevented government from dispatching 10-12,000 troops to frontier with all possible equipment, from declaring martial law, from initiating censorship and taking other measures for preservation order. Military equipment is lacking for Egyptian Army but not because of "its refusal of British aid". On the contrary, equipment is lacking through refusal of British and other Western Powers to provide earnestly-sought military equipment. Apparent determined effort now under way by Egyptian Government to obtain arms from any source available, including Czechoslovakia.

Influence internal weaknesses on military action other countries best judged by Missions countries concerned but believed here Iraq can spare more than "handful of men." Best estimate of Arab military strength held to be that from British source to Military Attaché, transmitted to Defense Department, secret telegram 105, May 11, which estimates total Iraq strength in Transjordan at about 5,000 men, available strength of Syria at about 4,500 while Lebanon and Saudi Arabia negligible.

Jealousies among Arab countries will undoubtedly prevent making best use of military forces but participation of Egypt, generally regarded as best friend Saudi Arabia, with Brigadier Sabur with three

¹The circular telegram of that date, p. 983.

senior officers as chief of staff to King Abdullah may indicate that efforts to bridge existing differences are bearing fruit. Obvious that Transjordan Army without British officers will not make as good showing as otherwise but evidence exists that some British officers have been retained and others hired to lead Arab Legion.

In view hostility Arab world to Zionist state since Balfour Declaration which recent events obviously will not decrease Jewish state will survive only [with] difficulty. Embassy agrees that Jewish state will probably require continuous economic and military assistance from abroad whether or not Zionists follow contemptuous attitude to Arabs. Department will recall that estimates supplied by Zionists as essential to finance working program for next four years called for about quarter billion dollars of external aid.

Informed circles here also agree that military aid will probably be obtained from abroad both on short term and long term basis, with possibility turning Palestine into second Spain and probable disastrous effects on long-range ME security and stability (see also mytel 513, May 13²).

Sent Department 519. Paraphrase sent by pouch to all Arab capitals.

TUCK

² Not printed.

867N.01/5-1448

The Secretary of State to Mr. Elisha Epstein, at Washington

WASHINGTON, MAY 14, 1948.

DEAR MR. EPSTEIN: I have the honor to acknowledge the receipt of your letter of May 14, 1948 and to inform you that on May 14, 1948 at 6:11 p. m., Washington time, the President of the United States issued the following statement:

"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."¹

Sincerely yours,

G. C. MARSHALL

¹ Marginal notation by Mr. Henderson on May 17: "Original handed to Mr. Epstein on his call at the Department today." For Mr. Henderson's account of the considerations governing the preparation of the Department's reply to Mr. Epstein, see his memorandum of May 16 to Mr. Lovett, p. 1001.

A photographic copy of President Truman's statement, showing his signature and date and time of approval, together with the handwritten changes penned in at the last moment, is presented in Bernard Postal and Henry W. Levy. *And the Hills Shouted for Joy: The Day Israel Was Born* (New York, David McKay Company, Inc., 1973), between pp. 206 and 207.

Editorial Note

In a letter of June 13, 1974 to the Historical Office, Dean Rusk gave the following information concerning some of the events in which he had participated relating to the recognition of Israel by the United States on May 14, 1948:

"The General Assembly was in session that day. About 5:45 that afternoon I got a call from Mr. Clark Clifford, Special Counsel to President Truman, telling me that the State of Israel would be declared at 6:00 p. m., that the United States would recognize Israel immediately and that the President wished me to inform our Delegation at the United Nations. I said, "But this cuts across what our Delegation has been trying to accomplish in the General Assembly under instructions and we already have a large majority for that approach." Mr. Clifford replied, "Nevertheless, this is what the President wishes you to do." I thereupon telephoned Ambassador Warren Austin, who had to leave the floor of the Assembly to take my call. He made a personal decision not to return to the Assembly or to inform other members of our Delegation—he simply went home. My guess is that he thought that it was better for the General Assembly to know very clearly that this was the act of the President in Washington and that the United States Delegation had not been playing a double game with other Delegations.

"Just after 6 p. m., a member of the New York Delegation called me to find out what it was all about. I had thought it was Phil Jessup, but he has informed me that it was not he who called. Perhaps it was Jack Ross. Meanwhile, Mr. Jessup's colleague Francis Sayre had gone to the podium, and, in effect, said he didn't know anything about the American recognition of Israel. A few minutes later Mr. Jessup returned to the Assembly (which was then in pandemonium), read the press ticker, and confirmed that it was in fact correct.

"When I use the word pandemonium, I think I am not exaggerating. I was later told that one of our U.S. Mission staff men literally sat on the lap of the Cuban Delegate to keep him from going to the podium to withdraw Cuba from the United Nations. In any event, about 6:15 I got a call from Secretary Marshall who said, "Rusk, get up to New York and prevent the U.S. Delegation from resigning *en masse*." Whether it was necessary or not, I scurried to New York and found that tempers had cooled sufficiently so that my mission was unnecessary.

"I cannot vouch for this, but there was a story later that some of Secretary Marshall's friends had told him that he ought to resign because of this incident. He was reported to have replied, "No, gentlemen, you do not accept a post of this sort and then resign when the man who has the Constitutional authority to make a decision makes one. You may resign at any time for any other reason but not that one." (Dean Rusk to William M. Franklin, Accession No. P740066-0003.)

Editorial Note

The General Assembly began discussion of the United States draft resolution, as amended by the First Committee, on May 14. Mr. Jessup read two statements to the Assembly, the first of which was President Truman's statement according United States recognition to the Provisional Government of Israel. The second set forth the view that "The desire of the United States to obtain a truce in Palestine will in no way be lessened by the proclamation of a Jewish State. We hope that the new Jewish State will join with the Security Council Truce Commission in redoubled efforts to bring an end to the fighting, which has been, throughout the United Nations consideration of Palestine, a principal objective of this Government." (GA (II/SS), *Plenary*, page 42). The Assembly adopted the resolution later the same day by 31 votes to 7, with 16 abstentions (*ibid.*, page 45; for text, see *infra*).

*Resolution 186 (S-2) Adopted by the General Assembly on May 14, 1948*¹

The General Assembly

Taking account of the present situation in regard to Palestine,

I

Strongly affirms its support of the efforts of the Security Council to secure a truce in Palestine and calls upon all Governments, organizations and persons to co-operate in making effective such a truce;

II

1. *Empowers* a United Nations Mediator in Palestine,² to be chosen by a committee of the General Assembly composed of representatives of China, France, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America, to exercise the following functions:

(a) To use his good offices with the local and community authorities in Palestine to:

(i) Arrange for the operation of common services necessary to the safety and well-being of the population of Palestine;

(ii) Assure the protection of the Holy Places, religious buildings and sites in Palestine;

¹ Reprinted from GA (II/SS), *Resolutions*, p. 5.

² Count Bernadotte was appointed United Nations Mediator for Palestine on May 20. He telephoned Secretary-General Lie the following day and confirmed his acceptance of the post (United Nations press releases PAL 172 and PAL 174, May 20 and 21, respectively).

(iii) Promote a peaceful adjustment of the future situation of Palestine;

(b) To co-operate with the Truce Commission for Palestine appointed by the Security Council in its resolution of 23 April 1948;

(c) To invite, as seems to him advisable, with a view to the promotion of the welfare of the inhabitants of Palestine, the assistance and co-operation of appropriate specialized agencies of the United Nations, such as the World Health Organization, of the International Red Cross, and of other governmental or non-governmental organizations of a humanitarian and non-political character;

2. *Instructs* the United Nations Mediator to render progress reports monthly, or more frequently as he deems necessary, to the Security Council and to the Secretary-General for transmission to the Members of the United Nations;

3. *Directs* the United Nations Mediator to conform in his activities with the provisions of this resolution, and with such instructions as the General Assembly or the Security Council may issue;

4. *Authorizes* the Secretary-General to pay the United Nations Mediator an emolument equal to that paid to the President of the International Court of Justice, and to provide the Mediator with the necessary staff to assist in carrying out the functions assigned to the Mediator by the General Assembly;

III

Relieves the Palestine Commission from the further exercise of responsibilities under resolution 181 (II) of 29 November 1947.³

³ The Palestine Commission, at its 75th meeting on May 17, adjourned *sine die*. United Nations press release PAL 169 of the same date gave the general view of the Commission members "that the General Assembly resolution of last November 29 remained intact and that therefore the Commission was not and could not be legally dissolved."

Editorial Note

In a telegram of May 15 to Secretary-General Lie, Moshe Shertok, signing as Foreign Secretary of the Provisional Government of Israel, applied for admission of the State of Israel to membership in the "family of nations"; for text, see SC, *3rd yr., Supplement for May 1948*, page 88.

867N.01/5-1548: Telegram

The Minister in Saudi Arabia (Childs) to the Secretary of State

CONFIDENTIAL

PRIORITY

JIDDA, May 15, 1948—10 a. m.

281. News recognition *de facto* by US Government Jewish State has profoundly shocked Saudi Arabs. My Arab secretary, recalling

interpretation US Palestine policy set forth in Deptel 55, February 23, 6 p. m.¹ which Legation instructed present SAG raises question how far this latest move may shake SAG confidence in our policy assurances. Although explanations we may offer likely have little effect hope Department may supply us soonest such arguments as may be appropriately offered.

I have heretofore not been uneasy re possible break Saudi-US relations, latest US action coupled with entrance Arab forces Palestine and evident determination Arabs settle by such means available to them what they consider, from King on down, threat national existence not only Arabs Palestine but Arabs in adjacent states, raises apprehensions my mind possible consequences including possible break with US and possible early necessity US evacuate several thousand Americans Saudi Arabia. There is no slightest doubt in my mind that King and his Ministers are determined support Arab cause Palestine and Arabs are believed united as they have never been before (Legtel 257, May 6 and 277, May 13²) we are only deluding ourselves if we still cling to notion Arabs can be bluffed or can be persuaded to abate their unalterable opposition Jewish State. King and Ministers have repeatedly affirmed to me their deep-seated conviction [that it?] is a question Arabs national existence and that it is better for them to go down fighting in total defeat than to yield.

It is perhaps too early as yet to foresee immediate consequences to us here but I hazard opinion we must be immediately prepared rejection any and all our requests including turning from now on deaf ears to any consideration prolongation our tenancy Dhahran air base. Possibility must not be excluded we may be invited evacuate base.

If American forces sent Palestine we must be prepared immediately break relations.

Situation has so many ominous possibilities I am requesting Consulate Dhahran hold conference with Colonel O'Keefe there view to perfecting without delay plans evacuation Americans should this unfortunately become necessary.

Repeated Dhahran 152, Baghdad 25, Cairo 61, Damascus 7, Beirut 16, London 77.

CHILDS

¹ This was a repeat of 34 to Damascus, p. 649.

² Neither printed.

867N.01/5-1548 : Telegram

The Ambassador in Egypt (Tuck) to the Secretary of State

SECRET MOST IMMEDIATE

CAIRO, May 15, 1948—1 p. m.

522. Certain Chiefs Mission Diplomatic Corps were summoned by Minister of Foreign Affairs to Foreign Office this morning at intervals

of fifteen minutes. When my turn came Khashaba Pasha informed me—evidently in a set speech—of motives which he [said] decided Egyptian Government to send its troops into Palestine. Purport his remarks are contained in a memorandum which he requested me to make known to my government. (See Embtel 523, May 15.¹)

Minister Foreign Affairs then asked me whether it was true that our government had decided to recognize the provisional Jewish government as the *de facto* authority of new Jewish state. I replied that I had received official advice to that effect and that reports appearing in this morning's press could be considered as substantially correct. After a long pause Khashaba Pasha said that despite everything he still believed that the future of Arab states lies in a close relationship with the West.

Sent Department 522, repeated London 38.

TUCK

¹Not printed; the memorandum stated that Egyptian armed forces had penetrated Palestine "to reestablish order, peace and security" and that Egyptian intervention was not directed against the Jews of Palestine but against the "bands of terrorist Zionists." (867N.01/5-1548)

Ambassador Tuck, on May 14, had reported that "In apparent effort to lay blame on America for necessity to intervene Palestine [Egyptian] govt spokesman today declared to press that Egypt and Arab countries had ignored American demands that they should not resort to armed intervention in Palestine. Such warning on contrary had increased the determination of the Arabs to prevent creation of a Zionist state." (Telegram 521 from Cairo, 883.00/55-1448)

The Egyptian Foreign Minister, in a telegram of May 15, notified the President of the Security Council of the entry of Egyptian forces into Palestine; for text, see SC, *3rd yr.*, No. 66, p. 3. Similarly King Abdullah, in a telegram of May 16, notified Secretary-General Lie of the entry of Transjordanian armed forces into Palestine; for text, see SC, *3rd yr.*, *Supplement for May 1948*, p. 90.

501.BB Palestine/5-1548 : Telegram

The United States Representative at the United Nations (Austin) to the Secretary of State

SECRET URGENT

NEW YORK, May 15, 1948—2:30 p. m.

653. From Ross. Beeley came in this morning at his request and read me two telegrams from London as follows:

A. The first telegram dealt with legal questions involved in the problem of recognition and the relation of this problem to possible situations in the SC re Palestine. This telegram may be summarized as follows:

1. Foreign Office view is that it is not correct to consider that the 29 November resolution establishes a legal basis for creation of a Jewish state.

2. The residual authority over Palestine does not revert to the principal allied and associated powers.

(a) The Treaty of Lausanne merely involved a renunciation of Turkish sovereignty without any specific renunciation of authority to the principal allied and associated powers.

(b) It is very doubtful whether these powers can still be regarded as existing as an entity.

(c) It is more than probable that even if these powers had had any rights over Palestine they would have been extinguished when the mandate was duly constituted.

3. With the end of the mandate and pending the emergence of one or more states in Palestine to which international recognition can be accorded, Palestine will be *res nullius* (belonging to nobody—?).¹ Theoretically sovereignty will probably lie in the people of Palestine but it will be latent and there will be no international entity recognizable as a sovereign state or states in or comprising Palestine.

4. The practical consequences of this doctrine are :

(a) Pending some new decision by the UN claims to recognition cannot be supported by appeal to UN authority.

(b) As regards action by other (Arab) states leaving aside aggressive action (use of armed force) there is probably nothing in law to prevent acts of a peaceful character directed to the setting up by other state or states a government or governments in Palestine or to incorporate part of the country in the territory of neighboring states, provided such other state or states concerned were not acting inconsistently with an Assembly resolution by which they could be regarded as bound.

5. Concrete applications of Foreign Office doctrine as follows :

(a) If the Jews claim to set up a state within the November frontiers and the Arabs governing the whole of Palestine, there is nothing legally to choose between these claims. (It is recognized, however, that public opinion particularly in the US would give an appearance of legality to the November 29 resolution.)

(b) If the Arab armies invade the territory of Palestine without coming into conflict with the Jews, they would not necessarily be doing anything illegal or contrary to the Charter.

(c) If Arabs crossed the November frontier they would not *ipso facto* be doing anything illegal.

(d) If Arabs come into conflict with Jews a situation undoubtedly would be created which the SC would be asked to take cognizance of as a breach of the peace.

B. Beeley's second telegram instructed him to say to us privately that US action in recognizing the Jewish govt seems to have an important bearing on our truce proposals. He is further instructed to ask what we intend to do about the truce proposals in the light of US recognition action.

Beeley observed that he imagined Foreign Office had Article 7 of truce proposals in mind.

¹ As in the source text.

I told Beeley that I had no specific instructions but I understood that the general view of the Dept was that the truce efforts should be pushed because we were naturally just as much interested as ever in putting a stop to the fighting. Speaking personally I said I thought that the previously proposed Articles of truce would have to be reviewed carefully in the light of the new situation.

Beeley said he understood British Embassy Washington had been instructed to raise same question with Dept. I would appreciate it if Dept can keep us closely informed here of any exchanges with British in Washington.

In concluding my conversation and in light of call of SC meeting this afternoon, we discussed briefly the question of the status of the JA as representing the Jewish people before the SC. I have just discussed this with Rusk on the phone and we would appreciate getting fairly fully developed views of the Dept as this question may arise fairly soon in SC if not this afternoon. [Ross.]

AUSTIN

501.BB Palestine/5-1648

*The Secretary-General of the United Nations (Lie)
to the Secretary of State*

TOP SECRET PERSONAL

LAKE SUCCESS, 16 May 1948.

MY DEAR SECRETARY OF STATE, I am sending to you with this a copy of a secret and personal letter which I have sent to all permanent members of the Security Council in connection with the communication from the Egyptian Government dated 15 May 1948, which is now being considered by the Council.

You will appreciate, I am sure, the position which I have taken as Secretary-General in this matter. My primary concern is for the future usefulness of the United Nations and its Security Council.

I am convinced that the Security Council must act decisively and quickly in dealing with this matter under the Charter, irrespective whether its efforts succeed or fail. If the Security Council, by slow and ineffective action, permits the Egyptian Government, through the use of its forces, to establish a *de facto* position beyond its own frontiers, then I believe a precedent will have been created which will prejudice the future usefulness both of the United Nations and its Security Council. I must do everything in my power to prevent this.

Time is the vital factor in this situation. The longer action by the Security Council is delayed, the less chance will there be of halting the forces which are now in movement. I appreciate the political factors which might influence certain Great Powers to let matters in the Middle East take their course, but I am convinced beyond all doubt that if this happens—when the case has already been brought

to the attention of the Security Council—that the Security Council will have destroyed its usefulness, and indeed will have created a precedent for any nation to take aggressive action in direct contravention to the Charter of the United Nations.

I have been informed of some of the difficulties which presently exist between the governments of the United States and the United Kingdom in approaching this problem. For this reason, because of the great influence those two powers can exercise [with others] in ensuring that effective action is taken in the Security Council, and because time was so short, I was most anxious that you and your Under-Secretary of State should have been consulted personally on this matter so that you might have known my views and so that—with your concurrence—I might have been able to approach the British Government in dealing with this vital problem.

I appreciated that my personal presence in Washington at this time could have been misinterpreted, and for that reason from 7:00 p. m. on Saturday evening last efforts were made to arrange for my personal representative to wait on you and Mr. Lovett. I greatly regret this consultation could not take place for if there had been any action which I could have taken as Secretary-General to influence the Government of the United Kingdom and other Governments, I would have been prepared to do so, and if necessary to despatch my personal representative to London immediately after he had reported to me the result of the consultation in Washington.

Yours sincerely,

TRYGVE LIE

[Enclosure]

The Secretary-General of the United Nations (Lie) to the United States Representative at the United Nations (Austin)

SECRET

[LAKE SUCCESS,] 16 May 1948.

MY DEAR MR. AUSTIN: The Egyptian Government has declared in a cablegram to the President of the Security Council on 15 May, that Egyptian armed forces have entered Palestine and that it has engaged in "armed intervention" in that country. On 16 May I received a cablegram from the Arab League making similar statements on behalf of the Arab States.

Since this matter is now before the Security Council, it is not necessary for me to invoke the provisions of Article 99 of the Charter, under which the Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

I consider it my duty, however, to emphasize to you that this is the first time since the adoption of the Charter that Member States

have openly declared that they have engaged in armed intervention outside their own territory.

Moreover, this armed intervention has taken place in a territory which has been the special concern of the United Nations. A Truce Commission appointed by the Security Council has been active in Palestine for some time and it is only a matter of hours since the General Assembly adopted a resolution establishing a United Nations Mediator with the mandate of seeking agreement of the parties to a peaceful adjustment of the situation in Palestine.

The very first of the purposes of the United Nations is to maintain international peace and security. In Article 24 of the Charter the Members conferred on the Security Council primary responsibility for the maintenance of international peace and security "in order to ensure prompt and effective action by the United Nations".

The opening discussions of the Council on 15 May have shown that there is danger that such prompt and effective action will not be forthcoming unless members of the Council take a decisive stand in support of the authority of the Charter and of the United Nations.

Hostilities have already begun. There is grave danger that they will increase in intensity, and there is likelihood that other parties will become involved to the menace of the peace of the Middle East.

A failure of the Security Council to act under these circumstances can only result in the most serious injury to the prestige of the United Nations and the hopes for its future effectiveness in keeping the peace elsewhere in the world. Moreover, it may undermine the progress already made by the Council in other security problems with which it is now dealing.

I most earnestly urge that your Government should take account of the extreme seriousness of the situation which now faces the United Nations and of the necessity for prompt action at this crucial moment.

I have sent a similar communication to each of the five permanent members of the Security Council.

Yours sincerely,

TRYGVE LIE

867N.01/5-1448

Memorandum by the Director of the Office of Near Eastern and African Affairs (Henderson) to the Under Secretary of State (Lovett)

CONFIDENTIAL

[WASHINGTON,] May 16, 1948.

In order to complete the record on recognition, Mr. Epstein's letter to the Secretary of May 14¹ should be answered and in our opinion the answer should also be dated May 14.²

¹ See footnote 1, p. 989.

² For text of letter to Mr. Epstein, dated May 14, see p. 989.

We should reply to this letter since we understand that it is the basis of the statement of the President that recognition of the provisional government had been requested.

In drafting this reply we have taken the following into consideration:

1. In order that it may be clear why the announcement and our letter are dated May 14, whereas the mandate did not terminate until May 15, and that there may not be any misunderstanding as to the time of recognition, the letter of reply should show the exact moment at which recognition took effect, namely the moment of issuance, 6: 11 p. m., Washington time or 12: 11 a. m. May 15, Palestine time.

2. Epstein should be given no title in our communication to him³ since we have not as yet been informed officially as to who are members of the government of the new State, or that Mr. Epstein is qualified to speak for the new State in Washington. We have apparently taken the position that Mr. Epstein, as a representative of the Jewish Agency up to 6 p. m. May 14, had the right to speak for the Jewish Agency and the coming successor of the Jewish Agency, the Provisional Jewish Government. We do not as yet know officially what his capacity and title are after 6 p. m., and will not know until we have been informed.

3. We have limited the reply to an acknowledgment of the letter and to a statement as to the time and substance of the President's announcement, because we do not consider it suitable to go any further in communicating with a person whose representational position has not as yet been clarified. We have not, for instance, indicated whether by granting *de facto* recognition to the provisional government of the state of Israel we recognize the boundaries of the new state to be identical with those set forth in Mr. Epstein's letter to the Secretary. At the appropriate time we might desire to indicate that our *de facto* recognition does not necessarily mean that we recognize that the frontiers of the new Jewish state are the same as those outlined in the recommendation of the General Assembly of November 29, 1947, that those boundaries had been determined upon with the understanding that there would be an economic union of all Palestine and a special international regime for Jerusalem.

It seems to us that the new government of Israel should give us further information with regard to its composition, purposes, structure, etc. This matter, however, will be made the subject of a special memorandum.

L[OY] W. H[ENDERSON]

³ The communication was addressed to "Mr. Eliahu Epstein, 2210 Massachusetts Avenue, N.W., Washington 8, D.C."

867N.01/5-1648: Telegram

The Minister in Lebanon (Pinkerton) to the Secretary of State

RESTRICTED

BEIRUT, May 16, 1948—11 a. m.

180. Foreign Minister delivered to entire diplomatic corps in Beirut memorandum adopted by Arab League Political Committee in

Damascus yesterday. This contains historical statement on Palestine followed by Arab declaration now that mandate has ended with no "legally constituted authority" to administer law and protect life and property. Main points this declaration are:

(a) Right to set up government pertains to its population.

(b) Peace and order have been completely upset in Palestine with result that more than quarter million Arabs have been compelled by Jewish aggression seek refuge in other Arab countries, and Palestine has been left with no administrative authority "entitled to maintain and capable of maintaining a machinery of administration of the country adequate for the purpose of ensuring due protection of life and property."

(c) There is threat "that this lawlessness may spread to neighboring Arab states where feeling is already very tense on account of the prevailing conditions in Palestine."

(d) Arab states sincerely wish UN might succeed in finding just solution of problem.

(e) Arab states are responsible for maintenance of law and order in this area "by virtue of their responsibility as members of Arab League which is a regional organization within the meaning of chapter 8 of the Charter of the UN."

(f) "For these reasons and considering that the security of Palestine is a sacred trust for them, and out of anxiousness to check the further deterioration of the prevailing conditions and to prevent the spread of disorder and lawlessness into the neighboring Arab lands, and in order to fill the vacuum created by the termination of the mandate and the failure to replace it by any legally constituted authority, the Arab Governments find themselves compelled to intervene for the sole purpose of restoring peace and security and establishing law and order in Palestine."

(g) Arab states recognize independence of Palestine and maintain that lawful inhabitants are alone entitled to set up administration for discharge of government functions without external interference, and as soon as that stage is reached, Arab intervention will be ended.

(h) Arab Governments confirm "that the only fair and just solution to the problem of Palestine is the creation of a unitary state of Palestine based upon the democratic principles which will enable all its inhabitants to enjoy equality before the law and which would guaranty to all minorities the safeguards provided for in all democratic constitutional states, affording at the same time full protection and free access to holy places."

The Arab states emphatically and repeatedly declare that their intervention in Palestine has been prompted solely by the considerations and for the aims set out above and that they are not inspired by any other motive whatsoever. They are therefore confident that their action will receive the support of the UN as tending to further the

aims and ideals of the UN as set out in its Charter (end of declaration).¹

Foreign Minister says copies of this memorandum will be delivered diplomats in all Arab capitals. This telegram therefore not repeated any mission.

PINKERTON

¹ For a further exposition of the views of the Arab League on the question of Palestine, see Secretary-General Azzam's cablegram of May 15 to Secretary-General Lie, SC, 3rd yr., *Supplement for May 1948*, p. 83.

867N.01/5-1648: Telegram

The Prime Minister of the Provisional Government of Israel (Ben-Gurion) to President Truman

TEL AVIV, May 16, 1948—4: 45 p. m.

MH30. On behalf of Provisional Government of State of Israel beg to extend to you expression of profound gratitude and appreciation for your great gesture in according prompt recognition to Provisional Government as *de facto* authority of new State of Israel. Your consistent and wise advocacy of justice of our cause in national and international councils, your insistence on admission to Palestine of large numbers of survivors of Nazi oppression in Europe, your direction of the United States policy giving United States delegation leadership at November Session of Assembly in favor of creation Jewish state in Palestine and finally your lead to whole world making United States the first power in history to recognise State of Israel have been decisive in shaping destinies of Holy Land and Jewish people. State of Israel in its present trials and tribulations is confidently looking forward to your and your peoples' continued sympathy and support for final solution of Palestine question which will end agelong Jewish tragedy and enable State of Israel to become stabilising and progressive force in Near East and to contribute its humble share to welfare and peace of human race.¹

For Provisional Government [of] State of Israel:
DAVID BEN-GURION

¹ The White House referred Mr. Ben-Gurion's communication to the Department of State for reply. The Secretary of State made acknowledgement to Mr. Epstein on May 27, stating:

"It is the hope of the United States Government that the efforts of the United Nations to bring about conditions of peace in Palestine will be successful and that Israel will cooperate with the United Nations in these endeavors.

"I extend to Israel the felicitations of the United States Government and express the hope that Israel will be able to look forward to long years of tranquility, prosperity and honor as one of the community of nations."

Moshe Shertok, as Foreign Secretary of the Provisional Government of Israel, addressed a communication to the Secretary of State which expressed his

Government's deep gratitude to the United States and the Department of State for according prompt recognition. This communication was transmitted to the Secretary of State in a letter of May 17 signed by Mr. Epstein as "Representative" of the Provisional Government of Israel. The Secretary of State made acknowledgement to Mr. Epstein on May 27, with an expression of the sincere appreciation of the United States Government for the message from Mr. Shertok (867N.01/5-1748).

867N.01/5-1748

*Memorandum of Conversations, by the Under Secretary of State
(Lovett)*

TOP SECRET

[WASHINGTON,] May 17, 1948.

On Friday afternoon ¹ following lunch Mr. Clifford told me that the President was under unbearable pressure to recognize the Jewish state promptly.

He recalled that on Wednesday afternoon previously I had vigorously attacked the proposals then advanced by the President's advisers that the President should make a statement at his Thursday press conference promising recognition, etc.² He stated that he felt the State Department criticisms had been persuasive and that the fact that General Marshall and I had opposed it had caused the President to change his mind and agree to a "postponement of recognition".

Clifford indicated that the most persuasive arguments were the fact that, by stating in advance of any request from the Jewish Agency that he would recognize the state, it would place this country in the position of being a sponsor and increase responsibility thereby; that while the UN special session was still considering the matter, this act by the President would be a grave breach of propriety and would be labelled a doublecross; that the boundaries were unknown and the President would be putting this country in the position of buying a pig in a poke without knowing who the Government was ³ or anything about it. Clifford said the President was impressed by these facts as he had been, but that at six o'clock Friday night there would be no government or authority of any kind in Palestine. Title would be lying about for anybody to seize and a number of people had advised the President that this should not be permitted. The President had decided to do something about recognizing the new state if it was set up but that he would agree to wait until the request had been made and until there was some definition of boundaries. He would postpone the

¹ May 14.

² See memorandum of conversation by the Secretary of State, May 12, p. 972.

³ Jerusalem reported, on May 20, that the portfolios in the Provisional Council of Government of the State of Israel had been distributed the previous day, with David Ben-Gurion as Premier and Moshe Shertok as Foreign Secretary (telegram 673, 867N.01/5-2048). It reported further, on June 2, that the Premier had concurrently become Minister of Defense the previous evening (telegram 822, 867N.01/6-248).

decision to the last until he was satisfied that the interests of this country would be adequately protected if such a step were taken. He asked the State Department to recommend language to put into effect recognition in the event the President decided upon it. He said that the White House had been informed that an appeal would be made for immediate recognition by the new state, which had been proclaimed that morning and which, according to information given the White House, proposed to live within the conditions of the November 29 General Assembly resolution and to restrict its claim to the borders therein defined.

I replied to Mr. Clifford that the legal paper the Department had provided him with⁴ indicated that there was, strictly speaking, no legal bar to recognition. However, indecent haste in recognizing the state would be very unfortunate for some of the reasons I had mentioned on Wednesday. I therefore urged the President to delay action for a day or so until we could confirm the details of the proclamation. Clifford replied that he felt sure we would have adequate details to indicate a recognition of the provisional government but that the timing of the recognition was "of the greatest possible importance to the President from a domestic point of view". I said that it was hard for me to believe that one day could make so much difference, and emphasized especially the tremendous reaction which would take place in the Arab world. I mentioned specifically that we might lose the effects of many years of hard work in the Middle East with the Arabs and that it would jeopardize our position with the Arab leaders and would probably bring our missions and consular representatives into personal jeopardy. Mr. Clifford replied that we should take every precaution against that and that he would hope that we could get messages out in time to forewarn the personnel and inform them of the situation.

I said that we also ought to notify the head of our UN delegation, Senator Austin, and the British, French and Belgian Governments in advance, and asked if the President could not withhold the decision until the next day so that we could be sure that the messages would get through in time. Clifford said that the President could not afford to have any such action leak and that we should try to insure against it. I told him that it was manifestly impossible to time messages to arrive in a distant capital when we did not know when the decision would be made. Clifford said that he hoped the final answer would be given us in the late afternoon and that they were awaiting the formal request, which he again repeated they were sure would be received.

Telephone conversations continued during the afternoon on the subject and the White House was apparently advised by phone that

⁴Mr. Gross' memorandum of May 13 to Mr. Lovett, p. 960.

the message was on its way. The general sense was given me by Mr. Clifford and we started to prepare a statement for Mr. Ross to use in connection with our continuing efforts on the truce. The language to be used in the White House release was arrived at at a final conference in the middle of the afternoon in the Department prior to notice of the President's decision but based on the assumption that it would be in favor of recognition.

After the completion of this, sometime about 5:30, I called Mr. Clifford and told him that the General Assembly was in session and was winding up, and that it was our guess that it would be over by around ten o'clock that night. I asked him if he would endeavor to delay the announcement until after the General Assembly, but he said again that time was terribly important and that he did not feel that the President would do this although he would discuss it with him. I reminded Clifford that we had to have time to get the message to Senator Austin and asked him to let me know as soon as the final decision was reached. Mr. Clifford was with the President at the time and said that he would call me back after they had talked it over.

About twenty minutes to six I was told that the President was going to make the announcement shortly after six o'clock and that it was all right to call Senator Austin and tell him of the action. Mr. Rusk called the Senator about a quarter to six and gave him the information. The various cables had been released on the basis of this action being possible so that they had gone out some time before.

In this memorandum of conversation I have omitted, for the sake of brevity, the long arguments back and forth throughout the afternoon. My protests against the precipitate action and warnings as to consequences with the Arab world appear to have been outweighed by considerations unknown to me, but I can only conclude that the President's political advisers, having failed last Wednesday afternoon to make the President a father of the new state, have determined at least to make him the midwife.

ROBERT A. LOVETT

501.BB Palestine/5-1748

Memorandum by the Secretary of State to the Under Secretary of State (Lovett)

TOP SECRET

[WASHINGTON,] May 17, 1948.

At my meeting with the President at 12:30 today we first took up the question of the position paper for our representatives at the Security Council for the meeting this afternoon. I read the draft to him,

and Rusk and I explained some of the details to all of which he agreed and formally approved the paper.¹

Following this I had Mr. Rusk explain to him the present situation regarding the arms embargo and following that I stated that I was not certain that Mr. Rusk had made the facts clear enough. The President then said "I will recite how I understand it" and did so reflecting correct understanding of our point of view.

After Mr. Rusk's departure I again referred to the arms embargo and read the section of the Resolution of April 17 that referred to it and made a particular point of the fact that we must proceed in this matter with extreme care or we will give a final kick to the UN. The President agreed to that view of the matter. I went on to say that we had to see what happened and he said he agreed, that we have to see who does what to whom and quoted my language to the press. I added some other explanations of possibilities in the case all of which he agreed with.

Incidentally he did not know up to that time what had occurred at the Security Council in the absence of Ambassador Austin and the fact that Sayre² was unaware of what was coming, and treated it somewhat as a joke as I had done but I think we both privately thought it was a hell of a mess. I went on to say that we felt that the United States had hit its all-time low before the UN and that we must be most careful what we do in relation to this arms embargo.

[Here follow two paragraphs of discussion on candidates to head the United Nations program of relief for Palestine refugees.]

There were no other matters discussed.

G. C. MARSHALL

¹ For Ambassador Austin's statement before the Security Council on May 17, see *infra*.

² Francis B. Sayre, a member of the United States Delegation at the United Nations.

*Statement Made by Ambassador Austin Before the Security Council
on May 17, 1948.*¹

MR. AUSTIN (United States of America) : The Security Council now has adequate information to demonstrate that its earlier efforts to bring an end to the fighting in Palestine have been unsuccessful. Actually, fighting now in progress in Palestine, together with the statements being made by all the parties directly involved, clearly indicate to the United States Government that there is a threat to the peace and a breach of the peace within the meaning of Article 39 of the Charter. We believe, therefore, that the Security Council should find that the situation with respect to Palestine constitutes a threat

¹ Reprinted from SC, *3rd yr.*, No. 67, p. 2.

to the peace and a breach of the peace under Article 39. We believe that the Security Council should issue an order as a provisional measure under Article 40 calling upon all authorities who are in control of armed elements now operating in any part of Palestine to bring about an immediate standstill in all military operations.

I shall read at this point a draft resolution on the Palestine question herewith being submitted by the United States delegation.

"The Security Council,

"Taking into consideration that previous resolutions of the Security Council in respect to Palestine have not been complied with and that military operations are taking place in Palestine,

"Determines that the situation in Palestine constitutes a threat to the peace and a breach of the peace within the meaning of Article 39 of the Charter;

"Orders all Governments and authorities to cease and desist from any hostile military action and to that end to issue a cease-fire and standfast order to their military and para-military forces to become effective within thirty-six hours after the adoption of this resolution;

"Directs the Truce Commission established by the Security Council by its resolution of 23 April 1948 to report to the Security Council on the compliance with these orders."

Meanwhile, in order to permit the Security Council's Truce Commission to proceed with maximum speed, the Security Council should ascertain which Arab authorities are responsible for the Arab aspects of the situation in Palestine, and ensure that such Arab authorities have designated representatives to deal with the Truce Commission. The United States considers that additional information on Palestine is desirable. The Security Council may wish to put a number of questions to the principal authorities. Some of these questions will be familiar, but it seems necessary to bring together in compact form all of the relative facts that can be obtained for the further information of the Security Council, and to obtain these facts before a decision is made.

I am submitting the type of questions which we think should be propounded to all of the parties interested in the following matters:

I. Questions to Egypt, Saudi Arabia, Transjordan, Iraq, Yemen, Syria and Lebanon:

(a) Are armed elements of your armed forces, or irregular forces sponsored by your Governments, now operating in Palestine?

(b) If so, where are such forces now located and under what command are they operating, and what are their military objectives?

(c) On what basis is it claimed that such forces are entitled to enter Palestine and conduct operations there?

(d) Who is now responsible for the exercise of political functions in the Arab areas of Palestine?

(e) Is such authority now negotiating with Jewish authorities on a political settlement in Palestine?

(f) Have the Arab Governments entered into any agreement among themselves with respect to Palestine?

(g) If so, what are the terms of the agreement?

II. *Questions to the Arab Higher Committee:*

(a) Is the Arab Higher Committee exercising political authority in Arab sections of Palestine?

(b) What governmental arrangements have been made to maintain public order and to carry on public services in Arab sections of Palestine?

(c) Have the Arabs of Palestine requested assistance from Governments outside of Palestine?

(d) If so, from what Governments, and for what purpose?

(e) Have you named representatives to deal with the Security Council Truce Commission for the purpose of effecting the truce called for by the Security Council?

III. *Questions to the Provisional Government of Israel:*

(a) Over which areas of Palestine do you actually exercise control at the present time?

(b) Do you have armed forces operating outside areas claimed by your Jewish State?

(c) If so, on what basis do you attempt to justify such operations?

(d) Are you negotiating with Arab authorities regarding either the truce or a political settlement in Palestine?

(e) Have you named representatives to deal with the Security Council Truce Commission for the purpose of effecting the truce called for by the Security Council?

(f) Will you agree to an immediate and unconditional truce for the City of Jerusalem and the Holy Places? ²

²The questions submitted by Ambassador Austin were discussed at both sessions of the Security Council on May 18 and adopted with changes. The stipulation was made that the questions be answered within 48 hours from noon, May 19. For the record of discussions on May 18, see SC, *3rd yr.*, No. 68. The text of the questions, as adopted, is printed in SC, *3rd yr.*, *Supplement for May 1948*, p. 90.

The reply by Transjordanian Foreign Minister Mulki was a refusal to answer the questions; its text as read to the Security Council by Ambassador Austin on May 22 is printed in SC, *3rd yr.*, No. 72, p. 42. All the other recipients of the questions gave substantive replies. Those by Egypt, Israel, Syria, Iraq, and Lebanon are printed *ibid.*, pp. 6-16; that by Saudi Arabia is printed in SC, *3rd yr.*, *Supplement for May 1948*, p. 96. The replies from Yemen and the Arab Higher Committee have been released by the United Nations in documents S/774 (Add. 1) and S/775.

867N.01/5-1848 : Telegram

The Chargé in the Soviet Union (Durbrow) to the Secretary of State

Moscow, May 18, 1948.

937. Soviet press May 18 carried texts of note Foreign Minister of Israel Shertok requesting Soviet recognition Israel and Molotov's note conveying Soviet Government's affirmative decision.

Department pass Jerusalem 10.

DURBROW

News Division Files

Memorandum by Mr. Michael J. McDermott of the Press and Radio News Conference by the Secretary of State on Wednesday, May 19, 1948

[Extract]

When a correspondent asked for comment on the status of the studies in this country on the revision or modification of the arms embargo to the Middle East, Mr. Marshall replied that we had had the matter under consideration for some time. He explained that we also had to consider the attitude of the Security Council on this matter. When asked if we had made any attempt to find out the attitude of the Security Council, he replied that we had proposed a resolution relating to Chapter 7 of the Charter but that no action had been taken one way or the other as yet. Mr. Marshall explained that Chapter 7 involved such a question, and said that on April 17th the Security Council had made an announcement calling on all parties for certain action and certain reservations, one of which applied to arms. Asked if this meant that there would be no announcement on embargo policy until after the Security Council announced its decision, he repeated again that we would have to observe the attitude of the Security Council.

MICHAEL J. McDERMOTT

867N.01/5-1048

The Secretary of State to the British Ambassador (Inverchapel)

SECRET

WASHINGTON, May 19, 1948.

DEAR MR. AMBASSADOR: I appreciate the courtesy of your letter of May 10¹ with regard to the efforts which the High Commissioner at

¹ No. G.96/—/48, not printed.

Jerusalem has made in recent days to secure a truce for the whole of Jerusalem.

The developments of the past week in Palestine have broadened the issue beyond merely the problem of Jerusalem, but have not lessened the anxiety of this Government for the preservation of the city and the Holy Places in Palestine.

Our efforts in the Security Council must now be centered on ways and means to maintain the peace in Palestine.

As for the suggestion in your final paragraph that this Government exert special pressure on the Jews to accept a truce for Jerusalem, I feel that such action will now become merged in the larger issue. This Government, however, will do its utmost to exert pressure on both the principal communities of Palestine in an endeavor to establish peace in that country.

Faithfully yours,

G. C. MARSHALL

701.67N11/5-1948 : Telegram

The Minister for Foreign Affairs of the Provisional Government of Israel (Shertok) to the Secretary of State

TEL AVIV, May 19, 1948.

MH98. I have the honour to inform you that the Provisional Government of Israel having taken cognizance of its recognition by the United States Government has decided to seek the approval of the United States Government, which I confidently hope will be forthcoming without delay, for the establishment of the Legation of Israel in Washington and to appoint Mister Eliahu Epstein, former Representative of the Jewish Agency for Palestine, as the Minister of Israel in Washington.

I trust that the Legation will be accorded all proper facilities and that the cordial personal relations existing between Mister Epstein and officials of the State Department will continue in the new auspicious phase of his duties.

The Provisional Government of Israel hopes that the United States Government may soon see its way to establishing a Legation of the United States in the State of Israel and to sending for this purpose its representative to Tel Aviv with the status of a Minister.

I take this opportunity of reiterating the deep appreciation of the Provisional Government for the prompt recognition granted to it by the United States Government as the *de facto* authority. In the State of Israel as well as of expressing my own gratitude to you for the

personal consideration which you have so kindly shown to me and to Mister Epstein in the past.

For the Provisional Government of the State of Israel:

MOSHE SHERTOK
Foreign Secretary

501.BB Palestine/5-1948: Telegram

*The United States Representative at the United Nations (Austin)
to the Secretary of State¹*

TOP SECRET

NEW YORK, May 19, 1948—2:15 p. m.

674. For Marshall from Austin. For your personal information and that of the Department, the following appraisal of the present position of the US in the UN is transmitted with a view to its utility in framing further instructions for the guidance of the Mission in regard to the Palestine case and other political issues in the SC, the IC, and in the next session of the GA.

It is our best estimate recognition of the Provisional Government of Israel last Friday evening has deeply undermined the confidence of other delegations in our integrity and that this is a factor which the Department will want to keep in mind in the immediate future and for some time to come.

The following is our estimate of the way in which a large number of delegations view the sequence of events in the special session of the GA culminating in the announcement of our recognition of the Provisional Government:

1. Recognition constituted reversal of US policy for truce plus trusteeship as urged in special session of GA and, in later stages, US compromise resolution laying stress on truce plus mediation;

2. Concerning efforts to secure truce, both in SC and in informal truce negotiations, we had heavily emphasized that there should be no action of a political character which would alter the *status quo* or prejudice the rights, claims or positions of either Arabs or Jews. This was generally understood to apply primarily to the establishment of the Jewish state. SC truce resolution which had our strong backing included appeal to all governments to take all possible steps to assist in implementation of truce;

3. In carrying through this truce program under instructions which we understood had highest clearance, we persuaded other delegations of correctness of our position and induced them to come forward and

¹ A copy of telegram 674 was sent by Brig. Gen. Carter to Mr. Connelly under cover of a memorandum which read as follows: "Secretary Marshall asked me to see that the attached message is brought to the immediate attention of the President." (Truman Papers, President's Secretary's File)

carry a large share of the burden. They thus became publicly identified with our position;

4. The feeling is that although the Jews had not accepted the truce they disregarded the admonitions of the SC, violated spirit of truce effort, and prevented conclusion of formal truce. US immediately not only condoned but endorsed these violations, thus striking heavy blow at prospect of concluding any truce and equally heavy blow at prestige and effectiveness of SC and UN generally;

5. US by its immediate act of recognition of the Provisional Government, violated the terms of the SC truce resolution;

6. The consequence of foregoing is a lack of confidence in the integrity of US intentions and disbelief of further statements of future US intentions and policies;

7. This attitude in turn leads to strong desire to avoid being committed to any US position which might be reversed without notice;

8. As a further consequence, other governments feel the necessity of recapturing their own freedom of action to make spot decisions instead of supporting us or relying on UN, since this appears to them to be current US attitude;

9. An important contribution to foregoing attitude was failure of US to inform or consult before announcement of final step. We had developed here closest and most friendly relations large number other delegations which desire to support our foreign policies not only in UN but generally. We had kept each other informed, working out mutually acceptable points of substance, strategy, and tactics. Method by which US recognition action was taken without prior notice or consultation deeply offended many of those who had collaborated closely with us;

10. With two or three exceptions our closest and most consistent supporters among other delegations, while expressing friendly personal feeling are manifestly mistrustful of continuing cooperation on basic questions of policy or strategy, or even of tactics.

It, of course, was to be anticipated that the delegations of the Arab states would be particularly bitter, but the reaction of other delegations such as those of Canada, China and a number of the Latin American states is not based on the merits but is due to a feeling, frankly expressed by them, that they have been double-crossed.

With particular reference to our immediate policy on Palestine and specifically the resolution which we have introduced in the SC calling for action under Chapter VII, the situation in our estimation is that if we press this to a vote it will not receive more than three or four affirmative votes. Delegations of governments which are generally well-disposed and friendly feel that a finding of breach of peace under Article 39 is unrealistic unless sanctions, if necessary, will be assured. In this connection delegations are completely mistrustful of our readiness to participate in sanctions. Current newspaper comment concerning possible US action on the existing arms embargo is an element mentioned by other delegations as contributing to their mistrust.

In the long run, of course, identity of interest between the US and various other governments will tend to outweigh current reactions, but it will take time to diminish current attitude of distrust. This means that positions taken by the US on a variety of topics may continue to be viewed with suspicion, and that other delegations will not be inclined to support us for fear that a change in our position will leave them vulnerable. We must, I feel, exercise particular care not to advance major proposals on political issues, particularly in the SC, without careful previous canvassing of delegations here. In many cases our objectives might best be obtained through support of proposals introduced by other delegations. In general, I believe we should be responsive to indications of fear of Russian expansion on the part of many delegations, and their underlying conviction of identity of interest with us.²

AUSTIN

² Mrs. Franklin D. Roosevelt, on May 16, had written a letter to the Secretary of State in which she stated that "The way in which the recognition of Palestine came about has created complete consternation in the United Nations." She commented also that although favorable to the recognition of the "Palestine State", she "would not have wanted it done without the knowledge of our representatives in the United Nations" and without "a very clear understanding beforehand with such nations as we expected would follow our lead."

The Secretary of State replied on May 18 as follows: "I have just read your note of May 16 regarding the recognition of Palestine. All I can say in reply is that in relation to the United Nations, Ambassador Austin was advised shortly before the recognition was to be made public, but unfortunately he was not present with the Delegation at the time the public announcement became known, and Mr. Sayre had not been advised of the situation by Mr. Austin.

"We were aware here of the unfortunate effect on our situation with the United Nations, which is much to be regretted. More than this, I am not free to say." (867N.01/5-1648)

867N.01/5-1948 : Telegram

The Minister in Lebanon (Pinkerton) to the Secretary of State

SECRET

BEIRUT, May 19, 1948—6 p. m.

191. *Marine Carp* now in Beirut is being searched and transit passengers destined Palestine together with their baggage being specially examined. Jews of military age regardless of citizenship may be removed and interned in Lebanon as they are regarded as reinforcements of Jewish forces in Palestine and therefore as danger to Lebanon, particularly as Lebanese Army is now in Palestine. Decision is not yet definite and immediately upon being informed of proposed intention I intervened with Foreign Office with view obtaining release American citizens but was informed public opinion both in Lebanon and other Arab states would probably make it impossible accede my request. Officer of Legation has been present during search and exami-

nation. Authorities are doing everything possible avoid delaying ship regardless of decision.

Will cable as soon as decision is taken and ship has departed.¹

PINKERTON

¹ In telegram 193, May 20, 11 a. m., Beirut reported that Lebanese authorities had removed 40 American citizens of Jewish descent from the *Marine Carp* and that "This Legation protested against removal passengers but as Lebanese stated they would be removed by force if necessary, Americans were advised that physical resistance might only lead to bloodshed. Result was that there was no violence and no use of force." (867N.01/5-2048) The telegram was received at 7 p. m. on May 20, one hour after telegram 252, p. 1017, was sent to Beirut. Other information in telegram 193 is included in the statement released by the Department on May 21; for text, see Department of State *Bulletin*, May 30, 1948, p. 712.

501.BB Palestine/5-2048: Telegram

*The United States Representative at the United Nations (Austin) to the Secretary of State*¹

SECRET

US URGENT

NEW YORK, May 20, 1948—11:18 a. m.

678. From Ross. Referring to phone talk with Rusk, following are questions I put to Beeley yesterday on personal and confidential basis:

"(A) As we understand it, the present UK position is:

1. To oppose a finding under Article 39 of the Charter that a threat or breach of the peace exists in Palestine;²

2. To continue assistance to Abdullah and other Arab States pending action by the UN which would make such continuance of assistance contrary to UK obligations under the Charter.

(B) These two points seem to be inconsistent and mutually exclusive and suggest a number of questions:

1. Does the UK Government consider that it is premature to take measures which would help put a stop to military action by the Arab States in Palestine?

2. Does the UK Government consider that military action by the

¹ The Department repeated this communication to London for information in telegram 1836, May 20, 6 p. m.

² Sir Alexander Cadogan addressed the Security Council on May 19 and outlined the United Kingdom's grave doubts concerning the invocation of Article 39 in the United States draft resolution. He then submitted a redraft of that resolution, the text of which is printed in SC, *3rd yr.*, No. 69, p. 6. Ambassador Austin immediately made known the opposition of the United States to the British measure, stating that that measure would transfer the problem out of Chapter 7 of the Charter and into Chapter 6, which dealt with the pacific settlement of disputes (*ibid.*).

Arab States in Palestine should be permitted to continue for the time being?

3. Does the UK Government consider that continuance of such military action would lead to stabilization of the political situation in Palestine?

4. If the answer to question (3) is in the affirmative, in precisely what way does the UK Govt envisage that continuance of such military action might lead to political stability?

5. Does the UK Govt consider that continuance of such military activity, coupled with Jewish resistance, will involve a serious risk that both the military and political situations in Palestine will get completely out of hand?

6. Is the UK Govt taking any specific steps, particularly in its relations with the neighboring Arab States, intended to prevent the situation in Palestine from getting out of hand?

7. With particular reference to relations between the UK Govt and Abdullah, what specific steps, if any, are being taken by the UK Govt which might help prevent the situation in Palestine from getting out of hand?

8. Does the UK Govt have any present views with regard to (a) the continued service of its officers in Abdullah's army and (b) the continued payment of subsidies to Abdullah?

9. Under what circumstances would the UK Govt consider as appropriate a finding under Article 39 of the Charter that a threat to and/or breach of the peace exists in Palestine?

10. Under what circumstances would the UK Govt consider as appropriate the application of sanctions under Article 41 against (a) the Jewish Provisional Govt. (b) the Arabs of Palestine or the Arab States, or (c) both Jews and Arabs?

11. Under Article 42?

12. To what extent would the UK Govt be prepared to participate in sanctions under Article 41 against (a) Jews, (b) Arabs, (c) both?

13. Under Article 42?

14. In the event of the inability or unwillingness of the SC to deal effectively with a threat to and/or breach of the peace in Palestine does the UK Govt. have any views concerning alternative methods of dealing with the situation?"

[ROSS]
AUSTIN

867N.01/5-2048 : Telegram

The Secretary of State to the Legation in Lebanon

SECRET US URGENT

WASHINGTON, May 20, 1948—6 p. m.

252. Your intervention on behalf of American Jewish citizens under detention by Lebanese authorities is approved. In event these Ameri-

can citizens not yet released or if American citizens are detained in future merely because they are Jews please inform Lebanese Govt that you have been instructed by your Govt to make it clear that US considers that all bearers of US passports, regardless of race, color or creed, are entitled in an equal measure to protection of US Govt and that US Govt must insist that Govts of other countries do not discriminate against bearers of US passports on ground of race, color or creed. You may add that the US Govt would be compelled to view seriously any discrimination of this character by any Govt against US citizens.

Sent Beirut 252; rptd Damascus 182, Baghdad 161, Jidda 187, Cairo 620, Jerusalem 436, London 1834.

MARSHALL.

501.BB Palestine/5-2148

*The Secretary of State to the Secretary-General of the United Nations
(Lie)*

[WASHINGTON,] May 21, 1948.

DEAR MR. SECRETARY GENERAL: I have your personal letter of May 16 on the need for effective Security Council action on Palestine, delivered to the State Department on Monday, May 17. As you were informed orally by Ambassador Austin, the resolution proposed by the United States on May 17 was intended to establish a basis for Security Council action to pacify that situation.

As for consultations between your office and the Department of State, please be assured that the Department will always be ready to discuss with you or your representatives issues which are pending before the various organs and bodies of the United Nations. We necessarily rely very heavily upon Ambassador Austin as our permanent Representative to the United Nations and would suggest, therefore, that you take up with him the question of whether direct discussions between the Department of State and the Secretariat would be desirable under any given set of circumstances.

I now plan to be in New York on Tuesday, May 25, and hope that we can have lunch together, with Ambassador Austin, at the Waldorf-Astoria. If so, we can discuss the questions raised in your letter which need further attention.¹

Faithfully yours,

G. C. MARSHALL.

¹ The editors have found no official record of a conversation between Marshall and Lie on or about May 25, but see Henderson's memorandum of May 25 to the Secretary, p. 1044.

867N.01/5-2148

*Memorandum of Conversation, by the Under Secretary of State
(Lovett)*

SECRET

[WASHINGTON,] May 21, 1948.

Participants: Mr. Lovett
Sir John Balfour, British Chargé d'Affaires
Mr. Henderson, NEA
Mr. Rusk, UNA

Sir John Balfour called upon me today in order to convey orally certain views which he had just received from Mr. Bevin by telegram regarding developments in Palestine.

Sir John explained that Mr. Bevin thought it desirable for Mr. Marshall to have these views in mind so as to avoid the British getting to unnecessary cross-purposes with the Americans, and so that Mr. Marshall should be aware that there were certain courses of action to which the British Government could not agree. The following is a summary of the views of Mr. Bevin as set forth by Sir John :

Mr. Bevin is particularly anxious that, over Palestine as over other matters, the British and the Americans should not drift apart, and it would obviously be dangerous if the situation were to develop in such a way that the Americans were giving increased support to one party and the British to the other.

Nonetheless, there are certain points of policy concerning Palestine from which Mr. Bevin cannot deviate. He does not intend in the near future to recognise the Jewish state, nor to support any proposal that it should become a member of the United Nations. In this connection, Mr. Bevin hopes that, even though the United States Government may have recognised the Jewish state *de facto*, they will not commit themselves to any precise recognition of boundaries. It might well be that, if the two sides ever accept a compromise, it would be on the basis of boundaries differing from those recommended in the partition plan of the General Assembly.

Mr. Bevin also hopes that the United States Government will feel able to maintain its arms embargo. If this is raised, HMG will almost certainly be obliged to raise their own embargo on the export of arms to certain Arab states, and the unfortunate position will then be reached of one side being largely armed by the Americans and the other by the British.

Mr. Bevin cannot agree to any action under Article 39 of the United Nations Charter at least at this stage, since the situation in Palestine is so confused that an impartial assessment of the true position is needed before any such drastic action is taken, the effect of which would be to place the blame upon one party only.

Further, it must be remembered that, under the terms of the British treaty with Trans-Jordan, HMG would be obliged to go to Trans-Jordan's assistance in the event of an incursion by forces from outside into Trans-Jordan territory, and that this situation may come about should the Jews obtain military successes and pursue retreating Arab forces over the frontier into Trans-Jordan.

Mr. Bevin points out that the development of United States policy over Palestine has unfortunately placed a heavy strain on Anglo-American cooperation in the Middle East. It has had the effect of arousing bitter Arab resentment against the United States in an area which the British and American Governments regard as of high strategic and political importance to both of them. Unless the Arab countries can be induced to retain some confidence in the friendly understanding and fairness of both the United States Government and HMG on the Palestine issue, they may turn away from Western countries altogether.

With these thoughts among many others in mind, Mr. Bevin earnestly hopes that the United States Government will acquaint HMG with any further initiatives on their part which might compel the latter to take a different line or oppose their actions. His Majesty's Government are anxious that the actions of the United States and themselves should conform to the real interests in the Middle East which they share in common.

PPS Files, Lot 64 D 563, Near and Middle East, 1948

*Memorandum by the Director of the Policy Planning Staff (Kennan)
to the Secretary of State*¹

TOP SECRET

[WASHINGTON,] May 21, 1948.

The Policy Planning Staff, while fully cognizant of the limitations on formulation of policy in the Department on the Palestine matter, wishes to record once more its deep apprehensions over the trend of U.S. policy.

The Staff paper No. 19 of January 19, 1948² and the supplement of January 29 made clear the view of the Staff that this Government should not take any action which would:

- (a) lead us to the assumption of major responsibility for the maintenance and security of a Jewish state in Palestine; or
- (b) bring us into a conflict with the British over the Palestine issue.

The second of these documents specifically warned, in section 4, against our acceptance of the thesis that armed interference in Palestine by the Arab states would constitute aggression, which this Gov-

¹ Addressed also to the Under Secretary of State.

² See p. 546.

ernment would be bound, as a member of the United Nations, to join in opposing.

The course of action we are now embarking on in the UN leads us in the direction of all of these situations. It thereby threatens not only to place in jeopardy some of our most vital national interests in the Middle East and the Mediterranean but also to disrupt the unity of the western world and to undermine our entire policy toward the Soviet Union. This is not to mention the possibility that it may initiate a process of disintegration in the United Nations itself.

The fact that we have not yet been able to obtain the support of a Security Council majority for the courses we are advocating relieves us of none of our responsibility.

The Staff considers, therefore, that the problem of the wisdom of this course is a grave and crucial question of national security which should be decided only on the advice of the National Security Council and after the most careful and thorough deliberation.

GEORGE F. KENNAN

PPS Files, Lot 64 D 563, Near and Middle East, 1947-1948.

Memorandum by the Under Secretary of State (Lovett) to the Secretary of State

TOP SECRET

[WASHINGTON,] May 21, 1948.

I forward the attached memorandum¹ on the subject of Palestine from the Policy Planning Staff with concurrence in their recommendation that the course which this Government embarks upon should be cleared with the National Security Council after careful consideration. (You will recall, in this connection, that you presented the memorandum outlining the course of action now being followed in the Security Council to the President when you were accompanied by Mr. Rusk, and that the President approved the procedures being followed.²)

I am unable, however, to join the Policy Planning Staff in the views expressed in their January 19 and January 29 papers on this subject insofar as they state that "this Government should not take any action which would bring us into a conflict with the British over the Palestine issue". I would gladly agree if the policy were to join the British when they are right and oppose them when they are wrong. I cannot believe that the United States should give the British an implied warrant to take any course of action they may choose, however irresponsible, provocative, or unjust. I feel that this Government should endeavor to

¹ *Supra.*

² See the initial paragraph of Secretary Marshall's memorandum of May 17 to Mr. Lovett, p. 1007.

cooperate fully and loyally with the British and that it should try to reach agreement on a parallel course of action wherever possible, but I think that it is of at least equal importance that this Government pursue a course which it feels to be just and in keeping with the obligations we have undertaken as a member of the United Nations. If this brings us into conflict with the British, I think we should face up to this fact and not join them in actions we feel to be improper merely to avoid the conflict.

I agree fully with the Policy Planning Staff that major responsibility for the maintenance and security of a Jewish state in Palestine should not be assumed by this Government. It is my understanding that the present policy of this country is to act only as a member of the United Nations and, as such a member, to undertake only its pro rata share of any obligation accepted by the United Nations, and then only if other countries do likewise.

It is hard for me to follow a line of reasoning which suggests, by implication at least, that "a process of disintegration in the United Nations" is initiated by the United Nations carrying out its primary functions—to maintain international peace and security. It would seem to me to be equally logical to suggest that, if the United Nations does not exercise its appropriate functions in the preservation of international peace and security, it seals its own doom.³

ROBERT A. LOVETT

³ Marshall S. Carter, in a memorandum of May 25, transmitted to Secretary Marshall the memoranda by Messrs. Kennan and Lovett, noting that "the Policy Planning Staff has been recording its deep apprehensions over the Palestine policy for about the last six or eight months." A marginal notation by the Secretary states: "I read this and agree with Lovett."

In a memorandum of June 3 to Secretary Marshall and to Mr. Lovett, George H. Butler cited a meeting of the Policy Planning Staff the day before, when "It was agreed that we should begin immediately to develop a paper on Palestine and its overall policy implications, particularly with respect to the Middle East, for submission to you and eventual clearance through the National Security Council." The memoranda by Carter and Butler are filed in the Policy Planning Staff papers, PPS Files, Lot 64 D563, Near and Middle East, 1947-1948.

867N.01/5-1748

Memorandum by the Legal Adviser (Gross) to the Under Secretary of State (Lovett)

SECRET

[WASHINGTON,] May 21, 1948.

Subject: Egyptian and Syrian Blockade of Palestinian Waters.¹

Discussion:

The Government of Egypt has delivered to our Embassy in Cairo a memorandum calling attention to the danger to American shipping

¹ Documentation on the question of possible Egyptian restriction of the right of transit through the Suez Canal in 1947 is presented in *Foreign Relations, 1947*, vol. v, pp. 755-776.

approaching the Palestinian coast, while the Government of Syria has proclaimed a blockade of the maritime waters of Palestine.²

The action of Egypt follows that Government's previous announcements declaring an embargo on cargoes being trans-shipped through Egypt to Palestine and a military proclamation regarding the right to requisition all ships at Port Alexandria, Port Said and Suez. The latter problems, however, concern action contemplated within the bounds of Egyptian jurisdiction so that it is considered desirable to disassociate them from the attempt to establish a blockade of Palestinian waters.

The Maritime Commission has been informed of the purported blockade in order that this information can be furnished to American shippers, although no recommendations have been made as to the action which the shipping companies should take.

A blockade may be declared only during time of war, and some degree of effectiveness must be exercised.

In view of the threat to American shipping, it is considered desirable that the United States Government reserve its rights by filing a protest to the announcements of the Egyptian and Syrian governments, basing the protest on the freedom of navigation of the high seas and the absence of any rights on the part of Egypt and Syria to extend their control to areas outside their jurisdiction.

Recommendations:

It is recommended that the attached telegrams be sent, instructing the Department's representatives to protest the announcements by Egypt and Syria of a blockade of Palestinian waters.³

Concurrences: SD, NE, CP, UNA, IS, NEA.

Attachments: Telegrams to Cairo and Damascus.

² The Egyptian and Syrian actions were brought to the attention of the Department in telegrams 534, May 17, from Cairo, and 300, May 19, from Damascus, neither printed (867N.113/5-1748 and 867N.01/5-1948).

³ Marginal notation by Mr. Lovett: "ok". The telegram to Cairo is printed *infra*; that to Damascus is not printed.

867N.01/5-1748: Telegram

The Secretary of State to the Embassy in Egypt

SECRET

WASHINGTON, May 21, 1948—7 p. m.

633. Urtel 534, May 17,¹ for info Emb and use at your discretion. Dept of view that blockade may not be declared under international law in absence state of war and in absence exercise of sufficient power

¹ Not printed.

to make blockade effective. Please deliver following note Egyptian FonOff:

"I have the honor to acknowledge the receipt of your Excellency's note dated May 17, 1948 to which was attached a memorandum in which your Excellency requested this Embassy urgently to draw the attention of my Government to the 'positive dangers at present existing for every ship, whether merchantmen or transport, approaching the Palestinian coast where it would be exposed to the measures that the Royal Egyptian Government finds itself immediately obliged to take, in order to insure the security of its troops in Palestine, in consideration of the realization of its ends . . .'

"I have been instructed by my Government to inform your Excellency that with regard to the memorandum attached to your note of May 17, 1948, the Government of the United States feels itself bound to protest the action of the Egyptian Government in attempting by its announcement to prohibit the freedom of navigation of the high seas of the Mediterranean and to extend its control to any waters beyond the jurisdiction of the Government of Egypt and hereby gives notice that it cannot recognize as valid any action of the Egyptian Government which may be taken pursuant to the announcement."

Similar instruction being forwarded Damascus² in response to FonOff notice of "maritime blockade".

Please advise when note has been delivered in order that press release may be issued if considered desirable.

Sent Cairo 633, repeated London 1859, Damascus 186, Jerusalem 448, Jidda 193, Beirut 256.

MARSHALL

² In telegram 185, May 21, 7 p. m., not printed.

501.BB Palestine/5-2148: Telegram

*The United States Representative at the United Nations (Austin)
to the Secretary of State*

CONFIDENTIAL URGENT NEW YORK, May 21, 1948—8:30 p. m.

689. Mytel 678.¹ From Ross. Following handed me this afternoon by Beeley in response to questions I gave him May 19:

"You will understand that the following answers to the questions you handed me on the 19th May have no more authority than my personal opinion.

"I will comment first on your definition of the present position of the UK Government. It seems to me that there are at least two serious objections to proceeding under chapter VII of the Charter:

"(I) In our view the word 'peace' in Article 39 must be read as

¹ Dated May 20, p. 1016.

it will end in some kind of military stalemate which will probably indicate the lines along which a permanent political settlement can be found. The value of the UN mediator is that his presence on the scene when that stage is reached will provide machinery through which the two parties can begin to negotiate with one another as soon as they begin to appreciate the inevitability of a compromise.

"No. 5. There are certainly risks involved in letting matters take their course for a time. The most important of these is that the Soviet Union might in some way exploit the situation. I am doubtful, however, whether they will be strongly tempted to intervene directly in Palestine to any important extent. My own speculation is that their primary aims are the following:

"(I) To drive a wedge between the Arab world and the US.

"(II) To create conditions likely to weaken the present regimes in the Arab countries. They no doubt foresee that either weakness in supporting the Palestine Arabs or military reverses in Palestine would bring down the governments at least of Iraq and Syria and might even create a revolutionary situation in those two countries.

"You will forgive me for saying that the Russians must be reasonably satisfied with developments so far. I think they will not commit themselves more deeply than they have already done in support of the Jews, but will keep their hands sufficiently free to take advantage of the political changes for which they are hoping in the Arab states.

"Nos. 6 to 7. The UK Government has used all its influence to urge moderation on the Arabs. In particular, they used their influence with every Arab government and with the SYG of the Arab League in favor of acceptance by them of the articles of the truce which were under consideration until they were rendered out of date by the proclamation of a Jewish state on the 14th May. The UK Government are still urging the Arab states to act with a sense of their responsibility as members of the international community, but it must be remembered that British influence with these states depends upon:

"(I) Their conviction that in broad objective, if not always in detail, our policies and theirs are harmonious.

"(II) The absence of overwhelming pressure from their own public opinion in a direction contrary to that indicated by British advice.

"In view of the present mood of the public in all Arab countries, our influence is for the moment limited. On the other hand, there is evidence that our present policy is strengthening the confidence of the Arabs in our intentions towards them and this should enable us to use our influence with appreciable effect when the time comes for the UN mediator to bring the parties into contact in Palestine.

"No. 8 has been answered by a Foreign Office spokesman in London.

meaning 'international peace'. A decision that what is now happening in Palestine constitutes a threat to international peace might imply conclusions concerning the juridical status of Palestine which we feel would not be justified in present circumstances. We consider, as the terms of our amendment to your draft resolution indicate, that the juridical status of Palestine is still obscure.

"(II) In Charter terms, your resolution appears to contain: (a) a determination under Article 39, and (b) a proposal for provisional measures under Article 40. The last sentence of Article 40 provides that 'the SC shall duly take account of failure to comply with such provisional measures'. It therefore seems likely that the approach to the problem through Chapter VII might very quickly lead to proposals for economic or military sanctions against one party in the present conflict.

"We do not think that a procedure which might end in sanctions against either Arabs or Jews, involving in the first instance a prolonged discussion on the question of responsibility for the present state of affairs and eventually the risk that our two governments might reach different conclusions on this question, is one which we can afford to adopt in the present state of international relations. What we would prefer is to see the situation in Palestine treated, without reference to the question of responsibility for its origins or continuance, as a situation containing a potential threat to world peace. This attitude towards it leads us to the conclusion that action should first be taken under Chapter VI of the Charter. But it does not exclude, in my view at least, subsequent or even concurrent, action to seal off the area of conflict in order to prevent its effects from spreading and from involving wider international relationships. If it proves possible to take comprehensive and effective measures to this end, I think the UK Government will be found ready to bring their relations with the Arab states into conformity with these measures.

"In other words, the 'action by the UN' which, as you state, is a condition of reconsidering the treaty obligations to certain Arab governments, need not necessarily take the form of a finding under Article 39 with the consequences which on present evidence we are disposed to think might follow from that finding. It follows that the two principles with which your paper begins are not mutually inconsistent. They do, however, involve the opinion that the UN should act impartially on an issue in which we believe that neither party has a claim to the backing of the UN against the other.

"Now for your questions.

"Nos. 1 to 2. It is not within the power of the UN to stop the fighting in Palestine at present. Noting the form of your questions, I would add that the UK Government would certainly not approve of measures to stop military action by the Arab states only.

"Nos. 3 to 4. It is my personal view that there can be no stabilization of the political situation in Palestine without a period of fighting. I think there is a good chance that this fighting may convince both Jews and Arabs that they cannot obtain the whole of their claims, and that

"Nos. 9 to 14. I think the answers to these more hypothetical questions are implied in what I said about our present position at the beginning of this note. I do not think our policy is intended to exclude either support for sanctions applied impartially against both Jews and Arabs, or even participation in the necessary measures to make those sanctions effective. But, of course, any precise proposals made would have to be considered on their merits when they were put forward."

[Ross]
AUSTIN

501.BB Palestine/6-3048

*Memorandum by the Department of State to President Truman*¹

TOP SECRET

WASHINGTON, May 22, 1948.

The Department of State finds it necessary to instruct Ambassador Austin promptly with regard to the policy of the United States on the shipment of arms and military equipment to the Near East.

From the point of view of the foreign policy of the United States, the basic factors in the situation are:

(a) The increasing violence in Palestine and our determination to do everything we can as a Member of the United Nations to bring about a cease-fire in that country;

(b) Our policy in accord with the Security Council resolution of April 17, 1948, to take all possible steps to assist in securing a cease-fire and a cessation of hostilities in Palestine. Article 3 of that resolution calls upon all governments to take such steps "and particularly those referring to the entry into Palestine of armed bands and fighting personnel, groups and individuals and weapons and war materials".

(c) The increasingly serious strain being placed on the relations between the United States and the United Kingdom by the position of the United Kingdom with respect both to their assistance to the Arabs and to United States efforts to obtain prompt action by the Security Council.

It is recommended that the President authorize the Department of State to instruct Ambassador Austin on the basis of the following statement of United States policy:

(a) The United States continues to urge that the Security Council act immediately to bring about a cease-fire in Palestine. The most immediate action which it can take is to direct an order under Articles 39 and 40 of the Charter to all governments and authorities controlling

¹The Department, on May 26, notified New York that this memorandum had received tentative White House approval (telegram 327, 501.BB Palestine/5-2648). Filed with this telegram is an undated copy of the memorandum to President Truman, which contains a marginal notation by Mr. Lovett that the memorandum was "Approved by President & original initialed. Cleared again May 27th".

armed forces in Palestine, requiring them to issue an immediate cease-fire order to such armed forces. That is the basis of the resolution proposed by the United States in the Security Council on May 17, 1948, and will continue to represent our views so long as fighting continues.²

(b) If the Security Council issues such an order under Articles 39 and 40 of the Charter (or calls upon the parties under Chapter VI of the Charter to effect a cease-fire for all of Palestine), the United Nations must expect prompt compliance from all governments and authorities involved in the fighting in Palestine. If there is failure to comply, the United States will be prepared to adjust its arms embargo policy to support the action of the Security Council.

(c) The United States should support action by the Security Council under Article 41 to order all governments to refrain from the shipment of weapons and war materials, and the rendering of other military assistance, to governments and authorities now participating in hostilities in Palestine. This order by the Security Council would remain in force so long as the cease-fire order is complied with by the governments and authorities participating in hostilities in Palestine.

(d) If the Security Council succeeds in bringing about a cease-fire and in placing an effective general arms embargo against all those participating in any way in the fighting in Palestine, the United States will retain its present arms embargo on the entire Near East until such time as there is no longer any danger of hostilities.

(e) If the Security Council is unable to take effective action to bring about a cease-fire or to impose a general arms embargo the United States will inform the Security Council that we shall resume our freedom of action with respect to the licensing of arms shipments.

The Department of State wishes particularly to invite the attention of the President to the fact that the policy proposed above engages the most solemn powers and responsibilities of the Security Council and involves a major political commitment on the part of the United States. If such a policy is to have the desired effect, it must be pursued with vigor and singleness of purpose; otherwise, the Security Council will be demoralized and our attitude toward lifting the arms embargo itself might become the cause of even greater bloodshed in Palestine.

² In a telephone conversation at 1 p. m., May 27, with Mr. Beeley, Mr. Jessup stated "That we simply can't go back on the stand we took on May 17. We have got to stand by our insistence on our feeling that this does require definite action under Chapter VII. Now, we are not planning to put in any resolution today, but we can't take in the Council the initiative on anything which would suggest any change in our attitude because there has been none. Our general feeling is this, that our proposal on the 17th having been turned down and your initiative having been taken on the milder form of the resolution and no definite conclusion having come out of that, that we look to you to suggest the next step." (Undated memorandum by Mr. Jessup, USUN files)

Editorial Note

The Security Council voted on the United States draft resolution and the British amendments on May 22. Paragraph two of the United

States proposal, which called the situation in Palestine a threat to, and a breach of, the peace, within the meaning of Article 39, received 5 votes in favor, with 6 abstentions. The paragraph was not adopted, having failed to secure 7 affirmative votes. Colombia, France, the Ukraine, and the Soviet Union joined the United States in voting for this paragraph (SC, 3rd yr., No. 72, page 54). For the text of the resolution adopted later the same day, see *infra*.

Ambassador Austin made a statement before the Security Council prior to the final vote on the resolution, in which he expressed the belief of the United States that the resolution was "not wholly adequate to accomplish what is required in Palestine." He noted also that "The United States will vote for this amended resolution solely as it contains a call made to the parties to issue a cease-fire order within thirty-six hours after the stated time." He concluded that if the parties did not promptly comply, the Security Council would have to consider further action (SC, 3rd yr., No. 72, page 65).

*Resolution 49 (1948) Adopted by the Security Council on May 22, 1948*¹

The Security Council,

Taking into consideration that previous resolutions of the Security Council in respect to Palestine have not been complied with and that military operation are taking place in Palestine,

1. *Calls upon* all Governments and authorities, without prejudice to the rights, claims or positions of the parties concerned, to abstain from any hostile military action in Palestine and to that end to issue a cease-fire order to their military and paramilitary forces to become effective within thirty-six hours after midnight New York standard time on 22 May 1948;

2. *Calls upon* the Truce Commission and upon all parties concerned to give the highest priority to the negotiation and maintenance of a truce in the City of Jerusalem;

3. *Directs* the Truce Commission established by the Security Council by its resolution 48 (1948) of 23 April 1948 to report to the Council on the compliance with the two preceding paragraphs of the present resolution;

4. *Calls upon* all parties concerned to facilitate by all means in their power the task of the United Nations mediator appointed in execution of General Assembly resolution 186 (S-2) of 14 May 1948.

¹ Reprinted from SC, 3rd yr., *Resolutions*, p. 19.

867N.01/5-2248 : Telegram

The Consul at Jerusalem (Wasson) to the Secretary of State

RESTRICTED

JERUSALEM, May 22, 1948—9 a. m.

692. Now extremely difficult get in touch with prominent and representative Arabs but such Arab reaction to American *de facto* recognition of Israel as has become available to us is that United States has betrayed Arab States. Arab opinion reaching us extremely bitter against United States. Feeling among some Arabs is that foundation state of Israel is menace security well-being Arab states. These persons state that if Arab Armies defeated in major engagement with Jews public reaction in such countries as Egypt and Iraq will be so unfavorable that present governments will fall and both domestic and foreign Communist elements will take advantage of resultant situation to attempt foment public disorder and undermine national security. Foundation State of Israel has been described by some Arabs here as "made to order as bridge head for penetration of Near East by USSR".

Turkish Consul in conversation with Consul General officers said "I am entirely unable understand US policy. On one hand, you help Greece and Turkey and on other hand you undermine us from rear".

Jews are of course elated and Consul General informed that demonstrations took place in Tel Aviv and Haifa. In Jerusalem Jews are faced with immediate and grim task of warfare and have not been able give much thought to anything but business at hand. Jew feelings seems be that US recognition must be followed by strongly positive action to give support to Jewish state as well as to Jews of Jerusalem.

WASSON

Editorial Note

Lebanese Foreign Minister Frangié informed Minister Pinkerton on the evening of May 15 that the "Political Committee of Arab League in session at Damascus was deeply disappointed and shocked by President's recognition of new Jewish State of Israel." (Telegram 182, May 16, 1 p. m., from Beirut, 867N.01/5-1648)

At Damascus, "Intense preoccupation with movement Arab armies, closing university and martial law have held expressions public resentment against US recognition state to minimum. . . . Most observers agree, however, current calm may swiftly turn into anti-American explosion after first serious Syrian defeat or with further active US

support of Zionists such as lifting arms embargo." (Telegram 295, May 16, 1 p. m., from Damascus, 867N.01/5-1648)

Official reaction in Cairo was said to be "comparatively mild" (telegram 529, May 16, 7 p. m., from Cairo, 867N.01/5-1648).

An *aide-mémoire* of May 21 from King Ibn Saud stated that United States recognition of the Jewish State had crushed the hopes of the Arabs (telegram 307, May 22, from Jidda, 867N.01/5-2248)

867N.01/5-2248 : Telegram

The Ambassador in the United Kingdom (Douglas) to the Secretary of State

TOP SECRET

LONDON, May 22, 1948—8 p. m.

2213. For Lovett from Douglas. I am convinced that crevasse widening between US and Britain over Palestine cannot be confined to Palestine or even to Middle East: It is already seriously jeopardizing foundation-stone of US policy in Europe—partnership with a friendly and well-disposed Britain. Irrespective rights and wrongs of question, I believe worst shock so far to general Anglo-American concert of policy since I have been here was sudden US de facto recognition Jewish state without previous notice of our intentions to British Government. Far beyond substance of act of de facto recognition, for which there is ample justification, was manner in which British Government and people have been shaken by what is here regarded as unilateral and precipitate US action deeply affecting a common problem in which US and UK have basically common interests—peace in Palestine and Middle East.

Worst prospect I can see on horizon American-British relations is possibility that we may raise embargo on Middle East arm shipments to favor Jews. If we do so, it will be only short step until British Government, impelled by what it conceives to be its vital interests in Middle East extending as far as Pakistan (see Embassy's 2138, May 17 and Embassy's 2161, May 19¹), may lift embargo re arms to Arabs. When this happens, the two great democratic partners will indirectly be ranged on opposite sides of a battle line scarcely three years after May 8, 1945.

Bevin who has been at Scarborough² has asked to see me tomorrow morning re Palestine.³

DOUGLAS

¹ Neither printed.

² Site of the Labour Party Conference.

³ This telegram was presumably drafted on May 21.

867N.01/5-2248 : Telegram

The Ambassador in the United Kingdom (Douglas) to the Secretary of State

TOP SECRET US URGENT

LONDON, May 22, 1948.

NIACT

2225. For the Secretary and Lovett from Douglas. At Bevin's request, I met with him this morning, in Michael Wright's presence, for a long discussion of Palestine. Many points covered in the conversation will be reported to you later. At the moment, however, there are several aspects of the problem of immediate significance.

1. (a) Bevin urges, with complete sincerity, that we give support to the British resolution pending in the Security Council calling for a cease-fire among the hostile forces. If accepted, he means that all hostilities shall cease, and that the Jewish and Arab forces, respectively, will be permitted to move within those portions of Palestine which are clearly Arab or Jewish as the case may be, to the extent that they do not come in conflict with opposing forces.

He believes this is the most realistic and hopeful approach, and that any suggestion involving evacuation or a standstill would certainly be rejected by both sides.

He does not suggest that we accept the British resolution necessarily, as it is presently drafted without modification, but that we support it with such amendments or changes as may fall within its general meaning.

(b) He believes that before Article 39 of the Charter is invoked and before sanctions are applied, the two hostile groups should be given an opportunity to accept or reject the cease-fire proposal, and if they accept it, to determine under the auspices of the mediator what peaceful settlement can be arranged.

(c) Moreover, he believes that invoking Article 39 probably will mean ultimate Soviet interference in Palestine and in the Middle East.

2. He hopes that at least until after having had an opportunity to review the situation, we will not precipitately lift the embargo on arms. The British are under great pressure to permit the free flow of arms into the Arab states. They have so far successfully resisted this pressure which is mounting every day. They will continue to resist, if we do not remove our embargo. If, on the other hand, we do lift it, it will be impossible for the British to maintain theirs. Thus a situation far more serious than the present one, encompassing a much wider area probably would be created.

3. Bevin says that having relinquished the mandate, and having been divested of direct responsibilities under it, he, personally, though this has not been cleared with the Cabinet, is prepared to examine the position from a fresh vantage point.

4. At the Scarborough meeting of the Labor Party heavy influences were brought to bear upon him to speak of Palestine. These influences he repelled, because he was fearful that in defending the government's position, he might make some statement which might intensify the tension between our two governments on this question and might cast a cloud on Anglo-American relations generally. If, however, we insist on invoking Article 39 of the Charter and lift the embargo, it will be impossible for him to refrain from answering questions in the House of Commons which he knows, under these circumstances, will be put to him. In responding, he will naturally have to defend the government's position and will find it impossible to avoid making statements which may be misunderstood at home and may have the effect which he was fearful any comments at Scarborough might have produced.

5. Berger¹ has just returned from the Scarborough Labor Party conference and tells me that although nothing was said openly during the meeting, his personal associations, covering a wide range of party membership, indicated concern and disquiet about our relations with the British in Palestine and the Middle East.

6. From my personal knowledge, reinforced by what Bevin and Berger tell me, I feel that we should try to relax the pressure on the British by accommodating them on the two questions which Bevin has raised namely, the substance of the British resolution and the embargo on arms and by otherwise refraining from taking action, until at least there has been an opportunity to make a careful and joint appraisal of our respective positions. This appraisal on the British side will be given us immediately.

7. Since dictating the above, Bevin has just extended an invitation to me to meet with himself, the Prime Minister, Minister of Defense, Chiefs of Staff, and Minister of Commonwealth Relations early next week for the purpose of discussing the broad political and extensive strategic relations implicit in the Palestinian situation.

DOUGLAS

¹ Samuel D. Berger, First Secretary of Embassy in the United Kingdom.

501.BB Palestine/5-2348 : Telegram

The Secretary of State to the Embassy in Egypt

SECRET US URGENT
 NIACT

WASHINGTON, May 23, 1948—6 p. m.

641. Jerusalem's 716 May 23¹ reports that at 2045 local time official representatives of Jewish Agency informed Consulate General that Provisional Govt of Israel, in compliance with resolution adopted by

¹ Not printed.

SC yesterday, was prepared to observe cease-fire in all of Palestine, including Jerusalem, from 2000 hours "Jewish local time", which we take to be 12 noon EST. This would be in strict compliance with 36 hour cease-fire order of SC. Jewish readiness to observe cease-fire would be conditional upon similar Arab compliance, and could be effected earlier if Arabs willing.

Please call immediately upon FonMin or head of State, in your discretion, and state that this Govt is gravely disturbed at present course of developments in Palestine and hopes that Govt to which you are accredited will, as fellow member of UN, cooperate by compliance with SC cease-fire of May 22.²

Sent for action to Cairo 641; Damascus 188; Beirut 260; Jidda 194; Baghdad 166; Jerusalem 457; and for info to London 1878; Paris 1777; Brussels 775; USUN 319.

MARSHALL

² The Department, on May 24, directed Jerusalem to "ascertain from appropriate Jewish authorities whether order includes all Israel forces and has been agreed to by IZL and Stern." (Telegram 460, 867N.01/5-2348)

Jerusalem advised, on May 25, of information from a spokesman for the Jewish Agency that the cease-fire order included all Israeli forces, including IZL and Stern, and that both organizations "definitely accepted authority of Haganah". Vice Consul Burdett gave it as his opinion that their complete obedience to the Haganah command was still questionable (telegram 740, 867N.01/5-2548).

867N.01/5-2248

The British Embassy to the Department of State

SECRET

SUMMARY OF A TELEGRAM FROM THE FOREIGN OFFICE REPORTING A CONVERSATION ON PALESTINE BETWEEN MR. BEVIN AND THE UNITED STATES AMBASSADOR IN LONDON ON THE 22ND MAY

On the 21st May, I sent a message to Mr. Douglas that I should like to see him on the morning of the 22nd May to discuss further the question of Palestine, and, in particular, our grave concern at the increasing divergences of American and British policy on this question.

2. In the course of a long talk with Mr. Douglas this morning (22nd May), I said that we had made great progress with the United States over the questions of ERP, the Brussels Treaty and security measures for Europe. We were perturbed at the possible consequences of a continued drift apart. I said that changes in United States policy and some of the initiatives taken had left us bewildered and frustrated. Although His Majesty's Government had not felt able to agree to certain of the United States proposals, they had brought heavy and successful pressure to bear on the Arab Governments to withhold action until the 15th May in spite of constant Jewish provocation. On

the 14th May, we had been insistently urging the Arab States to agree to the United States truce proposals. But the immediate *de facto* recognition of the Jewish State by the United States Government had cut the ground from under the efforts which we were making, not entirely unsuccessfully, with the Arabs on the basis of these United States proposals.

3. United States recognition of the provisional Jewish Government was followed by the sudden introduction into the Security Council of the United States resolution proposing action under Article 39. If we agreed to the American proposal, we should be opening the door to Soviet intervention in the Middle East, and since no other powers were, so far as we knew, prepared to participate in consequential action, the result must be to discredit still further the United Nations.

4. I felt strongly that the implications of the present situation and of any remedial action in the United Nations designed to meet it needed to be very fully and carefully thought out. Palestine was a question of deep concern to the countries of the Middle East, to Pakistan and to other countries with Moslem inhabitants. American policy was antagonising these nations and making them feel that considerations of justice and fair dealing were being subordinated to electoral pressure from the Zionists in New York. All the facts unfavourable to the Arabs were being emphasised and none of the facts unfavourable to the Jews. Take the case of Jerusalem, the High Commissioner had succeeded in securing the agreement of both parties to a cease-fire for eight days and the agreement of the Arabs to a truce. The Jews had refused a truce and had then proceeded to break the cease-fire. That was the reason why fighting was now taking place in Jerusalem, and who could justly blame the Arabs? The Jews had occupied Jaffa and Acre, both of them Arab cities, as well as a large part of Western Galilee. These facts were overlooked or concealed. His Majesty's Government were trying to hold the balance even to prevent international action which would be as unjust as it would be unwise. But for this they were being abused and threatened.

5. I made it plain to Mr. Douglas that His Majesty's Government would not abandon the line which they believed to be right. But I was genuinely concerned at where all this was leading. The attitude of the whole Moslem world, and American and British interests in the Middle East, were at stake. I appealed for measured discussion between us of all the issues involved before matters proceeded further.

6. Mr. Douglas said that he fully agreed that it was most important that we should discuss and weigh together the whole range of political and strategic questions involved before either of us took further action, and said that he would inform his Government of my views.

7. We have therefore agreed to supply Mr. Douglas with an ap-

preciation of the position in relation to defence and of likely developments arising from the Palestine situation throughout the Middle East, India and Burma. He will discuss this with his Government, and it has also been arranged that he should meet myself, the Prime Minister, the Secretary of State for Commonwealth Relations, the Minister of Defence and the Chiefs of Staff here on this matter on the 25th May.

8. I earnestly trust that the United States Government will respond to our plea, and will suspend any further attempt to invoke Article 39 of the Charter or to raise their arms embargo pending the proposed joint review of the whole situation.¹

WASHINGTON, 24th May 1948.

¹ In an attached memorandum of May 24 to Mr. Lovett, the Secretary of State advised that he had read to President Truman the summary of the British Foreign Office telegram, "together with related documents particularly Douglas' message and his views. The President approves the proposal of Mr. Bevin in paragraph 8." In a marginal notation, Mr. Humelsine stated that he had read the Secretary's memorandum to Messrs. Henderson, Hickerson, and Rusk and that "Action already had been taken at the time of my reading on the para. 8 proposal by Mr. Henderson." Ambassador Douglas' message and views are contained in his telegrams 2213 and 2225, both dated May 22, pp. 1031 and 1032.

501.BB Palestine/5-2448

*Memorandum by the Secretary of State to the Under Secretary
of State (Lovett)*

TOP SECRET EYES ONLY

[WASHINGTON,] May 24, 1948.

I went over with the President the serious situation regarding Palestine matters particularly with reference to his reception of Mr. Weizmann and its possible implication of *de jure* recognition,¹ and also the

¹ As set forth in the Legal Adviser's memorandum of May 24 to Mr. Lovett, not printed; but see Mr. Lovett's memorandum of May 26 to President Truman and footnote 1, p. 1051. In an undated memorandum to the President, drafted by the Legal Adviser on May 22, the Department stated: "In view of the confusion which may exist concerning the significance of the proposed visit of Dr. Weizmann to Washington for discussion with the President, it is suggested that at the next press conference held by the President the following question and answer might dispel doubts concerning the legal effect of Dr. Weizmann's visit to the President:

"Q. Does the reception of Dr. Weizmann by the President constitute a change in the character of the recognition of the provisional government of Israel?"

"A. No. This Government recognizes the provisional government of Israel as the *de facto* authority of that state. The President wanted to greet Dr. Weizmann and to talk with him again before his departure for Israel."

A marginal notation by Mr. McClintock states that the memorandum was delivered to Mr. Clifford by Mr. Lovett on May 22 (501.BB Palestine/5-2248). For the remarks made by President Truman at his press conference of May 27 on the visit of President Weizmann, see telegram 1978, May 28, to London, p. 1072.

dangerous aspects involved in the question of the arms embargo. This was done along with reading numerous documents to him including Bevin's current message² and Douglas' views. I emphasized the tragic results which might well follow any action not carefully considered, its devastating results to him, not to mention the situation in the Middle East, and I said the only protection that I could see at the present time was a very careful maintenance of a relationship between Clark Clifford and you, Lovett, so that no action be taken that had not been either cleared by the State Department or the conditions implied explained for the President's information. He agreed to this.

Incidentally I told him of the difficulty we had in preventing a number of resignations among the members of our delegation to the United Nations and the State Department. He was unaware of this and seemed much perturbed at the possibility.

I cleared several matters which have been indicated in appropriate memorandum in addition to this.³

² *Supra.*

³ Mr. Humelsine, in a marginal notation, states that he read this memorandum to Messers. Rusk, Henderson, and Hickerson. The editors have been unable to identify the "appropriate memorandum" cited in the last paragraph.

390.1115/5-2448

*Memorandum by the Director of the Office of United Nations Affairs
(Rusk) to Brigadier General Marshall S. Carter*

TOP SECRET

[WASHINGTON,] May 24, 1948.

The memorandum of today's date from Mr. Henderson to the Secretary,¹ with regard to the security of American citizens in the Levant, concludes with the following paragraph:

"In connection with the above, it is extremely important that no moves be taken which may further inflame the situation, such as a decision which would lead to the sending of arms to the State of Israel by the United States; action extending *de jure* recognition of the State of Israel; or further denunciation of the Arabs by American representatives before the Security Council, until our missions in the Near East have been warned and have had an opportunity to take steps to warn American citizens."

This memorandum has received the approval of the President.

It is suggested that the Secretary at luncheon tomorrow with Ambassador Austin may wish to draw the substance of this paragraph to the Ambassador's attention.

¹ Copy not found in Department of State files.

867N.01/5-2448: Telegram

The Ambassador in the United Kingdom (Douglas) to the Secretary of State

TOP SECRET

LONDON, May 24, 1948—10 a. m.

2226. For the Secretary's eyes only from Douglas. Bevin has sent me the following note about Transjordan for your top secret information:

"On the termination of the British mandate, all the units of the Arab Legion which had been serving in Palestine under British command had been evacuated from Palestine except for one company which was unable to extricate itself in time, owing to the British troops in Jerusalem moving earlier than was expected. HMG then ceased to be responsible for the Arab Legion.

"It is suggested that HMG still have a moral responsibility because of the British subsidy, the loan of British officers and the supply of war material. All these are part of our treaty obligations.

"As regards the subsidy, the last installment was paid in April and the next will become due in July. We will naturally consider the whole situation before paying it.

"As regards the officers, for the top secret information of Mr. Marshall, their instructions are that they must withdraw to Transjordan if the Legion becomes involved in hostilities with the Jewish state as a result of an attack on the state within the frontiers recommended by the Assembly.

"As regards the supply of war material, this is confined, in accordance with our general policy, to the completion of existing contracts.

"The Jewish Agency informed Mr. Marshall some time ago that there was contact between the Jews and the Arab Legion, through the intermediary of a British officer. We have received similar top secret reports. We understand that the Jews knew the Arab Legion would enter Arab areas of Palestine and that this was not unwelcome to them. We have always thought that there might be considerable advantage in an arrangement by which the Haganah and the Arab Legion might be given responsibility for maintaining law and order in different areas.

"The Arab Legion have not entered any part of the area recommended for the Jewish state by the Assembly.

"The Arab Legion attack on parts of Jerusalem was the direct consequence of the breaking of the cease-fire there by the Jews. We are confident the attack would not have taken place if the Jews had

accepted the truce for Jerusalem. Latest information suggests that the Arab Legion will henceforth be mainly on the defensive in Jerusalem."

DOUGLAS

501.BB Palestine/5-2448 : Telegram

The Vice Consul at Jerusalem (Burdett) to the Secretary of State

CONFIDENTIAL US URGENT
 NIACT

JERUSALEM, May 24, 1948—noon.

725. Deptel 457 May 23.¹ In view of friendly relations informally maintained with Transjordan officials by this ConGen would Dept wish consider suggestion that we transmit to King Abdullah or Transjordan Prime Minister personal message from Stabler² or alternatively from "American Consulate General" along following lines:

US Government gravely disturbed by present-course developments in Palestine and hopes that Transjordan Government will find it possible to cooperate in the carrying out of the cease-fire which is proposed for all fronts in Palestine to come into effect at 1800 hours local Arab time tonight. Embassy (or we) shall be glad to transmit to the Department of State any reply which Your Majesty (or the Transjordan Government) may desire to send.

Department's urgent instructions requested as we understand Arab League Political Committee is now meeting in Amman.³

BURDETT

¹This was a repeat of No. 641 to Cairo, p. 1033.

²Wells Stabler, Vice Consul at Jerusalem.

³The Department, on May 24, approved the suggestion for an informal approach by the Consulate General to the Transjordan Government regarding a cease-fire (telegram 458 to Jerusalem, 501.BB Palestine/5-2448).

867N.01/5-2448 : Telegram

The Minister in Lebanon (Pinkerton) to the Secretary of State

SECRET

BEIRUT, May 24, 1948—3 p. m.

208. Foreign Minister informed me Lebanese Government prepared release US citizens (remytel 193, May 20, 11 a. m.¹) interned from *Marine Carp* provided arrangements made for their direct repatria-

¹Not printed, but see footnote 1, p. 1016.

tion to US.² He added that they could not be released to proceed to Palestine to join Jewish forces which are making constant commando raids into Lebanon. This information will be conveyed to internees who will be asked whether they are prepared to accept this arrangement and Department will be advised of their decision. Committee of internees is reported to have told American journalist that they wished proceed Palestine to fight alongside their people.³

[Here follows one paragraph dealing with individual internees.]

PINKERTON

² On May 22 the Lebanese Government had made a negative reply to the Minister's demand for the release of American citizens who had been aboard the S.S. *Marine Carp* (telegram 203, 867N.01/5-2248) ; for text of the Lebanese note, see Department of State *Bulletin*, June 6, 1948, p. 749.

³ Beirut informed the Department on May 27 that all the American citizens interned in Lebanon had expressed their willingness to return directly to the United States (telegram 217, 867N.01/5-2748).

501.BB Palestine/5-2448 : Telegram

The Ambassador in the United Kingdom (Douglas) to the Secretary of State

TOP SECRET US URGENT

LONDON, May 24, 1948—4 p. m.

NIACT

2235. For Lovett from Douglas. Bevin informed me this morning that Azzam has called a political meeting of the Arab League and has requested a short delay in the discussions of the cease-fire proposals now before the Security Council.

Bevin thinks that since the Arab leaders have to be assembled from their respective countries this is reasonable and I am inclined to agree with him provided that the delay is short. He suggests 48 hours. He has sent a telegram to New York to this effect and has asked our support.

Bevin tells me that meanwhile he is bringing strongest possible pressure to bear on Arab leaders to accept.¹

Since dictating the above, I have just heard from the FonOff that they have this moment received a cablegram from Baghdad to the effect that the cease-fire proposal was not received until the night of the 23rd, that the Regent is leaving today for Amman, that if the cease-fire order were agreed to by the Arab League at Amman, a certain amount of time would be required to get the necessary orders to the field. This is an example of the physical impediments to speedy ac-

¹ According to information furnished to Mr. Ross by Mr. Beeley, such pressure was exerted through "very strong representations" in all Arab capitals and by personal messages from Mr. Bevin to Abdullah, Farouk, and the Iraqi Regent (telegram 697, May 24, 9:25 p. m., from New York, 501.BB Palestine/5-2448).

ceptance by the Arab leaders with which the Israelite state is not confronted. It reinforces the view that more time is necessary than the 36 hours to permit the Arab leaders; first, to assemble in Amman from relatively remote parts; secondly, to arrive at a decision, and third, if the decision is favorable to get orders to the troops in the field. Accordingly, it seems fair to extend the 36-hour period by 48 hours in order that the purely physical difficulties which the Arabs have to resolve will not prevent a mutual acceptance and execution of the cease-fire proposals.²

In this connection Goldmann has just called upon me. On hearing that the British were exerting every influence to persuade the Arabs to accept the cease-fire proposition and on the suggestion that more time be permitted the Arabs, he agreed that this was a fair suggestion.

DOUGLAS

² The Lebanese, Syrian, and Iraqi Governments, on May 24, made known before the Security Council that the time limit provided for in the resolution of May 22 was insufficient for consultations among the Arab States (SC, 3rd yr., No. 73, p. 37). British, United States, and French representatives supported an extension of the time limit, whereupon the Council granted a 48-hour extension, until noon, May 20 (*ibid.*, pp. 38-41).

867N.01/5-2448 : Telegram

The Ambassador in Iraq (Wadsworth) to the Secretary of State

SECRET

BAGHDAD, May 24, 1948—8 p. m.

350. Herewith comment on Jerusalem's telegram 650, May 19 as requested by Department circular May 20.¹

Apart from military intelligence broad estimate substantially equal strength Arab and Jewish forces (on which subject we have reported all locally available information) key points made by Consul General appear to be:

1. Arab armies will be content take over Arab areas of country (by which Consul General appears take in all Palestine except eastern Galilee Esdraelon Haifa area and central coastal plain).

2. US moral support supplemented by reasonable Jewish policy towards Arabs may create favorable atmosphere in which Israel may grow. On first point our view is: While Arab strategy may have the appearance at this time of taking over such "Arab areas" we do not agree that if this phase of Arabs campaign be successful they will be "content". Basically they are fighting to prevent establishment any Jewish state because they believe all Palestine is rightfully Arab and part of Arab world and because they truly fear any Jewish state would constitute continuing and increasingly aggressive threat to Arab world.

¹ Not printed.

On second point our views are: US moral support of Jewish state can do nothing towards creating, so far as concerns Arabs "favorable atmosphere" for that state's growth but it can seriously damage Arab-American relations. Further to Arabs it is contradiction of terms to speak in same breath on [of?] Jewish rule and of reasonable Jewish policy towards Arabs.²

Sent Department 350; repeated Arab capitals, pouched London.

WADSWORTH

²Minister Childs, on May 25, commented that Arab strategic objectives centered around the annihilation or defeat of Jewish forces to render impossible the establishment of a Jewish state. He noted also that "Azzam Pasha informed me some months ago Arabs might be induced accept token Jewish state Tel Aviv similar Vatican area. However, both Azzam and Ibn Saud are now likely be more influenced by flow events than be in position control and direct them." (Telegram 311 from Jidda, 867N.01/5-2548)

Ambassador Tuck, on May 25, gave it as his opinion that "Arabs intend to consolidate Arab areas Palestine state as first step in their endeavor to eliminate Israel." He noted also that "if US strengthens Jews by raising embargo in their favor, we feel that our tactical and strategic security throughout whole Middle East would vanish overnight." He concluded that "present US policy is actually prolonging and encouraging the conflict in Palestine and furthermore that it may result in jeopardizing US national security even to the extent of affecting Anglo-American cooperation." (Telegram 598 from Cairo, 867N.01/5-2548)

Truman Papers, President's Secretary's File

*Memorandum by the President of the Provisional Government of
Israel (Weizmann) to President Truman*¹

[WASHINGTON?], May 25, 1948.

Subject: Israel's two basic problems.

1. Israel is now wrestling with two basic problems: first, national survival in the face of Arab aggression supported by the British; second, the resettlement and rehabilitation of the homeless DP's.

2. There is little hope that the Arabs will accept the cease fire order without crippling limitations. The British still feel that they can divide American opinion and render American policy irresolute; the Arabs still rely on guidance and assistance by the British. Only action can bring peace to the Middle East, and the most effective action with the British and Arabs is a modification of the arms embargo established by the United States.

3. Military aid is thus the first basic problem which confronts the new State. It requires especially anti-tank weapons; anti-aircraft weapons; planes; and heavy artillery. By American standards the needed quantities are extremely limited but in the context of the

¹Dr. Weizmann left this *aide-memoire* with President Truman during their conference at the White House on May 25. The editors have found no official record of this meeting; Weizmann's account is in his *Trial and Error*, p. 480.

current activity in Israel they may well be decisive. Above all speed in the provision of such arms is urgently necessary. Would it be possible to make limited quantities of these weapons available from depots or other store places in the Middle East?

4. The second basic problem confronting Israel arises from the desperate situation of the Jewish DP's. Israel plans to empty the camps at the rate of 15,000 persons per month. To transport, equip, house, and rehabilitate these impoverished people requires expenditures which by Israel's standards are enormous, and which must be made at a time when Israel is engaged in a struggle for national survival.

5. Israel is now applying to the Export-Import Bank for a loan. It was thought that funds could be obtained more speedily in this way rather than by requesting at this time a gift or a grant. Israel can and will satisfy the necessary banking requirements. An indication from you, Mr. President, that you are sympathetic to our application would make certain that speedy action, so urgently required, will be forthcoming.

501.BB Palestine/5-2548

Memorandum of Conversation, by Mr. John C. Ross

SECRET

[NEW YORK,] May 25, 1948.

Participants: Secretary of State Marshall
 Ambassador Austin—U.S. Mission
 Ambassador Alexandre Parodi—Representative of
 France
 Mr. John C. Ross—U.S. Mission

Ambassador Parodi said that while he did not express any opinion on the lifting of the United States arms embargo, he felt that it would be desirable if we *do* lift the embargo to get assurances from the Jews that they would not indulge in excesses such as bombing cities in the Arab States.

The general line stated by the Secretary, not for repetition, was as follows:

1. The Secretary emphasized the continued great importance we attach to getting a cease-fire.

2. He thought that it might be possible to get a cease-fire in Jerusalem first and spread it out from there.

3. He was doing and would continue to do everything he could to have this case dealt with through the Security Council but action was necessary.

4. Making clear that he was not implying that we were likely to lift the arms embargo, he said that if we did, this act might have a strong psychological effect but it would be at least a month before it would have any material effect.

5. The Secretary wanted to correct what seemed to be a wide mis-

understanding. The United States had maintained a strict arms embargo for some months past, while other nations had in fact been shipping arms into the area. The fact that other nations had been doing this while we had not ~~made his task in developing the United States arms embargo policy an extremely difficult one.~~ With a tremendous political pressure in this country to have us do so made our position extremely difficult and the maintenance of the embargo by us an impressive fact.¹

6. There were three factors which stiffened the Jewish position before May 15 and may have caused failure of truce efforts at that time, namely, (a) initial military successes of the Jews; (b) the bait held out by Crech Jones concerning a possible compromise solution along the Abdullah lines, and (c) the fact that a Colonel on Brigadier Glubb's staff (Arab Legion) had visited the Jews and talked about a possible compromise.

7. The Secretary said that the British seemed to be better aware of their position and seemed to be active in a constructive sense. He thereby had some hope that practical proposals might be forthcoming.

JOHN C. ROSS

¹ The overlined words were included in the memorandum as prepared by Mr. Ross. Marginal notations indicate that the Secretary of State deleted these words and supplied the remainder of the sentence.

501.BB Palestine/5-2548

Memorandum by the Director of the Office of Near Eastern and African Affairs (Henderson) to the Secretary of State

SECRET

[WASHINGTON,] May 25, 1948.

I am listing a number of points with regard to Palestine and the relationship of the United Nations to Palestine, some of which you may care to touch upon during the course of your conversation with Mr. Lie and Senator Austin:

1) The Palestine situation is extremely complicated and explosive. Both Arabs and Jews can present convincing arguments that their respective causes are based on accepted international principles and on elemental justice. Although both have good arguments, both have committed grave mistakes. The Arabs and Jews are not alone guilty, however, for what is happening in Palestine. The governments of various countries, by following confused, contradictory, and opportunistic policies in the past, have added to the complications and injustices inherent in the situation.

2) The Palestine problem, unless handled with extreme care, might in present world conditions produce a situation in which the security of the entire Middle East as well as that of the whole world could be endangered.

3) The United Nations is an instrument for the preservation of world peace on the basis of the principles set forth in its charter. In making use of this instrument, the various States which are members

of the United Nations must exercise caution in handling problems such as Palestine lest they wreck rather than strengthen world security. It is true that if the United Nations fails to take prompt action when the basic principles of the Charter are being violated, it weakens its effectiveness as an instrument for peace. Nevertheless, its members must bear in mind that it may be more harmful to the United Nations for it to take action likely to undermine the peace than to take no action. This is particularly true when there is some doubt as to which party is right and which is wrong.

4) In taking action with regard to Palestine it is important that the Security Council make sure that it is pursuing simultaneously the following objectives:

- a) upholding the principles of the Charter;
- b) upholding them in a manner which would promote rather than undermine world security;
- c) upholding them in a manner which would be free from bias and partisanship; and
- d) upholding them in a manner which, so far as possible, would not threaten the integrity of the United Nations or would not weaken it by the creation of new antagonistic blocks, as for instance, a bloc of Asiatic countries or a bloc of peoples of non-European origin who feel that the principles of the Charter are being applied differently to them than to peoples of European origin.

5) It seems clear that the majority of the thinking peoples of Asia are convinced that the Zionists, with the aid of certain western countries, have for years been engaged in a slow process of aggression against the Arabs of Palestine and that this process is now reaching the stage of armed aggression. Furthermore, many of them are convinced that the Zionist ambitions extend beyond the confines of what the Zionists now call their state. So long as this feeling exists, the organs of the United Nations must exercise great circumspection in making decisions and proceed with caution in enforcing decisions which so many peoples believe to be based upon considerations other than a determination to uphold the principles of the Charter.¹

L[OY] W. H[ENDERSON]

¹ Mr. Rusk, in a memorandum of May 25 to Brigadier General Carter, stated: "Mr. Henderson's memorandum is all right as far as it goes, but does not lead up to any thoughts on what we or the Security Council should now do about Palestine. In view of our recognition of Israel and our Chapter VII effort, Senator Austin and Mr. Lie may be puzzled about our attitude if the Secretary should limit himself to the attached memorandum [by Mr. Henderson]."

"I suggest the Secretary emphasize that

"(a) An immediate cease-fire in Palestine is essential

"(b) The United States does not expect to take hasty action on the arms embargo since we wish to afford the Security Council every opportunity to pacify the situation

"(c) We are particularly concerned about Jerusalem and are ready to assist in making special arrangements for the security of that city and the Holy Places."

Brigadier General Carter returned the memorandum to Mr. Rusk with a notation that the Secretary had seen it (501.BB Palestine/5-2548).