

EXECUTIVE ASSISTANT
TO THE ATTORNEY GENERAL



November 12, 1958

Mrs. Runkle:

The purpose of this 6 page memorandum is to notify us that the chief executive officers of the Zionist Organization of America intend to seek a meeting with the Attorney General to ascertain how proposed revisions in the constitution of the World Zionist Organization might affect their status under the Foreign Registration Act.

I do not see any reason why the Attorney General ought to have to get into a conference on this at all, but if he does, the memorandum provides some background information.

MM
HHH

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9 agree. Ask
Mr. Yeagly to
handle this.
WPH

From
ASSISTANT ATTORNEY GENERAL WILLIAM F. TOMPKINS
Internal Security Division
To
Official indicated by check mark

The Attorney General	<input checked="" type="checkbox"/>	<p>MEMORANDUM</p> <p><i>We also have problems with Arab organizations</i></p> <p><i>JW</i></p> <p>OFFICE OF THE RECEIVED NOV 12 1958 ATTORNEY GENERAL</p>
The Solicitor General	<input type="checkbox"/>	
Deputy Attorney General	<input type="checkbox"/>	
Assistant Attorney General [Antitrust] ...	<input type="checkbox"/>	
Assistant Attorney General [Civil]	<input type="checkbox"/>	
Assistant Attorney General [Lands]	<input type="checkbox"/>	
Assistant Attorney General [Tax]	<input type="checkbox"/>	
Assistant Attorney General [Criminal]	<input type="checkbox"/>	
Assistant Attorney General [Office of Legal Counsel]	<input type="checkbox"/>	
Director, FBI	<input type="checkbox"/>	
Director of Prisons	<input type="checkbox"/>	
Commissioner, Immigration and Naturalization	<input type="checkbox"/>	
Pardon Attorney	<input type="checkbox"/>	
Administrative Assistant Atty. Gen.	<input type="checkbox"/>	
Deputy Administrative Asst. Atty. Gen. ...	<input type="checkbox"/>	
The Executive Assistant to the Atty. Gen. ..	<input type="checkbox"/>	
Director of Public Information	<input type="checkbox"/>	

*replied
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Office Memorandum • UNITED STATES GOVERNMENT

TO : J. Walter Yeagley
Acting Assistant Attorney General
Internal Security Division

FROM : Nathan B. Lenvin, Chief
Registration Section

DATE: November 5, 1958

SUBJECT: ZIONIST ORGANIZATION OF AMERICA
Registration Act

This memorandum is being submitted because of the possibility that in the near future the question of the possible obligation to register of the Zionist Organization of America under the terms of the Foreign Agents Registration Act of 1938, as amended, as an agent of the World Zionist Organization with headquarters in Israel may be raised with the Attorney General.

The relationship of the World Zionist Organization and the Zionist Organization of America has been under study by this Department for a considerable length of time, and in the past several attempts were made by this Department to secure the registration of the Zionist Organization of America but without success. The Zionist Organization of America has consistently denied liability to register under the terms of the Act. It appears from a review of the information in the file that prior to 1948 the matter of the Zionist Organization of America's registration was not pressed by this Department in view of the recommendation made by Mr. Vanech to Mr. Sharp as set forth in Mr. Sharp's memorandum of November 11, 1943.

However, a comprehensive study was made in 1947 regarding the applicability of the Foreign Agents Registration Act to certain organizations interested in the creation of a Jewish State in Palestine and on February 25, 1948 a letter from this Department was addressed to the Zionist Organization of America requesting its registration. The following is an outline of the facts upon which this request was based.

The World Zionist Organization, which as its name implies, is a world-wide organization consisting of all Jews who accept the Zionist program and pay the shekel, is a foreign principal within the meaning of Section 1 (4) of the Foreign Agents Registration Act as an organization having its principal place of business in a foreign country. The Zionist Organization of America is an agent of the World Zionist Organization within the meaning of the Act because the constitutional provisions governing both organizations indicate that the Zionist Organization of America is subordinated to and in some measure has its affairs directed by the World Zionist Organization.

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*James
K. J.*

Article II, Section 1 of the Constitution of the Zionist Organization of America states:

"The Zionist Organization of America shall be affiliated with and shall elect delegates and alternates to the Congress of the World Zionist Organization, pursuant to its statutes, rules and regulations."

Section 6, Article 79 of the Constitution of the World Zionist Organization, captioned "Discipline", states:

"(1) The adhesion to the [World] Zionist Organization presupposes subordination to its laws and the resolutions of its governing bodies.

(2)(a) External political negotiations with Governments and the League of Nations may be conducted by Zionists and Zionist groups only with the approval of the Executive [Committee of the WZO].

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

(3) The adhesion of persons and bodies to the [World] Zionist Organization presupposes that in all Zionist questions the duty of discipline in regard to the [World] Zionist Organization must take precedence over the duty of discipline in regard to any other organization."

To implement the foregoing constitutional provisions of the World Zionist Organization, the Constitution of the Zionist Organization of America provides in Article IX, Section 10:

"Except with respect to the powers expressly vested by this Constitution in the Executive or Administrative Council, the Executive and Administrative may exercise concurrently the following powers:

(a) . . .to determine subject to the authority . . .of the World Zionist Congress all questions of Zionist policy. . ."

In addition to being subordinated to and in some measure controlled by the World Zionist Organization, the Zionist Organization of America is a levying and collecting agent for and on behalf of the World Zionist Organization in its collection and transmission of Shekel. Article 64 of the Constitution of the World Zionist Organization provides that the Shekel shall be collected and remitted, without deduction, by the constituent organizations to the Executive of the World Zionist Organization at intervals to be fixed by the Executive and that only the Shekel receipts issued by the Executive or on its behalf shall be valid. The Zionist Organization of America collects the Shekel for the World Zionist Organization at the same time that it collects dues for membership in the Zionist Organization of America. Article V, Section 1 of the Constitution of the Zionist Organization of America states:

"Membership dues of the Zionist Organization shall be \$5.00 per annum, which shall include payment of the Shekel to the World Zionist Organization."

and here
Further it appears that no exemption from registration was available to the Zionist Organization of America since it engaged in political activity as that term is defined by Rule 100. The following specific examples of political activities were cited to the Zionist Organization of America in a letter requesting its registration dated February 25, 1948.

". . . In the Palestine Year Book, for 1945, in vol. 1, page 377, it was stated that 'Through the efforts of the American Zionist Emergency Council (of which the ZOA composes an integral part) thirty-five state legislatures have passed resolutions favoring the Jewish Commonwealth in Palestine, and their governors have issued proclamations to that effect. The preoccupation of large sections of the United States Congress with the Palestine question may in no small measure be traced to the public relations activities of the Zionist Organization (of America).' Further the ZOA in the above cited article takes for itself the credit for having both major political parties in the United States adopt Palestine planks in their platforms in the 1944 Presidential Campaign."

Following this letter from the Department soliciting the registration of the Zionist Organization of America a conference was held with members of the Registration Section on May 28, 1948 during which time a Mr. Hillmer, counsel for Americans for Haganah advised that he had been given permission by Mr. Bartley Crum, an officer of the Zionist Organization of America, to disclose to the Section that the Attorney General had assured Mr. Crum during the course of a prior conference that the Zionist Organization of America would not be required to register under the terms of the Act. This assertion was later verified in a letter to this Department dated June 2, 1948 from Rabbi Jerome Unger, Associate Executive Director of the Zionist Organization of America, protesting the registration of his organization. In this letter Rabbi Unger stated that representatives of his organization had conferred with the Attorney General on two occasions. During one of these conferences he claimed that he received ~~an~~ indication from the Attorney General that the status of the Zionist Organization of America was not such as to fall within the provisions of the Foreign Agents Registration Act and that this matter could be further clarified to the satisfaction of the Department if certain constitutional relationships between the World Zionist Organization and the Zionist Organization of America were modified so as to make plain that neither in collecting membership dues nor in electing delegates to the World Zionist Congress nor in conducting its activities does the Zionist Organization of America act as an agent of the World Zionist Organization. Pursuant to this suggestion Rabbi Unger reported that the Executive Committee of the World Zionist Organization had agreed to adopt a formal resolution declaring that certain provisions of the Constitution of the World Zionist Organization will not be applicable to the Zionist Organization of America. However, he added that he had been informed by Mr. Bartley Crum that on May 10, 1948 Mr. Crum was told by the Attorney General that there was no necessity for further action in regard to this matter.

Rabbi Unger further advised that he would recommend to the Executive Committee of the Zionist Organization of America that in the forthcoming national convention of the ZOA which was scheduled to take place on July 2-5, 1948 appropriate changes be introduced in the Constitution of his organization. In the light of the Executive Committee's resolutions and the recommendation of the change in the Constitution of the Zionist Organization of America Rabbi Unger requested that the Department not insist on the registration of the ZOA under the terms of the Foreign Agents Registration Act.

In reply to the letter of June 2, 1948 Attorney General Tom C. Clark advised that he felt that the problems caused by the Act could be adjusted through further conferences between representatives of the Zionist Organization of America and the Foreign Agents Registration Section. Pursuant to this suggestion a conference was held on June 29, 1948 between members of the Registration Section, representatives of the Zionist Organization of America and David Reigh, Special Assistant to the Attorney General. During the course of this conference it clearly appeared to be the Department's view that registration of the Zionist Organization of America for past activities should not be required and that the change made in the Constitution of the World Zionist Organization removed the requirement of registration for present activities. In view of these circumstances, no arrangements were made for further conferences and the case of the Zionist Organization of America was left in abeyance.

It should be pointed out that there is no information in the file which would indicate that either the World Zionist Organization or the Zionist Organization of America did, in fact, alter their constitutions as promised. It does appear, however, that the World Zionist Organization is considering certain revisions of its Constitution which may become effective shortly.

Mr. Maurice M. Boukstein, attorney in charge of these proposed revisions, conferred with me on July 13, 1955 and March 6, 1957 for the purpose of ascertaining how such revisions may affect the status of the Zionist Organization of America under the terms of the Foreign Agents Registration Act. One section of this proposed constitution stated that in the implementation of the Zionist program the constituent or affiliated organizations (one of which would be the ZOA) would be bound by any decision rendered by the Executive of the World Zionist Organization. In the light of this working, I advised Mr. Boukstein that it was my opinion that if the Zionist Organization of America agreed to be bound by this Constitution, it would be constituted an agent of a foreign principal since it would be acting within the United States at the order or request of a foreign principal. If, however, as Mr. Boukstein claimed, there would be no instance, at least as far as the Constitution is concerned, where the ZOA would be required to act within this country as a result of its affiliation with the WZO it would seem that the ZOA would not come within the purview of the Foreign Agents Registration Act since the pertinent provisions of the statute contemplate an agency status only when there is activity within the United States.

On October 17, 1958 Mr. Boukstein conferred with me relative to another matter and during the course of this conference spoke of the continuing efforts over the years to revise the Constitution of the World Zionist Organization. He indicated that there was a possibility that the Chief Executive Officers of the Zionist Organization of America would seek a meeting shortly with the Attorney General to ascertain how such revisions would affect their status under the terms of the Foreign Agents Registration Act.