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TO : File

DATE: January 24, 1963

FROM : Thomas K. Hall, Executive Assistant
Internal Security Division

TKH:dbm

SUBJECT: Subventions received by the American
Zionist Council from the Jewish Agency
for Israel (American Section) --
Obligation to register on part of AZC

On Wednesday, January 23, 1963 Mr. Lenvin and I conferred with Judge Rifkin, Mr. Dewynn, of Judge Rifkin's law firm, and two other representatives of the American Zionist Council concerning the latter's obligation to register under the Foreign Agents Act because of the receipt and use of funds from captioned registrant, the Jewish Agency for Israel.

Judge Rifkin indicated that he had carefully reviewed the facts and the pertinent provisions of the Foreign Agents Act and had concluded that while the situation is fraught with considerable doubt he had advised his client to discontinue completely the agency relationship and to cut off the receipt of any additional funds of this nature. This action he stated on the part of his client became effective on January 18. He stressed the fact that his client and its activities fall within the purview of the so-called educational or cultural exemption of the Act. There were, however, certain activities such as the dissemination of publications and the use of mass media as to which it could conceivably be argued they were non-exempt. In the light of this he deemed it advisable that his client terminate the relationship in its entirety.

Mr. Lenvin pointed out specifically that the termination of the "activities" on the part of AZC did not absolve it of its obligation to register during the period when the agency existed and activities were carried on. Mr. Lenvin cited the pertinent part of the statute. Judge Rifkin and his partner, Mr. Dewynn, disputed Mr. Lenvin's interpretation saying that the statute mentioned only "activities" whereas there was involved in this situation only the complete termination of agency relationship by discontinuing the receipt of funds. Judge Rifkin cited the fact that his client was carrying on the same activities as it had prior to the receipt of these funds and had simply cut itself off from the benefit of further monies from this source.

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Judge Rifkin urged that this provision of the statute was reasonably and logically susceptible to the interpretation that his client should not be required to register in this instance; that it would not benefit the government at this time to obtain such registration and the disclosure involved; that registration would place a noose around the neck of his client, a long-standing organization of excellent repute and important to the national interest of the United States and thus would choke the very life out of it; that registration would furnish a weapon to anti-zionist groups, a spokesman of which is alleged to have said he would pay a half million dollars to get AZC registered as a foreign agent. He further stated that he was not urging that we should not enforce the statute solely because of the disastrous consequences but because it was a reasonable and permissible canon of construction to give it a meaning dispensing with registration by AZC thus applying it in a manner that would do good rather than promote evil. Mr. Lenvin emphasized our responsibility to enforce the statute in the interest of public disclosure and that he could not reasonably foresee such disastrous consequences as envisaged by Judge Rifkin.

I reaffirmed what Mr. Lenvin said, pointing out that it represented our official interpretation of this act and the manner in which we applied it on an equal basis to all. I indicated also that no amount of discussion or argument at the conference would result in Judge Rifkin's achieving his desired objective; that I thought the matter should be taken up with Mr. Yeagley for final consideration and to that end I suggested to Judge Rifkin that he might wish to submit a written statement outlining his position and the legal arguments which in his opinion tend to support it. He said he would do so in the immediate future.

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