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DEPARTMENT OF JUSTICE

Memorandum

TO : Files

DATE: April 1, 1963

JWY:NBL:rcw

FROM *R* Nathan B. Lenvin~~149-06-2-20~~SUBJECT: AMERICAN ZIONIST COUNCIL
Conference - New York

On Monday, April 1, 1963, Mr. Hall and I conferred with Messrs. Bick and Rothenberg, representatives of the subject, and Messrs. Rifkind and DeWind of the law firm of Paul, Weiss, Rifkind, Wharton & Garrison as counsel for the subject, in Judge Rifkind's offices, 575 Madison Avenue, New York City.

At the outset of the meeting I stated that the representatives of the Department of Justice had examined very carefully the brief which had been submitted by the law firm in support of their position that the subject was not required to register under the terms of the Foreign Agents Registration Act and that our view was that we would have to reject the first three points stated in the brief, to-wit, that registration was not required because the Council was not an agent of a foreign principal within the meaning of the Act; that registration was not required because the Council never acted as an agent of a foreign principal; and that even though there may have been an agency relationship the obligation to register was extinguished by the decision to cut off the receipt of funds from the foreign principal. I stated that the facts did not bear out, in our view, any of these three conclusions and that if necessary I would be willing to recommend, if the representatives of the Council insisted upon these points, that the matter be litigated. I then pointed out to those present that we could not make any decision on the 4th point, to-wit, the claim that the Council was exempt under the provisions of Section 3(e) of the Act, since we have had no

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opportunity to examine any of the material which was disseminated by the Council as a result of the funds transferred to it by the American Section of the Jewish Agency for Israel.

On this last point, Mr. DeWind stated that no great emphasis was placed upon this issue since he assumed we would take a narrow interpretation of the application of the exemption and consequently that was the reason they stressed the other three points, that there was no agency relationship within the meaning of the Act and, if one had existed, it was ~~not~~ terminated and therefore no obligation to register. Both Mr. DeWind and Judge Rifkind emphasized that the publications disseminated by the subject were not, in their view, as a result of the funds received from the foreign principal, but were part and parcel of the subject's general program and the funds were not given to the Council for any specific purpose, but in order to carry out the program the Council sought funds from numerous sources among which was included the American Section of the Jewish Agency for Israel.

In reply, I stated that this was not in accord with the statements filed by the Jewish Agency since in those statements there was set forth in fairly specific terms the purposes for which the funds were transferred. This seemed to take all of the representatives of the subject by surprise and, in fact, statements were made to the effect that if the Jewish Agency did so state, it was contrary to fact. Consequently, we agreed we would make available to the law firm the information contained in the registration statement filed by the Jewish Agency which stated the basic purposes for which the grants to the Council were made.

Some questions were raised as to whether an obligation to register would be created if the Agency had in fact made contributions to the Council without specifying the purpose for which the contributions were made, but no definite opinion was given in this regard since it seemed useless to discuss this phase of the matter because the statement of the Jewish Agency did set forth that the grants were made for certain specific purposes.

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Mr. Hall stated that he wanted it understood that we were not prepared to give any definite conclusions in regard to this matter at this time since there were still a number of facts that had to be examined before any opinion could be rendered.

The meeting was concluded with the understanding that we would make available to the law firm the information contained in the Jewish Agency's registration statement and, on the other side, the Council would undertake to gather for our information all of the material it had disseminated in order that we would then be in a position to determine whether the material was of such character as to either deny or make available the so-called cultural exemption from registration.

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