

and stated that he proposed to speak to PriMin Ben Gurion about it before he leaves. His opportune and able intervention at this level may serve to prevent crisis which is almost certain to develop if IG persists in refusal comply with requests chief of staff UNTSO re Scopus. On other hand Emb sees no reason why USG shld not agree to tripartite representation along lines contemplated by Brit Govt provided mtg with Fon Ministry rep tomorrow indicates such representations wld serve useful purpose.

DAVIS

No. 502

357.AC/10-1752: Telegram

*The Ambassador in Israel (Davis) to the Department of State*¹

SECRET PRIORITY

TEL AVIV, October 17, 1952—6 p. m.

635. Comment on Embtel 629:² Representations auth Deptel 374³ were made yesterday to DirGen FonMin Walter Eytan, who is handling Scopus matter. Brit and Fr saw Eytan separately same day.

In discussion parallel was drawn between present controversy and that re Huleh last year when Israel based policy on legalistic position which did not prove convincing in SC and which resulted in sequence of events which were not to Israel's advantage. In present case there seems danger of repeating error to disadvantage all concerned, and plea was made for wholehearted immed compliance with request of UNTSO Chief of Staff as matter of policy and act of deference toward UN auth and responsibility.

Eytan readily admitted that blind adherence to legalistic position without proper regard for polit consequences might be unwise. He summed up argument in support Israel's position re Scopus as fols: (1) That present situation of observation post is within limits of Israel demil zone according to July 7, 1948 agreement, and compliance with Riley's request might later prejudice Israel's position this respect; (2) that request apparently based on interpretation that agreement to effect Israel limited to activities on Mount Scopus specifically authorized thereby, an interpretation which Israel does not accept; and (3) that Jordan had failed to act in accordance with

¹ Repeated to London, Paris, Amman, and Jerusalem (for Riley).

² Telegram 629 from Tel Aviv, Oct. 16, reported that the representations authorized in telegram 374 to Tel Aviv, Oct. 10 (see footnote 6, Document 500) had been made that afternoon and were accorded a good reception. (357.AC/10-1652)

³ See footnote 6, Document 500.