



## Charles Winters

**“Had Mr. Winters and other Americans not provided this assistance at such a critical time, Israel may not have survived as an independent State.”**

By Jerry Klinger

He never spoke much of his past. According to his son, James “Jimi”, his father was an “old school sort of guy”. Jimi said his father’s favorite expression was “Keep the Faith.” The expression can be understood in a number of ways. It can be understood as an American colloquialism or it can be a masked statement of faith. Charles Winters never made the distinction clear to his son. He never spoke of his past.

Charles Winters died Oct. 31, 1984. Miami, Florida was his adopted home. He had been born in Boston, Massachusetts, seventy one years earlier, to a proud Irish Protestant family.

It was not until his father’s funeral service did Jim begin to realize his father had had another life. His father had been part of a story, of a dream, of a faith in something that was bigger than him. It was not until the funeral service that Jim learned his father had paid a heavy price for doing the right thing.

The flowers sent to the funeral service were colored blue and white, the colors of the flag of Israel. The Ambassador from the State of Israel attended the service in honor, in respect and in deep appreciation of his father.

The summer of 1948 was a desperate time for the newly independent state of Israel. It was fighting for its life. Five Arab armies had invaded. The Arabs were intent on the total destruction of the Jewish State and its people. President Truman had been the first to recognize Israel. But, reacting to intense U.S. State Department pressure, together with violent Arab protests, Truman declined to aid the Jewish State any further. Truman imposed a potentially lethal embargo of American arms shipments to Israel.

In 1939, the Roosevelt administration passed the *Neutrality act*. The law was designed to keep America non-involved in the gathering clouds of World War II. Roosevelt naively stuck his head in the sand believing, if America did not provide arms to one side or the other, America would be safe. America could remain neutral in the face of world events. The Japanese sneak attack on Pearl Harbor December 7, 1941, nearly devastated the American Pacific fleet. Roosevelt was wrong.

Truman, under State Department insistence, applied the *Neutrality Act* against Israel and the Arab invading countries equally. The problem was that the Arabs were being supplied heavily by the Soviet Union; the Jews, by no one. The *Neutrality Act* came close to destroying the Jewish State's ability to defend itself.

That summer, Charlie Winters was running an air freight service out of Miami ferrying fruits and vegetables to the Caribbean. He had an export license, and more importantly, he had permission to fly aircraft out of the United States.

Secretly, covertly, the Haganah, searched for weapons and aircraft to defend Israel from all over the world. The United States had been the Arsenal of Democracy during World War II. Enormous stock piles of rusting weapons, ships, munitions and aircraft were left for scrap in the United States. Al Schwimmer approached his friend Charlie Winters for help in a covert Haganah action to bring B-17 heavy bombers to Israel. The planes, nicknamed *Flying Fortresses* were to defend the Jewish people. The plan was simple. Charlie would buy the planes under his company's cover as an air freight carrier. The planes would be flown out under his license. In Europe, the planes were "sold" to the Israelis.

The Haganah identified three bombers. The purchases were made using Charlie's export licenses. Charlie personally piloted one of the three bombers to Czechoslovakia, to an "open secret" air base. Reequipped as fast as possible, the planes were flown to Israel to defend the Jewish people fighting for their very lives. His mission was a success. The planes proved absolutely vital in the defense of Israel.

*[palyam.org editorial note: On June 12, 1948, the three B-17s were smuggled out of the U.S., flying from Miami to Puerto Rico in the Caribbean. After filing flight plans for Brazil, the three B-17s left for*

*the Portuguese Azore Islands. From there they flew on to Zatec in Czechoslovakia, refueling in Corsica (Ajaccio) in the Mediterranean Sea (Under pressure from the U.S. Government, the fourth B-17 flown by Swifty Schindler via USA and Canada, was impounded by the Portuguese Authorities in the Azores, and the airplane never made it to Czechoslovakia or to Israel). At Zatec, the B-17s were fitted with bomb racks and guns and bombed-up for action. It was decided that on the flight from Czechoslovakia to Israel on July 14 the B-17s would carry out attacks on three targets in Egypt – the Royal Palace in Cairo, the Egyptian airbase at El-Arish, and Gaza. Cairo was bombed, but due to difficulties in locating the El-Arish and Gaza targets, the other two aircraft bombed Rafah. The night attack on Cairo caused tremendous panic and thousands of Cairenes left the city. The arrival of the three B-17s in Israel on July 15 gave the IAF a tremendously enhanced attack capability. The new aircraft were known as “Hapatishim” (“The Hammers”), and based at Ramat David Air Force base. On July 16, their first day in Israel, the new bombers went into action, and in the military operations of “Yoav” and “Horev” each aircraft flew up to three sorties per day. The IAF had now acquired quite a significant bombing capability.]*

Charlie and his mission were discovered by the American government. Upon returning home, he was arrested for violation of the *Neutrality Act*.

A year later, Charles Winters pleaded guilty. He was sentenced to 18 months in Federal prison and a \$5,000 fine. He served his time quietly never speaking again of what he did.

Jimi Winters never knew about his father’s imprisonment. The people of Israel did. They never forgot him. William C. Daroff was the director of the United Jewish Communities in Washington, D.C. Daroff would later state, “he (Winters) was a righteous gentile, a non-Jew who was looking to help out the state of Israel and was one of the unsung heroes of Israel’s war of independence.”

After the funeral service, Mrs. Winters was flown to Israel where the ashes of Charles Winters were laid to rest in the Alliance Christian Missionary Cemetery in Jerusalem. He rests not far from the Rev. John Stanley Grauel.

The people of Israel remembered and honored Charlie Winters. The American government continued to view his actions as criminal. Three Americans were convicted under the 1939 *Neutrality Act*, Al Schwimmer, Hank Greenspun and Charlie Winters. Al Schwimmer went on to lead Israel’s biggest aviation company. Hank Greenspun became a major Las Vegas newspaper publisher dedicated to fighting organized crime. Greenspun was pardoned by President John F. Kennedy in 1961. Al Schwimmer was pardoned by President Clinton in 2000.

Of the three Americans convicted under the 1939 Neutrality Statute only Winters went to jail. Following his release, he spent the balance of his life as a small businessman in Southern Florida. He died in 1984 at the age of 71.

The prosecution and imprisonment of Charles Winters was viewed as an injustice by many, none more so than to his son Jimi. The law may have been created by well meaning legislators. The

application and the subsequent punishment of his father was a wrong to him. The idea came to Jimi shortly after his father's death; justice *demand*ed a pardon for his father. A pardon can only be granted by the President of the United States. In other countries it is granted by the head of State, or even by a religious leader. A Presidential pardon is intended as "forgiveness" for a past crime.

Jimi enlisted the aid of many in his quest. Among the volunteer team of lawyers led by Reginald Brown, himself an associate White House counsel from 2003-2005, was Noam Neusner, a former White House aide to Mr. Bush, and most importantly his lifelong friend, Frank Jimenez. Frank had worked for President George W. Bush's brother in Florida and under Sen. Mel Martinez, R-Fla., when Martinez was secretary of Housing and Urban Development. In 2006 Frank was the U.S. Navy general counsel.

Even with all of the powerful supporters working together, it was still not an endeavor assured of success. In order for a pardon to be achieved, to be beshert, intended as it is said in Hebrew, fate, fortune, luck and hard work would have to come together perfectly.

The problem was that a posthumous Presidential pardon had only been done once before in American history. The pardon does not imply that the individual's acts did not violate the law as it was written. A pardon recognizes extenuating circumstances, the gray areas of right and wrong, that the harsh black and white of the letters of the law have no room to see.

Presidential pardons are very difficult to obtain. They are easy focuses for potential abuse and manipulation of historical events. They can be twisted for contemporary politics.

February, 1999, a major precedent was set. President Bill Clinton issued the first ever posthumous pardon to Lt. Henry O. Flipper. Flipper was the first American Black to graduate from the United States Military Academy at West Point. He graduated in 1877, just twelve years after the end of the American Civil War abolishing slavery. The bloody struggle left deep racial scars that one hundred and forty five years later are still issues of dissent. 1881, four years after graduating, Flipper was accused, tried and convicted, in a racially charged trial, for theft of government funds. Though found innocent of the theft, he was convicted of "conduct unbecoming an officer". He was convicted because of his friendship with a white woman. Flipper was dishonorably discharged from the military.

Descendants and supporters of Lt. Flipper applied to the Army Board for the Correction of Military Records in 1976. The Board lacked the power to change the record but did conclude that the conviction and punishment of Lt. Flipper was "unduly harsh and unjust." A pardon petition was sent to the Office of the Pardon Attorney at the Department of Justice in late 1997. February 19, 1999, President Clinton did the right thing. He pardoned Lt. Flipper. It was the first posthumous pardon issued by a President of the United States.

The precedent was established, still, there was no assurance that the highly unusual request for a posthumous pardon would be considered, little less granted, for Charlie Winters. The President was under no obligation to consider a pardon. Anti-Semites argued, pardoning Winters brought the U.S. nothing in return from Israel.

It was a posthumous pardon and had nothing to do with present benefits and realities.

Frank Jimenez was unperturbed. He, like his best friend Jimi, did not know until the day of Jimi's Dad's funeral in 1984, about his past. Frank was equally astonished by the blue and white flowers, the representatives from the government of Israel and the letter of appreciation from Golda Meir, a past Prime Minister of Israel.

He, like Jimi, believed in the justice of a Presidential posthumous pardon.

A year after Lt. Flipper was granted his pardon; President Clinton granted Al Schwimmer a pardon in 2000. Schwimmer had also been convicted, under the *Neutrality Act* of 1939, for smuggling B-17's to Israel in 1948.

Frank Jimenez swung into full gear in 2006. He contacted Congressman Ron Klein, a Democrat, from Palm Beach County, Florida whom he had befriended while working for former Governor Jeb Bush. Klein too recognized the justice of the effort and enlisted Congressman Connie Mack of Florida, a Republican. Together they assembled 21 of the U.S. House of Representatives Congressional Representatives from Florida to cosign a pardon petition on behalf of Charlie Winters.

Jimenez contacted Reginald Brown, a partner at the very influential Washington, D.C. law firm of Wilmer Cutler Pickering Hale and Dorr to assist. Jimenez and Brown had worked together in Jeb Bush's office.

Brown agreed to help.

Brown assigned a team of researchers to delve into Charlie Winter's life. They were significantly assisted by an Israeli law firm, Shibolet & Co., tracking down important pertinent documents about Winters' actions during Israel's war for independence.

In a stroke of good luck, the lawyer's using their personal contacts contacted Bruce Ramer. Ramer was a prominent Los Angeles attorney. Ramer represented the famed Jewish cinematographer, Steven Spielberg.

Spielberg wrote to President Bush in support of the Winters' pardon.

"There are probably many unsung heroes of America and of Israel, but Charlie Winters is surely one of them," ..... "While a pardon cannot make Charlie Winters whole, and regrettably he did not live to see it, it would be a fitting tribute to his memory and a great blessing to his family if this pardon is granted."

Letters of support from the American Jewish Committee, from the Palm Beach County Jewish Federation and others were added to the pardon effort. The pardon petition was presented to Ronald L. Rogers, Pardon Attorney, at the U.S. Department of Justice, August 1, 2008.

Then silence.

Nothing more was heard from the Department of Justice or the White House. President George Bush was well known for his reluctance to use his pardon powers frivolously. The November election of 2008 was itself a major precedent setting event. President Barack Obama was the first American Black to be elected President of the United States. He would take office January 20, 2009.

Barely four weeks before the inauguration, Dec. 23, 2008, Mira Kagan's cell phone rang. She was the legislative aide to Congressman Ron Klein. It was the White House. She was stunned by the voice on the other end of the line.

President Bush had signed the posthumous pardon for Charlie Winters.

Congressman Klein commented, "President Bush made the right decision today to issue a posthumous pardon to Charles Winters, a Florida resident who played an essential role in the creation of the state of Israel."

Reginald Brown said of President Bush, "He did a heroic thing and, at the time, the law didn't reflect our values. The pardon is a way of the law catching up with the history."

David Harris of the American Jewish Committee wrote, "Charlie Winters was an American hero and a true friend of Israel, who risked his own life to help establish the Jewish State simply because it was the right thing to do," .... "We are grateful to President Bush for this just decision."

Jimi Winters achieved the presidential pardon for his father because of many friends, Christian and Jew, working together.

"This is a present for my father...It was a monumental challenge, but my dad used to always say 'Keep the faith,' and we did", he said.

The Congressional pardon petition read in part:

*"Mr. Winter's actions helped secure the independence of the State of Israel, thereby establishing a beacon of Democracy in the Middle East. We know that his administration shares the goals of strengthening the United-States Israel relationship. We ask that you give the posthumous pardon application for Mr. Charles Winters a prompt review and correct the injustice that has been done".*

Dec. 23, 2008, as one of his last acts as President of the United States of America, President Bush decided to do the "right thing." Charles Winters was posthumously pardoned.

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