

ОКРУЖНОЙ СУД СОЕДИНЕННЫХ ШТАТОВ

КОЛУМБИЙСКИЙ ОКРУГ

Гражданское Отделение

ГИ ФОН ДАРДЕЛ, Гилленкроксалле
19, Ланд, Швеция, Тел.
46-14-16-16, на своё имя и на
имя своего единокровного брата,
РАУЛЯ ВАЛЛЕНБЕРГА, чей точный
адрес неизвестен,

и

СВЕН ХАГСТРОМЕР, Скеппсброн
24, 11130, Стокгольм, Швеция,
Тел. 8-24-09-50, юридический
опекун РАУЛЯ ВАЛЛЕНБЕРГА, на
имя РАУЛЯ ВАЛЛЕНБЕРГА,

Истцы,

-против-

СОЮЗА СОВЕТСКИХ СОЦИАЛИСТИ-
ЧЕСКИХ РЕСПУБЛИК,

Ответчик.

Гражданское Дело № 84-_____

FEB 9 1984

ТРЕБОВАНИЕ ИСТЦОВ ПРЕДОСТАВИТЬ
ДОКУМЕНТЫ ОТНОСИТЕЛЬНО ВОПРОСОВ
ЮРИСДИКЦИИ

Истцы требуют чтобы ответчик, Союз Советских Социалисти-
ческих Республик /"СССР"/, предоставил в контору адвокатов для
истцов, Дэвис Полк и Уордуел, 1575 Ая Стрит, Н.У., Вашингтон,
Колумбийский Округ 20005, в течении сорока пяти /45/ дней после
того как ответчику был вручен этот документ, и позволил вышеназ-
ванным истцам или их адвокатам произвести инспекцию и копирование

следующих документов, в соответствии с Правилом 34 Федеральных Правил Гражданской Судебной Процедуры.

А. НАИМЕНОВАНИЕ

1. Слово "документ" будет означать подлинник и любая неидентичная копия /если отличается от подлинника в результате замечаний, сделанных на этой копии или в любом другом отношении/ всех записей, включая без ограничения все заметки, письма или любая другая переписка, сообщения, донесения, поручения, послания, жалобы, уведомления, отчеты расследований, медицинские отчеты, включая без ограничения рентгеновские снимки, или любые другие отчеты, описания, тексты, заявления, протесты, статьи, отказы, запросы, реестры, рисунки, чертежи, графики, схемы, карты, таблицы, фотографии, звукозаписи, и любая информация, находящаяся в любой другой форме, включая без ограничения микрофильмы, микроснимки, картотеки, и компьютерное досье.

2. Это требование предоставить документы включает все документы, которые находятся во владении или под опекой или контролем ответчика или какого-либо агента, служащего, работника, или адвоката ответчика на 2 февраля 1984 года, и которые описаны в параграфах 1-8 ниже.

Б. ТРЕБУЕМЫЕ ДОКУМЕНТЫ

1. Все документы, которые отображают, упоминают, или относятся к задержанию Рауля Валленберга, включая без ограничения все документы, которые отображают, упоминают, или относятся к какой-либо причине для вышеупомянутого задержания.

2. Все документы, которые отображают, упоминают, или

относятся к заключению Рауля Валленберга, включая без ограничения все документы, которые отображают, упоминают, или относятся к какой-либо причине для вышеупомянутого заключения.

3. Все документы, которые отображают, упоминают, или относятся к состоянию Рауля Валленберга.

4. Все документы, которые отображают, упоминают, или относятся к местонахождению Рауля Валленберга в настоящее время или в любое другое время начиная с 17 января 1945 года.

5. Все документы, которые отображают, упоминают, или относятся к запросам, полученным СССР относительно местонахождения или состояния Рауля Валленберга или просьбам относительно освобождения Рауля Валленберга.

6. Все документы, которые отображают, упоминают, или относятся к любым рассмотрениям, обсуждениям, или расследованиям ответчиком СССР какого-либо запроса или просьбы типа упомянутого в параграфе 5 выше, включая без ограничения документы, которые отображают, упоминают, или относятся к ответам, поставленным ответчиком на какие-либо запросы или просьбы, или к причинам для вышеупомянутых ответов.

7. Все документы, которые отображают, упоминают, или относятся к утверждаемой смерти Рауля Валленберга.

8. Все документы, которые отображают, упоминают, или относятся ко всем настоящим или бывшим заключенным в СССР, которые в какое-либо время находились в одной камере или любом другом сооружении для содержания заключенных, включая без ограничения

тюремные лазареты, вместе с Раулем Валленбергом.

Дата: 2 февраля 1984 года

Моррис Х. Уолфф
МОРРИС Х. УОЛФФ
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Джером Дж. Снайдер

ДЖЕРОМ ДЖ. СНАЙДЭР

Дэвис Полк и Уордуел

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Вашингтон, Колумбийский Округ 20005

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Адвокаты за Истцов

Ги фон Дардел и

Свен Хагстромер

SUMMONS IN A CIVIL ACTION

4507
F840023-0143

R

United States District Court
FOR THE
District of Columbia

E-647

84-358

GUY VON DARDEL, Gyllenkroksalle 19, Lund, Sweden,
Tel. 46-14-16-16, on his own behalf and on behalf
of his half brother, RAOUL WALLENBERG, whose exact
address is unknown,

CIVIL ACTION FILE NO.

and

EVEN HAGSTROMER, Skeppsbron 24, 11130, Stockholm,
Sweden, Tel. 8-24-09-50, Legal Guardian of RAOUL
WALLENBERG, on behalf of RAOUL WALLENBERG,

Plaintiffs

v.

UNION OF SOVIET SOCIALIST REPUBLICS,

Defendant

the above named Defendant :

SUMMONS

You are hereby summoned and required to serve upon

Jerome G. Snider, Esq.,

Davis Polk & Wardwell,

plaintiff's attorney, whose address 1575 I Street, N.W., Washington, D.C. 20005

an answer to the complaint which is herewith served upon you, within 60 days after service of this
summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be
taken against you for the relief demanded in the complaint.

DEPARTMENT OF STATE		IS/FPC/CDR	10/13/92
☒ RELEASE	☐ DECLASSIFY	MR Cases Only:	
☐ EXCISE	☐ DECLASSIFY IN PART	EO Citations	
☐ DENY	☐ DELETE Non-Responsive Info		
FOIA Exemptions		☐ CLASSIFY as	
PA Exemptions		☐ DOWNGRADE TS to	
		☐ S or	
		☐ C or	

JAMES F. DAVEY

Clerk of Court.

Deputy Clerk.

Date: February 2, 1984

[Seal of Court]

RETURN ON SERVICE OF WRIT

I hereby certify and return that on the _____ day of _____

. 19

received this summons and served it together with the complaint herein as follows:

or service made by mail:

I hereby certify that I mailed this summons on

. 19

; and that such service was

place of mailing

☐ accepted

☐ refused☐ returned but not refused.

Upon refusal of service, I certify that I made further service as follows:

es for Service

Travel _____ \$ _____

Service _____ \$ _____

of

**Authorized or Specially
Appointed Process Server**

United States Marshal

by

Deputy United States Marshal

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct

Date _____

Authorized or Specially Appointed Process Server

Note: Certification required only if service is made by a person other than a United States Marshal or his deputy.

СУДЕБНАЯ ПОВЕСТКА О ГРАЖДАНСКОМ ДЕЛЕ

ОКРУЖНОЙ СУД СОЕДИНЁННЫХ ШТАТОВ
КОЛУМБИЙСКИЙ ОКРУГ

4-358

ГИ ФОН ДАРДЕЛ, Гилленкроксалле
19, Ланд, Швеция, Тел.
46-14-16-16, на своё имя и на
имя своего единокровного брата,
РАУЛЯ ВАЛЛЕНБЕРГА, чей точный
адрес неизвестен,

и

СВЕН ХАГСТРОМЕР, Скеппсброн
24, 111 30, Стокгольм, Швеция,
Тел. 8-24-09-50, юридический
опекун РАУЛЯ ВАЛЛЕНБЕРГА, на
имя РАУЛЯ ВАЛЛЕНБЕРГА,

Истцы,

-против-

СОЮЗА СОВЕТСКИХ СОЦИАЛИСТИ-
ЧЕСКИХ РЕСПУБЛИК;

Ответчик.

Гражданское Дело № 84-_____

PARKER, J.

ПОВЕСТКА

К вышеназванному Ответчику:

Вам вручается эта повестка и Вы обязаны предъявить
Джером Дж. Снайдер, Дэвис Полк и Уордуел, адвокату истцов, по
адресу 1575 Ай Стрит, Н.У., Вашингтон, Колумбийский Округ 20005,
ответ на эту жалобу, которая также вручается Вам вместе с этой
повесткой. Ваш ответ должен быть предоставлен вышеуказанному
в течении 60 дней после того, как Вам была вручена эта повестка,
не включая день вручения этой повестки. Если в течении данного

времени Ваш ответ не будет получен, решение Суда будет вынесено заочно в пользу истцов и против Вас, на основе мер судебной защиты требуемых в настоящей жалобе.

ДЖЕЙМС Ф. ДЭВИ

Судебный Клерк



Заместитель Клерка

Дата: 2 февраля 1984 года

/Судебная Печать/

ПРИМЕЧАНИЕ: Эта повестка издаётся в соответствии с Правилом 4 Федеральных Правил Гражданской Судебной Процедуры.

ВОЗВРАЩЕНИЕ ПОВЕСТКИ

— Я здесь удостоверяю и возвращаю, что /дата/ я получил эту повестку и предъявил эту повестку вместе с жалобой в следующем виде:

/Для предъявления по почте:

Я здесь удостоверяю что я отправил по почте эту повестку

/дата/ на следующем месте, и что такое предъявление было

/ / принято / / отказано / / возвращено но не отказано

После отказа этого предъявления, я удостоверяю что я произвел последующее предъявление в следующем виде:

Гонорар за предъявление

Передвижение _____

Предъявление _____

_____	или	_____
Уполномоченное или		Судебный Исполнитель
Специально Назначен-		Соединённых Штатов
ное Лицо для Прове-	посредст-	
дения Предъявления	вом	
		Заместитель Судебн
		Исполнителя Соеди-
		нённых Штатов

Я удостоверяю под наказанием за лжесвидетельство в соответствии с законами Соединённых Штатов Америки, что вышеизложенное является полным и правильным.

Дата	_____	Уполномоченное или Специально Назначенное
	_____	Лицо для Проведения Предъявления

Примечание: Удостоверение необходимо только если предъявление проводится лицом которым не является Судебным Исполнителем Соединённых Штатов или его заместителем.

United States District Court

For the District of Columbia

Office of the Clerk

3rd and Constitution Avenue, N.W.

Washington, D. C. 20001

James F. Davey
Clerk

NOTICE OF RIGHT TO CONSENT TO TRIAL
BEFORE A UNITED STATES MAGISTRATE

In accordance with the provisions of Title 28, U.S.C. §636(c), you are hereby notified that the United States Magistrates of this District Court, in addition to their other duties, upon the consent of all parties in a civil case, may conduct any or all proceedings in a civil case, including a jury or nonjury trial, and order the entry of a final judgment.

You should be aware that your decision to consent, or not to consent, to the referral of your case to a United States Magistrate must be entirely voluntary. Only if all the parties to the case consent to the reference to a Magistrate will either the Judge or the Magistrate to whom the case has been assigned be informed of your decision.

An appeal from a judgment entered by a Magistrate may be taken directly to the United States Court of Appeals for this judicial circuit in the same manner as an appeal from any other judgment of a District Court. Alternatively, upon consent of all parties, an appeal from a judgment entered by a Magistrate may be taken directly to a District Judge. Cases in which an appeal is taken to a District Judge may be reviewed by the United States Court of Appeals for this judicial circuit only by way of petition for leave to appeal.

James F. Davey

JAMES F. DAVEY
Clerk of the Court

UNITED STATES DISTRICT COURT

DISTRICT OF COLUMBIA

Civil Division

GUY VON DARDEL, Gyllenkroksalle
19, Lund, Sweden, Tel.
46-14-16-16, on his own behalf
and on behalf of his half
brother, RAOUL WALLENBERG, whose
exact address is unknown,

and

SVEN HAGSTROMER, Skeppsbron 24,
111 30, Stockholm, Sweden, Tel.
8-24-09-50, Legal Guardian of
RAOUL WALLENBERG, on behalf of
RAOUL WALLENBERG,

Plaintiffs,

-against-

UNION OF SOVIET SOCIALIST
REPUBLICS,

Defendant.

Civil Action No. 84-_____

COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF AND COMPENSATORY DAMAGES

Plaintiffs, Guy von Dardel and Sven Hagstromer, by
their undersigned attorneys, for their complaint allege as follows:

1. This is an action seeking damages and equitable
relief for the unlawful seizure and detention and possible wrongful
death of Raoul Wallenberg, a Swedish diplomat and internationally
protected person who, at the time of his seizure by defendant in
1945, was acting at the request of the United States Government

to save the Jewish community of Hungary from extermination by the Nazis. From 1945 until the present day, or until the time of his death, Raoul Wallenberg has been confined by defendant Union of Soviet Socialist Republics ("USSR") in violation of the laws and treaties of the USSR, the laws of the United States, and the law of nations.

PARTIES

2. Plaintiff Guy von Dardel is a citizen of Sweden. He is the half brother of Raoul Wallenberg. He brings this action on his own behalf and on behalf of Raoul Wallenberg.

3. Plaintiff Sven Hagstromer, a citizen of Sweden, was legally appointed as guardian of Raoul Wallenberg by the District Court in Stockholm, Sweden on June 19, 1973. He represents the legal interests of Raoul Wallenberg and brings this action on behalf of Raoul Wallenberg.

4. Raoul Wallenberg was a Swedish diplomat who went to Hungary in 1945, at the request of the United States Government, to save the Jewish community of Hungary from extermination by the Nazis. On October 5, 1981, by a joint resolution enacted by the United States Congress and signed by the President of the United States, P.L. 97-54, 95 Stat. 971 (1981), Raoul Wallenberg became an honorary citizen of the United States. At all times relevant hereto, Wallenberg has been a diplomat enjoying full diplomatic immunity and the full protection of international law, and an "internationally protected person" within the meaning of 18 U.S.C. § 1116(b)(4).

5. The USSR is a "foreign state" within the meaning of 28 U.S.C. § 1603(a). At all times relevant hereto, the USSR has had the sole power to free Raoul Wallenberg and the sole ability to disclose Raoul Wallenberg's whereabouts and condition.

JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1330(a), 1331, 1350 and 1605(a)(1) and (5) and 18 U.S.C. §§ 1116(a) and (c) and 1201(a)(4) and (e). By the treaties and international agreements described in paragraph 9 below, and by the disavowal described in paragraphs 19 and 20 below, the USSR has waived any immunity in this action. None of the acts alleged involve the exercise of any discretionary function of the USSR, because the seizure and detention of an internationally protected person such as Raoul Wallenberg are unlawful per se under the law of nations, the laws of the United States, and the laws and treaties of the USSR.

7. This Court has personal jurisdiction over the USSR under 28 U.S.C. § 1330(b).

8. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(f)(1) and (4).

9. Plaintiffs' causes of action arise under the following laws and treaties, all of which have been violated by the USSR's seizure and detention of Raoul Wallenberg and concealment of the truth concerning his whereabouts and well-being: 18 U.S.C. §§ 1116(a) and (c) and 1201(a)(4) and (e); the law of nations; the

United Nations Charter; the International Covenant on Civil and Political Rights, G.A. Res. 2200(XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1967); the Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. Doc. A/1810 (1948); the Vienna Convention on Diplomatic Relations, April 18, 1961, 23 U.S.T. 3227, T.I.A.S. No. 7502, 500 U.N.T.S. 95; Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents, December 14, 1973, 28 U.S.T. 1975, T.I.A.S. No. 8532; Final Act of the Conference on Security and Cooperation in Europe (Helsinki 1975); the agreement between the Governments of Sweden and the USSR by an exchange of notes dated February 2, 1927; and articles 126, 176, 177, 178, and other articles of the Criminal Code of the Russian Soviet Federated Socialist Republic ("RSFSR") and corresponding provisions of the Criminal Codes of other Republics of the USSR.

STATEMENT OF THE CASE

10. In July 1944, at the request of the Government of the United States, Raoul Wallenberg joined the Swedish Legation in Budapest, Hungary. His mandate was to save the Jewish community of Hungary from extermination by the Nazis.

11. With funds and directives supplied by the United States, Wallenberg provided food, shelter, medical care, and protection to as many members of the Hungarian Jewish community as he could save.

12. From July 1944 until January 1945, Wallenberg is

credited with having saved up to 100,000 lives.

13. On or about January 17, 1945, as the USSR completed its occupation of Budapest, Raoul Wallenberg was seized by the USSR.

14. Since the date of his seizure by the USSR, Raoul Wallenberg has been held incommunicado by the USSR.

15. Numerous diplomatic inquiries have been made as to the whereabouts of Raoul Wallenberg. The Governments of both Sweden and the United States have made efforts to obtain Wallenberg's release and information about his whereabouts. In addition, private citizens in both Sweden and the United States have appealed to the USSR on Wallenberg's behalf.

16. In order to make possible its continued unlawful detention of Raoul Wallenberg, the USSR, beginning in 1945 and continuing to date, has resorted to false statements, false denials of knowledge, and refusals to provide information concerning the whereabouts and condition of Raoul Wallenberg.

17. The false statements, false denials, and refusals of defendant described in paragraph 16 above have taken place in the United States as well as in other countries, and have been intended by the USSR to deceive, and have deceived, persons in the United States as well as in other countries, thereby achieving the USSR's objective of continuing the unlawful detention of Raoul Wallenberg.

18. On August 18, 1947, the Foreign Minister of the USSR, Andrei Ya. Vyshinsky, delivered a note to the Swedish

Government which read in part:

"As a result of a thorough investigation it has been established that Wallenberg is not in the Soviet Union and he is not known to us."

19. On February 6, 1957, the Deputy Foreign Minister of the USSR, Andrei A. Gromyko, delivered a note to the Swedish Government, which admitted that Raoul Wallenberg had in fact been a prisoner in the USSR, but alleged that Wallenberg had died of natural causes in his prison cell on July 17, 1947. The note attempted to fasten responsibility for the detention of Raoul Wallenberg, and for the misinformation which made the detention possible, upon Viktor S. Abakumov, a former Minister of State Security of the USSR, who was shot after Stalin's death in 1953. The note stated that:

"Raoul Wallenberg was apparently among other persons detained in the area of the military operations of the Soviet forces. At the same time it may be considered indubitable that the subsequent detention of Wallenberg, and also the incorrect information about him which was given by certain former leaders of organs of state security to the Ministry of Foreign Affairs of the USSR over the course of a number of years, were the result of criminal activity of Abakumov. As is known, in connection with the grave crimes committed by him, Abakumov, acting in violation of the laws of the USSR and striving in every possible way to inflict harm on the Soviet Union, was condemned and shot by order of the Supreme Court of the USSR."

20. By the note described in paragraph 19 above, the USSR has admitted that the detention of Raoul Wallenberg, and the failure to reveal the truth about his detention, were unlawful,

and indeed constituted "criminal activity".

21. However, the note described in paragraph 19 above was false in claiming that Wallenberg died in July of 1947. Testimony of persons released from Soviet prisons since 1947, and other evidence, establishes that Raoul Wallenberg did not die in 1947, and may in fact be alive today. Pursuant to the continuing course of false statements and nondisclosure described in paragraphs 16 and 17 above, which constitute an integral and indispensable part of the USSR's continuing unlawful detention of Raoul Wallenberg, the USSR has refused to acknowledge this evidence, or to investigate its consequences.

22. The unlawful actions of defendant in detaining Raoul Wallenberg and concealing information about him, as described in this Complaint, are continuing and ongoing. There is no adequate remedy at law for these actions, which have caused and are causing irreparable injury to plaintiffs and Raoul Wallenberg, and will continue to cause irreparable injury to plaintiffs and Raoul Wallenberg unless injunctive relief is granted by this Court.

23. No prior application has been made to any Court for the relief sought herein.

AS AND FOR A
FIRST CAUSE OF ACTION

24. Plaintiffs repeat the allegations of paragraphs 1-23 as if fully set forth herein.

25. As a result of the acts of defendant USSR, Raoul Wallenberg has suffered up to 39 years of unlawful detention.

26. The seizure and unlawful detention of Raoul Wallenberg constitute a violation of the laws and treaties set forth in paragraph 9 above.

AS AND FOR A
SECOND CAUSE OF ACTION

27. Plaintiffs repeat the allegations of paragraphs 1-23 as if fully set forth herein.

28. If Raoul Wallenberg is dead, his death was wrongfully caused by the acts of defendant USSR.

29. Such acts causing the wrongful death of Raoul Wallenberg constitute a violation of the laws and treaties set forth in paragraph 9 above.

AS AND FOR A
THIRD CAUSE OF ACTION

30. Plaintiffs repeat the allegations of paragraphs 1-23 as if fully set forth herein.

31. As a direct result of the acts of defendant USSR, plaintiff Guy von Dardel and other relatives and friends of Raoul Wallenberg, located both in the United States and abroad, have been separated from Raoul Wallenberg and have been denied information concerning his whereabouts and condition.

32. The acts of defendant USSR have caused plaintiff von Dardel and other relatives and friends of Raoul Wallenberg, located both in the United States and abroad, severe emotional pain and suffering.

33. Such acts constitute a violation of the laws and

treaties set forth in paragraph 9 above.

RELIEF

WHEREFORE, plaintiffs request that this Court grant the following relief:

A. A judgment declaring that defendant's seizure and detention of Raoul Wallenberg, and defendant's concealment of information concerning the whereabouts and condition of Raoul Wallenberg, violate the law of nations, the laws and treaties of the USSR, and the laws of the United States, as set forth in paragraph 9 above;

B. An order requiring that defendant produce in this Court the person of Raoul Wallenberg, or his remains if he is dead;

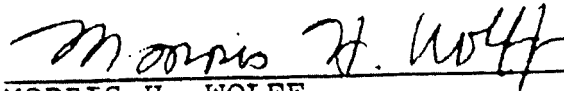
C. An order requiring defendant to furnish to plaintiffs all information in its possession concerning Raoul Wallenberg;

D. A judgment for plaintiffs in the amount of Thirty-Nine Million Dollars (\$39,000,000.00) as compensatory damages;

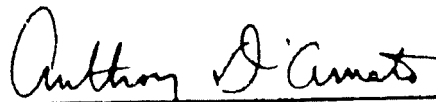
E. A judgment awarding plaintiffs reasonable attorneys' fees and costs; and

F. A judgment granting such other and further relief
as this Court may deem just and proper:

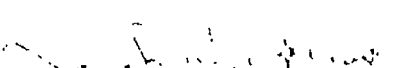
Dated: February 2, 1984



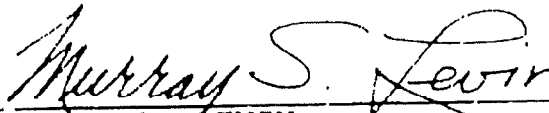
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ОКРУЖНОЙ СУД СОЕДИНЕННЫХ ШТАТОВ

КОЛУМБИЙСКИЙ ОКРУГ

Гражданское Отделение

ГИ ФОН ДАРДЕЛ, Гилленкроксалле
19, Ланд, Швеция, Тел.
46-14-16-16, на своё имя и на
имя своего единокровного брата,
РАУЛЯ ВАЛЛЕНБЕРГА, чей точный
адрес неизвестен,

и

СВЕН ХАГСТРОМЕР, Скеппсброн
24, 111 30, Стокгольм, Швеция,
Тел. 8-24-09-50, юридический
опекун РАУЛЯ ВАЛЛЕНБЕРГА, на
имя РАУЛЯ ВАЛЛЕНБЕРГА,

Истцы,

-против-

СОЮЗА СОВЕТСКИХ СОЦИАЛИСТИ-
ЧЕСКИХ РЕСПУБЛИК,

Ответчик.

FEF 1984

84- 353

Гражданское Дело № 84-_____

ЖАЛОБА С ЦЕЛЬЮ ПОЛУЧЕНИЯ ПРИНУДИ-
ТЕЛЬНОГО ОБЪЯСНЕНИЯ, СУДЕБНОГО
ЗАПРЕТА И ВОЗМЕЩЕНИЯ УБЫТКОВ

Истцы, Ги фон Дардел и Свен Хагстромер, посредством
своих адвокатов, заявляют в настоящей жалобе следующее:

1. Настоящий иск требует возмещения убытков и других
мер судебной защиты за незаконное задержание и заключение и
возможную незаконную смерть Рауля Валленберга, шведского дипломата
и международно-защищенного лица, который, во время его задержания

ответчиком в 1945 году, действовал по просьбе Правительства Соединённых Штатов, спасая членов еврейской общины в Венгрии от истребления нацистами. С 1945 года по настоящий день, или до дня его смерти, Рауль Валленберг был заточён в тюремное заключение ответчиком Союзом Советских Социалистических Республик /"СССР"/ в нарушение законов и договоров СССР, законов Соединённых Штатов и международного права.

СТОРОНЫ

2. Истец Ги фон Дардел является гражданином Швеции. Он является единокровным братом Рауля Валленберга. Он возбуждает это дело на своё имя и на имя Рауля Валленберга.

3. Истец Свен Хагстромер, гражданин Швеции, был назначен 19 июня 1973 года, Окружным Судом в Стокгольме, Швеция, юридическим опекуном Рауля Валленберга. Он представляет юридические права Рауля Валленберга и возбуждает это дело на имя Рауля Валленберга.

4. Рауль Валленберг был шведским дипломатом когда он поехал в Венгрию в 1945 году, по просьбе Правительства Соединённых Штатов, для того чтобы спасти членов еврейской общины в Венгрии от истребления нацистами. 5 октября 1981 года, в результате совместной резолюции, принятой Конгрессом Соединённых Штатов и подписанной Президентом Соединённых Штатов, П.Л. /Государственный Закон/ 97-54, 95 Стат. /Законы Соединённых Штатов/ 971 /1981/, Рауль Валленберг стал почётным гражданином Соединённых Штатов. На протяжении всего промежутка времени, относящегося к этой жалобе, Валленберг

являлся дипломатом, пользующимся полной дипломатической неприкосновенностью и полной защитой международного права, и "международно-защищенным лицом" в значении этого термина под 18 Ю.С.К. /Кодекс Соединённых Штатов/ § 1116/6//4/.

5. СССР является "иностранным государством" в значении этого термина под 28 Ю.С.К. § 1603/а/. На протяжении всего промежутка времени, относящегося к этой жалобе, СССР имело исключительную возможность освободить Рауля Валленберга и исключительную способность предоставить информацию о местонахождении и состоянии Рауля Валленберга.

ЮРИСДИКЦИЯ И СУДЕБНЫЙ ОКРУГ
В КОТОРОМ ДОЛЖНО СЛУШАТЬСЯ ДЕЛО

6. Этот Суд имеет предметную юрисдикцию на основании 28 Ю.С.К. §§ 1330/а/, 1331, 1350 и 1605/а//1/ и /5/ и 18 Ю.С.К. §§ 1116/а/ и /с/ и 1201/а//4/ и /е/. В результате договоров и международных соглашений, описанных в параграфе 9 ниже, и признания, описанного в параграфах 19 и 20 ниже, СССР отказалось от всякой неприкосновенности в отношении этого дела. Ни одно из действий, заявленных в этой жалобе, не включает использования какой-либо дискреционной функции СССР, так как задержание и содержание в заключении международно-защищенного лица, такого как Рауль Валленберг, являются незаконным само по себе в соответствии с международным правом, законами Соединённых Штатов и законами и договорами СССР.

7. Этот Суд имеет персональную юрисдикцию над СССР в соответствии с 28 Ю.С.К. § 1330/6/.

8. Это дело должно слушаться в этом Суде в соответствии с 28 Ю.С.К. § 1391/ф//1/ и /4/.

9. Основания истцов для этого дела находятся в соответствии со следующими законами и договорами, все нарушенными СССР в результате задержания и содержания в заключении Рауля Валленберга и скрывания правды в отношении его местонахождения и состояния: 18 Ю.С.К. §§ 1116/а/ и /с/ и 1201/а/ и /е/, международным правом, Уставом Организации Объединённых Наций, Международным Пактом о Гражданских и Политических Правах, Дж.А. Рес. 2200 /XX1/, 21 Ю.Н. Дж.А.О.Р. Супп. /№ 16/ 52, Ю.Н. Док. А/6316 /1967/, Международной Декларацией Человеческих Прав, Дж.А. Рес. 217А /111/, Ю.Н. Док. А/1810 /1948/, Венской Конвенцией о Дипломатических Сношениях, 18 апреля 1961 года, 23 Ю.С.Т. /Договоры Соединённых Штатов/ 3227, Т.И.А.С. /Договоры и Другие Международные Акты/ № 7502, 500 Ю.Н.Т.С. 95, Конвенцией о Предотвращении и Наказании Преступлений Против Лиц, Пользующихся Международной Защитой, в Том Числе Дипломатических Агентов, 14 декабря 1973 года, 28 Ю.С.Т. 1975, Т.И.А.С. № 8532, Заключительным Актом Конференции по Безопасности и Взаимопомощи в Европе /Хельсинки 1975/, соглашением между Правительствами Швеции и СССР, достигнутым посредством обмена нот от 2 февраля 1927 года, и статьями 126, 176, 177, 178, и другими статьями Уголовного Кодекса Российской Советской Федеративной Социалистической Республики /"РСФСР"/ и соответствующими положениями Уголовных Кодексов других Республик СССР.

ИЗЛОЖЕНИЕ ДЕЛА

10. В июле 1944 года, по просьбе Правительства Соединённых Штатов, Рауль Валленберг присоединился к Шведской Дипломатической Миссии в Будапеште, Венгрия. Его мандат был спасти членов еврейской общины в Венгрии от истребления нацистами.

11. С помощью фондов и директив, поставленных Соединёнными Штатами, Валленберг снабжал питание, укрытие, медицинскую помощь, и защиту всем членам венгерской еврейской общины, которых он мог спасти.

12. Валленбергу приписывают спасение около 100,000 жизней в период с июля 1944 года до января 1945 года.

13. Примерно 17 января 1945 года, когда СССР закончило оккупацию Будапешта, Рауль Валленберг был задержан служащими СССР.

14. С момента когда СССР задержало Рауля Валленберга, СССР держало его отрезанным от внешнего мира.

15. Многочисленные дипломатические запросы были сделаны в отношении местонахождения Рауля Валленберга. Правительствами Швеции и Соединённых Штатов были сделаны попытки добиться освобождения Валленберга и информации о его местонахождении. В дополнение к этому, частные лица Швеции и Соединённых Штатов обращались к СССР на предмет Валленберга.

16. Для того чтобы создавать возможность продолжения незаконного заключения Рауля Валленберга, СССР, начиная с 1945 года и до настоящего времени, прибегло к даче неправильной информации, неправильным отрицаниям, осведомлённости и отказам предоставить информацию относительно местонахождения и состояния Рауля Валлен-

берга.

17. Неправильная информация, неправильные отрицания и отказы ответчиком, описанные в параграфе 16 выше, были сделаны в Соединённых Штатах и в других странах, и были сделаны СССР с целью обмана, и обманули, лиц в Соединённых Штатах и в других странах, таким образом достигнув цель СССР продолжать незаконное заключение Рауля Валленберга.

18. 18 августа 1947 года, Министр Иностранных Дел СССР, Андрей Я. Вышинский, вручил Шведскому Правительству ноту, в которой говорилось следующее:

"В результате тщательной проверки установлено, что Валленберга в Советском Союзе нет и он нам неизвестен."

19. 6 февраля 1957 года, Заместитель Министра Иностранных Дел СССР, Андрей А. Громыко, вручил Шведскому Правительству памятную записку, которая признала, что Рауль Валленберг фактически являлся заключённым в СССР, но заявила что Валленберг умер естественной смертью в тюрьме 17 июля 1947 года. Памятная записка пыталась наложить всю ответственность за заключение Рауля Валленберга и за неправильную информацию о нём, которая сделала возможным его заключение, на Виктора С. Абакумова, бывшего Министра Государственной Безопасности СССР, который был расстрелян после смерти Сталина в 1953 году. Памятная записка заявила что:

"Рауль Валленберг был, по-видимому, в числе других лиц задержан в районе боевых действий советских войск. Вместе с тем можно считать несомненным, что последующее содержание Валленберга в заключении, а также неправильная информация о нем, дававшаяся некоторыми бывшими руководителями

органов безопасности в МИД СССР в течение ряда лет явились результатом преступной деятельности Абакумова. Как известно, в связи с совершенными им тяжкими преступлениями, Абакумов, действовавший в нарушение законов СССР и стремившийся нанести всяческий ущерб Советскому Союзу, был осужден и расстрелян по приговору Верховного Суда СССР."

20. Этой памятной запиской, описанной в параграфе 19 выше, СССР признало, что заключение Рауля Валленберга, и скрывание правды относительно его заключения, были незаконными и представляли "преступную деятельность".

21. Однако, памятная записка, описанная в параграфе 19 выше, содержала неправильную информацию в отношении заявления, что Валленберг умер в июле 1947 года. Показания лиц, освобождённых из советских тюрем с 1947 года и другие свидетельские данные установили, что Рауль Валленберг не умер в 1947 году, и на самом деле может быть жив по сегодняшний день. Согласно продолжающемуся потоку неправильных заявлений и укрывания информации, описанных в параграфах 16 и 17 выше, которые составляют неотъемлемую и необходимую часть продолжающегося незаконного заключения Рауля Валленберга, в СССР, СССР отказалось признать эти свидетельские данные или расследовать их последствия.

22. Незаконные действия ответчиком, состоящие, как описано в настоящей жалобе, в заключении Рауля Валленберга и укрывании информации о нём, продолжают по настоящее время. Возмещение убытков само по себе не является адекватной мерой защиты против вышеизложенных действий ответчиком. Эти действия ответчиком уже причинили и нанесли, и будут продолжать причинять и наносить, непоправимый ущерб истцам и Раулю Валленбергу до тех пор пока этот

Суд не присудит мер защиты, включающих принудительное объяснение и судебный запрет относительно местонахождения, состояния и заключения Рауля Валленберга.

23. Настоящая жалоба представляет собой первое судебное заявление относительно мер защиты, требуемых в настоящей жалобе.

ПЕРВОЕ ОСНОВАНИЕ ДЛЯ ДЕЛА

24. Истцы повторяют заявления параграфов 1-23 выше, как будто эти заявления изложены в этом параграфе.

25. В результате действий ответчиком СССР, Рауль Валленберг подвергся вплоть до 39 лет незаконного заключения.

26. Задержание и незаконное заключение Рауля Валленберга составляют нарушения законов и договоров, изложенных в параграфе 9 выше.

ВТОРОЕ ОСНОВАНИЕ ДЛЯ ДЕЛА

27. Истцы повторяют заявления параграфов 1-23 выше, как будто эти заявления изложены в этом параграфе.

28. Если Рауль Валленберг скончался, его смерть является результатом незаконных действий ответчиком СССР.

29. Такие действия, причинившие незаконную смерть Рауля Валленберга, составляют нарушения законов и договоров, изложенных в параграфе 9 выше.

ТРЕТЬЕ ОСНОВАНИЕ ДЛЯ ДЕЛА

30. Истцы повторяют заявления параграфов 1-23 выше, как будто эти заявления изложены в этом параграфе.

31. Как прямой результат действий ответчиком СССР, истец Ги фон Дардел и другие родственники и друзья Рауля Валленберга, находящиеся в Соединённых Штатах и за границей, были разлучены с Раулем Валленбергом и им было отказано в информации относительно его местонахождения и состояния.

32. Действия ответчиком СССР причинили истцу фон Дардел и другим родственникам и друзьям Рауля Валленберга, находящимся в Соединённых Штатах и за границей, тяжёлую моральную боль и страдания.

33. Такие действия составляют нарушения законов и договоров, изложенных в параграфе 9 выше.

МЕРЫ СУДЕБНОЙ ЗАЩИТЫ

Истцы просят этот Суд дать следующие меры судебной защиты:

А. Решение Суда, объявляющее, что задержание и заключение ответчиком Рауля Валленберга, а также укрытие ответчиком информации относительно местонахождения и состояния Рауля Валленберга, нарушают международное право, законы и договоры СССР и законы Соединённых Штатов, как изложено в параграфе 9 выше.

Б. Приказ Суда, требующий, чтобы ответчик предоставил этому Суду Рауля Валленберга лично, или его останки если он умер.

В. Приказ Суда, требующий, чтобы ответчик предоставил истцам всю информацию, которой он обладает относительно Рауля Валленберга.

Г. Решение Суда за истцов в сумме тридцать девять миллионов долларов /39,000,000 долларов/ в качестве возмещения

убытков.

Д. Решение Суда, дающее истцам приемлемые адвокатские гонорары и расходы.

Е. Решение Суда, дающее такие другие и дальнейшие меры судебной защиты, как этот Суд считает справедливым и правильным.

Дата: 2 февраля 1984 года

Моррис Х. Уолфф
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/215/ 893-3000

NOTICE OF SUIT

84-1358

1. Title of Legal Proceeding:

GUY VON DARDEL, on his own behalf and on behalf of his half brother, RAOUL WALLENBERG, and SVEN HAGSTROMER, legal guardian of RAOUL WALLENBERG, on behalf of RAOUL WALLENBERG, Plaintiffs, against UNION OF SOVIET SOCIALIST REPUBLICS, Defendant.

Full Name of Court:

United States District Court for the District of Columbia.

Docket Number:

Civil Action No. 84-_____.

2. Name of Foreign State Concerned:

Union of Soviet Socialist Republics.

3. Identity of Other Parties:

Guy von Dardel, half brother of Raoul Wallenberg, and Sven Hagstromer, legal guardian of Raoul Wallenberg.

JUDICIAL DOCUMENTS

4. Nature of Documents Served:

Summons; Complaint for Declaratory and Injunctive Relief and Compensatory Damages; Plaintiffs' Request for Production of Documents on Jurisdictional Issues.

5. Nature and Purpose of the Proceedings:

~~This is an action for declaratory and injunctive~~
relief and damages against the defendant Union of Soviet Socialist Republics ("USSR") arising out of the unlawful seizure and detention and possible wrongful death of Raoul Wallenberg, who at all relevant times has been a Swedish diplomat and an internationally protected person. Raoul Wallenberg was seized by the USSR in Hungary on January 17, 1945 while he was acting at the request of the United States Government to save the Jewish community of Hungary from extermination by the Nazis. From 1945 until the present day, or until the time of his death, Raoul Wallenberg has been confined by the USSR, which has concealed the truth concerning the whereabouts of Raoul Wallenberg. If Raoul Wallenberg is dead, his death was wrongfully caused by the USSR. The above acts of the USSR, which have caused plaintiffs and other relatives and friends of Raoul Wallenberg severe emotional pain and suffering, constitute violations of the laws and treaties of the USSR, the laws of the United States and the law of nations.

Why the Foreign State Has Been Named:

The USSR committed the wrongful acts described in the Complaint and has the sole power to provide

the relief sought by the Complaint.

Relief Requested.

The Complaint seeks the following relief: (a) a judgment declaring that defendant's seizure and detention of Raoul Wallenberg, and defendant's concealment of information concerning the whereabouts and condition of Raoul Wallenberg, violate the law of the nations, the laws and treaties of the USSR, and the laws of the United States; (b) an order requiring that defendant produce in Court the person of Raoul Wallenberg, or his remains if he is dead; (c) an order requiring defendant to furnish to plaintiffs all information in its possession concerning Raoul Wallenberg; (d) a judgment for plaintiffs in the amount of Thirty-Nine Million Dollars (\$39,000,000.00) as compensatory damages; (e) a judgment awarding plaintiffs reasonable attorneys' fees and costs; and (f) a judgment granting such other and further relief as the Court may deem just and proper.

6. Date of Default Judgment:

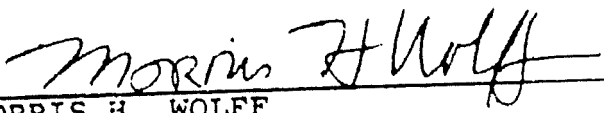
None

7. A response to a "Summons" and "Complaint" is required to be submitted to the Court, no later than sixty days after these documents are received. The response may present jurisdictional defenses (including defenses

relating to state immunity).

8. The failure to submit a timely response with the court can result in a Default Judgment and a request for execution to satisfy the judgment. If a default judgment has been entered, a procedure may be available to vacate or open that judgment.
9. Questions relating to state immunities and to the jurisdiction of the United States courts over foreign states are governed by the Foreign Sovereign Immunities Act of 1976 which appears in Sections 1330, 1391(f), 1441(d) and 1602 through 1611, of Title 28, United States Code (Pub. L. 94-583 90 Stat. 2891).

Dated: February 2, 1984


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Public Law 94-583
94th Congress

An Act

To define the jurisdiction of United States courts in suits against foreign states, the circumstances in which foreign states are immune from suit and in which execution may not be levied on their property, and for other purposes.

Oct. 21, 1976

[H.R. 11315]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Sovereign Immunities Act of 1976".

SEC. 2. (a) That chapter 85 of title 28, United States Code, is amended by inserting immediately before section 1331 the following new section:

"§ 1330. Actions against foreign states

"(a) The district courts shall have original jurisdiction without regard to amount in controversy of any nonjury civil action against a foreign state as defined in section 1603(a) of this title as to any claim for relief in personam with respect to which the foreign state is not entitled to immunity either under sections 1605-1607 of this title or under any applicable international agreement.

"(b) Personal jurisdiction over a foreign state shall exist as to every claim for relief over which the district courts have jurisdiction under subsection (a) where service has been made under section 1608 of this title.

"(c) For purposes of subsection (b), an appearance by a foreign state does not confer personal jurisdiction with respect to any claim for relief not arising out of any transaction or occurrence enumerated in sections 1605-1607 of this title."

(b) By inserting in the chapter analysis of that chapter before—

"1331. Federal question; amount in controversy; costs."

the following new item:

"1330. Action against foreign states."

SEC. 3. That section 1332 of title 28, United States Code, is amended by striking subsections (a) (2) and (3) and substituting in their place the following:

"(2) citizens of a State and citizens or subjects of a foreign state;

"(3) citizens of different States and in which citizens or subjects of a foreign state are additional parties; and

"(4) a foreign state, defined in section 1603(a) of this title, as plaintiff and citizens of a State or of different States."

SEC. 4. (a) That title 28, United States Code, is amended by inserting after chapter 95 the following new chapter:

"Chapter 97.—JURISDICTIONAL IMMUNITIES OF FOREIGN STATES

"Sec.

"1602. Findings and declaration of purpose.

"1603. Definitions.

"1604. Immunity of a foreign state from jurisdiction.

"1605. General exceptions to the jurisdictional immunity of a foreign state.

"1606. Extent of liability.

"1607. Counterclaims and set-off.

Foreign
Sovereign
Immunities Act
of 1976.
28 USC 1 note.

28 USC 1330.

Jurisdiction.

Post, p. 2892.

Post, p. 2894.

"1607. Counterclaims.

"1608. Service; time to answer default.

"1609. Immunity from attachment and execution of property of a foreign state.

"1610. Exceptions to the immunity from attachment or execution.

"1611. Certain types of property immune from execution.

28 USC 1602.

"§ 1602. Findings and declaration of purpose

"The Congress finds that the determination by United States courts of the claims of foreign states to immunity from the jurisdiction of such courts would serve the interests of justice and would protect the rights of both foreign states and litigants in United States courts. Under international law, states are not immune from the jurisdiction of foreign courts insofar as their commercial activities are concerned, and their commercial property may be levied upon for the satisfaction of judgments rendered against them in connection with their commercial activities. Claims of foreign states to immunity should henceforth be decided by courts of the United States and of the States in conformity with the principles set forth in this chapter.

28 USC 1603.

"§ 1603. Definitions

"For purposes of this chapter—

"(a) A 'foreign state', except as used in section 1608 of this title, includes a political subdivision of a foreign state or an agency or instrumentality of a foreign state as defined in subsection (b).

"(b) An 'agency or instrumentality of a foreign state' means any entity—

"(1) which is a separate legal person, corporate or otherwise, and

"(2) which is an organ of a foreign state or political subdivision thereof, or a majority of whose shares or other ownership interest is owned by a foreign state or political subdivision thereof, and

"(3) which is neither a citizen of a State of the United States as defined in section 1332 (c) and (d) of this title, nor created under the laws of any third country.

"(c) The 'United States' includes all territory and waters, continental or insular, subject to the jurisdiction of the United States.

"(d) A 'commercial activity' means either a regular course of commercial conduct or a particular commercial transaction or act. The commercial character of an activity shall be determined by reference to the nature of the course of conduct or particular transaction or act, rather than by reference to its purpose.

"(e) A 'commercial activity carried on in the United States by a foreign state' means commercial activity carried on by such state and having substantial contact with the United States.

28 USC 1604.

"§ 1604. Immunity of a foreign state from jurisdiction

"Subject to existing international agreements to which the United States is a party at the time of enactment of this Act a foreign state shall be immune from the jurisdiction of the courts of the United States and of the States except as provided in sections 1605 to 1607 of this chapter.

28 USC 1605.

"§ 1605. General exceptions to the jurisdictional immunity of a foreign state

"(a) A foreign state shall not be immune from the jurisdiction of courts of the United States or of the States in any case—

"(1) in which the foreign state has waived its immunity either explicitly or by implication, notwithstanding any withdrawal of

the waiver which the foreign state may purport to effect except in accordance with the terms of the waiver;

"(2) in which the action is based upon a commercial activity carried on in the United States by the foreign state; or upon an act performed in the United States in connection with a commercial activity of the foreign state elsewhere; or upon an act outside the territory of the United States in connection with a commercial activity of the foreign state elsewhere and that act causes a direct effect in the United States;

"(3) in which rights in property taken in violation of international law are in issue and that property or any property exchanged for such property is present in the United States in connection with a commercial activity carried on in the United States by the foreign state; or that property or any property exchanged for such property is owned or operated by an agency or instrumentality of the foreign state and that agency or instrumentality is engaged in a commercial activity in the United States;

"(4) in which rights in property in the United States acquired by succession or gift or rights in immovable property situated in the United States are in issue; or

"(5) not otherwise encompassed in paragraph (2) above, in which money damages are sought against a foreign state for personal injury or death, or damage to or loss of property, occurring in the United States and caused by the tortious act or omission of that foreign state or of any official or employee of that foreign state while acting within the scope of his office or employment; except this paragraph shall not apply to—

"(A) any claim based upon the exercise or performance or the failure to exercise or perform a discretionary function regardless of whether the discretion be abused, or

"(B) any claim arising out of malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights.

"(b) A foreign state shall not be immune from the jurisdiction of the courts of the United States in any case in which a suit in admiralty is brought to enforce a maritime lien against a vessel or cargo of the foreign state, which maritime lien is based upon a commercial activity of the foreign state: *Provided, That—*

Suit in admiralty.

"(1) notice of the suit is given by delivery of a copy of the summons and of the complaint to the person, or his agent, having possession of the vessel or cargo against which the maritime lien is asserted; but such notice shall not be deemed to have been delivered, nor may it thereafter be delivered, if the vessel or cargo is arrested pursuant to process obtained on behalf of the party bringing the suit—unless the party was unaware that the vessel or cargo of a foreign state was involved, in which event the service of process of arrest shall be deemed to constitute valid delivery of such notice; and

Notice.

"(2) notice to the foreign state of the commencement of suit as provided in section 1608 of this title is initiated within ten days either of the delivery of notice as provided in subsection (b)(1) of this section or, in the case of a party who was unaware that the vessel or cargo of a foreign state was involved, of the date such party determined the existence of the foreign state's interest.

Whenever notice is delivered under subsection (b)(1) of this section, the maritime lien shall thereafter be deemed to be an in personam

claim against the foreign state which at that time owns the vessel or cargo involved: *Provided*, That a court may not award judgment against the foreign state in an amount greater than the value of the vessel or cargo upon which the maritime lien arose, such value to be determined as of the time notice is served under subsection (b) (1) of this section.

28 USC 1606.

"§ 1606. Extent of liability

"As to any claim for relief with respect to which a foreign state is not entitled to immunity under section 1605 or 1607 of this chapter, the foreign state shall be liable in the same manner and to the same extent as a private individual under like circumstances; but a foreign state except for an agency or instrumentality thereof shall not be liable for punitive damages; if, however, in any case wherein death was caused, the law of the place where the action or omission occurred provides, or has been construed to provide, for damages only punitive in nature, the foreign state shall be liable for actual or compensatory damages measured by the pecuniary injuries resulting from such death which were incurred by the persons for whose benefit the action was brought.

28 USC 1607.

"§ 1607. Counterclaims

"In any action brought by a foreign state, or in which a foreign state intervenes, in a court of the United States or of a State, the foreign state shall not be accorded immunity with respect to any counterclaim—

"(a) for which a foreign state would not be entitled to immunity under section 1605 of this chapter had such claim been brought in a separate action against the foreign state; or

"(b) arising out of the transaction or occurrence that is the subject matter of the claim of the foreign state; or

"(c) to the extent that the counterclaim does not seek relief exceeding in amount or differing in kind from that sought by the foreign state.

28 USC 1608.

"§ 1608. Service; time to answer; default

"(a) Service in the courts of the United States and of the States shall be made upon a foreign state or political subdivision of a foreign state:

"(1) by delivery of a copy of the summons and complaint in accordance with any special arrangement for service between the plaintiff and the foreign state or political subdivision; or

"(2) if no special arrangement exists, by delivery of a copy of the summons and complaint in accordance with an applicable international convention on service of judicial documents; or

"(3) if service cannot be made under paragraphs (1) or (2), by sending a copy of the summons and complaint and a notice of suit, together with a translation of each into the official language of the foreign state, by any form of mail requiring a signed receipt, to be addressed and dispatched by the clerk of the court to the head of the ministry of foreign affairs of the foreign state concerned, or

"(4) if service cannot be made within 90 days under paragraph (3), by sending two copies of the summons and complaint and a notice of suit, together with a translation of each into the official language of the foreign state, by any form of mail requiring a signed receipt, to be addressed and dispatched by the clerk of the court to the Secretary of State in Washington, District of

Columbia, to the attention of the Director of Special Consular Services—and the Secretary shall transmit one copy of the papers through diplomatic channels to the foreign state and shall send to the clerk of the court a certified copy of the diplomatic note indicating when the papers were transmitted.

As used in this subsection, a 'notice of suit' shall mean a notice addressed to a foreign state and in a form prescribed by the Secretary of State by regulation.

"Notice of suit."

"(b) Service in the courts of the United States and of the States shall be made upon an agency or instrumentality of a foreign state:

"(1) by delivery of a copy of the summons and complaint in accordance with any special arrangement for service between the plaintiff and the agency or instrumentality; or

"(2) if no special arrangement exists, by delivery of a copy of the summons and complaint either to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process in the United States; or in accordance with an applicable international convention on service of judicial documents; or

"(3) if service cannot be made under paragraphs (1) or (2), and if reasonably calculated to give actual notice, by delivery of a copy of the summons and complaint, together with a translation of each into the official language of the foreign state—

"(A) as directed by an authority of the foreign state or political subdivision in response to a letter rogatory or request or

"(B) by any form of mail requiring a signed receipt, to be addressed and dispatched by the clerk of the court to the agency or instrumentality to be served, or

"(C) as directed by order of the court consistent with the law of the place where service is to be made.

"(c) Service shall be deemed to have been made—

"(1) in the case of service under subsection (a)(4), as of the date of transmittal indicated in the certified copy of the diplomatic note; and

"(2) in any other case under this section, as of the date of receipt indicated in the certification, signed and returned postal receipt, or other proof of service applicable to the method of service employed.

"(d) In any action brought in a court of the United States or of a State, a foreign state, a political subdivision thereof, or an agency or instrumentality of a foreign state shall serve an answer or other responsive pleading to the complaint within sixty days after service has been made under this section.

"(e) No judgment by default shall be entered by a court of the United States or of a State against a foreign state, a political subdivision thereof, or an agency or instrumentality of a foreign state, unless the claimant establishes his claim or right to relief by evidence satisfactory to the court. A copy of any such default judgment shall be sent to the foreign state or political subdivision in the manner prescribed for service in this section.

"§ 1609. Immunity from attachment and execution of property of a foreign state 28 USC 1609.

"Subject to existing international agreements to which the United States is a party at the time of enactment of this Act the property

"(1) the foreign state has explicitly waived its immunity from attachment prior to judgment, notwithstanding any withdrawal of the waiver the foreign state may purport to effect except in accordance with the terms of the waiver, and

28 USC 1611.

22 USC 208 note.

"(b) Notwithstanding the provisions of section 1610 of this chapter, the property of a foreign state shall be immune from attachment and from execution, if—

"(2) the property is, or is intended to be, used in connection with a military activity and

"(B) is under the control of a military authority or defense agency."

"16. Customs Court",

"97. Jurisdictional Immunities of Foreign States".

"(f) A civil action against a foreign state as defined in section 1603(a) of this title may be brought—

"(f) A civil action against a foreign state as defined in section 1603(a) of this title may be brought—

(1) in any judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated;

"(2) in any judicial district in which the vessel or cargo of a foreign state is situated, if the claim is asserted under section 1605(b) of this title;

[illegible]

in the United States of a foreign state shall be immune from attachment arrest and execution except as provided in sections 1610 and 1611 of this chapter.

28 USC 1610.

“§ 1610. Exceptions to the immunity from attachment or execution

“(a) The property in the United States of a foreign state, as defined in section 1603(a) of this chapter, used for a commercial activity in the United States, shall not be immune from attachment in aid of execution, or from execution, upon a judgment entered by a court of the United States or of a State after the effective date of this Act, if—

“(1) the foreign state has waived its immunity from attachment in aid of execution or from execution either explicitly or by implication, notwithstanding any withdrawal of the waiver the foreign state may purport to effect except in accordance with the terms of the waiver, or

“(2) the property is or was used for the commercial activity upon which the claim is based, or

“(3) the execution relates to a judgment establishing rights in property which has been taken in violation of international law or which has been exchanged for property taken in violation of international law, or

“(4) the execution relates to a judgment establishing rights in property—

“(A) which is acquired by succession or gift, or

“(B) which is immovable and situated in the United States: *Provided*, That such property is not used for purposes of maintaining a diplomatic or consular mission or the residence of the Chief of such mission, or

“(5) the property consists of any contractual obligation or any proceeds from such a contractual obligation to indemnify or hold harmless the foreign state or its employees under a policy of automobile or other liability or casualty insurance covering the claim which merged into the judgment.

“(b) In addition to subsection (a), any property in the United States of an agency or instrumentality of a foreign state engaged in commercial activity in the United States shall not be immune from attachment in aid of execution, or from execution, upon a judgment entered by a court of the United States or of a State after the effective date of this Act, if—

“(1) the agency or instrumentality has waived its immunity from attachment in aid of execution or from execution either explicitly or implicitly, notwithstanding any withdrawal of the waiver the agency or instrumentality may purport to effect except in accordance with the terms of the waiver, or

“(2) the judgment relates to a claim for which the agency or instrumentality is not immune by virtue of section 1605(a) (2), (3), or (5), or 1605(b) of this chapter, regardless of whether the property is or was used for the activity upon which the claim is based.

“(c) No attachment or execution referred to in subsections (a) and (b) of this section shall be permitted until the court has ordered such attachment and execution after having determined that a reasonable period of time has elapsed following the entry of judgment and the giving of any notice required under section 1608(e) of this chapter.

"(3) in any judicial district in which the agency or instrumentality is licensed to do business or is doing business, if the action is brought against an agency or instrumentality of a foreign state as defined in section 1603(b) of this title; or

"(4) in the United States District Court for the District of Columbia if the action is brought against a foreign state or political subdivision thereof."

Actions
removable.

SEC. 6. That section 1441 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) Any civil action brought in a State court against a foreign state as defined in section 1603(a) of this title may be removed by the foreign state to the district court of the United States for the district and division embracing the place where such action is pending. Upon removal the action shall be tried by the court without jury. Where removal is based upon this subsection, the time limitations of section 1446(b) of this chapter may be enlarged at any time for cause shown."

28 USC 1446.

28 USC 1602
note.

SEC. 7. If any provision of this Act or the application thereof to any foreign state is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Effective date.
28 USC 1602
note.

SEC. 8. This Act shall take effect ninety days after the date of its enactment.

Approved October 21, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-1487 (Comm. on the Judiciary).

SENATE REPORT No. 94-1310 accompanying S. 3553 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 122 (1976):

Sept. 29, considered and passed House.

Oct. 1, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 12, No. 43:

Oct. 22, Presidential statement.

ИЗВЕЩЕНИЕ ОБ ИСКЕ

84- 353

1. Название Настоящего Судебного Процесса:

ГИ ФОН ДАРДЕЛ, на своё имя и на имя своего единокровного брата, РАУЛЯ ВАЛЛЕНБЕРГА, и СВЕН ХАГСТРОМЕР, юридический опекун РАУЛЯ ВАЛЛЕНБЕРГА, на имя РАУЛЯ ВАЛЛЕНБЕРГА, Истцы, против СОЮЗА СОВЕТСКИХ СОЦИАЛИСТИЧЕСКИХ РЕСПУБЛИК, Ответчик.

Полное Наименование Суда:

Окружной Суд Соединённых Штатов, Колумбийский Округ.

Номер Дела:

Гражданское Дело № 84-_____.

2. Имя Соответствующего Иностранного Государства:

Союз Советских Социалистических Республик.

3. Личность Других Участвующих Лиц:

Ги фон Дардел, единокровный брат Рауля Валленберга, и Свен Хагстромер, юридический опекун Рауля Валленберга.

СУДЕБНЫЕ ДОКУМЕНТЫ

4. Тип Документов, Вручённых Ответчику:

Повестка, Жалоба с Целью Получения Принудительного Объяснения, Судебного Запрета и Возмещения Убытков, и Требование Истцов Предоставить Документы Относительно Вопросов Юрисдикции.

5. Характер и Цель Настоящего Судебного Процесса:

Настоящий иск требует принудительного объяснения,

судебного запрета и возмещения убытков против ответчика Союза Советских Социалистических Республик /"СССР"/ на основе незаконного задержания и заключения ответчиком и возможной незаконной смерти Рауля Валленберга, который, на протяжении всего времени, относящегося к настоящей жалобе, являлся шведским дипломатом и международно-защищённым лицом. Рауль Валленберг был задержан ответчиком СССР в Венгрии 17 января 1945 года, где он действовал по просьбе Правительства Соединённых Штатов, спасая членов венгерской еврейской общины от истребления нацистами. С 1945 года по настоящий день, или до дня его смерти, Рауль Валленберг был заточён в тюремное заключение ответчиком СССР, который утаил правду относительно местонахождения Рауля Валленберга. Если Рауль Валленберг умер, его смерть явилась результатом незаконных действий ответчиком СССР. Вышеуказанные действия ответчиком СССР, причинившие истцам и другим родственникам и друзьям Рауля Валленберга тяжёлую моральную боль и страдания, составляют нарушения законов и договоров СССР, законов Соединённых Штатов и международного права.

Почему Иностранное Государство Было Названо в Этом Иске:

СССР совершило незаконные действия, указанные в настоящей жалобе, и обладает исключительной способностью обеспечить выполнение мер, истребуемых настоящей жалобой.

Меры Судебной Защиты, Истребуемые Настоящей Жалобой:

Настоящая жалоба требует следующих мер судебной защиты:

/А/ решения Суда, объявляющего, что задержание и заключение ответчиком Рауля Валленберга, и укрытие ответчиком информации относительно местонахождения и состояния Рауля Валленберга, нарушили международное право, законы и договоры СССР и законы Соединённых Штатов, /Б/ приказа Суда, требующего, чтобы ответчик предоставил Суду Рауля Валленберга лично, или его останки если он умер, /В/ приказа Суда, требующего, чтобы ответчик предоставил истцам всю информацию, которой ответчик обладает относительно Рауля Валленберга, /Г/ решения Суда за истцов в сумме тридцать девять миллионов долларов /39,000,000 долларов/ в качестве возмещения убытков, /Д/ решения Суда, дающего истцам приемлемые адвокатские гонорары и расходы, и /Е/ решения Суда, дающего такие другие и дальнейшие меры судебной защиты, как Суд считает справедливым и правильным.

6. Дата Заочного Решения Суда в Результате Неявки Ответчика:
Отсутствует.
7. Ответ на судебную повестку и жалобу надо предоставить в Суд не позже чем шестьдесят дней после получения настоящих документов. Ответ может включать юрисдикционные защиты /включая защиты, относящиеся к государственной неприкосновенности/.
8. Отсутствие своевременного ответа Суду может закончиться заочным решением Суда в пользу истцов как результат неявки ответчика и последующим прошением привести в исполнение решение

Суда против ответчика. Если заочное решение будет в пользу истцов, ответчик может использовать судебную процедуру, в результате которой такое решение может быть отменено или открыто для повторного рассмотрения.

9. Вопросы, относящиеся к государственной неприкосновенности и юрисдикции судов Соединённых Штатов над иностранными государствами регулируются Актом об Иностранных Суверенных Неприкосновенностях 1976 года, находящимся в Разделах 1330, 1391/ф/, 1441/дж/, и 1602-1611 Заглавия 28, Кодекса Соединённых Штатов /п.л. 94-583, 90 Стат. 2891/.

Дата: 2 февраля 1984 года

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Адвокаты за Истцов

Ги фон Дардел и

Свен Хагстромер

ГОСУДАРСТВЕННЫЙ ЗАКОН 94-583 /ЗАКОН ПАЛАТЫ ПРЕДСТАВИТЕЛЕЙ 11315/
от 21 октября 1976 года

АКТ ОБ ИНОСТРАННЫХ СУВЕРЕННЫХ НЕПРИКОСНОВЕННОСТЯХ 1976 ГОДА

Относительно законодательной истории закона см. стр. 6604

Закон, целью которого является определение юрисдикции судов Соединённых Штатов в судебных делах против иностранных государств, и обстоятельств, в которых иностранные государства пользуются неприкосновенностью от исков и в которых нельзя провести взыскание на имущество таких иностранных государств, и других целей.

Настоящим устанавливается в законодательном порядке Сенатом и Палатой Представителей на совместном заседании Конгресса, что данный закон может быть ссылааться как "Акт об Иностранных Суверенных Неприкосновенностях 1976 года".

Раздел 2. /а/ Глава 85 заглавия 28, Кодекса Соединённых Штатов, настоящим изменяется посредством вставки следующего нового раздела непосредственно перед разделом 1331:

"Разд. 1330. Иски против иностранных государств"

"/а/ Федеральные окружные суды пользуются первоначальной юрисдикцией независимо от суммы, о которой идёт тяжба, в любом гражданском деле, рассматриваемом без участия присяжных, против иностранного государства, в соответствии с определением этого термина в разделе 1603/а/ настоящего заглавия, относительно любого иска об удовлетворении претензии по обязательствам, по отношению к которым иностранное государство не пользуется правом неприкосновенности ни на основании разделов 1605-1607 настоящего заглавия, ни на основании любого другого международного договора.

"/б/ Персональная юрисдикция над иностранным государством будет существовать относительно иска, над которым федеральные окружные суды имеют юрисдикцию на основании подраздела /а/, в случаях, когда извещение было вручено в соответствии с разделом 1608 настоящего заглавия.

"/с/ С точки зрения подраздела /б/ явка в суд иностранного государства не даёт права на юрисдикцию относительно любого иска, не вытекающего из любой сделки или происшествия, перечисленных в разделах 1605-1607 настоящего заглавия."

/б/ Посредством вставки в анализ указанной главы перед

"1331. **Федеральный вопрос, размер суммы, о которой идёт тяжба, издержки.**"

следующего нового раздела:

"1330. Иск против иностранных государств."

Разд. 3. В раздел 1332 заглавия 28, Кодекса Соединённых Штатов, настоящим вносится поправка посредством отмены подразделов /а//2/ и /3/ и замены их следующим:

"/2/ граждане штата и граждане или подданные иностранного государства,

"/3/ граждане разных штатов и в которых граждане или подданные иностранного государства являются дополнительными сторонами, и

"/4/ иностранное государство, в соответствии с определением в разделе 1603/а/ настоящего заглавия, в качестве истца, и граждане штата или разных штатов."

Разд. 4. /а/ В заглавие 28, Кодекса Соединённых Штатов, настоящим вносится поправка посредством вставки после главы 95 следующей новой главы:

"Глава 97.--СУДЕБНЫЕ НЕПРИКОСНОВЕННОСТИ ИНОСТРАННЫХ ГОСУДАРСТВ

"Разд.

"1602. Выводы и заявление цели.

"1603. Определения.

"1604. Неприкосновенность иностранного государства к юрисдикции.

"1605. Общие исключения из судебной неприкосновенности иностранного государства.

"1606. Пределы ответственности.

"1607. Встречные иски.

"1608. Вручение извещения, срок ответа, неявка в суд.

"1609. Неприкосновенность к наложению ареста на имущество и к проведению взыскания на имущество иностранного государства.

"1610. Исключения из неприкосновенности к наложению ареста на имущество и от проведения взыскания на имущество.

"1611. Некоторые виды имущества, пользующиеся неприкосновенностью от проведения взыскания на имущество.

"Разд. 1602. Выводы и заявление цели

"Конгресс находит, что решение судами Соединённых Штатов требований иностранных государств относительно неприкосновенности от юрисдикции указанных судов послужит интересам справедливости и защитит права как иностранных государств, так и тяжущихся сторон в судах Соединённых Штатов. На основании международного права штаты не пользуются неприкосновенностью от юрисдикции иностранных государств в отношении их коммерческой деятельности и на их коммерческое имущество может быть наложено взыскание для удовлетворения решений судов, вынесённых против них в связи с их коммерческой деятельностью. Требования иностранных государств к неприкосновенности должны впредь решаться судами Соединённых Штатов и судами отдельных штатов в согласии с принципами, изложенными в настоящей главе.

"Разд. 1603. Определения

"С точки зрения данной главы--

"/а/ Термин "иностранное государство", за исключением случаев употребления в разделе 1608 настоящего заглавия, включает политическое подразделение иностранного государства или любой орган или орудие иностранного государства в соответствии с определением в подразделе /б/.

"/б/ "Орган или орудие иностранного государства" означает любую сущность--

"/1/ являющуюся отдельным юридическим лицом, несмотря на то, является ли оно корпорацией или другим юридическим лицом,

"/2/ являющуюся органом иностранного государства или его политическим подразделением, или большинство акций которого или других прав на собственность находятся во владении иностранного государства или его политического подразделения, и

"/3/ которая не является гражданином любого штата Соединённых Штатов в соответствии с определением в разделе 1332/с/ и /д/ настоящего заглавия, и не создана на основании законов любого третьего государства.

"/с/ Термин "Соединённые Штаты" включает всю территорию и воды, континентальные и островные, находящиеся под юрисдикцией Соединённых Штатов.

"/д/ Термин "коммерческая деятельность" означает либо

регулярное ведение коммерческой деятельности, либо конкретную коммерческую сделку или акт. Коммерческий характер деятельности должен определяться указанием на природу ведения этой деятельности, а не на цель этой деятельности.

"/е/ Термин "коммерческая деятельность, проводимая иностранным государством в Соединённых Штатах" означает коммерческую деятельность, проводимую указанным государством, имеющую существенный контакт с Соединёнными Штатами.

"Разд. 1604. Неприкосновенность иностранного государства к юрисдикции"

"В зависимости от существующих международных договоров, в которых Соединённые Штаты участвовали как сторона, на момент принятия настоящего закона, иностранное государство будет пользоваться неприкосновенностью к юрисдикции судов Соединённых Штатов и судов отдельных штатов, за исключением случаев, оговорённых в разделах 1605-1607 настоящей главы.

"Разд. 1605. Общие исключения из судебной неприкосновенности иностранного государства"

"/а/ Иностранное государство не будет пользоваться неприкосновенностью к юрисдикции судов Соединённых Штатов или отдельных штатов в тех случаях--

"/1/ когда иностранное государство откажется от своего права неприкосновенности положительным или косвенным образом, несмотря на возможное взятие назад вышеупомянутого отказа, которое иностранное государство может попытаться осуществить, за исключением случаев, когда взятие назад отказа будет осуществлено в соответствии с условиями отказа,

"/2/ когда судебное дело основано на коммерческой деятельности, проводимой в Соединённых Штатах иностранным государством, или на действии, выполненном в Соединённых Штатах в связи с коммерческой деятельностью иностранного государства в любой иной стране, или на действии вне пределов территории Соединённых Штатов в связи с коммерческой деятельностью иностранного государства в любой иной стране, когда это действие является причиной прямого последствия в Соединённых Штатах,

"/3/ когда спор идёт о правах на имущество, взятое в нарушение международного права, и данное имущество или любое другое имущество, обмененное за вышеуказанное имущество, находится в Соединённых Штатах в связи с коммерческой деятельностью, проводимой иностранным государством в Соединённых Штатах, или когда такое имущество или любое другое имущество, обмененное за вышеуказанное имущество, является собственностью или находится под управлением органа или орудия иностранного государства и указанный орган или орудие занимается коммер-

ческой деятельности в Соединённых Штатах,

"/4/ когда спор идёт о правах на имущество в Соединённых Штатах, приобретенных по наследству или дарению, или о правах на недвижимое имущество, находящееся в Соединённых Штатах, или

"/5/ в случаях, не охваченных положениями в вышеуказанном параграфе /2/, когда против иностранного государства возбуждается иск о возмещении денежных убытков за причинение личных повреждений или смерти, или же за причинение убытков имуществу или потери имущества, имевших место в Соединённых Штатах и являющихся следствием деликтного действия или бездействия со стороны указанного иностранного государства или любого чиновника или служащего указанного иностранного государства, действующего в рамках компетенций своего должностного или служебного положения, причем настоящий параграф не относится к--

"/А/ любому иску, основанному на использовании или исполнении, либо на неиспользовании или неисполнении дискреционной функции, несмотря на то, привело ли это к злоупотреблению дискрецией или нет, или

"/Б/ любому иску, вытекающим из злоумышленного судебного преследования, использования судебной процедуры в незаконных целях, пасквиля, устной клеветы, введения в заблуждение, обмана, или вмешательства в договорные права.

"/6/ Иностранное государство не будет пользоваться неприкосновенностью от юрисдикции судов Соединённых Штатов во всех тех случаях, когда в суде по морским делам возбуждается иск о принудительном осуществлении права удержания груза в обеспечение требований перевозчика по договору морской перевозки против судна или груза иностранного государства и когда это право основано на коммерческой деятельности иностранного государства, с той оговоркой, что--

"/1/ уведомление об иске будет предъявлено путём вручения копии извещения ответчика о предъявленном иске и жалобы лицу, или его представителю, во владении которого указанное судно или груз находится, по отношению к которым утверждается право удержания груза, причем такое извещение не будет признано врученным и не может впоследствии быть вручено, если на данное судно или груз наложен арест в соответствии с приказом суда, полученным от имени стороны, возбуждающей иск--за исключением того случая, когда указанная сторона не знала, что в дело вовлечено судно или груз иностранного государства. В последнем случае вручение приказа суда об аресте будет считаться равнозначным юридически действительному вручению вышеуказанного уведомления, и

"2/ уведомление иностранному государству о возбуждении дела, как это предусмотрено в разделе 1603 настоящего заглавия, будет начато в течение десяти дней либо со дня вручения уведомления, как это предусмотрено в подразделе /6//1/ настоящего раздела, либо--в случае стороны, не знающей, что в дело вовлечено судно или груз иностранного государства--со дня, когда указанная сторона установила существование заинтересованности иностранного государства.

В каждом случае, когда уведомление о предъявленном иске будет вручено в соответствии с подразделом /6//1/ настоящего раздела, право удержания груза в обеспечение требований перевозчика по договору морской перевозки будет считаться иском против иностранного государства, владеющего в данный момент указанным судном или грузом, с той оговоркой, что суд не может выносить решения против иностранного государства на сумму, превышающую стоимость судна или груза, относительно которого было возбуждено право удержания груза, причем такая стоимость должна быть определена во время вручения уведомления о предъявленном иске в соответствии с подразделом /6//1/ настоящего раздела.

"Разд. 1606. Пределы ответственности

"Относительно любого требования об удовлетворении претензий, по отношению к которому иностранное государство не имеет права неприкосновенности на основании раздела 1605 или 1607 настоящей главы, иностранное государство несёт ответственность таким же образом и в такой же степени, как и частное лицо в подобных обстоятельствах. Однако, иностранное государство, за исключением его органа или орудия, не несёт ответственности за штрафные убытки. Однако, если в любом случае, в котором была причинена смерть, закон места, где произошло данное действие или бездействие, предусматривает или был истолкован таким образом, что он возмещает только такие убытки, которые носят характер штрафных убытков, иностранное государство несёт ответственность за фактические или компенсирующие убытки, измеряемые денежным ущербом, понесённым вследствие вышеуказанной смерти лицами, в пользу которых возбуждается данный иск.

"Разд. 1607. Встречные иски

"В любом иске, возбуждаемом иностранным государством, или в который иностранное государство вмешивается, в суде Соединённых Штатов или отдельного штата, иностранное государство не будет иметь права неприкосновенности по отношению к любому встречному иску--

"/а/ по отношению к которому, указанное иностранное государство не имело бы права на неприкосновенность на основании раздела 1605 настоящей главы, если бы такой иск был возбуждён в отдельном судебном деле против иностранного государства, или

"/б/ вытекающему из сделки или происшествия, являющегося предметом иска иностранного государства, или

"/с/ в той степени, в которой встречной иск не требует удовлетворения претензий на сумму, превышающую сумму, требуемую иностранным государством, или на средства судебной защиты, отличные от тех, требуемых иностранным государством.

"Разд. 1608. Вручение извещения, срок ответа, неявка в суд

"/а/ Вручение извещения судами Соединённых Штатов и отдельных штатов иностранным государствам или политическим подразделениям иностранных государств должно производиться следующим образом:

"/1/ путём вручения копии извещения и жалобы в соответствии с любыми специальными соглашениями относительно вручения извещений между истцом и указанным иностранным государством или его политическим подразделением, или

"/2/ если какие-либо специальные соглашения по этому делу отсутствуют, путём вручения копии извещения и жалобы в соответствии с применимой международной конвенцией о вручении судебных документов, или

"/3/ если вручение извещения не может быть сделано в соответствии с параграфами /1/ и /2/, путём посылки копии извещения и жалобы, а также уведомления о судебном деле вместе с переводом этих документов на официальный язык иностранного государства, любым видом почты, по которому требуется дать расписку в получении. Эти документы должны быть адресованы и отправлены клерком суда главе министерства иностранных дел соответствующего иностранного государства, или

"/4/ если вручение извещения не может быть сделано в течение 30 дней в соответствии с параграфом /3/, путём посылки двух копий извещения и жалобы и уведомления о судебном деле, вместе с переводом этих документов на официальный язык иностранного государства, любым видом почты, по которому требуется дать расписку в получении. Эти документы должны быть адресованы и отправлены клерком суда Государственному Секретарю в Вашингтоне, Колумбийский Округ, вниманию Директора Специальной Консульской Службы. Государственный Секретарь пошлёт одну копию документов по дипломатическим каналам иностранному государству и перешлёт клерку суда удостоверенную копию дипломатической ноты, указывающей дату, когда указанные документы были отправлены.

В соответствии с употреблением в настоящем подразделе, "уведомление о судебном деле" будет означать уведомление, адресованное иностранному государству и в форме, предписанной Государственным Секретарем в соответствующих положениях.

"/б/ Извещение органа или орудия иностранного государства судами Соединённых Штатов или отдельных штатов должно производиться следующим образом:

"/1/ путём вручения копии извещения и жалобы в соответствии с любыми специальными соглашениями о вручении извещений между истцом и органом или орудием иностранного государства, или

"/2/ если специальные соглашения отсутствуют, путём вручения копии извещения и жалобы либо должностному лицу, заведующему или генеральному агенту, либо любому другому агенту, уполномоченному по назначению или в силу закона принимать процессуальные извещения в Соединённых Штатах, или в соответствии с применимой международной конвенцией о вручении судебных документов, или

"/3/ если вручение извещения не может быть сделано в соответствии с параграфами /1/ и /2/, и если для вручения извещения предусмотрен достаточный срок, уведомление может состояться путём вручения копии извещения и жалобы вместе с переводом каждого документа на официальный язык иностранного государства--

"/А/ таким образом, как указано авторитетным органом иностранного государства или его политического подразделения в ответ на судебное поручение или просьбу, или

"/Б/ путём посылки почтой любого вида, требующей расписки в получении, причем эти документы должны быть адресованы и отправлены клерком суда органу или орудию, которое следует быть извещённым о предъявленном иске, или

"/С/ таким образом, как указано судом в соответствии с законами страны, где извещение должно быть вручено.

"/с/ Будет считаться, что извещение вручено:

"/1/ в случае вручения на основании подраздела /а//4/, в день передачи, указанный на удостоверенной копии дипломатической ноты, и

"/2/ в любом другом случае в соответствии с настоящим разделом, в день получения, указанный на удостоверении, подписанной и возвращённой почтовой расписке о получении, или на другом доказательстве вручения, соответствующем использованному способу вручения извещения.

"/д/ В любом судебном деле, возбуждаемом в суде Соединённых

Штатов или отдельного штата, иностранное государство, его политическое подразделение, или орган или орудие иностранного государства должны представить ответ ответчика по делу или другие ответные заявления в ответ на жалобу в течении шестидесяти дней со дня вручения извещения в соответствии с настоящим разделом.

"/е/ Никаким судом Соединённых Штатов или отдельного штата не должно выноситься решение в пользу истца вследствие неявки ответчика с занесением этого решения в соответствующее производство против иностранного государства, его политического подразделения, либо органа или орудия иностранного государства, пока истец не установит доказательствами убедительными для суда в отношении к своим требованиям или правам на утверждаемые средства судебной защиты. Копию любого такого судебного решения в пользу истца вследствие неявки ответчика следует переслать иностранному государству или его политическому подразделению способом, предписанным для вручения извещения в настоящем разделе.

"Разд. 1609. неприкосновенность к наложению ареста на имущество и к проведению взыскания на имущество иностранного государства"

"В зависимости от существующих международных соглашений, в которых Соединённые Штаты являлись участвующей стороной на момент принятия настоящего закона, имущество иностранного государства в Соединённых Штатах будет пользоваться неприкосновенностью от наложения ареста и взыскания, за исключением случаев, предусмотренных в разделах 1610 и 1611 настоящей главы.

"Разд. 1610. Исключения из неприкосновенности от наложения ареста на имущество и от проведения взыскания на имущество"

"/а/ Имущество, находящееся в Соединённых Штатах и принадлежащее иностранному государству, определение которого даётся в разделе 1603/а/ настоящей главы, используемое для коммерческой деятельности в Соединённых Штатах, не пользуется неприкосновенностью от наложения ареста с целью способствования исполнительному производству в отношении имущества, или от взыскания на имущество в соответствии с судебным решением, вынесенным судом Соединённых Штатов или отдельного штата, после даты вступления в силу настоящего закона, если--

"/1/ иностранное государство отказалось от неприкосновенности от наложения ареста с целью способствования приведения в исполнение решения суда в отношении имущества, или от проведения взыскания на имущество, положительным или косвенным образом, несмотря на возможное взятие названного отказа, которое иностранное государство может попытаться осуществить, за исключением тех случаев, когда взятие названного отказа будет осуществлено в соответствии с условиями указанного отказа, либо

"/2/ если имущество используется или использовалось для коммерческой деятельности, которая служит основанием для иска, либо

"/3/ если исполнительное производство в отношении имущества связано с судебным решением, устанавливающим право на имущество, задержанное в нарушение международного права, или которое было обменено на имущество, задержанное в нарушение международного права, либо

"/4/ если исполнительное производство в отношении имущества связано с судебным решением, устанавливающим право на имущество--

"/А/ приобретенное по наследству или путём дарения, или

"/Б/ являющееся недвижимым имуществом и находящееся в Соединённых Штатах, при условии, что это имущество не используется с целью содержания дипломатической или консульской миссии или резиденции главы такой миссии, или

"/5/ если данное имущество состоит из любых договорных обязательств или доходов от таких договорных обязательств, гарантирующих возмещение убытков иностранному государству или его служащим либо избавление иностранного государства или его служащих от ответственности на основании любой автомобильной или любой другой страховки или страховки от несчастных случаев, обеспечивающей покрытие исковых требований, признанных судебным решением.

/6/ В добавление к подразделу /а/, любое имущество в Соединённых Штатах, принадлежащее органу или орудию иностранного государства, занимающемуся коммерческой деятельностью в Соединённых Штатах, не имеет права неприкосновенности от наложения ареста с целью способствования исполнительному производству в отношении имущества, или от проведения взыскания на имущество по судебному решению, вынесённому судом Соединённых Штатов или отдельного штата после даты вступления в силу настоящего закона, если--

"/1/ указанный орган или орудие отказалось от неприкосновенности от наложения ареста с целью способствования исполнительному производству в отношении имущества, или от неприкосновенности от проведения взыскания на имущество, положительным или косвенным образом, несмотря на возможное взятие назад этого отказа, которое иностранное государство может попытаться осуществить, за исключением тех случаев, когда это будет осуществлено в соответствии с условиями указанного отказа, или

"/2/ если судебное решение связано с иском требованием, по отношению к которому вышеупомянутый орган или орудие не имеет права неприкосновенности в силу раздела 1605/а//2/, /3/, или /5/, или раздела 1605/б/ настоящей главы, несмотря на то, используется или использовалось ли данное имущество для деятельности, на которой основаны исковые требования, или нет.

"/с/ Не допускается наложение ареста на имущество или проведения взыскания на имущество, которые упомянуты в подразделах /а/ и /б/ настоящего раздела, до тех пор, пока суд не даст распоряжения о наложении ареста и проведении взыскания на имущество после того, как установит, что прошло разумно достаточное время со дня вынесения решения и всякого извещения, требуемого в соответствии с разделом 1608/е/ настоящей главы.

"/д/ Имущество иностранного государства, определение которого даётся в разделе 1603/а/ настоящей главы, используемое для коммерческой деятельности в Соединённых Штатах, не будет иметь права неприкосновенности от наложения ареста до вынесения решения по любому иску, возбуждаемому в суде Соединённых Штатов или отдельного штата, или до истечения срока, предусмотренного в подразделе /с/ настоящего раздела, если--

"/1/ иностранное государство положительным образом отказалось от права неприкосновенности от наложения ареста на имущество до вынесения судебного решения, несмотря на возможное взятие назад этого отказа, которое иностранное государство может попытаться осуществить, за исключением тех случаев, когда это будет осуществлено в соответствии с условиями указанного отказа, и

"/2/ если наложение ареста на имущество имеет целью обеспечить удовлетворение судебного решения, вынесённого или которое может быть в конце концов вынесенным, против иностранного государства, а не с целью получения юрисдикции.

"Разд. 1611. Некоторые виды имущества, пользующиеся неприкосновенностью от проведения взыскания на имущество

"/а/ Несмотря на условия раздела 1610 настоящей главы, имущество организаций, определённых Президентом как таковые, которые имеют право пользоваться привилегиями, льготами и неприкосновенностями, предусмотренными Законом о Неприкосновенностях Международных Организаций, не подлежит аресту или другому процессуальному действию суда, угрожающему выплатой фондов иностранному государству или по поручению иностранного государства в результате судебного дела, возбуждаемого в судах Соединённых Штатов или отдельных штатов.

"/б/ Несмотря на условия раздела 1610 настоящей главы,

имущество иностранного государства пользуется правом неприкосновенности от наложения ареста на имущество и от проведения взыскания на имущество, если--

"/1/ указанное имущество принадлежит иностранному центральному банку или денежным властям, которые держат их на свой счёт, если такого рода банк или власть, или иностранное государство, которому они подчинены, положительным образом откажется от неприкосновенности от ареста с целью содействия исполнительному производству в отношении имущества, или от неприкосновенности от проведения взыскания на имущество, несмотря на возможное взятие назад этого отказа, которое банк, указанная власть, или государство может попытаться осуществить, за исключением тех случаев, когда это будет осуществлено в соответствии с условиями данного отказа, или

"/2/ имущество используется или есть намерение быть использованным в связи с военной деятельностью, а также если оно

/А/ военного характера, или

/Б/ находится под управлением военных властей или органов обороны."

/6/ В анализе "Часть 4--Юрисдикция и место в котором должно слушаться дело" заглавия 28, Кодекса Соединённых Штатов, настоящим вносится поправка путём вставки после--

"85. Таможенный суд.",

следующего нового пункта:

"87. Судебные неприкосновенности иностранных государств."

Разд. 5. Раздел 1391 заглавия 28, Кодекса Соединённых Штатов, настоящим изменяется путём добавления в его конце следующего нового подраздела:

"/ф/ Гражданский иск может быть возбуждён против иностранного государства, определение которого даётся в разделе 1603/а/ настоящего заглавия,

"/1/ в любом судебном округе, в котором произошла значительная часть происшествий или упущений, давших повод для иска, или в котором находится значительная часть имущества, являющегося предметом иска,

"/2/ в любом судебном округе, в котором находится судно или груз иностранного государства, в том случае, если исковые требования предъявляются на основании раздела 1605/б/ насто--

ящего заглавия,

"/3/ в любом судебном округе, в котором указанный орган или орудие имеют разрешение вести дела или фактически ведёт дела, если указанный иск возбуждается против органа или орудия иностранного государства, определение которого даётся в разделе 1603/б/ настоящего заглавия, или

"/4/ в Окружном Суде Соединённых Штатов для Колумбийского Округа, если иск возбуждается против иностранного государства или его политического подразделения."

Разд. 6. Раздел 1441 заглавия 28, Кодекса Соединённых Штатов, настоящим изменяется путём прибавления в его конце следующего нового подраздела:

"/д/ Любой гражданский иск, возбуждаемый в суде штата против иностранного государства, определение которого дано в разделе 1603/а/ настоящего заглавия, может быть перенесён иностранным государством в федеральный окружной суд Соединённых Штатов для округа и разделения, включающего место, где указанный иск находится на рассмотрении. После перенесения дела, указанный иск будет рассматриваться судом без присяжных. В тех случаях, в которых передача иска в другую инстанцию основывается на настоящем подразделении, предельные сроки, указанные в разделе 1446/б/ настоящей главы, могут быть удлинены в любое время по представлению обоснованных причин."

Разд. 7. Если будет решено, что какое-либо положение настоящего закона или его применение по отношению к любому иностранному государству юридически недействительно, эта юридическая недействительность не будет влиять на другие положения или применения данного закона, которые могут быть приведены в действие без вышеуказанного юридически недействительного положения или применения, и с этой целью положения настоящего закона делимы.

Разд. 8. Настоящий закон вступает в силу девяносто дней после даты его принятия.

Утверждено 21 октября 1976 года.

UNITED STATES DISTRICT COURT

DISTRICT OF COLUMBIA

Civil Division

GUY VON DARDEL, Gyllenkroksalle
19, Lund, Sweden, Tel.
46-14-16-16, on his own behalf
and on behalf of his half
brother, RAOUL WALLENBERG, whose
exact address is unknown,

and

SVEN HAGSTROMER, Skeppsbron 24,
111 30, Stockholm, Sweden, Tel.
8-24-00-50, Legal Guardian of
RAOUL WALLENBERG, on behalf of
RAOUL WALLENBERG,

Plaintiffs,

-against-

UNION OF SOVIET SOCIALIST
REPUBLICS,

Defendant.

Civil Action No. 84-_____

FEB 2 1984

PLAINTIFFS' REQUEST FOR
PRODUCTION OF DOCUMENTS
ON JURISDICTIONAL ISSUES

Plaintiffs hereby request that defendant Union of
Soviet Socialist Republics ("USSR") produce at the office of
plaintiffs' counsel, Davis Polk & Wardwell, 1575 I Street, N.W.,
Washington, D.C. 20005, within forty-five (45) days of service
hereof, and permit said plaintiffs or their attorneys to inspect
and copy or cause to be copied the following documents, in accord-
ance with Rule 34 of the Federal Rules of Civil Procedure.

A. DEFINITIONS

1. The word "document" shall mean the original and any non-identical copy (wherever different from the original because of notes made on such copy or otherwise) of all writings, including but not limited to all notes, letters or any other correspondence, messages, complaints, notifications, investigation reports, medical reports including but not limited to X-rays, or any other reports, descriptions, texts, declarations, protests, articles, refusals, inquiries, registers, drawings, graphs, charts, photographs, phono-recordings, and information stored in any other form, including but not limited to microfilm, micro-fiche, and computer file.

2. This document request includes all documents in the possession, custody, or control of defendant, or of any officer, employee, agent, or attorney of defendant, on February 2, 1984, which are designated in paragraphs 1-8 below.

B. DOCUMENTS REQUESTED

1. All documents which reflect, refer or relate to the seizure of Raoul Wallenberg, including but not limited to all documents which reflect, refer or relate to any reason for such seizure.

2. All documents which reflect, refer or relate to the detention of Raoul Wallenberg, including but not limited to all documents which reflect, refer or relate to any reason for such detention.

3.—All documents which reflect, refer or relate to the condition of Raoul Wallenberg.

4. All documents which reflect, refer or relate to the whereabouts of Raoul Wallenberg, at the present time or at any other time since January 17, 1945.

5. All documents which reflect, refer or relate to inquiries received by the USSR regarding the whereabouts or condition of Raoul Wallenberg or requests for the release of Raoul Wallenberg.

6. All documents which reflect, refer or relate to any examination, consideration, or investigation by defendant USSR of any inquiry or request of the kind referred to in paragraph 5 above, including but not limited to documents which reflect, refer or relate to responses given by defendant to any such inquiries or requests, or the reasons for such responses.

7. All documents which reflect, refer or relate to the alleged death of Raoul Wallenberg.

8. All documents which reflect, refer or relate to all current or former prisoners in the USSR who at one time occupied prison cells or comparable detention facilities, including but not limited to hospital wards, with Raoul Wallenberg.

Dated: February 2, 1984


MORRIS H. WOLFF
The Delaware Law School of
Widener University
Box 7474
Wilmington, Delaware 19803
(302) 478-3000

Anthony D'Amato
ANTHONY D'AMATO
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Murray S. Levin
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Guy Miller Struve
GUY MILLER STRUVE
JO R. BACKER
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(212) 530-4192

Jerome G. Snider (No 370883)
JEROME G. SNIDER
Davis Polk & Wardwell
1575 I Street, N.W.
Washington, D.C. 20005
(202) 789-7120

Attorneys for Plaintiffs
Guy von Dardel and
Sven Hagstromer

17277-2340

R

United States Department of State



Washington, D.C. 20520

E-563A

December 3, 1982

Dear Mr. Kutner:

Thank you for your letter of November 8 to President Reagan concerning the fate of Raoul Wallenberg. I regret that you did not receive a response to your earlier correspondence.

The U.S. Government has been interested in the Wallenberg case since it first came to light at the end of World War II. We have sought a full response about Mr. Wallenberg's fate from the Soviet Government. After receiving reports suggesting that he might still be alive, we raised the matter with the Soviets on numerous occasions in 1979. That initiative resulted in a formal written reply from Soviet authorities in February 1980 reaffirming their claim that Mr. Wallenberg died in 1947. They also informed the Swedish Government of this finding and repeated their position that they would have no further information on this matter.

As you may be aware, President Reagan signed into law in October 1981 a bill conferring honorary U.S. citizenship upon Mr. Wallenberg. This legislation does not affect his citizenship, which remains Swedish, nor does it render to the United States any new legal rights to work on his behalf. However, we hope that our honoring Mr. Wallenberg in this fashion will make the Soviet authorities aware of the seriousness with which the American Government and people view Soviet conduct in this case. To further stress our dedication to resolve the mystery surrounding Mr. Wallenberg's fate, we raised his case with the Soviets through diplomatic channels immediately after he was made an honorary U.S. citizen.

We take every opportunity, both in bilateral meetings and in international forums, to express our concern over the Wallenberg case. At a February 1982 meeting of the U.N. Human Rights Commission in Geneva, the U.S. representative urged the Soviet Union to make "a humanitarian gesture, which would contribute to universal good-feeling, namely, a renewed search and full report, which may lay questions to

Mr. Luis Kutner,
Chairman,
World Habeas Corpus,
105 West Adams Street,
Chicago, Illinois 60603.

(X) RELEASE
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() DELETE Non-Responsive Info
FOIA Exemptions
PA Exemptions

MR Cases Only:
EO Citations

() CLASSIFY as
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TS authority to:

We continue to work closely with the Swedish Government to investigate reports alleging that Mr. Wallenberg might still be alive. Thus far, we have been unable to substantiate this information. Nevertheless, we will maintain a cooperative effort with the Swedish Government and other interested parties to seek information that will clarify the fate of Raoul Wallenberg.

151

John H. Kelly
Acting Assistant Secretary
Bureau of Public Affairs



Department of State

E-564
TELEGRAM

UNCLASSIFIED

AN: DB30009-0590

UNCLASSIFIED

PAGE 01 STATE 004056
ORIGIN EUR-01

INFO OCT-00 COPY-01 ADS-00 INR-10 CIAE-00 DODE-00 NSAE-00
PA-02 USIE-00 SP-02 SPRS-01 /017 R

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APPROVED BY EUR/SOV:TMSIMONS
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UNCLAS STATE 004056

E.O. 12356: N/A
TAGS: SHUM, CSCE (WALLENBERG, RAUL)
SUBJECT: PRESS GUIDANCE: RAUL WALLENBERG

1. FOR YOUR INFORMATION, THE FOLLOWING PRESS GUIDANCE WAS PREPARED FOR USE JANUARY 6 IN RESPONSE TO A COLUMN BY GEORGE WILL IN WASHINGTON POST OF SAME DAY CONCERNING WALLENBERG. SUBJECT DID NOT ARISE AT BRIEFING.

2. DO YOU HAVE ANY COMMENT ON THE GEORGE WILL COLUMN IN TODAY'S WASHINGTON POST QUESTIONING U.S. ACTIONS CONCERNING RAUL WALLENBERG?

3. THE UNITED STATES GOVERNMENT HAS TAKEN EVERY OPPORTUNITY TO EXPRESS ITS STRONG CONCERN ABOUT THE FTE OF RAUL WALLENBERG. AFTER RAUL WALLENBERG WAS MADE AN HONORARY AMERICAN, WE MADE THE SOVIET GOVERNMENT AWARE FORMALLY AND OFFICIALLY OF OUR CONTINUED DEDICATION TO ASCERTAINING THE TRUTH ABOUT RAUL WALLENBERG'S FATE. WE SHALL NOT BE SATISFIED UNTIL THE

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PAGE 02 STATE 004056
SOVIETS PROVIDE A FULL AND SATISFACTORY CLARIFICATION

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PA Exemptions

EO Citations
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TS authority to:

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OF THEIR ACTIONS IN THIS CASE.

4. WE HAVE PRESSED THIS EFFORT BOTH ON A BILATERAL BASIS AND AT INTERNATIONAL FORA, SUCH AS THE CSCE REVIEW CONFERENCE IN MADRID AND THE U.N. HUMAN RIGHTS COMMISSION.

5. WE HAVE WORKED CLOSELY WITH THE GOVERNMENT OF SWEDEN TO TRY TO CONFIRM REPORTS THAT HAVE COME TO LIGHT ABOUT WALLENBERG. WE CONTINUE TO COOPERATE FULLY WITH THE GOVERNMENT OF SWEDEN AND ALL OTHER INTERESTED PARTIES IN A PERSISTENT EFFORT TO OBTAIN INFORMATION THAT WILL CLARIFY THE FATE OF THIS BRAVE MAN.
SHULTZ

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E-565

2830017-2395

February 3, 1982

Dear Senator Lautenberg:

Thank you for your letter of January 12 enclosing correspondence from the Union County Board of Rabbis and requesting information about Raoul Wallenberg.

The Department of State, Congress, and the President have often expressed strong concern about the fate of Raoul Wallenberg. Last year, the President signed a bill which made Raoul Wallenberg an honorary citizen of the United States. Making Raoul Wallenberg an honorary American citizen was an important symbolic act. It let the entire world know how much we admire Raoul Wallenberg's courage, how much we are inspired by his dedication to humanity and humanitarian principles, and how much we deplore his unjust and illegal punishment by the Soviet Union. Following the signing ceremony which made Raoul Wallenberg an honorary American, we made the Soviet Government formally and officially aware of our continued dedication to finding out the truth about Raoul Wallenberg's fate. To date, we have not received a response from the Soviet Government, but we shall continue in our effort to resolve the tragic mystery of Wallenberg's fate until the Soviets provide a full and satisfactory clarification of their actions in this case.

We have pressed our effort both on a bilateral basis and at international forums, such as the CSCE Review Conference in Madrid and the U.N. Human Rights Commission. In this regard, on February 25, 1982 our representative to the U.N. Human Rights Commission, Mr. Michael Novak, urged the Soviet Union to make "a humanitarian gesture, which would contribute to universal good-feeling, namely, a renewed search and full report, which may lay questions to rest; or else, in the best of all possible outcomes, result in the discovery of the whereabouts of a man who stands among the heroes of our time."

We have also continued to work closely with the Government of Sweden to try to confirm reports that have come to light about Wallenberg. To date, we have been unable to confirm any of the reports suggesting that Wallenberg might still be alive. We intend to continue to cooperate fully with the Government of Sweden and all other interested parties in a persistent effort to obtain information that will clarify the fate of this brave man. As Ambassador Max Kampelman noted at a CSCE plenary

The Honorable
Frank R. Lautenberg,
United States Senate.

DEPARTMENT OF STATE		IS/FPC/CDK		DATE: 10/15/82	
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session a year ago, the Wallenberg case is one that "will not go away;" the Soviet failure "to appreciate the human factor which is symbolized by the Wallenberg case" only serves to stimulate further interest. The United States Government will continue to express concern over the Wallenberg case at every appropriate opportunity, both publicly and in our diplomatic communications with the Soviet Union, and we expect that this matter will be raised again in Madrid and elsewhere.

If we can be of assistance to you in this or any other matter, please do not hesitate to contact us.

With cordial regards,

Sincerely,


Powell A. Moore
Assistant Secretary for
Congressional Relations

Enclosure:
Correspondence Returned.

Drafted: EUR/SOV:JMordway *Jm*
02/01/83 Ext. 28670 No. 013-1050
Cleared: EUR/SOV:JFSchumaker *Jm*
EUR/SOV:TWSimons, Jr. *Jm*
EUR:MPalmer
H:TTowell *[Signature]*

#1104B

E-566

100-38028-2187

830417

THE WHITE HOUSE OFFICE

REFERRAL

FEBRUARY 15, 1983

TO: DEPARTMENT OF STATE

ACTION REQUESTED:
DIRECT REPLY, FURNISH INFO COPY

DESCRIPTION OF INCOMING:

ID: 124035
MEDIA: LETTER, DATED JANUARY 27, 1983
TO: PRESIDENT REAGAN
FROM: MS. RACHEL OESTREICHER HASPEL
PRESIDENT
THE RAOUL WALLENBERG COMMITTEE OF
THE UNITED STATES
823 UNITED NATIONS PLAZA
NEW YORK NY 10017

SUBJECT: SEEKS PRESIDENT'S HELP IN THE CASE OF
RAOUL WALLENBERG

PROMPT ACTION IS ESSENTIAL -- IF REQUIRED ACTION HAS NOT BEEN
TAKEN WITHIN 9 WORKING DAYS OF RECEIPT, PLEASE TELEPHONE THE
UNDERSIGNED AT 456-7486.

RETURN CORRESPONDENCE, WORKSHEET AND COPY OF RESPONSE
(OR DRAFT) TO:
AGENCY LIAISON, ROOM 91, THE WHITE HOUSE

SALLY KELLEY
DIRECTOR OF AGENCY LIAISON
PRESIDENTIAL CORRESPONDENCE

DEFINITION OF	(X) RELEASE	() DECLASSIFY	MR Cases Only:
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FOIA Exemptions			TS authority to
PA Exemptions			() CLASSIFY as () S or () C OADR
			() DOWNGRADE TS to () S or () C OADR

2 **(E-566A)**
ID # 124035
C0151

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

- ☐ O - OUTGOING
☐ H - INTERNAL
☒ I - INCOMING
Date Correspondence Received (YY/MM/DD) 83,01,29

DEPARTMENT OF STATE

IS/FPC/CDR WH

Date: 10/12/92

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Name of Correspondent: Rachel O. Hespel

☐ MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: Seeks President's help in the case of Raul Wallenberg

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)

SOBATT

✓ DOS

Action Code

Tracking Date
YY/MM/DD

Type of Response

Code

Completion Date
YY/MM/DD

ORIGINATOR

83,02,10

Referral Note:

R 830215

Referral Note:

Referral Note:

Referral Note:

Referral Note:

ACTION CODES:

- A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet to be used as Enclosure

- I - Info Copy Only/No Action Necessary
R - Direct Reply w/Copy
S - For Signature
X - Interim Reply

DISPOSITION CODES:

- A - Answered
B - Non-Special Referral
C - Completed
S - Suspended

FOR OUTGOING CORRESPONDENCE:

- Type of Response = Initials of Signer
Code = "A"
Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.
Send all routing updates to Central Reference (Room 75, OEOB).
Always return completed correspondence record to Central Files.
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

R

E-5666

83028-249

The Raoul Wallenberg Committee of the United States

Suite 415
823 United Nations Plaza
New York, New York 10017
212 490-2525, ext. 331

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January 27, 1983

124035

Chen

President Ronald Reagan
The White House
Washington, D.C. 20500

Dear President Reagan:

I was so pleased and gratified when I learned that you had appointed Elizabeth Hanford Dole as your new Secretary of Transportation. Liddy and I are both from the same beautiful little town, Salisbury, North Carolina; and the pride that we fellow Salisburians take in her accomplishments are manifold.

Mr. President, it is my great privilege to serve as President of the Raoul Wallenberg Committee of the United States. In this capacity I sent a letter on January 17th to Soviet Party Secretary Yuri Andropov. The letter requests that the Soviet Union reopen its investigation of the Wallenberg case based upon recent information that has come to light through Mr. Ishar Hanukiev, a Russian emigre now living in Israel. Mr. Hanukiev said that he was with Raoul Wallenberg for four days in March, 1972, in a Sverdlovsk Prison in the USSR.

I am writing to beg you to appeal to Secretary Andropov. The government of the United States must not be viewed as taking lightly the fate of its only living Honorary Citizen, Raoul Wallenberg.

Thank you for your interest, Mr. President, and for your continuing efforts on behalf of Raoul Wallenberg. Your personal interest in this case is well-recognized and deeply appreciated.

Most cordially,

Rachel Oestreicher Hasep
President

Officers
Chairman
Lena Borke Kaplan
President
Rachel Oestreicher Hasep

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Rabb Bruce K. Cole
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L. U. Uman
Tobias Waldman
Dr. N. S. Wesse
E. Wesse

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TS authority to:

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**The Raoul Wallenberg Committee
of the United States**

Suite 415

825 United Nations Plaza
New York, New York 10017
212 490-2525, ext. 331

January 17, 1983

The Honorable Yuri Andropov
Secretary General of the Communist Party
of the Soviet Union
c/o the United Nations Mission to the USSR
136 East 67th Street
New York, NY 10021

Dear Sir:

We wish to congratulate the Soviet Union on the 60th anniversary of its existence. We applaud your government's decision to include in its December Celebration commemorating this important year, amnesty for certain prisoners. We therefore take the liberty of reminding you of the fate of Raoul Wallenberg, the Swedish diplomat who saved so many lives in Budapest in those dreadful months of 1944 and 1945.

We have, during past years, asked the Soviet Government for information on the whereabouts and release of Raoul Wallenberg, but were denied both. We assume that the reason for this constant denial is to be found in the unfortunate wording of a Soviet Note of 1957: the Note, in fact, expresses the extremely vague assumption that "a prisoner named Wallenberg" may be identical with the Swedish diplomat Raoul (Raoulevitch) Wallenberg. Through equally unfortunate circumstances this assumption became a "fact", and was treated as such year after year.

Throughout the many years since 1957, there have been individuals who have left the Soviet Union and who reported that friends and acquaintances had seen Mr. Wallenberg in one or another Soviet prison. Very recently we have received a report from an individual who had actually spent four days with Mr. Wallenberg in a prison in Sverdlovsk in 1972, thereby, once and for all, proving that Raoul Wallenberg did not die in 1947.

We therefore appeal to you as the new head of the Soviet Central Committee, to investigate fully the case of Raoul Wallenberg, to discover his whereabouts, and to return him to his family in Sweden.

Sincerely yours,

The Raoul Wallenberg Committee of the
United States

Lena Biorck Kaplan
Lena Biorck Kaplan
Chairman

Rachel Oestreicher Haspel
Rachel Oestreicher Haspel
President

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Senator Daniel P. Moynihan
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Liv Ullman
Theodor J. Waldman
Dr. Nils Wessle
Eli Wiesel

DEPARTMENT OF STATE

IS/FPC/CDR

Date. 10/13/93

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FEB 19 1983

Date

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DEPARTMENT OF STATE
EXECUTIVE SECRETARIAT
TRANSMITTAL FORM

P830628-2185

FOR:Mr. William P. Clark
National Security Council
The White HouseREFERENCE:

TO: President Reagan

FROM: Ms. Rachel O. Haspel

DATE: 1/27/83

SUBJECT: Raoul Wallenberg

WHITE HOUSE REFERRAL DATED: 2/15/83

NSC# 124035
(if any)THE ATTACHED ITEM WAS SENT DIRECTLY
TO THE DEPARTMENT OF STATEACTION TAKEN:

A draft reply is attached.

A draft reply will be forwarded.

A translation is attached.

XX

An information copy of a direct reply is attached.

We believe no response is necessary for the reason
cited below.

Other.

RECEIVED
BY S/SREMARKS:

Drafted: EUR/SOV: LCLathram: 10/16/83 X22137

Cleared: EUR/SOV: RFSmith

EUR/SOV: TWSimons, Jr.

EUR: TMTNiles

EUR: RBurt

L. Paul Bremer III
Executive Secretary

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(Classification)

DEPARTMENT OF STATE

IS/FPC/CDR

Date: 10/13/93

page 1 of 1
PS 30028-2186

2

E-567A

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We intend to continue to cooperate fully with the Government of Sweden and all other interested parties in a persistent effort to obtain information that will clarify the fate of this brave man. As Ambassador Max Kampelman noted at a CSCE plenary session a year ago, the Wallenberg case is one that "will not go away;" the Soviet failure "to appreciate the human factor which is symbolized by the Wallenberg case" only serves to stimulate further interest. The United States Government will continue to express concern over the Wallenberg case at every appropriate opportunity, both publicly and in our diplomatic communications with the Soviet Union, and we expect that this matter will be raised again in Madrid and elsewhere.

Sincerely,

Raymond F. Smith
Officer-in-Charge
Bilateral Relations
Office of Soviet Union Affairs.

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pg 3028-2187

8804471

THE WHITE HOUSE OFFICE
REFERRAL

E-5674

FEBRUARY 15, 1983

TO: DEPARTMENT OF STATE

ACTION REQUESTED:
DIRECT REPLY, FURNISH INFO COPY

DESCRIPTION OF INCOMING:

ID: 124035

MEDIA: LETTER, DATED JANUARY 27, 1983

TO: PRESIDENT REAGAN

FROM: MS. RACHEL OESTREICHER HASPEL
PRESIDENT
THE RAOUL WALLENBERG COMMITTEE OF
THE UNITED STATES
823 UNITED NATIONS PLAZA
NEW YORK NY 10017

SUBJECT: SEEKS PRESIDENT'S HELP IN THE CASE OF
RAOUL WALLENBERG

PROMPT ACTION IS ESSENTIAL -- IF REQUIRED ACTION HAS NOT BEEN
TAKEN WITHIN 9 WORKING DAYS OF RECEIPT, PLEASE TELEPHONE THE
UNDERSIGNED AT 456-7486.

RETURN CORRESPONDENCE, WORKSHEET AND COPY OF RESPONSE
(OR DRAFT) TO:
AGENCY LIAISON, ROOM 91, THE WHITE HOUSE

SALLY KELLEY
DIRECTOR OF AGENCY LIAISON
PRESIDENTIAL CORRESPONDENCE

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Received in 5/5:
2/15 at 10:31 AM
(C)

ACTION SLIP

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(Classification/Downgrader)

S/S CONTROL NUMBER

8304471

DUE IN
S/S BY:

2/21

E-567F

ACTION ASSIGNED TO: EUR / SOV

ACTION REQUESTED

- STATE TO NSC MEMO
- STATE TO
- TRAVEL AUTHORIZATION
- STATE TO NSC TRANSMITTAL FORM

☒ DIRECT REPLY

REPLY FOR SIGNATURE
BY _____

RECOMMENDATION FOR _____
with Memorandum for the President

APPROPRIATE HANDLING

with Draft reply for signature
by _____

with Comment or Recommendation

☒ provide info copy under cover
of State-NSC transmittal form

provide comeback copy
for _____

UNDER COVER OF AN ACTION MEMO

FOR YOUR INFORMATION

ATTACH THIS ACTION SLIP AND ORIGINAL CORRESPONDENCE TO ANY SUBMISSION TO S/S

REMARKS/SPECIAL INSTRUCTIONS:

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FROM: Linda Leyk (N)
S/S-S: A B C
21522 28062 28338

12

FOIA Exemptions

E-572A

Creel Outdoor Advertising

MAY 4, 1983

The Honorable Strom Thurmond
United States Senate
Washington, D. C. 20510

Dear Senator Thurmond

For sometime, I have been following the case of the Swedish Diplomat, Raoul Wallenberg. I am sure that you realize the many lives that Raoul Wallenberg saved during World War II.

It is my understanding that this man has been held in prison by the Soviet Union since 1948, and has repeatedly failed to acknowledge his existence or whereabouts. I strongly urge you as the Senator from this State to contact the State Departments of the United States of America and the Soviet Union and urge his release.

I firmly believe that it is time that we as Americans take action to secure his release and that is the purpose of my writing this letter to you. I am sure that you realize that Raoul Wallenberg is 70 years of age now and he has probably just a few years left on this earth. I urge you to do whatever possible to seek his release.

Your cooperation in this matter will be greatly appreciated.

Very truly yours,

John N. Hardee
Vice President

JNI:ab

P830 065-0763

061-1376

LPC:EUR-4/83
G. R. CastrodaleEX/PC/CH: M. P. ...
632-1299: 5/17/83

E-573

May 19, 1983

Dear Senator Thurmond:

Thank you for your letter of May 9 on behalf of Mr. John W. Hardee concerning Raoul Wallenberg.

The President, the Department of State, and Congress share a strong concern about the fate of Mr. Wallenberg. The U.S. Government takes every opportunity to make this concern known to the Soviet authorities.

As you may know, President Reagan signed into law in October 1981 a bill conferring honorary U.S. citizenship upon Raoul Wallenberg. Honoring Mr. Wallenberg in this fashion was an important symbolic act. It made the world aware of our great admiration for his courage and dedication to humanity. In addition, it stressed our abhorrence for his unjust and illegal punishment by the Soviet Government.

To further emphasize our dedication to resolve the mystery surrounding Mr. Wallenberg's fate, we raised his case with the Soviets through diplomatic channels immediately after he was made an honorary U.S. citizen. As yet, we have not received a response from them. However, our efforts to resolve the tragic mystery of Mr. Wallenberg's fate will continue until the Soviets provide a full and satisfactory clarification of their actions in his case.

We have pressed our efforts both in bilateral meetings and international forums, such as the Conference on Security and Cooperation in Europe (CSCE) Review Meeting in Madrid and the U.N. Human Rights Commission. In 1982, the U.S. Representative to the U.N. Human Rights Commission urged the Soviet Union to make "a humanitarian gesture which would contribute to universal good-feeling, namely a renewed search and full report, which may lay questions to rest; or else in the best of all possible outcomes, result in the discovery of the whereabouts of a man who stands among the heroes of our time." At a February 1983 session of the Commission, the U.S. Alternate Representative again raised the issue of Raoul Wallenberg, whom he termed "one of the genuine heroes of World War II, and one of the war's most

The Honorable
Strom Thurmond,
United States Senate.

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MR. GREGG (only)
FO Guidelines

noble spirits." He suggested the U.N. Human Rights Commission's Working Group on Disappearances be authorized to "make a renewed search and a full report" on the case.

We continue to work closely with the Swedish Government to investigate reports alleging that Mr. Wallenberg might still be alive. Thus far, we have been unable to substantiate this information. Nevertheless, we will maintain a cooperative effort with the Swedish Government and other interested parties to seek information that will clarify the fate of this brave man.

Sincerely,


Powell A. Moore
Assistant Secretary for
Congressional Relations

Enclosure:

Correspondence returned.

ALL INFORMATION CONTAINED
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DATE 11-14-83 BY 6032
U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535

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Senate Chamber
State of Colorado

E-574



The graph illustrates the projected increase in the aging population across several countries. Japan and Germany start with the highest percentages in 1950 (around 16% and 15% respectively) and show the steepest upward curves, reaching approximately 28% and 25% by 2050. The United States and France follow, starting around 12% and 11% in 1950 and rising to about 18% and 16% by 2050. The United Kingdom and Italy start lower, around 9% and 8% in 1950, and rise to about 14% and 13% by 2050. The Soviet Union and Canada start with the lowest percentages in 1950 (around 6% and 5% respectively) and show more gradual increases, reaching about 10% and 9% by 2050.

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Enclosure

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SENATE MEMORIAL NO. 1

E-574A

BY SENATORS Gallagher, Holme, Baca Barragan, Bishop, Groff,
Peterson, and Strickland.

MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO SEEK THE
RELEASE OF RAOUL WALLENBERG FROM THE UNION OF SOVIET
SOCIALIST REPUBLICS.

WHEREAS, As secretary of the Swedish legation in
Budapest, Hungary, in 1944, Raoul Wallenberg, a prominent
businessman, was responsible for saving almost one hundred
thousand European Jews from Nazi death camps; and

WHEREAS, When Russian soldiers entered the city of
Budapest, Raoul Wallenberg attempted to negotiate for
restoration of the rights of the victims of the war but, in
violation of diplomatic immunity and international law, was
taken into custody by the Soviets in January, 1945; and

WHEREAS, Swedish interrogation of wartime captives
released from Soviet prisons in the early 1950's produced
evidence that Raoul Wallenberg had been incarcerated in a
Soviet gulag; and

WHEREAS, There is recent evidence to support the hope
that Raoul Wallenberg still lives; and

WHEREAS, United States Congressman Tom Lantos and his
wife, Annette, are among the men, women, and children whose
escape from eastern Europe was made possible by Raoul
Wallenberg; and

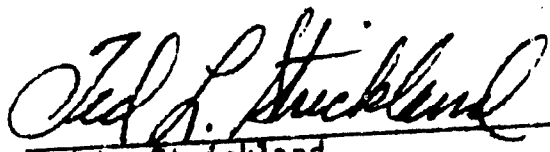
WHEREAS, On October 5, 1981, Raoul Wallenberg was made an
honorary citizen of the United States, an honor shared only by
Winston Churchill; now, therefore,

Be It Resolved by the Senate of the Fifty-fourth General
Assembly of the State of Colorado:

That Raoul Wallenberg shall not be forgotten and that the
Congress of the United States is hereby respectfully

memorialized to initiate immediate action to ascertain whether Raoul Wallenberg is still alive and to seek the release of Raoul Wallenberg from the present Soviet Government.

Be it Further Resolved, That copies of this Memorial be transmitted to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, to the Secretary of State of the United States, to each member of the Congress of the United States from the State of Colorado, and to the presiding officers of each state legislature in the United States.



Ted L. Strickland
PRESIDENT OF THE SENATE



Marjorie L. Nielson
SECRETARY OF THE SENATE

F A I R

E-57S

I am responding to your letter to Secretary Shultz
enclosing Senate Memorial No. 1 regarding Raoul Wallenberg.
and the President sh

The Department of State, Congress, and the President share a strong concern about the fate of Raoul Wallenberg and we are taking every appropriate opportunity to make this known to the Soviet authorities. As you know, in 1981 President Reagan signed a bill which made Raoul Wallenberg an honorary citizen of the United States. Making Raoul Wallenberg an honorary American citizen was an important symbolic act. It let the entire world know how much we admire Raoul Wallenberg's courage, how much we are inspired by his dedication to humanity and humanitarian principles, and how much we deplore his unjust and illegal punishment by the Soviet Union. Following the signing ceremony which made Raoul Wallenberg an honorary American, we made the Soviet Government formally and officially aware of our continued dedication to finding out the truth about Raoul Wallenberg's fate. To date, we have not received a response from the Soviet Government, but we shall continue in our effort to resolve the tragic mystery of Wallenberg's fate until the Soviets provide a full and satisfactory clarification of their actions in this case.

We have pressed our effort both on a bilateral basis and at international fora, such as the CSCE Review Conference in Madrid and the U.N. Human Rights Commission. In this regard, last year our representative to the U.N. Human Rights Commission, Mr. Michael Novak, urged the Soviet Union to make "a humanitarian gesture, which would contribute to universal good-feeling, namely, a renewed search and full report, which may lay questions to rest; or else, in the best of all possible outcomes, result in the discovery of the whereabouts of a man who stands among the heroes of our time." At this year's session of the Commission, on February 22, Alternate Representative Walter Berns again raised the issue of Raoul Wallenberg, whom he termed "one of the genuine heroes of World War II, and one of the war's most noble spirits." Mr. Berns suggested that the UN Human Rights Commission's working group on disappearances be authorized to "make a renewed search and a full report" on the case "involving the most famous of all disappeared persons."

Miss Marjorie L. Nielson,
Secretary of Senate,
Senate Chamber,
State Capitol,
Denver, Colorado.

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151/FPC/CFR 4/2

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- 2 -

We have also continued to work closely with the Government of Sweden to try to confirm reports that have come to light about Wallenberg. To date, we have been unable to confirm any of the reports suggesting that Wallenberg might still be alive. We intend to continue to cooperate fully with the Government of Sweden and all other interested parties in a persistent effort to obtain information that will clarify the fate of this brave man. As Ambassador Max Kampelman noted at a CSCE plenary session a year ago, the Wallenberg case is one that "will not go away"; the Soviet failure "to appreciate the human factor which is symbolized by the Wallenberg case" only serves to stimulate further interest. The United States Government will continue to express concern over the Wallenberg case at every appropriate opportunity, both publicly and in our diplomatic communications with the Soviet Union, and we expect that this matter will be raised again in Madrid and elsewhere.

We appreciate the expression of concern of the Senate of Colorado as contained in Senate Memorial No. 1. You may be assured that the United States Government takes this matter with the utmost gravity.

With cordial regards,

Sincerely,

Jayne Plank
Director, Intergovernmental Affairs
Office of Legislative and
Intergovernmental Affairs

Drafted: EUR/SOV: JMO *gn* cway
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PAGE 001

NATIONAL SECURITY COUNCIL

DATE: 10 JUN 83

REFERRAL

MEMORANDUM FOR: STATE SECRETARY

E-576

DOCUMENT DESCRIPTION:

TO: LAGERGREN, NINA

SOURCE: PRESIDENT

DATE: 10 JUN 83

KEYWORDS: SWEDEN

WALLENBERG, PAOUL

SUBJ: THANK YOU & PROMISE OF FUTURE SUPPORT

REQUIRED ACTION: FOR DISPATCH

DEPARTMENT OF STATE

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LO CBB Only

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DUE DATE:

COMMENTS:

FOR ROBERT M. KIMMITT
EXECUTIVE SECRETARY

Received in 7/1/83
6/11/83 11:29 AM 11/2/83

DEPARTMENT OF STATE TRANSMITTAL SLIP		LIMITED OFFICIAL USE	
TO The American Ambassador Embassy Stockholm		DATE June 13, 1983	
FROM The Executive Secretariat The Department of State		For the Attention of Officer in Charge	
TO THE FOREIGN SERVICE		TO THE DEPARTMENT	
☒ For Transmittal to Addressee at the Discretion of Post ☐ Post Information Only ☐ Transmittal to Foreign Office ☐ Submit Report ☐ Reply to the Individual		☐ Dept. Information Only ☐ CERP Publications ☐ Enclosure to Previous Airtel ☐ Reply to Department Request	
☐ Transmittal to U.S. Agency ☐ Inform			
REFERENCE S/S. 8318133.			
ITEMS/REMARKS June 10, 1983 letter from President Reagan to Ms. Nina Lagergren Raoul Wallenberg-Foreningen Box 16076 103 22 Stockholm, Sweden.			
IN REPLY REFER TO FILE NUMBER AND DRAFTING OFFICE			
FILE NO. Reg. No. 7330076	SIGNATURE E. Kelly <i>M. Swanson</i>		
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DIPLOMATIC POUCH MAIL REGISTRATION		REGISTRY NUMBER No 7330076
SENDER The Executive Secretariat The Department of State		DATE OF REGISTRATION June 13, 1983
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ADDRESSEE The American Ambassador Attn: Officer in Charge - Embassy STOCKHOLM		
IDENTIFICATION S/S 8318133. 6/10 letter from President Reagan to Ms. Nina Lagergren & Raoul Wallenberg- Foreningen, Sweden.		
		Signature <i>M. Swanson</i> E. Kelly
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June 10, 1983

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ה'תש"ח:

Dear Mrs. Lagergren:

Thank you for your kind letter and generous words. We will continue our efforts to seek information and to secure the release of Raoul. And, like you, I shall continue to pray.

God bless you.

Sincerely,

Ronald Reagan

Ms. Nina Lagergren
Raoul Wallenberg-Foreningen
Box 16076
103 22 Stockholm
Sweden

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OUR SAVOUR'S LUTHERAN CHURCH
The American Lutheran Church **E-578**

1000 BAYVIEW AVENUE
LONG BEACH, CALIFORNIA 90804

July 23, 1983

The Honorable Ronald Reagan
President of the United States of America
The White House
1600 Pennsylvania Avenue
Washington, D.C.

158056

Dear President Reagan:

Lois Lundberg is a former parishioner, and a dear friend. Congressman Dan Lungren has proven to be a great support in our efforts to serve the elderly in this community. And Mr. Meese, whom I do not know, but realize was essential in assisting in the release of Pastor Gomez in El Salvador, has garnered admiration for this courage.

I write in behalf of a Swedish diplomat who was made an honorary American citizen in 1981, Raoul Wallenberg. On August 4 he will observe his seventy-first birthday, the thirty-eighth in a Russian gulag. It would seem fitting to me that you share with the nation his story in your national radio broadcast, imploring the public to remember Wallenberg with candle-lighted windows, prayers, and/or other demonstrations of support. I ask that you work together with the Kingdom of Sweden in appointing an international commission to design a method to pressure the USSR to release this noble gentleman, who valiantly saved 100,000 Jews from Eichmann's "Final Solution."

It is only as the free people of the world stand up to protest intollerable injustices such as this that nations like the USSR will be reminded that we are not blind to their corruption. We need to be as heroic in our efforts in Mr. Wallenberg's behalf as he was in behalf of Hungary's threatened Jews.

It is by coincidence that I will be in Moscow August 4. I am there as a tourist, and will be leading a group through the lands influenced by Martin Luther, as well as Russia. It is Luther's 500th anniversary. I have written Mr. Andropov that I would be happy to escort Mr. Wallenberg home...to his native Sweden or his adopting America. It is a naive offer I know, but without venturing such an idea I would never know

When the goodness and loving kindness of God Our Saviour appeared to me, I was 34

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Page Two

if it would be possible, for I believe with you, "All things are possible to him who believes."

If the monarchs of Scandinavia would join with the White House in both continued diplomatic pressure, but also leading their nations in some demonstration of support (as was done for the hostages during the Iranian crisis), we might be able to celebrate Mr. Wallenberg's next birthday in a just society.

I urge you to carry on what was begun by making Mr. Wallenberg an honorary citizen.

I understand that Dr. Guy Von Dardel, Raoul Wallenberg's half brother, will be meeting with others of a special committee in Washington the first week of August. They would be greatly cheered by your radio support of Wallenberg's release.

Thank you, Mr. President, for your fearless stand for freedom.

Sincerely,

Richard Andersen
Richard Andersen
Pastor I

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SPECIAL ASSISTANT TO THE SECRETARY

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MICHAEL KLOSSON/ERIC EDELMAN

TOM BARRELL

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JUDICIARY COMMITTEE
RANKING MINORITY MEMBER
SUBCOMMITTEE ON MONOPOLIES
AND COMMERCIAL LAW
RANKING MINORITY MEMBER
SUBCOMMITTEE ON IMMIGRATION,
REFUGEES AND INTERNATIONAL LAW
SELECT COMMITTEE ON
CHILDREN, YOUTH AND FAMILIES

Congress of the United States
House of Representatives
Washington, D.C. 20515

E-580

July 26, 1983

The Honorable Ronald Reagan
President of the United States
The White House
Washington, D.C. 20500

Dear Mr. President:

In October of 1981 Congress passed, and you signed into law, PL 97-54 proclaiming Raoul Wallenberg an honorary citizen of the United States. According to this legislation, "the President is requested to take all possible steps to ascertain from the Soviet Union the whereabouts of Raoul Wallenberg and to secure his return to freedom".

I am writing to request your assistance in implementing PL 97-54. One step that has not yet been taken, is the issuance of a Presidential Directive in the Federal Register. The content of such a directive should be geared to informing all federal agencies and officials that it is the public policy of the United States to do whatever may be necessary to obtain Raoul Wallenberg's freedom.

If such a Presidential Directive can be issued it is my feeling that it could be an important element in pursuing this goal.

With deep appreciation,

Sincerely,

Hamilton Fish Jr.

Hamilton Fish, Jr.
Member of Congress

HF:hrw

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United States Department of State

Washington, D. C. 20520

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AUG 2 1983

BRIEFING MEMORANDUM
S/S

E-581

UNCLASSIFIEDwith CONFIDENTIAL Attachment

TO: C - Mr. Derwinski

FROM: H - Powell A. Moore

SUBJECT: Your Appearance Before the House Foreign Affairs Subcommittee on Human Rights and International Organizations, 10:00 a.m., Wednesday, August 3, Room 2172, Rayburn House Office Building: The Raoul Wallenberg Case

SUMMARY

You have agreed to appear before the House Foreign Affairs Subcommittee on Human Rights and International Organizations at 10:00 a.m., Wednesday, August 3 for a special hearing on the Raoul Wallenberg case (Room 2172 Rayburn Building).

ESSENTIAL FACTORS

This hearing has been called at the request of Congressman Lantos (D-California) who has a personal interest in the matter, as Wallenberg was instrumental in obtaining "protective passports" for Mr. and Mrs. Lantos in Hungary during the Second World War. The Subcommittee will be especially interested in hearing your testimony regarding what the Department and the Administration have done, since Wallenberg was given honorary citizenship on October 5, 1981, to obtain information from the Soviets as to his fate. You will recall that Wallenberg was seized by the Soviets late in the war, and that Soviet authorities, after stating in 1980 that Wallenberg died in prison in 1947, have refused to speak further on the subject.

Representatives of a number of Wallenberg's Committees will also be present, coming from various parts of the US and Europe, Australia and Canada.

The Subcommittee may also ask you about the status of the proposed Wallenberg Freedom Award, which was being considered last year. In large part because of lack of Swedish interest

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(you should not say so: the proposal is currently on ice.
(FYI: Congressman Lantos strongly believes that the Swedes --
and particularly the Swedish Socialists -- have been remiss in
pressing the Soviets for Wallenberg's release or a definitive
statement as to his fate.)

SCENARIO

The hearing will be held in Room 2172 of the Rayburn
Building. Witnesses are scheduled to appear in the following
order, with each making a statement of three to five minutes:

Congressman Tom Lantos, D-California

Senator Claiborne Pell, D-Rhode Island

Congressman Hamilton Fish, Jr., R-New York

Edward J. Derwinski

Counselor of the Department of State

and former Member of Congress from the State of Illinois

Millicent Fenwick

U.S. Ambassador-designate to the UN Food and Agricultural
Organizations and former Member of Congress from the State
of New Jersey

Joshua Eilberg

Member of the Board of Advisors

Wallenberg Committee of Greater Philadelphia

and former Member of Congress from the State of
Pennsylvania

Sonia Sonnefeld

Executive Director

International Raoul Wallenberg Committee, Stockholm, Sweden

Agnes Adachi

Vice President,

Raoul Wallenberg Committee of the United States

Morris Wolf

Professor of Law

University of Delaware

Joan Scarob

Co-Chairperson

Free Wallenberg Committee

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This could be a long hearing, and you will be expected to answer some questions after your statement. Lewis Murray from H, and John Oraway from EUR/SOV will accompany.

Your formal testimony is attached at Tab 1. Tab 2 provides a general background (CONFIDENTIAL) to the Wallenberg case. Tab 3 is our correspondence check. Tab 4 is a Bio collection, and Tab 5 is our Members' Interest list.

Attachments:

1. Testimony
2. General Background
3. Correspondence Check
4. Bios
5. Members' Interest

Drafted: H:LMurray:rr
8/2/83 x21246 #8348A

Clearance: EUR/SOV:JO Oraway

E-581A

STATEMENT
OF
THE HONORABLE EDWARD DERMINKSI
COUNSELOR OF THE DEPARTMENT OF STATE
BEFORE THE
SUBCOMMITTEE ON HUMAN RIGHTS
AND INTERNATIONAL ORGANIZATIONS
COMMITTEE ON FOREIGN AFFAIRS
WEDNESDAY, AUGUST 3, 1983

DEPARTMENT OF STATE

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It is a pleasure to speak to you today about Raoul Wallenberg.

As you know, when I was a member of the House, I took a very active interest in the fate of Raoul Wallenberg, and now as State Department Counselor, let me begin by stating that the Department of State and the President share with the Congress a strong concern about the fate of Raoul Wallenberg. We are taking every appropriate opportunity to make that concern known to the Soviet authorities and to make clear to them that the United States will be satisfied with nothing less than a full and complete accounting of the fate of Mr. Wallenberg.

As you know, in 1981 President Reagan signed a bill which made Raoul Wallenberg an honorary citizen of the United States. Although honorary citizenship established no rights in international law that would give us any greater legal standing in our inquiries with the Soviet Union, it was an important symbolic act. It let the entire world know how much we admire Raoul Wallenberg's courage, how much we are inspired by his dedication to humanity and humanitarian principles, and how much we deplore his unjust and illegal punishment by the Soviet Union.

Following the signing ceremony which made Raoul Wallenberg an honorary American, the Department of State made the Soviet Government formally and officially aware of our continued dedication to finding out the truth about Raoul Wallenberg's fate.

Soviets both on a bilateral basis and at international fora, such as the CSCE Review Conference in Madrid and the U.N. Human Rights Commission. In this regard, last year our representative to the U.N. Human Rights Commission, Mr. Michael Novak, urged the Soviet Union to make "a humanitarian gesture, which would contribute to universal good-feeling, namely, a renewed search and full report, which may lay questions to rest; or else, in the best of all possible outcomes, result in the discovery of the whereabouts of a man who stands among the heroes of our time."

At this year's session of the Commission, on February 22, Alternate Representative Walter Berns again raised the issue of Raoul Wallenberg, whom he termed "one of the genuine heroes of World War II, and one of the war's most noble spirits." Mr. Berns suggested that the UN Human Rights Commission's working group on disappearances be authorized to "make a renewed search and a full report" on the case "involving the most famous of all disappeared persons."

We have also continued to work closely with the Government of Sweden to try to confirm reports that have come to light about Wallenberg. To date, we have been unable to confirm any of the reports suggesting that Wallenberg might still be alive. We intend to continue to cooperate fully with the Government of Sweden and all other interested parties in a persistent effort to obtain information that will clarify the fate of this brave man.

To date, we have not received a satisfactory response from the Soviet Government to this or any of our earlier inquiries.

Immediately following the liberation of Budapest by Soviet troops in 1945, Raoul Wallenberg disappeared into Soviet custody. The Soviets have never accounted for their incarceration of Wallenberg, which was in total violation of Wallenberg's immunity as a Swedish diplomat under international law. Although there has been speculation that the Soviets suspected Wallenberg of being an espionage agent for the United States, there is not one shred of documentation to indicate Wallenberg was engaged in anything but a humanitarian effort.

The official Soviet explanations of what happened to Wallenberg have been inconsistent and incomplete. In 1947 the Soviets informed Sweden that Wallenberg died in Hungary in 1945. In 1957, after repeated Swedish inquiries, the Soviets stated that Wallenberg had, in fact, died in a Soviet prison in 1947. In 1980 the Soviets provided this same explanation to us.

Our position has remained consistent and clear. Until the Soviets provide a full clarification of Wallenberg's fate, the United States will not accept as final the Soviet assurances that Wallenberg died in 1947.

We have pressed our efforts to obtain an accounting from the

As Ambassador Max Kampelman noted at a CSCE plenary session two years ago, the Wallenberg case is one that "will not go away"; the Soviet failure "to appreciate the human factor which is symbolized by the Wallenberg case" only serves to stimulate further interest.

Your colleague, Tom Lantos, has suggested the establishment of a Wallenberg freedom award which would be used to honor individuals who have advanced the cause of human rights. This certainly would be a dramatic and practical vehicle for emphasizing the worldwide concern about Raoul Wallenberg. However, since it is our fervent hope that Wallenberg is still alive, and the pressure we are exerting is such that he would eventually be released and returned to freedom, the only question we would have is that there not be any interpretation, which this award might arouse, that we are accepting the fact that he might be dead.

The United States Government will continue to express concern over the Wallenberg case at every appropriate opportunity, both publicly and in our diplomatic communications with the Soviet Union. I can assure you categorically that this matter will be raised again in every appropriate forum.

The tragedy of Raoul Wallenberg has attracted the attention of millions of people around the world, and nowhere more forcefully than in the United States. This hearing is an example of the

special concern of the United States Congress and the American people, and we appreciate the opportunity it provides to keep this issue at the forefront of world attention.

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United States Department of State

63 AUG -3 P8 23

E-582

August 3, 1983

INFORMATION MEMORANDUM

SS CH 4/4

MEMORANDUM FOR THE SECRETARY

FROM: H - Powell A. Moore

SUBJECT: Daily Legislative Report

Following is a report of the activities on the Hill, Wednesday, August 3:

GSP. Ken Dam testified before Congressman Gibbons' Trade Subcommittee of House Ways and Means on renewal for ten years of the Generalized System of Preferences (GSP). He was joined by USTR Brock and witnesses from Agriculture and Labor. The major issues were: (1) U.S. supports for GSP at a time of high unemployment at home, (2) GSP for the better off developing countries, (3) how we assess competitiveness in excluding products and how this relates to GATT obligations, (4) how do we make GSP more responsive to the needs of the poorest countries, and (5) how can we use GSP to gain greater access for U.S. exports in the larger developing country markets.

IMF. As of this writing the House continued floor debate on the IMF bill.

Central America. Tony Motley and Elliott Abrams testified this morning before a joint session of the HFAC Subcommittees on the Western Hemisphere and Human Rights. The ostensible subject was El Salvador certification but the questions ranged over our entire policy in Central America.

Wallenberg. Ed Derwinski testified before the House Foreign Affairs Committee on Raoul Wallenberg. Other witnesses included Senator Pell and Congressman and Mrs. Lantos. Lantos said that in the fall he would introduce legislation establishing a Wallenberg Freedom Award.

Middle East Review. DAS Bob Pelletreau of NEA testified today before the Hamilton Subcommittee on general Middle East concerns. The Members focused on:

- Syrian unwillingness to withdraw from Lebanon.
- Egypt's failure to return its Ambassador to Israel.
- Possible Israeli use of FMS funds for development of the Lavi aircraft.
- Possible changes in the size or mission of the multi-national force in Lebanon.

Radio Marti. The Senate obtained cloture on the Motion to Proceed to the bill by 61-34. The opposition now has 100 hours of debate and negotiations are underway to avoid their full expenditure.

Nominations. The SFRC heard Tom Pickering on his nomination as Ambassador to El Salvador. Senator Helms chaired the 2-1/2 hour session. Questions ran the gamut from The Year 2000 Report, to the Law of the Sea, the Moon Treaty, the Monroe Doctrine, the Kennedy-Khrushchev Accords and abortion in Red China.

Drafted: H:JMMontgomery:myo
8/3/83 632-1050



Department of State

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TAGS: SHUM, PREL, SW
SUBJ COUNSELOR DERWINSKI'S STATEMENT ON RAOUL
WALLENBERG

FOLLOWING IS THE TEXT OF COUNSELOR DERWINSKI'S STATEMENT
ON RAOUL WALLENBERG TO BE GIVEN BEFORE THE HOUSE
SUBCOMMITTEE ON HUMAN RIGHTS AND INTERNATIONAL
ORGANIZATIONS ON AUGUST 3.

BEGIN TEXT:

IT IS A PLEASURE TO SPEAK TO YOU TODAY ABOUT RAOUL
WALLENBERG.

LET ME BEGIN BY STATING THAT THE DEPARTMENT OF STATE AND
THE PRESIDENT SHARE WITH THE CONGRESS A STRONG CONCERN
ABOUT THE FATE OF RAOUL WALLENBERG. WE ARE TAKING EVERY
APPROPRIATE OPPORTUNITY TO MAKE THAT CONCERN KNOWN TO THE
SOVIET AUTHORITIES AND TO MAKE CLEAR TO THEM THAT THE
UNITED STATES WILL BE SATISFIED WITH NOTHING LESS THAN A
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PAGE 02 STATE 217522

FULL AND COMPLETE ACCOUNTING OF THE FATE OF MR.

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DEPARTMENT OF STATE

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WALLENBERG.
AS YOU KNOW, IN 1981 PRESIDENT REAGAN SIGNED A BILL WHICH MADE RAOUL WALLENBERG AN HONORARY CITIZEN OF THE UNITED STATES. ALTHOUGH HONORARY CITIZENSHIP ESTABLISHED NO RIGHTS IN INTERNATIONAL LAW THAT WOULD GIVE US ANY GREATER LEGAL STANDING IN OUR INQUIRIES WITH THE SOVIET UNION, IT WAS AN IMPORTANT SYMBOLIC ACT. IT LET THE ENTIRE WORLD KNOW HOW MUCH WE ADMIRE RAOUL WALLENBERG'S COURAGE, HOW MUCH WE ARE INSPIRED BY HIS DEDICATION TO HUMANITY AND HUMANITARIAN PRINCIPLES, AND HOW MUCH WE DEPLORE HIS UNJUST AND ILLEGAL PUNISHMENT BY THE SOVIET UNION.

FOLLOWING THE SIGNING CEREMONY WHICH MADE RAOUL WALLENBERG AN HONORARY AMERICAN, THE DEPARTMENT OF STATE MADE THE SOVIET GOVERNMENT FORMALLY AND OFFICIALLY AWARE OF OUR CONTINUED DEDICATION TO FINDING OUT THE TRUTH ABOUT RAOUL WALLENBERG'S FATE. TO DATE, WE HAVE NOT RECEIVED A SATISFACTORY RESPONSE FROM THE SOVIET GOVERNMENT TO THIS OR ANY OF OUR EARLIER INQUIRIES.

THE OFFICIAL SOVIET EXPLANATIONS OF WHAT HAPPENED TO WALLENBERG HAVE BEEN INCONSISTENT AND INCOMPLETE. IN 1947 THE SOVIETS INFORMED SWEDEN THAT WALLENBERG DIED IN HUNGARY IN 1945. IN 1957, AFTER REPEATED SWEDISH INQUIRIES, THE SOVIETS STATED THAT WALLENBERG HAD, IN FACT, DIED IN A SOVIET PRISON IN 1947. IN 1980, THE SOVIETS PROVIDED THIS SAME EXPLANATION TO US.

OUR POSITION HAS REMAINED CONSISTENT AND CLEAR. UNTIL THE SOVIETS PROVIDE A FULL CLARIFICATION OF WALLENBERG'S FATE, THE UNITED STATES WILL NOT ACCEPT AS FINAL THE
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PAGE 03

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SOVIET ASSURANCES THAT WALLENBERG DIED IN 1947.

WE HAVE PRESSED OUR EFFORTS TO OBTAIN AN ACCOUNTING FROM THE SOVIETS BOTH ON A BILATERAL BASIS AND AT INTERNATIONAL FORA, SUCH AS THE CSCE REVIEW CONFERENCE IN MADRID AND THE U.N. HUMAN RIGHTS COMMISSION. IN THIS REGARD, LAST YEAR OUR REPRESENTATIVE TO THE U.N. HUMAN RIGHTS COMMISSION, MR. MICHAEL NOVAK, URGED THE SOVIET UNION TO MAKE "A HUMANITARIAN GESTURE, WHICH WOULD CONTRIBUTE TO UNIVERSAL GOOD-FEELING, NAMELY, A RENEWED

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SEARCH AND FULL REPORT, WHICH MAY LAY QUESTIONS TO REST; OR ELSE, IN THE BEST OF ALL POSSIBLE OUTCOMES, RESULT IN THE DISCOVERY OF THE WHEREABOUTS OF A MAN WHO STANDS AMONG THE HEROES OF OUR TIME."

AT THIS YEAR'S SESSION OF THE COMMISSION, ON FEBRUARY 22, ALTERNATE REPRESENTATIVE WALTER BERNS AGAIN RAISED THE ISSUE OF RAOUL WALLENBERG, WHOM HE TERMED "ONE OF THE

GENUINE HEROES OF WORLD WAR II, AND ONE OF THE WAR'S MOST NOTABLE SPIRITS." MR. BERNS SUGGESTED THAT THE UN HUMAN RIGHTS COMMISSION'S WORKING GROUP ON DISAPPEARANCES BE AUTHORIZED TO "MAKE A RENEWED SEARCH AND A FULL REPORT" ON THE CASE "INVOLVING THE MOST FAMOUS OF ALL DISAPPEARED PERSONS."

WE HAVE ALSO CONTINUED TO WORK CLOSELY WITH THE GOVERNMENT OF SWEDEN TO TRY TO CONFIRM REPORTS THAT HAVE COME TO LIGHT ABOUT WALLENBERG. TO DATE, WE HAVE BEEN UNABLE TO CONFIRM ANY OF THE REPORTS SUGGESTING THAT WALLENBERG MIGHT STILL BE ALIVE. WE INTEND TO CONTINUE TO COOPERATE FULLY WITH THE GOVERNMENT OF SWEDEN AND ALL OTHER INTERESTED PARTIES IN A PERSISTENT EFFORT TO OBTAIN INFORMATION THAT WILL CLARIFY THE FATE OF THIS BRAVE MAN.

AS AMBASSADOR MAX KAMPELMAN NOTED AT A CSCE PLENARY
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SESSION A YEAR AGO, THE WALLENBERG CASE IS ONE THAT "WILL NOT GO AWAY"; THE SOVIET FAILURE "TO APPRECIATE THE HUMAN FACTOR WHICH IS SYMBOLIZED BY THE WALLENBERG CASE" ONLY SERVES TO STIMULATE FURTHER INTEREST.

ONE IDEA BROUGHT FORTH TO EMPHASIZE THE WORLDWIDE CONCERN ABOUT RAOUL WALLENBERG WAS THE ESTABLISHMENT OF A WALLENBERG FREEDOM AWARD WHICH WOULD BE USED TO HONOR INDIVIDUALS WHO HAVE ADVANCED THE CAUSE OF HUMAN RIGHTS. ALTHOUGH THERE IS A GREAT DEAL OF MERIT TO THIS IDEA, IT HAS NOT BEEN ADOPTED. ONE OF THE CONCERNS FELT STRONGLY BY BOTH THE UNITED STATES AND SWEDEN IS TO AVOID ANY ACTION THAT MIGHT GIVE THE IMPRESSION THAT THE WEST ACCEPTS THE NOTION THAT WALLENBERG IS DEAD. NATURALLY, SUCH AN AWARD WOULD BE REGARDED IN MANY CIRCLES AS A "MEMORIAL" AWARD, AND THIS WOULD NOT BE IN KEEPING WITH

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OUR GOALS.

THE UNITED STATES GOVERNMENT WILL CONTINUE TO EXPRESS CONCERN OVER THE WALLENBERG CASE AT EVERY APPROPRIATE OPPORTUNITY, BOTH PUBLICLY AND IN OUR DIPLOMATIC COMMUNICATIONS WITH THE SOVIET UNION. I CAN ASSURE YOU CATEGORICALLY THAT THIS MATTER WILL BE RAISED AGAIN IN EVERY APPROPRIATE FORUM.

THE TRAGEDY OF RAOUL WALLENBERG HAS ATTRACTED THE ATTENTION OF MILLIONS OF PEOPLE AROUND THE WORLD, AND NOWHERE MORE FORCEFULLY THAN IN THE UNITED STATES. THIS HEARING IS AN EXAMPLE OF THE SPECIAL CONCERN OF THE UNITED STATES CONGRESS AND THE AMERICAN PEOPLE, AND WE APPRECIATE THE OPPORTUNITY IT PROVIDES TO KEEP THIS ISSUE AT THE FOREFRONT OF WORLD ATTENTION. END TEXT. SHULTZ

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PAGE 05

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GLENN M. ANDERSON
028 DUNSMITH, CALIFORNIA

2329 RICHMOND HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
TELEPHONE (202) 225-4878

203 LONG BEACH BOULEVARD
LONG BEACH, CALIFORNIA 90801
TELEPHONE (213) 448-2211

1983 AUG 17 PM 1 32

PLEASE ADDRESS REPLY TO ANY
OF WASHINGTON OFFICE
OR LONG BEACH OFFICE

100-100-100-100
Congress of the United States
House of Representatives
Washington, D.C. 20515

August 8, 1983

FROM:
DOCUMENT ANALYSIS

Honorable George N. Shultz
Secretary of State
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20520

Dear Secretary Shultz:

Particular concern is shown for a citizen of the United States, Mr. Rabul Wallenberg, who has been incarcerated by the government of the Union of Soviet Socialist Republics (U.S.S.R.) since 1944.

In a letter I recently received from the Reverend Richard Andersen, who was to head a tour of several European nations, including the U.S.S.R., commencing August 1, 1983, it is apparent that Mr. Wallenberg is being held against his will and for dubious reasons. I am most interested in the United States' efforts to secure for Mr. Wallenberg the right to return either to this country or to Sweden, the latter being a nation which also extends the privileges of citizenship to him.

During your next meeting with Soviet Ambassador Anatoly Dobrynin, I hope you will engage him on this grave matter of individual human rights, which are of paramount importance to citizens of the United States and to me.

With warmest personal regards,

Sincerely,

Glenn M. Anderson
GLENN M. ANDERSON
Member of Congress

GMA/wa

cc: Honorable Anatoly Dobrynin, Soviet Ambassador to the United States

COMMITTEES:

PUBLIC WORKS AND
TRANSPORTATION

- CHAIRMAN, SURFACE
TRANSPORTATION SUBCOMMITTEE
- MEMBER, AVIATION SUBCOMMITTEE
- MEMBER, WATER RESOURCES
SUBCOMMITTEE

MERCHANT MARINE AND
FISHERIES

- MEMBER, FISHERIES AND WILDLIFE
CONSERVATION AND THE
ENVIRONMENT SUBCOMMITTEE
- MEMBER, MERCHANT MARINE
SUBCOMMITTEE
- MEMBER, PANAMA CANAL/OTHER
CONTINENTAL SHELF SUBCOMMITTEE

- MEMBER, CONGRESSIONAL PORT
CAUCUS
- MEMBER, CONGRESSIONAL SHIPYARD
COALITION
- MEMBER, PUBLIC SHIPYARD
COALITION
- MEMBER, CONGRESSIONAL TRAVEL
AND TOURISM CAUCUS
- MEMBER, ENVIRONMENTAL AND
ENERGY STUDY CONFERENCE

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E-585

Rabbi Abraham Cooper
Simon Wiesenthal Center
9760 West Pico Boulevard
Los Angeles, Calif. 90035

Dear Rabbi Cooper:

I have been asked to respond to your letter of July 26 to Secretary Shultz regarding Raoul Wallenberg.

As you know, the President and the Secretary share with concerned members of the American public, with the Congress, and with dedicated organizations like yours, concern and a sense of outrage over the treatment accorded Raoul Wallenberg by the Soviet Union. The incarceration without justification of a diplomat who stands as one of the heroes of our age cannot be justified under any circumstances.

We in the Department of State have taken the opportunities available to us to impart this message to the Soviet authorities. At times we have done this publicly in international fora, at other times in diplomatic exchanges. There can be no doubt in the minds of our Soviet interlocutors of the strength and depth of our feelings on this issue.

Unfortunately, I cannot report that our efforts have been successful. The Soviet Union has not yet provided a satisfactory accounting of the fate of Raoul Wallenberg. Nonetheless, we have pressed our inquiries with vigor. For instance, at this year's session of the UN Human Rights Commission, on February 22, Alternate Representative Walter Berns raised the issue of Raoul Wallenberg, whom he termed "one of the genuine heroes of World War II, and one of the war's most noble spirits." Mr. Berns suggested that the UN Human Rights Commission's working group on disappearances be authorized to "make a renewed search and a full report" on the case "involving the most famous of all disappeared persons."

On August 3, 1983 Edward J. Derwinski, Counselor of the State Department, testified in Congress on the subject of

DEPARTMENT OF STATE
OFFICE OF THE SECRETARY
ADVISORY COMMITTEE
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RAOUL Wallenberg. As he stated on that occasion, "Our position has remained consistent and clear. Until the Soviets provide a full clarification of Wallenberg's fate, the United States will not accept as final the Soviet assurances that Wallenberg died in 1947.... I can assure you categorically that this matter will be raised again in every appropriate forum."

Sincerely,

Raymond F. Smith
Officer-in-Charge
Bilateral Relations
Office of Soviet Union Affairs

EUR/SOV:JMordway
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ACTION REQUESTED

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STATE TO NSC MEMO
STATE TO
TRAVEL AUTHORIZATION
STATE TO NSC TRANSMITTAL FORM

_____ with Draft reply for signature
by _____
_____ with Comment or Recommendation

✓ DIRECT REPLY on behalf of S

— provide info copy under cover
of State-NSC transmittal form

REPLY FOR SIGNATURE
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RECOMMENDATION FOR _____
with Memorandum for the President

UNDER COVER OF AN ACTION MEMO

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REMARKS/SPECIAL INSTRUCTIONS:

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DEPARTMENT OF STATE
EXECUTIVE SECRETARIAT
TRANSMITTAL FORM

S/S

8323914

Date August 12, 1983

For: Mr. William P. Clark
National Security Council
The White House

Reference:

To: President Reagan From: Mr. Richard Andersen

Date: July 23, 1983 Subject: Requests that Raoul

Wallenberg be made honorary citizen

WH Referral Dated: August 9, 1983 NSC ID# 158056
(if

The attached item was sent directly to the Department of State.

Action Taken:

XX A draft reply is attached.

A draft reply will be forwarded.

A translation is attached.

An information copy of a direct reply is attached.

We believe no response is necessary for the reasons cited below.

The Department of State has no objection to the proposed travel.

Other.

Remarks:

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8/8/83 Ext. 28670 #1104B

Cleared: ECU 'SOV: RFSmith

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E-587A

DRAFT REPLY

Dear Dr. Andersen:

I have been asked to answer your letter to President Reagan about Raoul Wallenberg.

The President shares your strong concern about the fate of Raoul Wallenberg, and we are taking every appropriate opportunity to make this known to the Soviet authorities. As you know, in 1981 the President signed a bill which made Raoul Wallenberg an honorary citizen of the United States. Making Raoul Wallenberg an honorary American citizen was an important symbolic act. It let the entire world know how much we admire Raoul Wallenberg's courage, how much we are inspired by his dedication to humanity and humanitarian principles, and how much we deplore his unjust and illegal punishment by the Soviet Union.

Following the signing ceremony which made Raoul Wallenberg an honorary American, the Department of State made the Soviet government formally and officially aware of our continued dedication to finding out the truth about Raoul Wallenberg's fate. To date, the United States has not received a response from the Soviet government; but we shall continue our efforts to resolve the tragic mystery of Wallenberg's fate until the Soviets provide a full and satisfactory clarification of their actions in this case.

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The Reverend
Richard Andersen, Ph.D.,
Our Savior's Lutheran Church,
370 Junipero Avenue,
Long Beach, California.

We have pressed this effort both on a bilateral basis and at international fora such as the CSCE Review Conference in Madrid and the UN Human Rights Commission. In this regard, last year our representative to the UN Human Rights Commission, Mr. Michael Novak, urged the Soviet Union to make "a humanitarian gesture, which would contribute to universal good feeling, namely, a renewed search and full report, which may lay questions to rest; or else, in the best of all possible outcomes, result in the discovery of the whereabouts of a man who stands among the heroes of our time." At this year's session of the Commission, on February 22, Alternate Representative Walter Berns again raised the issue of Raoul Wallenberg, whom he termed "one of the genuine heroes of World War II, and one of the war's most noble spirits." Mr. Berns suggested that the UN Human Rights Commission's working group on disappearances be authorized to "make a renewed search and a full report" on the case "involving the most famous of all disappeared persons."

We have also continued to work closely with the Government of Sweden to try to confirm reports that have come to light about Wallenberg. To date, we have been unable to confirm any of the reports suggesting that Wallenberg might still be alive. We intend to continue to cooperate fully with the Government of Sweden and all other interested parties in a persistent effort to obtain information that will clarify the fate of this brave

man. As Ambassador Max Kampelman noted at a CSCE plenary session, the Wallenberg case is one that "will not go away"; the Soviet failure "to appreciate the human factor which is symbolized by the Wallenberg case" only serves to stimulate further interest. The United States Government will continue to express concern over the Wallenberg case at every appropriate opportunity, both publicly and in our diplomatic communications with the Soviet Union.

Sincerely,

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August 12, 1983

E-588

DEPARTMENT OF STATE
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Dear Ham:

On behalf of the President, I would like to thank you for your letter urging that a Presidential Directive be issued in the Federal Register stating that it is the public policy of the United States to do whatever may be necessary to obtain Raoul Wallenberg's freedom.

We appreciate your concern and have taken the liberty of sharing your comments with the appropriate Administration advisers. I can assure you that your request will receive careful review and consideration.

With best wishes,

Sincerely,

Kenneth M. Duberstein
Assistant to the President

The Honorable Hamilton Fish, Jr.
House of Representatives
Washington, D.C. 20515

cc: NSC Secretariat w/copy of incoming for DIRECT response

WH RECORDS MANAGEMENT HAS RETAINED ORIGINAL

KMD:CMF:KRJ:vm1--

CLARENCE FELL, JR.
JOHN G. BARRY, JR.
JOHN G. BARRY, JR.
PAUL B. JENNINGS, JR.
EDWARD J. JENNINGS, JR.
PAUL B. JENNINGS, JR.
ALAN G. JENNINGS, JR.
CHRISTOPHER J. JENNINGS, JR.

United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, D.C. 20510

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August 15, 1983

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MR. G. G. G. G.

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The Honorable George P. Shultz
Secretary of State
Washington, D. C. 20520

Dear Mr. Secretary:

Enclosed are copies of the following legislation:

[REDACTED]

S. Res. 204, "To express the sense of the Senate concerning Raoul Wallenberg," which was submitted by Senator Levin on August 4, 1983; and

[REDACTED]

The Foreign Relations Committee would appreciate receiving coordinated executive branch comments on this legislation at an early date.

Sincerely,

Charles H. Percy

Charles H. Percy
Chairman

CHP:gkg

Enclosures

DOCUMENT ANALYSIS

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U. S. DEPT. OF STATE

PS 30126-2247
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COMMITTEES:
JUDICIARY
APPROPRIATIONS
VETERANS' AFFAIRS

United States Senate

WASHINGTON, D.C. 20510

August 15, 1983

E-590

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The President
The White House
Washington, D.C. 20500

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10/12/93

Dear Mr. President:

The tragic story of Raoul Wallenberg is one that has touched the hearts and stirred the souls of all human beings of good will. A man of extraordinary courage, he faced danger constantly in his efforts to save Hungarian Jews from extermination at the hands of the Nazis in 1944.

Wallenberg, at the request of the United States, not only endeavored to rescue them and was successful, but he also provided them with food, shelter and medical care with supplies provided by our government. He is credited with saving the lives of almost 100,000 Jews.

As you know, Wallenberg was taken in custody by the Soviet Union on Jan. 17, 1945, in violation of his Swedish diplomatic immunity. No explanation has ever been given for his arrest and subsequent imprisonment. And while he has not been heard from since then, some former prisoners in the Soviet Union, some as recently as 1981, suggest that he may still be alive.

As the nation primarily responsible for persuading Wallenberg to try to protect the lives of these Hungarian Jews, the United States owes much to this great humanitarian and should make every effort to free him.

Towards this end, I respectfully request that you issue a Presidential Directive which states that it is your policy that all steps be taken to ascertain from the Soviet Union the whereabouts of Raoul Wallenberg and to secure his return to freedom, pursuant to Public Law 97-54. As you know, Public Law 97-54 conferred honorary United States citizenship on Mr. Wallenberg.

Mr. President, I have attached a copy of a proposed Presidential Directive for your review, and urge you to issue it as soon as possible.

Sincerely,

Allen Specter

AS:lrj

Proposed Presidential Directive

E-590A

It is my policy to take all possible steps to ascertain from the Soviet Union the whereabouts of Raoul Wallenberg and to secure his return to freedom, pursuant to Public Law 97-54.

I direct all federal officials to cooperate with all U.S. and foreign official and private efforts to free Raoul Wallenberg.

I further direct:

--all officials of the Department of State to ask in every possible bilateral and multilateral meeting that the Soviet Union free Raoul Wallenberg;

--all officials of the Department of State to continuously review all bilateral and multilateral policies for changes to assist all U.S. and foreign official and private efforts to free Raoul Wallenberg, including requests of, and policy reviews concerning, all countries besides the U.S. and Soviet Union that might influence the Soviet Union to free Raoul Wallenberg, and including on a priority basis continuous exploration of all possible bilateral and multilateral prisoner exchanges and other exchanges to free Raoul Wallenberg;

--the Legal Advisor of the Department of State to prepare briefs on a priority basis for U.S. official litigation and official protest in all possible international legal and human rights forums, and to make copies available to all U.S. and foreign official and private efforts to free Raoul Wallenberg.

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The Secretary of State is assigned the responsibility to formulate detailed instructions for implementation by the Department of State of this directive.

I further direct that all possible media, and specifically Voice of America broadcasts, be used to frequently, regularly, and repeatedly report the latest status of all U.S. and foreign official and private efforts to free Raoul Wallenberg.

The Director of the International Communication Agency is assigned the responsibility to formulate detailed instructions for implementation by the International Communication Agency of this directive.

8325186

AUGUST 26, 1983

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We have also continued to work closely with the Government of Sweden to try to confirm reports that have come to light about Wallenberg. To date, we have been unable to confirm any of the reports suggesting that Wallenberg might still be alive. —We—intend to continue to cooperate fully with the Government of Sweden and all other interested parties in a persistent effort to obtain information that will clarify the fate of this brave man.

On August 3 Edward J. Derwinski, Counselor of the State Department, testified in Congress on the subject of Raoul Wallenberg. As he stated on that occasion, "Our position has remained consistent and clear. Until the Soviets provide a full clarification of Wallenberg's fate, the United States will not accept as final the Soviet assurances that Wallenberg died in 1947.... I can assure you categorically that this matter will be raised again in every appropriate forum."

If we can be of assistance to you in this or any other matter, please do not hesitate to contact us.

Sincerely,

Alvin Paul Drischler *APD*
Acting Assistant Secretary
Legislative and Intergovernmental Affairs

Drafted: EUR/SOV:JMordway *JM*
UB/22/83 Ext. 28670 No. 105-2139 S/S # 8325186
Cleared: EUR/SOV:JFSchumaker *JFS*
EUR/SOV:TWSimons, Jr. *TWS*
EUR:MPalmer
H:LMurray

#6431B

EXECUTIVE SECRETARIAT

ACTION SLIP

(Classification/Downgrader)

S/S CONTROL NUMBER

8325186

ACTION ASSIGNED TO:

DUE IN
S/S BY:

8/22/83

E-593A

ACTION REQUESTED

- ☐ STATE TO NSC MEMO
☐ STATE TO
☐ TRAVEL AUTHORIZATION
☐ STATE TO NSC TRANSMITTAL FORM

☐ DIRECT REPLY☒ REPLY FOR SIGNATURE
BY 14☐ RECOMMENDATION FOR
with Memorandum for the President☐ APPROPRIATE HANDLING

☐ with Draft reply for signature
by _____
☐ with Comment or Recommendation

☐ provide info copy under cover
of State-NSC transmittal form

☐ provide comeback copy
for _____

UNDER COVER OF AN ACTION MEMO

FOR YOUR INFORMATION

ATTACH THIS ACTION SLIP AND ORIGINAL CORRESPONDENCE TO ANY SUBMISSION TO S/S
REMARKS/SPECIAL INSTRUCTIONS: Congressional

DEPARTMENT OF STATE

☒ RELEASE ☐ DECLASSIFY
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☐ DELETE Non-Responsive Info

FOIA Exemptions
Exemptions

CLEAR WITH:

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FROM:

S/S-S:

A
21522B
28062C
28338

(NAME)

320 D. ...

2329 HARBOR ...
WASHINGTON, D.C. 20515
TELEPHONE (202) 225-1676

300 LONG BEACH BLVD
(P.O. Box 7349)
LONG BEACH, CALIFORNIA 90801
TELEPHONE (213) 548-7722

P880 105-2139

Congress of the United States

House of Representatives

Washington, D.C. 20515

August 8, 1983

PLEASE ADD: SHERIDAN DOCUMENT ANALYSIS
WASHINGTON OFFICE
LONG BEACH OFFICE

COMMITTEES
PUBLIC WORKS AND
TRANSPORTATION
• CHAIRMAN, SUBCOMMITTEE
ON AVIATION, RAILROADS
AND WATERWAYS
• MEMBER, SUBCOMMITTEE
ON AVIATION, RAILROADS
AND WATERWAYS

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COMMISSION
• MEMBER, CONGRESSIONAL
COMMISSION

ACTION
is assigned to

EUR

Honorable George P. Shultz
Secretary of State
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20520

Dear Secretary Shultz:

Particular concern is shown for a citizen of the United States, Mr. Raoul Wallenberg, who has been incarcerated by the government of the Union of Soviet Socialist Republics (U.S.S.R.) since 1941.

In a letter I recently received from the Reverend Richard Andersen, who was to head a tour of several European nations, including the U.S.S.R., commencing August 1, 1983, it is apparent that Mr. Wallenberg is being held against his will and for dubious reasons. I am most interested in the United States' efforts to secure for Mr. Wallenberg the right to return either to this country or to Sweden, the latter being a nation which also extends the privileges of citizenship to him.

During your next meeting with Soviet Ambassador Anatoly Dobrynin, I hope you will engage him on this grave matter of individual human rights, which are of paramount importance to citizens of the United States and to me.

With warmest personal regards,

Sincerely,

Glenn M. Anderson
GLENN M. ANDERSON
Member of Congress

GMA/wa

cc: Honorable Anatoly Dobrynin, Soviet Ambassador to the United States

ROUTING AND TRANSMITTAL SLIP

Date

8/25/83

E-593C

TO: (Name, office symbol, room number,
building, Agency/Post)

Initials

Date

1. IMMEDIATE

2. S/S-S - Boni Bender, Rm 7241

3. DEPARTMENT OF STATE

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FOIA Exemptions

5. PA Exemptions

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

Per our conversation, I am returning
S/S 8325025. We believe no reply is
necessary as the Attorney General was
simply providing a courtesy copy of
a report the Justice Department sent
to all of its employees.

*S/S-I; please
update*

DO NOT use this form as a RECORD of approvals, concurrences, disposals,
clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)

Fran Hess, PA/PC/SPS

Room No.—Bldg.
4827A

Phone No.
632-8203

5041-102

OPTIONAL FORM 41 (Rev. 7-76)

PROCESSED BY GHA
FPMR (41 CFR) 101-11.206

DEPARTMENT OF STATE

IS/PRO:COR

TH

12/12/83

E-597

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FOIA Exemptions
PA Exemptions

MR. CARL S. ...
ED. CARL S. ...

P840 012-0492

SEP 4 1983

Dear Mr. Stockman:

In accordance with established procedure, there is transmitted herewith a proposed report on S. Res. 204, "To express the sense of the Senate concerning Raoul Wallenberg."

Please inform the Department whether there is any objection to the submission of this report.

Sincerely,

Alvin Paul Drischler
Acting Assistant Secretary
Legislative and Intergovernmental Affairs

Enclosure:
Six Copies of
Proposed Report.

The Honorable
David A. Stockman, Director,
Office of Management and Budget.

Drafted: EUR/SOV:JMOrdway
08/24/83 Ext. 28670 No. 107-1065
Cleared: EUR/SOV:JFSchumaker
EUR/SOV:TWSimons, Jr.
EUR:MPalmer
H:LMurray
HA/HR:JBuncher
I/EUR:GLEvitt

#6483B

BEST COPY AVAILABLE

Copies to:

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DEPARTMENT OF STATE

(Classification)

IS: FRO/ODR

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FOIA Exemptions

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Date September 3, 1983

83 SEP -3 P5:48

DEPARTMENT OF STATE
EXECUTIVE SECRETARIAT
TRANSMITTAL FORM

E-598

FOR:

Mr. William P. Clark
National Security Council
The White House

REFERENCE:

TO: PRESIDENT REAGAN FROM: FISH, Hamilton
DATE: 26 JUL 83 SUBJECT: Letter to the President
from Rep Fish Re Wallenberg as Honorary Citizen
WHITE HOUSE REFERRAL DATED: 17 Aug 83 MSC# 8305751
(if any)

THE ATTACHED ITEM WAS SENT DIRECTLY
TO THE DEPARTMENT OF STATE

ACTION TAKEN:

MICROFILMED

BY S/SI

- ☒ XX A draft reply is attached.
☐ A draft reply will be forwarded.
☐ A translation is attached.
☐ An information copy of a direct reply is attached.
☐ We believe no response is necessary for the reason cited below.
☐ Other.

REMARKS: We believe it is more appropriate for the White House to sign the reply to Congressman Fish.

Drafted: EUR/SOV: JMordway
08/24/83 Ext. 28670 S/S No. 8325301
Cleared: EUR/SOV: JFSchumaker
EUR/SOV: TWSimons, Jr.
EUR: JKKelly
H: LMurray
HA/HR: JBuncher

Charles Hill
Executive Secretary

UNCLASSIFIED
(Classification)

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PB40066-0262

DEPARTMENT OF STATE

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FOIA Exemptions
PA Exemptions

DEPARTMENT OF STATE SUGGESTED RESPONSE

E-598A

Dear Mr. Fish:

I have been asked to reply to your recent letter to the President requesting that a Presidential Directive be issued to inform all federal agencies and officials that it is public policy of the United States to do whatever may be necessary to obtain Raoul Wallenberg's freedom.

As you know, the President and the Department of State share with the Congress a strong determination to do whatever is necessary and appropriate to ascertain the fate of Raoul Wallenberg. We believe that your suggestion of a Presidential Directive has merit, and we have begun to examine the best way to proceed in this matter. Obviously, the ultimate decision on whether to issue such a directive rests with the President. In the meantime, please be assured that we have been taking, and will continue to take, all appropriate measures to carry out the intent of Congress as embodied in PL 97-54.

Sincerely,

The Honorable
Hamilton Fish, Jr.
House of Representatives.

PH40066-0263

8325301

PAGE E01

8305751

NATIONAL SECURITY COUNCIL

DATE: 17 AUG 83

REFERRAL

MEMORANDUM FOR: DEPT OF STATE

E-5988

DOCUMENT DESCRIPTION:

TO: PRESIDENT

SOURCE: FISH, HAMILTON

DATE 26 JUL 83

WALLENBERG, RAOUL

KEYWORDS: USSR

SWEDEN

HUMAN RIGHTS

CO

UBJ: LTR TO PRES FM REP FISH RE WALLENBERG AS HONORARY CITIZEN

REQUIRED ACTION: DIRECT REPLY FURNISH INFO COPY

DEPARTMENT OF STATE

☒ RELEASE
☐ EXCISE
☐ DENY
☐ DELETE Non-Responsive info
FOIA Exemptions
PA Exemptions

10/13/93

FOR ROBERT M. KIMMITT

EXECUTIVE SECRETARY

UNCLASSIFIED

(Classification)

830157-0218

S/SI

8327174

E-602

Date: October 3, 1983

DEPARTMENT OF STATE
EXECUTIVE SECRETARIAT
TRANSMITTAL FORM

DR. Mr. William P. Clark
National Security Council
The White House

DEPARTMENT OF STATE

IS/EPC/CDR

Date: 10/12/83

☒ RELEASE ☐ DECL. REPLY
☐ EXCISE ☐ DECL. REPLY
☐ DENY IN PART
☐ DELETE Non-Responsive Info
FOIA Exemptions
FOIA Exemptions

☐ CIA
☐ DOWNGRADE TO SECRET

REFERENCE:

TO: PRESIDENT Reagan

FROM: SPECTER, Arlen

DATE: 15 Aug 83

SUBJECT: Letter to President RE

Presidential Directive Re Soviet Union RE Whereabouts

COPIES:

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EUR

S/S-S

TMC

RF:vhd

WHITE HOUSE REFERRAL DATED: 06 Sep 83

NSC# 8306211
(if any)

THE ATTACHED ITEM WAS SENT DIRECTLY
TO THE DEPARTMENT OF STATE

ACTION TAKEN:

A draft reply is attached.

A draft reply will be forwarded.

A translation is attached.

xx

An information copy of a direct reply is attached.

We believe no response is necessary for the reason
cited below.

Other.

REMARKS:

Drafted: EUR/SOV: RAFEinberg
09/13/83 ext. 28671 No. 8327171

Cleared: EUR/SOV: JFSchumaker

EUR/SOV: TWSimons, Jr.

EUR: MPalmer

H: LMurray

UNCLASSIFIED

(Classification)

for Christine A. Keeney
Charles Hill
Executive Secretary

R

United States Department of State

Washington, D.C. 20520

P830157-0219

DEPARTMENT OF STATE

(X) RELEASE () DECLASSIFY
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() DELETE Non-Responsive Info
FOIA Exemptions _____
PA Exemptions _____

RECEIVED 10/17/83
OCTOBER 3 1983

E-602A

Dear Senator Specter:

I have been asked to reply to your recent letter to the President requesting that a Presidential Directive be issued to inform all federal agencies and officials that it is public policy of the United States to do whatever may be necessary to obtain Raoul Wallenberg's freedom.

As you know, the President and the Department of State share with the Congress a strong determination to do whatever is necessary and appropriate to ascertain the fate of Raoul Wallenberg. We believe that your suggestion of a Presidential Directive has merit, and we have begun to examine the best way to proceed in this matter. In the meantime, please be assured that we have been taking, and will continue to take, all appropriate measures to carry out the intent of Congress as embodied in PL 97-54.

Sincerely,

ep

Alvin Paul Drischler
Acting Assistant Secretary
Legislative and Intergovernmental Affairs

The Honorable
Arlen Specter,
United States Senate.

10/17/83

8327174 PAGE E01

DATE 06 SEP 83

NATIONAL SECURITY COUNCIL

REFERRAL

MEMORANDUM FOR STATE

E-602B

D 8306211

DOCUMENT DESCRIPTION

TO: PRESIDENT

SOURCE. SPECTER, ARLEN

DATE 15 AUG 83

CCO

KEYWORDS: USSR

SUBJ: LTR TO PRES RE PRESIDENTIAL DIRECTIVE RE SOVIET UNION RE WHEREABOUTS

REQUIRED ACTION: DIRECT REPLY FURNISH INFO COPY

DEPARTMENT OF STATE

IS/EFC/CDR

10/13/93

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FOIA Exemptions
PA Exemptions

☐ DECLASSIFY
☐ DECLASSIFY

DUE DATE:

COMMENTS:

Jennifer

FOR ROBERT M. KIMMITT

EXECUTIVE SECRETARY

rec'd S/S-7
2310 9/7/83

0: 158755
INCOMING CORRESPONDENCE DATE 830815 RECEIVED DATE 830822
(PREFIX) (LAST)
SPECTER

(SUFFIX)

E-602C**8327174**

HE HONORABLE ARLEN
TITLE:

ORGANIZATION: UNITED STATES SENATE

STREET:

STATE: DC ZIP: 20510

CITY: WASHINGTON

COUNTRY:

SUBJECT: REQUESTS THE ISSUANCE OF A PRESIDENTIAL
DIRECTIVE TO ASCERTAIN FROM THE SOVIET UNION
THE WHEREABOUTS OF RAOUL WALLENBERG

AGY/OFF
LADUBE

ACTION CODE
ORG

TRACKING DATE
830822

MEDIA: L OPID: LW TYPE: IBA

STAFF NAME: PRESIDENT REAGAN
COMMENTS:

CODES: REPORT INDIV: 1220

USER:

DEPARTMENT OF STATE
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PA Exemptions

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10/12/70

10/12/70

August 30, 1983

E-602D

Dear Senator Specter:

The President has asked me to thank you for your August 15 letter requesting that he issue a Presidential Directive stating his intent to ascertain from the Soviet Union the whereabouts of Raoul Wallenberg and to return him to freedom.

Your interest in writing is appreciated, and please know that your request has been brought to the attention of the appropriate advisers for a prompt review. We will be sure to keep you apprised of any developments regarding this matter.

With best wishes,

Sincerely,

Kenneth M. Duberstein
Assistant to the President

The Honorable Arlen Specter
United States Senate
Washington, D.C. 20510

KMD: CMP: MDB: mdb

cc: w/copy of inc to NSC (Secretariat) - for DIRECT response

WH RECORDS MANAGEMENT HAS RETAINED ORIGINAL INCOMING

DEPARTMENT OF STATE

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PA Exemptions		() DOWNGRADE TO	

DEPARTMENT OF STATE
EXECUTIVE SECRETARIAT

DATE:

9/8/83

S/S CONTROL NUMBER

8327174

ACTION SLIP

UNC

(Classification/Downgrader)

DUE IN

S/S BY:

9/13/83

E-6026

ACTION ASSIGNED TO:

EUR/50V

ACTION REQUESTED

- ☐ STATE TO NSC MEMO
- ☐ STATE TO
- ☐ TRAVEL AUTHORIZATION
- ☐ STATE TO NSC TRANSMITTAL FORM
- ☐ DIRECT REPLY

- ☐ with Draft reply for signature by
- ☐ with Comment or Recommendation

- ☒ provide info copy under cover of State-NSC transmittal form

- ☒ REPLY FOR SIGNATURE BY H

- ☐ provide comeback copy for

- ☐ RECOMMENDATION FOR
- ☐ with Memorandum for the President

UNDER COVER OF AN ACTION MEMO

- ☐ APPROPRIATE HANDLING

FOR YOUR INFORMATION

ATTACH THIS ACTION SLIP AND ORIGINAL CORRESPONDENCE TO ANY SUBMISSION TO S/S

REMARKS/SPECIAL INSTRUCTIONS:

Congressional

DEPARTMENT OF STATE

IS/EPG CDR

10/13/93

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FOIA Exemptions

PA Exemptions

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- ☐ ACDA
- ☐ AID
- ☐ ICA

include

FROM:

Andia Solis

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E-603

P840007-1810

Congress of the United States
House of Representatives
Washington, D.C. 20315

8332651

October 5, 1983

The President
The White House
Washington, DC 20500

DEPARTMENT OF STATE

☒ RELEASE ☐ DECL. SECURITY
☐ EXCISE ☐ DECL. SECURITY
☐ DENY ☐ DECL. SECURITY
☐ DELETE Non-Responsive INFO
FOIA Exemptions _____
PA Exemptions _____

10/13/97

Dear Mr. President,

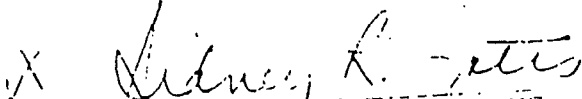
Two years ago today, you signed legislation making Raoul Wallenberg an honorary American citizen. On that occasion you pledged your earnest support to Wallenberg's family and to the people of the world that the United States government would act to secure his freedom.

On the second anniversary of that event, we think it appropriate to reaffirm our commitment to this man, who exemplifies the ideals which we as Americans hold sacred.

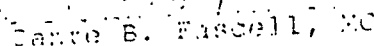
We recognize and appreciate that you have made Wallenberg a symbol of humanity, decency, and heroism around the world. We urge you to continue and intensify your efforts and the efforts of the United States government in locating Wallenberg and securing his return to freedom.

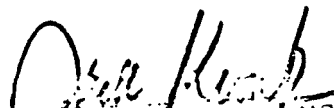
Sincerely yours,

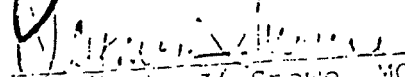

Tom Lantos, MC

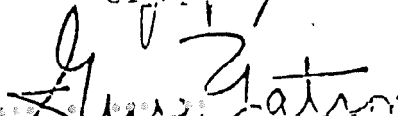

Sidney R. Yates, MC

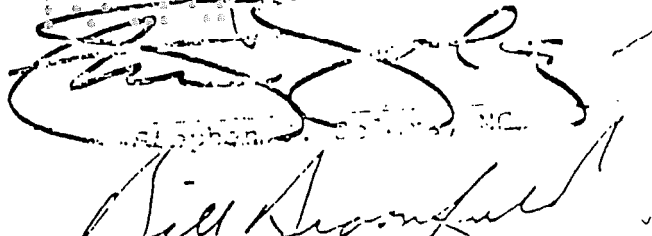

Jim Leach, MC


Dan Rostenkowski, MC


Jack F. Kemp, MC


Olympia D. Snowe, MC


Gus Yatron, MC


Bill K. Brown, MC

CONFIDENTIAL

The President
October 5, 1983
p. 2

Gary Ackerman
Gary Ackerman, MC

George W. Crockett, Jr.
George W. Crockett, Jr. MC

Howard Wolpe
Howard Wolpe, MC

Barbara Boxer
Barbara Boxer, MC

Daniel A. Mica
Daniel A. Mica, MC

Charles E. Schumer
Charles E. Schumer, MC

Robert Roth
Robert Roth, MC

Robert Garcia
Robert Garcia, MC

Sander M. Levin
Sander M. Levin, MC

Ken Kramer
Ken Kramer, MC

Robert G. Torricelli
Robert G. Torricelli, MC

Michael Barnes
Michael Barnes, MC

Mel Levine
Mel Levine, MC

Douglas Forester
Douglas Forester, MC

Barney Frank
Barney Frank, MC

Martin Frost
Martin Frost, MC

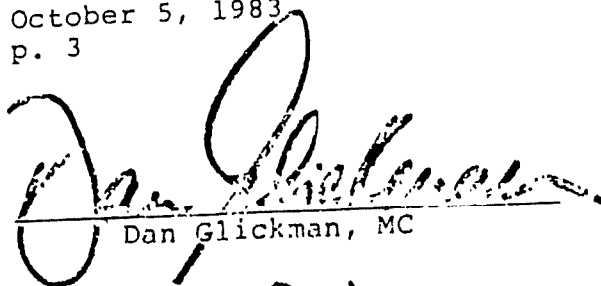
Benjamin Gilman
Benjamin Gilman, MC

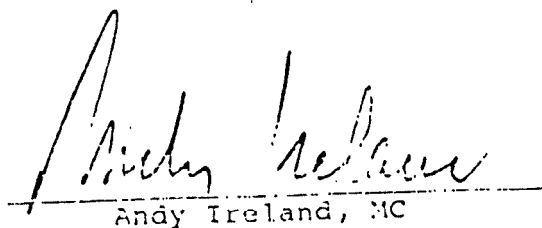
Carol Pritchard
Carol Pritchard, MC

Robert J. Magomarsino
Robert J. Magomarsino, MC

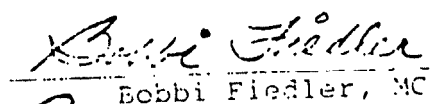
Henry M. Waxman
Henry M. Waxman, MC

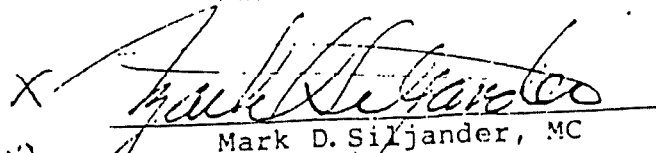
The President
October 5, 1983
p. 3

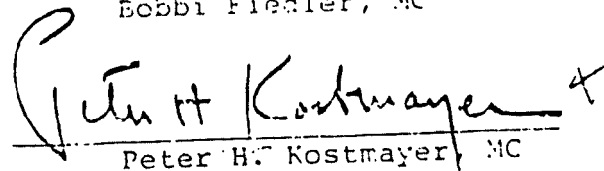

Dan Glickman, MC

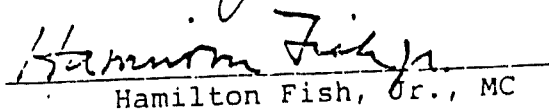

Andy Ireland, MC

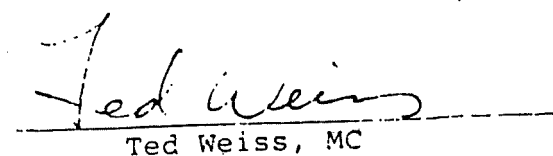

William Lehman, MC

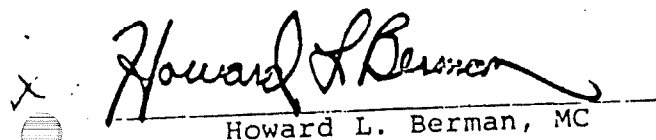

Bobbi Fiedler, MC

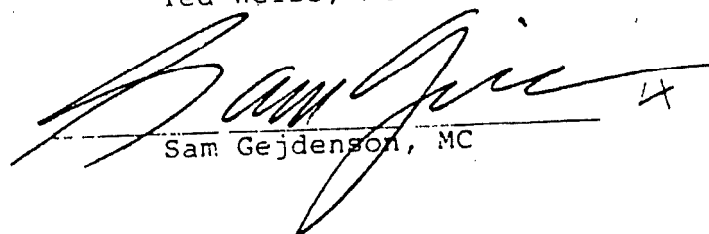

Mark D. Siljander, MC


Peter H. Kostmayer, MC


Hamilton Fish, Jr., MC


Ted Weiss, MC


Howard L. Berman, MC


Sam Gejdenson, MC



DEPARTMENT OF STATE
EXECUTIVE SECRETARIAT

ACTION SLIP

Unclass
(Classification/Downgrader)

SADIXED

DATE:

10/25 11/8

S/S CONTROL NUMBER

8332651

DUE IN

S/S BY:

10/31

ACTION ASSIGNED TO:

PA

ACTION REQUESTED

P840007-1806
-1809

E-606

- ☐ STATE TO NSC MEMO
- ☐ STATE TO
- ☐ TRAVEL AUTHORIZATION
- ☐ STATE TO NSC TRANSMITTAL FORM

- ☐ with Draft reply for signature by _____
- ☐ with Comment or Recommendation

☐ DIRECT REPLY

☐ provide info copy under cover of State-NSC transmittal form

☒ REPLY FOR SIGNATURE BY H

☐ provide comeback copy for _____

UNDER COVER OF AN ACTION MEMO

☐ RECOMMENDATION FOR _____ with Memorandum for the President

☐ FOR YOUR INFORMATION

☐ APPROPRIATE HANDLING

ATTACH THIS ACTION SLIP AND ORIGINAL CORRESPONDENCE TO ANY SUBMISSION TO S/S

REMARKS/SPECIAL INSTRUCTIONS:

Congressional

10/13/97

DEPARTMENT OF STATE

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CLEAR WITH:

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- ☐ C
- ☐ S/S
- ☐ S/S-O
- ☒ S/S-EX
- ☒ S/S-S
- ☐ TEAM A
- ☐ TEAM B
- ☐ TEAM C
- ☒ IA
- ☐ S/S-I (RF)

- ☐ UNA
- ☐ S/CL
- ☐ S/AL
- ☐ S/CSCE
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- ☐ S/CPR
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- ☐ NEA
- ☐ ACDA
- ☐ AID
- ☐ ICA

FROM: Linda Seyice (NAME)
S/S-S: A B C
21522 28062 28338

**GOVERNMENT ACTIVITIES AND
TRANSACTATIONS**

108-0268
Congress of the United States
House of Representatives
Washington, D.C. 20515

WASHINGTON IN OFFICE:
 ROOM 608
 CASHIER: MARIE CHAPMAN
 (202) 222-2076

DISTRICT OFFICE:
 1175 NORTH CENTRAL AVENUE
 VALLEY SPRING, NEW YORK 11981
 (516) 672-6000

RJM/pc

[illegible]

UNCLASSIFIED

(Classification)

780022-1580

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DEPARTMENT OF STATE

12/17/93

S/S# 8137164

Date January 12, 1982

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DEPARTMENT OF STATE
EXECUTIVE SECRETARIAT
TRANSMITTAL FORM

E-508

OR: Mr. William P. Clark
National Security Council
The White House

REFERENCE:

TO: The President FROM: Mr. Norman F. Hansen
DATE: November 17, 1981 SUBJECT: Raoul Wallenberg case

S:DIR

WHITE HOUSE REFERRAL DATED: 12/22/81 NSC# 053128
(if any)

AB) THE ATTACHED ITEM WAS SENT DIRECTLY
TO THE DEPARTMENT OF STATE

ACTION TAKEN:

XX A draft reply is attached.

A draft reply will be forwarded.

A translation is attached.

An information copy of a direct reply is attached.

We believe no response is necessary for the reason
cited below.

Other.

REMARKS:

rafted; EUR/SOV:ALAGoodman:jh
/8/82 Ext. 28670 S/S #8137164
leared: EUR/SOV:AEDarbyshere

L. Paul Bremer III
Executive Secretary

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(Classification)

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DEPARTMENT OF STATE

IS: FFO 077

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ATTORNEYS AT LAW

L. REID IVINS
CLAUDE C RICHARDS

December 24, 1981

Senator Orrin G. Hatch
88 West 100 North
Provo, Utah 84601

Dear Senator Hatch:

Dear Senator Hatch:

I have been reading, with great interest, the account of the exploits of Raoul Wallenberg in his efforts to save the Jewish population of Budapest in 1944. His captivity at the hands of the Soviet Union and the methods of handling the matter by his own countrymen are appalling.

Sincerely,
[Signature]

Please advise me of the status of the Raoul Wallenberg's case as far as the United States is concerned. What efforts are presently being taken to secure either his release or an authentic report of his demise?

Your kind attention will be greatly appreciated.

Sincerely,

Sincerely,
Claude C. Richards
Claude C. Richards
Attorney at Law

CCR:mgm

(continued)

E-511

COMMITTEES:
APPROPRIATIONS
BANKING, HOUSING &
URBAN AFFAIRS
INTELLIGENCE

P820 812-0457

United States Senate

WASHINGTON, D.C. 20540

E. J. (JAKE) GARN
UTAH

507 DESERET SENATE OFFICE BUILDING
TELEPHONE: 202-324-8444

JEFF M. BINGHAM
ADMINISTRATIVE ASSISTANT

January 21, 1982

State Department
Office of Congressional Relations
Room 7251
Main State Building
Washington, D.C. 20520

Gentlemen:

We have received a letter from Mr. Claude C. Richards expressing concern over Raoul Wallenberg.

Mr. Richards would like a status report, if at all possible, as well as other questions answered. His letter is attached.

Please respond to the Senator's Provo District Office. Our address is: Office of Senator Garn, 111 Federal Building, Provo, Utah 84601. Our telephone number is, (FTS) 584-0288 or (801) 374-2929.

Sincerely,

Karen W. Thorn

Karen W. Thorn
PROVO STAFF ASSISTANT

KT/st

Encl. (1)

RECEIVED
JAN 22 1982

RECEIVED
JAN 22 1982

DEPARTMENT OF STATE

CLASSIFICATION
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FOIA Exemptions
PA Exemptions

14

ATTORNEYS AT LAW

L. REID IVINS
CLAUDE C. RICHARDS

Senator Jake Garn
88 West 100 North
Provo, Utah 84601

I have been reading, with great interest, the account of the exploits of Raoul Wallenberg in his efforts to save the Jewish population of Budapest in 1944. His captivity at the hands of the Soviet Union and the methods of handling the matter by his own countrymen are appalling.

Please advise me of the status of the Raoul Wallenberg's case as far as the United States is concerned. What efforts are presently being taken to secure either his release or an authentic report of his demise?

Your kind attention will be greatly appreciated.

Sincerely,

Sincerely,

Claude C. Richards
Attorney at Law

CCR : mgm

☒	RELEASE	☐ ()	DECLASSIFIED	☐ ()
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FOIA Exemptions _____
PA Exemptions _____

9820014-0972

February 3, 1982

I have been asked to reply to your letter of January 8 concerning the case of Paoul Wallenberg.

The United States Government has been concerned over the fate of Raoul Wallenberg since the case first came to light at the end of World War II. We have taken every appropriate opportunity to ask Soviet authorities for a clarification on the Wallenberg case. The Soviet authorities have persisted in maintaining that Wallenberg died in 1947 but have provided no further details. When we received reports which indicated the possibility that Wallenberg might still be alive, we raised the matter with the Soviets on numerous occasions throughout 1979. They finally answered, formally and in writing, in February of 1980, stating that Wallenberg had died in July of 1947. They also informed the Swedish Government of this finding and indicated that they would have no further information on Wallenberg in the future.

The Wallenberg case remains a matter of concern for the United States Government, and we have continued our efforts to gain information regarding his fate. In December of 1980, at the Madrid CSCE Review Conference, the United States delegation voiced its support for the position of the Government of Sweden when the Swedish delegation urged renewed efforts to resolve the Wallenberg case. In addition, representatives from the American Embassy in Stockholm attended sessions of the hearing on the Wallenberg case held in Stockholm in January of 1981. In April of 1981, Ambassador Max Kampelman, speaking in Madrid at a CSCE plenary session, stated that the Wallenberg case was one that "will not go away." Ambassador Kampelman noted that the refusal of the Soviets "to appreciate the human factor which is symbolized by the Wallenberg case is stimulating even further interest." He

The Honorable
Raymond J. McGrath,
House of Representatives.

-2-

stated that "the tragic mystery of Raoul Wallenberg is unnecessarily becoming a divisive international issue."

As you know, in October of 1981, the President signed into law a bill, passed overwhelmingly by both houses of Congress, making Raoul Wallenberg an honorary U.S. citizen. Although making Raoul Wallenberg an honorary American does not confer any new legal right on the United States in terms of international law, honoring Wallenberg in this fashion does make clear to the Soviets the extreme seriousness with which the American Government and people view Soviet conduct in the Wallenberg case. Following the October signing ceremony, we again raised the Wallenberg case with the Soviets via diplomatic channels to make the Soviets officially and formally aware of our continued dedication to the effort to resolve the mystery of Wallenberg's fate.

Let me assure you that the United States Government will continue to express concern over the Wallenberg case at every appropriate opportunity. We also intend to continue to cooperate fully with the Government of Sweden and all other interested parties in a persistent effort to obtain information that will clarify the fate of this brave man.

Sincerely,

Alvin Paul Drischler
Acting Assistant Secretary
for Congressional Relations

Drafted: EUR/SOV: ALA Goodman: ag
1/28/82 ext. 28671/ #008-0268
Cleared: EUR/SOV: REChms. Jr.
EUR: TMTNiles
H: TTowell

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E-513

DEPARTMENT OF STATE
15 FEB 1982 HTH 10/13/93

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DATE 10/13/93 BY 1043

9820014-0974
9820014-0974

February 3, 1982

Dear Senator Garn:

I have been asked to reply to your letter of January 21 concerning the case of Raoul Wallenberg.

The United States Government has been concerned over the fate of Raoul Wallenberg since the case first came to light at the end of World War II. We have taken every appropriate opportunity to ask Soviet authorities for a clarification on the Wallenberg case. The Soviet authorities have persisted in maintaining that Wallenberg died in 1947 but have provided no further details. When we received reports which indicated the possibility that Wallenberg might still be alive, we raised the matter with the Soviets on numerous occasions throughout 1979. They finally answered, formally and in writing, in February of 1980, stating that Wallenberg had died in July of 1947. They also informed the Swedish Government of this finding and indicated that they would have no further information on Wallenberg in the future.

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The Honorable
E. J. Garn,
United States Senate.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 10/13/93 BY 1043

-2-

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Sincerely,

Alvin Paul Drischler
Acting Assistant Secretary
for Congressional Relations

Enclosure:
Correspondence Returned.

Drafted: EUR/SOV:ALAGoodman:ag
2/1/82 ext. 28671, #0012-0457

Cleared: EUR/SOV:RECombs, Jr. 35
EUR:JLScanlan

H:TWowell

#26755

P820040-1021

E-514

DEPARTMENT OF STATE

Washington, D C. 20520

February 6, 1982

CONFIDENTIALMEMORANDUM FOR MR. WILLIAM P. CLARK
THE WHITE HOUSESubject: Nina Lagergren's Letter to President Reagan
Concerning Raoul Wallenberg

Nina Lagergren, sister of Raoul Wallenberg, wrote to President Reagan on October 13 with regard to the President's speech on October 5 when he signed into law the bill making Raoul Wallenberg an honorary American citizen. In December this letter was forwarded to our Embassy in Stockholm with instructions for a routine reply. Although our Embassy is prepared to respond on behalf of the Administration, it is the Department's view that -- even at this late date -- it would be most beneficial and appropriate if the reply to Mrs. Lagergren came from the White House.

The text of Mrs. Lagergren's note (attached at Tab B) refers to her attendance at the October 5 ceremony and her gratitude for the President's expression of great personal interest in the Wallenberg case. The Wallenberg case continues to generate interest on the part of the American public. It became embroiled in controversy in November when the Swedish Government rejected proposals that the stranded Soviet submarine not be released by Sweden until the Soviets produced Wallenberg or offered a full, satisfactory account of his fate. Congressman Tom Lantos (D-Calif.), sponsor of the Wallenberg honorary citizenship law, urged USG action at that time to convince Sweden not to release the submarine without resolution of the Wallenberg affair. There remains some support from the public and on the part of some members of Congress for the proposal that, even if Sweden is unwilling to do so, the USG should try to arrange a spy swap with the Soviets in order to free Wallenberg if he is still alive. Mrs. Lagergren's letter addresses the question as to whether the President will try to arrange such an exchange.

Given the likelihood of continued public interest in and publicity for the Wallenberg case, we recommend a reply

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come from the White House. However, given the continuing pressure for action commitments which we cannot undertake (such as a spy swap), we further recommend that the response come from a senior White House staff member and not from the President. A suggested response is attached at Tab A. If approved, the signed response should be returned to the Department, which will forward it to our Embassy in Stockholm for delivery.

L. Paul Bremer, Jr.
L. Paul Bremer, Jr.
Executive Secretary

Attachments:
As stated.

ft: EUR/SOV:ALAGoodman *R.M.*
671 01/26/82
ar: EUR/SOV:AEDarbyshire *PM*
EUR/SOV:REcombs *h.m.*
EUR/NE:WDameron *W*
EUR:JDScanlan *J.S.*

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P820010-1023

SUGGESTED RESPONSE FOR SIGNATURE
BY WHITE HOUSE STAFF MEMBER

E-514A

Dear Mrs. Lagergren:

I have been asked to reply to your letter of October 13 to President Reagan. Thank you for your kind words about America's effort on behalf of your brother, Raoul Wallenberg. I am sorry it has taken so long for us to respond to you.

As the President stated when he proclaimed your brother an honorary American, the United States is committed to the effort to resolve the mystery of your brother's fate. We shall continue to pursue the question of your brother's disappearance with the Soviets at every appropriate occasion. In so doing, we shall continue to cooperate with and offer support for the initiatives of the Government of Sweden as well as continue our own direct approaches to the Soviets. We shall also solicit the support of all other governments who hold dear the humanitarian principles which Raoul Wallenberg so heroically exemplified and for which he so unjustly suffered at the hands of the Soviet Union.

In the effort to resolve your brother's case, we will investigate every avenue that offers a reasonable chance for success. Unfortunately, as you know, in dealing with the Soviet Union on humanitarian issues such as your brother's case, we cannot be very optimistic that the Soviet Government

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can be moved to act in accordance with the humanitarian principles to which it is committed by its adherence to the Helsinki Final Act. As you may know, we approached the Soviets again about Raoul's fate shortly after the October 5 ceremony. We still have not received a formal reply from them, and we may not since the Soviets have told us many times that they consider the matter to be closed. We are hopeful, however, that our most recent approach has convinced the Soviets of the seriousness with which we intend to pursue your brother's case. Once the Soviets understand and accept that we will not abandon your brother's cause until they have provided a full and satisfactory accounting, we are hopeful that we will be able to make progress in reaching the objective which we -- and the President and Mrs. Reagan in particular -- share so deeply with you.

Please feel free to call on us -- directly or through our Embassy in Stockholm -- any time you might wish to discuss the progress of our joint effort to seek justice for your brother.

With best wishes from President and Mrs. Reagan,

Sincerely,

(signature by senior
White House staff member)

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TEXT OF NINA LAGERGREN'S LETTER
TO PRESIDENT REAGAN

Dear Mr. President:

I wish my parents had shared these unforgettable moments with me, when you proclaimed Raoul an honorary U.S. citizen at the moving ceremony on October 5.

While rereading your speech, I realize how convincing and personal you were, as if you had known my brother.

Am I right when I assume that you do have much more in mind than conventional "talks on the highest level," when you say that you will do everything in your power. It is my firm belief that you and only you can achieve what we have been waiting for all these years - Raoul's release. They might accept an appropriate American offer - exchange of man or service.

I do not agree with those who say that the Soviets would not change their minds and that they cannot admit that Raoul is still alive when they have said the opposite. They can and will find plausible reasons if it is worthwhile to them.

I feel as if a new era had begun, and that the efforts to free Raoul suddenly had taken on a new dimension.

Warmest regards,
Sincerely yours,

Nina Lagergren

Dated October 13, 1981

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DEPARTMENT OF STATE

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FOIA Exemptions

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Department of State

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PAGE 01
ACTION 10-15

GENEVA 01547 081827Z

INFO OCT-00 ADS-00 INR-10 EUR-12 SS-10 OIC-02 AF-10
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C O N F I D E N T I A L GENEVA 01547

E.O. 12065: 2-8-88 (NOVAK, MICHAEL)

TAGS: UNHRC, SHUM

SUBJECT: UN HUMAN RIGHTS COMMISSION - SWEDISH INITIATIVE
ON RAOUL WALLENBERG

1. (CONFIDENTIAL - ENTIRE TEXT)

2. SWEDISH AMB. EWERLOF CALLED ON USREP NOVAK FEB 8
TO CONTINUE CONSULTATION ON WALLENBERG BEGUN IN 1981,
AND TO ANNOUNCE DECISION BY GOS TO MAKE A STATEMENT,
"PURELY FOR HUMANITARIAN ENDS," ON RAOUL WALLENBERG UNDER
AGENDA ITEM 10B, QUESTION OF MISSING AND DISAPPEARED
PERSONS. UNDER TENTATIVE TIMETABLE, ITEM 10B TO BE
TAKEN UP AROUND FEB. 22. GOS IS MOST EAGER THAT SWEDISH
INITIATIVE BE KEPT SEPARATE FROM POLISH QUESTION,
SAKHAROV, AND OTHER ISSUES UNDER ITEM 12. GOS, OF COURSE,
NEITHER REQUESTS NOR DISCOURAGES US SPEECH ON WALLENBERG,
BUT DOES ADVANCE ARGUMENT THAT NON-POLITICAL, HUMANITARIAN
APPROACH IS BEST FOR HELPING WALLENBERG IF STILL ALIVE.
GOS PLANS TO INTRODUCE NO RESOLUTION, ONLY MAKE STATEMENT.
AMB. EWERLOF PROMISED TO BRIEF USDEL NOVAK ON CONTENT OF
GOS STATEMENT WHEN FORMULATED. HE REQUESTED USDEL NOVAK'S
CONFIDENTIAL
CONFIDENTIAL

PAGE 02

GENEVA 01547 081827Z

CONSULTATION PRIOR TO ANY ACTION BY USDEL. ADVISE

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REQUESTED.

3. USDEL NOVAK REQUESTS DEPT CONTACT SENATOR MOYNIHAN, CONGRESSMAN LANTOS, OTHERS, INTERESTED IN WALLENBERG CASE.

4. GOS HAS CONSULTED LORD COLVILLE (U.K.), CHAIRMAN WORKING GROUP ON DISAPPEARED, WHO ADVISE THAT WG WOULD BE OVERBURDENED BY DISTINCTIVE ASPECTS OF WALLENBERG CASE, AND CONCURRED IN GOS STRATEGY OF SIMPLE PUBLIC STATEMENT.

5. USREP NOVAK INFORMED AMB EWERLOF THAT GOS VIEWS WOULD BE REPORTED BUT THAT AN EXACT PROMISE OF USDEL ACTIONS MUST AWAIT INSTRUCTIONS. MEANWHILE, USDEL ADVISES DEPT THAT SINCE THIS IS FIRST PUBLIC STATEMENT BY GOS AT HRC ON WALLENBERG, SWEDISH SENSIBILITIES CRUCIAL ON THIS ISSUE.

6. USDEL RAISED SUBJECT AT WEOG MEETING FEB 5, AND ALSO SPOKE PRIVATELY WITH DENMARK AND NETHERLANDS DELS WHO ARE CONSIDERING STATEMENTS. CONSULTATIONS CONTINUE.

7. WALLENBURG'S SISTER, NINA, TELEPHONED U.S. REP NOVAK FROM STOCKHOLM AND WILL ARRIVE GENEVA FEB 19 FOR SEVERAL DAYS. NOVAK ADVISED SHE MAIL PACKETS OF MATERIALS TO HR DIVISION, DIRECTOR THEO VAN BOVEN, THEN CONSULT HIM ON ARRIVAL, AS WELL AS GOS AMB., NORDIC MEMBERS, AMONG OTHERS. SWAEBE

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DEPARTMENT OF STATE

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FOIA Exemptions
PA Exemptions

February 9, 1982

Dear Senator Hatch:

I have been asked to reply to your letter of January 19 concerning the case of Knut Wallenberg.

The United States Government has been concerned over the fate of Knut Wallenberg since the case first came to light at the end of World War II. We have taken every appropriate opportunity to ask Soviet authorities for a clarification on the Wallenberg case. The Soviet authorities have persisted in maintaining that Wallenberg died in 1947 but have provided no further details. When we received reports which indicated the possibility that Wallenberg might still be alive, we raised the matter with the Soviets on numerous occasions throughout 1979. They finally answered, formally and in writing, in February of 1980, stating that Wallenberg had died in July of 1947. They also informed the Swedish Government of this finding and indicated that they would have no further information on Wallenberg in the future.

The Wallenberg case remains a matter of concern for the United States Government, and we have continued our efforts to gain information regarding his fate. In December of 1980, at the Madrid CSCE Review Conference, the United States delegation voiced its support for the position of the Government of Sweden when the Swedish delegation urged renewed efforts to resolve the Wallenberg case. In addition, representatives from the American Embassy in Stockholm attended sessions of the hearing on the Wallenberg case held in Stockholm in January of 1981. In April of 1981, Ambassador Max Kampelman, speaking in Madrid at a CSCE plenary session, stated that the Wallenberg case was one that "will not go away." Ambassador Kampelman noted that the refusal of the Soviets "to appreciate the human factor which is symbolized by the Wallenberg case in stimulating even further interest." He

To Honorable
Erin G. Hatch,
United States Senate.

stated that "the tragic mystery of Raoul Wallenberg is unnecessarily becoming a divisive international issue."

As you know, in October of 1961, the President signed into law a bill, passed overwhelmingly by both houses of Congress, making Raoul Wallenberg an honorary U.S. citizen. Although making Raoul Wallenberg an honorary American does not confer any new legal right on the United States in terms of international law, honoring Wallenberg in this fashion does make clear to the Soviets the extreme seriousness with which the American Government and people view Soviet conduct in the Wallenberg case. Following the October signing ceremony, we again raised the Wallenberg case with the Soviets via diplomatic channels to make the Soviets officially and formally aware of our continued dedication to the effort to resolve the mystery of Wallenberg's fate.

Let me assure you that the United States Government will continue to express concern over the Wallenberg case at every appropriate opportunity. We also intend to continue to cooperate fully with the Government of Sweden and all other interested parties in a persistent effort to obtain information that will clarify the fate of this brave man.

Sincerely,

Powell A. Moore
Assistant Secretary for
Congressional Relations

Enclosure:
Correspondence Returned.

Draft: CUBA/SEM:ADAGLO:100120

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PAGE 01 STATE 035973
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CONFIDENTIAL STATE 035973

E.O. 12065: GDS 2/10/88 (WILCOX, PHILIP)

TAGS: NHRC, SHUM, SW

TAGS: NHRC, SHAN, ...
SUBJECT: 38TH UN HUMAN RIGHTS COMMISSION: SWEDISH
INITIATIVE ON RAOUL WALLENBERG

REF: GENEVA 1547

1. (C - ENTIRE TEXT.)

1. (C - ENTIRE TEXT.)
2. DEPT PLEASED THAT GOS PLANNING TO MAKE STATEMENT FOR HUMANITARIAN PURPOSES ON RAOUL WALLENBERG UNDER AGENDA ITEM 10(B). DEPT UNDERSTANDS AND RESPECTS SWEDISH SENSIBILITIES ON THIS ISSUE AND WISHES TO COORDINATE WITH GOS ON COMMON EFFORTS.

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PAGE 02

STATE 035973

3. USDEL INSTRUCTED TO ADVISE GOS THAT U.S. WILL MAKE

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(X) ☒ FOIA Exempt
☐ Not Exempt
☐ Partially Exempt
☐ Other

☐ DATE, Non-Reviewable

FOIA Exemptions _____

PA Exemptions _____

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STATEMENT FOLLOWING THE SWEDISH STATEMENT WHICH WILL ECHO THEME AND DIRECTION SET BY GOS. USDEL SHOULD WORK CLOSELY WITH GOS IN DEVELOPING SENSE OF APPROACH GOS WISHES TO FOLLOW.

4. PLEASE ADVISE IF DEPT CAN BE HELPFUL IN DEVELOPING TEXT OF U.S. STATEMENT OR CLEAR WITH DEPT PRIOR TO DELIVERY.

5. DEPT HAPPY TO ADVISE SENATOR MOYNIHAN, CONGRESSMAN LANTOS, OTHERS, INTERESTED IN WALLENBERG CASE OF U.S.-SWEDISH INTENT. PLEASE CONSULT WITH GOS ON APPROPRIATE TIMING FOR INFORMING INTERESTED CONGRESSMEN AS PART OF OUR COOPERATIVE EFFORT WITH INTERESTED PARTIES. STOESSEL

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Department of State

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PAGE 01
ACTION 10-15

GENEVA 01752 111814Z

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C O N F I D E N T I A L GENEVA 01752

E.O. 12065: 2-11-88 (NOVAK, MICHAEL)

TAGS: UNHRC, SHUM

SUBJECT: UN HUMAN RIGHTS COMMISSION: SWEDISH INITIATIVE
ON WALLENBERG

1. (CONFIDENTIAL - ENTIRE TEXT)

2. USDEL APPRECIATES SWIFT DEPT. SUPPORT OF SWEDISH INITIATIVE AND HAVE SO INFORMED GOS EMBOFF ANDREEM AT WEOG MEETING FEB. 11. TWO POINTS SHOULD BE NOTED. (1) NORMALLY, AN OBSERVER LIKE SWEDEN WOULD FOLLOW A MEMBER LIKE U.S. ON SPEAKER'S LIST, BUT USDEL HAS SUGGESTED THAT GOS USE ITS INSCRIPTION ON A.M. LIST TO SPEAK FIRST, AFTER OTHER MEMBERS, WHILE U.S. WILL INSCRIBE ITSELF ON P.M. LIST, IN ORDER TO FOLLOW GOS. (2) GOS INFORMS USDEL THAT DEPT MAY IMMEDIATELY BEGIN INFORMING INTERESTED CONGRESSMEN AND OTHER INTERESTED PARTIES OF THIS PLAN. ALL DELIBERATE SPEED REQUESTED BY USDEL.

3. GOS PROMISES TO SHARE GOS DRAFT OF REMARKS WHEN AVAILABLE, BUT USDEL WOULD APPRECIATE US DRAFT BY DEPARTMENT FOR USDEL EARLY COMMENT HERE, IN CASE OF UNFORESEEN DELAYS. SNAEBE

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February 12, 1982

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MEMORANDUM FOR MR. WILLIAM P. CLARK
THE WHITE HOUSE

SUBJECT: The Raoul Wallenberg Freedom Award

In response to your request, attached is a framework for the Raoul Wallenberg Award in the areas of funding, possible composition of the selection committee, and potential recipients. In addition, we will explore on a low-key basis the concept of the Award with the Swedes and inform you of their response.

L. Paul Bremer, III
L. Paul Bremer, III
Executive Secretary

Attachment:

As stated.

Drafted: S/P - JThomas/RWhiteside
x28859

Cleared: S/P - PWolfowitz
HA - EAbrams
EUR - MPalmer
M - RKennedy **PK**

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GDS 2/12/88

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THE RAUL WALLENBERG FREEDOM AWARD

The Secretary was pleased to learn President Reagan has approved in principle the Raoul Wallenberg Award for freedom. The Raoul Wallenberg Award represents a valuable move forward in our human rights policy under President Reagan. It not only commemorates a remarkable individual for his achievements but it provides an excellent vehicle to reward commitment to freedom as well as pointing out the areas where these same freedoms are nonexistent.

A. Financing the Award

We have examined various approaches to the issue of financing the Award. Funding should not be a primary problem.

First of all, it is not essential that a cash amount accompany the Award although it would lend additional visibility to it. Also, a large cash award is not necessary. The Award could be a large medallion or other memento rather than cash. However, if a cash amount is given it should be a sufficient sum to give it adequate prestige, i.e., at least \$50,000. In order to raise money we must first create some visibility for the Award. When the President announces the Award he could designate an Executive Director and state that a fund had been formed to finance it, indicating where money could be sent.

There are numerous target donor groups for the Wallenberg Award, including the hundreds of thousands of people whose lives were somehow touched by Wallenberg's actions, the Jewish community, Swedish-Americans, and human rights groups. It is also possible that the U.S. Government could give a token amount, matched by the Swedish government, to be used as seed money.

B. Selection Committee

In order to demonstrate balance the selection committee should be composed of as broad a cross-section of individuals as possible. It should be noted that the makeup of the committee will be under scrutiny and that a favorable domestic opinion would result from ensuring a variety of interests are represented. Of course, the White House Political Advisor's office will have suggestions for this.

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DEFINITION OF STATE

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FOIA Exemptions _____
PA Exemptions _____

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There should be at least six members of the committee and a few honorary co-chairmen.

The committee should be bi-partisan and should include individuals like:

Midge Decter
Eliot Richardson
George Will
Walter Cronkite
Max Kampelman
Carl Rowan
Amb. Kirkpatrick
Senator Percy
Amb. Annenberg
Senator Moynihan
Howard Baker
William Buckley
Henry Kissinger
Secretary Vance
Barbara Jordan

Father Hesburg -- President, Notre Dame, human rights activist
Saul Bellow -- author, on several human rights groups' boards

Jacob Javits
Daniel Boorstin -- historian, Librarian of Congress
Leonard Garment
Vernon Jordan
Griffin Bell -- former Attorney-General, first

Chairman of Madrid CSCE, nod to Carter Administration, but good for bi-partisan committee, appointed by President to criminal justice commission
David McLaughlin -- President of Dartmouth and well known business figure who has been active in many fund raising programs

Lane Kirkland

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-3-

C. Recipients:

We envisage that a recipient of the Wallenberg Award would be an individual, a group, or organization who has, in deeds and in character, reflected the courage and selfless commitment to human freedom of Raoul Wallenberg. The Award should only be given to an individual or group that does not use or advocate violence in the pursuit of freedom.

Examples include:

- *Particular emphasis should be given to honoring individuals who, in the tradition of Raoul Wallenberg, have, at great personal risk to themselves, led others to freedom. We are examining possibilities in this sphere, perhaps in connection with the rescue of Vietnamese "boat people".
- *Persons who have sacrificed internationally prestigious careers to take a lonely and often dangerous stand against their own oppressive, unjust governments. Special consideration should be given to those who have been imprisoned for their work in the cause of freedom. Here one thinks of Andre Sakharov or Yuri Orlov (the Soviet physicist and founder of Helsinki Monitors, now in a Soviet labor camp), among others.
- *Organizations whose efforts on behalf of the freedom of individuals throughout the world is widely known and respected, e.g. Amnesty International, the International Red Cross.
- *Less formal groups who collectively represent great struggles for freedom, e.g. Helsinki Monitors, Charter 77 in Czechoslovakia, Solidarity.
- *Charismatic figures who are internationally recognized symbols of man's yearning for freedom. Lech Walesa comes immediately to mind.

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-4-

In addition, there are numerous other possibilities to be considered. These include:

Jacek Cron)
Adam Michnik)

Leading Polish intellectuals,
founders of KOR, advisors to
Solidarity, both now in jail.

Vaclav Havel

Czech dissident, founding
member of Charter 77, now in
jail awaiting trial

Simon Wiesenthal

Nazi-hunter, active in efforts
to heighten concern over Wallen-
berg, close connection to many
dissident groups

Simone Veil

French, President of European
Parliament, concentration
camp experience, active in
pushing for strong EC stand on
Afghanistan, dissidents, etc.

Alan Paton

South African writer

Ahmad Shah

Afghan resistance leader

Cardinal Sin

Philippines, considerable
stature in religious/international
human rights circles

Cardinal Arnes

Brazil, dynamic, charismatic,
working for balance between left
and right factions

Armando Valladares

Cuban poet, in prison in
Cuba for political/human
rights activities

Miguel Obando
y Bravo

Archbishop of Managua

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Department of State

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PAGE 01
ORIGIN 10-15

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INFO ANEMBASSY STOCKHOLM PRIORITY
USMISSION USUN NEW YORK PRIORITY

C O N F I D E N T I A L STATE 040515

E.O. 12065: GDS 2/12/88 (WILCOX, PHILIP)

TAGS: NHRC, SHUM, SW

SUBJECT: 38TH UN HUMAN RIGHTS COMMISSION: SWEDISH
INITIATIVE ON WALLENBERG

REF: (A) GENEVA 1547. (B) STATE 35973. (C) GENEVA 1752

1. (C - ENTIRE TEXT.)

2. DEPT PLEASED BY DIRECTION OF COOPERATIVE VENTURE WITH
SWEDISH DELEGATION IN WALLENBERG MATTER. CONCERNING
TEXT OF U.S. STATEMENT, DEPT WISHES TO ECHO THEME OF
SWEDISH COMMENTS (SEE REF (B)) WHICH WOULD BE DONE MOST
EFFECTIVELY IN CONTEXT OF SWEDISH LANGUAGE. USDEL SHOULD
OBTAIN SWEDISH LANGUAGE EARLIEST AND PROVIDE DEPT WITH
BASIC TEXT FOR REVIEW.

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PAGE 02

STATE 040515

3. IT WOULD BE USEFUL TO HAVE SENSE OF SWEDISH LANGUAGE

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FOIA Exemptions
PA Exemptions

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AND U.S. COOPERATIVE APPROACH WHEN INFORMING INTERESTED
CONGRESSMEN OF SWEDISH-U.S. INTENTIONS. HAIG

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VICTIMS HAVE TO ENDURE FOR YEARS, EVEN FOR DECADES, AS THE RESULT OF NOT KNOWING WHETHER THE DISAPPEARED IS STILL ALIVE SOMEWHERE OR LONG SINCE DEAD?

- ONE SUCH CASE, WHICH HAS PERHAPS ATTRACTED MORE INTERNATIONAL ATTENTION THAN ANY OTHER, CONCERNS THE SWEDISH DIPLOMAT RAOUL WALLENBERG. THE WALLENBERG CASE DIFFERS IN MANY RESPECTS FROM THE SYSTEMATIC DISAPPEARANCES THAT ARE REPORTED TO THE WORKING GROUP, AND MY GOVERNMENT, THEREFORE, HAS NOT BROUGHT THIS CASE BEFORE THE GROUP. BUT AS A HUMAN TRAGEDY IT IS OF THE SAME NATURE, AND I WANT TO USE THIS OCCASION TO EXPRESS THE DEEP CONCERN OF THE SWEDISH PEOPLE AND THE SWEDISH GOVERNMENT FOR OUR DISAPPEARED COMPATRIOT.

- RAOUL WALLENBERG WAS ENGAGED IN IMPORTANT HUMANITARIAN ACTIVITIES IN BUDAPEST AT THE END OF THE SECOND WORLD WAR. WHEN THE CITY WAS OCCUPIED BY SOVIET TROOPS HE WAS TAKEN INTO SOVIET CUSTODY AND HAS NOT BEEN HEAD FROM SINCE.

- THE SWEDISH GOVERNMENT HAS ON NUMEROUS OCCASIONS BROUGHT UP THE CASE OF RAOUL WALLENBERG IN BILATERAL CONTACTS WITH THE SOVIET AUTHORITIES. NO SATISFACTORY EXPLANATION HAS EVER BEEN GIVEN. THE MATTER HAS ALSO BEEN RAISED IN ANOTHER MULTILATERAL FORUM - THE MADRID MEETING OF THE CONFERENCE ON SECURITY AND CO-OPERATION IN EUROPE - BUT LIKEWISE IN VAIN.

- THE SWEDISH GOVERNMENT HAS COLLECTED AN ENORMOUS DOCUMENTATION OVER THE YEARS RELATIVE TO THE DISAPPEARANCE OF RAOUL WALLENBERG. IN THIS SEARCH FOR THE TRUTH MANY INDIVIDUALS, ORGANIZATIONS AND EVEN GOVERNMENTS

CONFIDENTIAL
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PAGE 03

GENEVA 02105 201240Z

HAVE BEEN HELPFUL. UNTIL PROOF TO THE CONTRARY HAS BEEN PRODUCED THE SWEDISH GOVERNMENT WILL CONTINUE TO CONSIDER THAT RAOUL WALLENBERG IS ALIVE AND WILL DO ALL IN ITS POWER TO FIND THE TRUTH.

END TEXT.

4. COMMENT: LORD COLVILLE U.K. HAS EXPRESSED CONCERN THAT EFFORTS ON WALLENBERG BY GOS AND USDEL MIGHT ADVERSELY EFFECT WORKING GROUP ON DISAPPEARANCES. USDEL WOULD LIKE TO STRESS (A) HUMANITARIAN, NON-POLITICAL ASPECTS OF WALLENBERG CASE AND (B) SEPARATION OF THE

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WALLENBERG ISSUE FROM THE WORK OF THE WORKING GROUP ON
DISAPPEARANCES. USDEL DRAFT WILL FOLLOW. SWAEBE

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TELEGRAM

(E-522)

AN: DB20095-0329

PAGE 01
ACTION 10-15

GENEVA 02166 01 OF 02 221904Z

ACTION 10-15

INFO	OCT-00	ADS-00	AID-07	INR-10	EUR-12	SS-10	OIC-02
AF-10	CIAE-00	EA-10	DDDE-00	H-01	NEA-06	NSCE-00	
ARA-16	NSAE-00	SSO-00	HA-06	L-03	TRSE-00	PM-09	
PA-01	INRE-00	ICAE-00	SP-02	SPRS-02	/122 W		
		-----243051	221911Z	/50			

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FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 5759
INFO USMISSION USUN NEW YORK IMMEDIATE

CONFIDENTIAL SECTION 01 OF 02 GENEVA 02166

E.O. 12065: 2-22-88 (NOVAK, MICHAEL)

E.O. 12065: 2-22
TAGS: UNHRC, SHUM

E.O. 12065: 2-22-88 (NOVARI, WASH)
TAGS: UNHRC, SHUM
SUBJECT: HUMAN RIGHTS COMMISSION: DRAFT TEXT ON TORTURE,
- THE DISAPPEARED, AND WALLEMBERG (ITEMS 10 AND 10B

1. (CONFIDENTIAL - ENTIRE TEXT)

1. (CONFIDENTIAL - ENTIRE)
2. FOLLOWING IS DRAFT TEXT ON TORTURE. THE DISAPPEARED, AND WALLEMBERG (ITEMS 10 AND 10B) TO BE DELIVERED THURSDAY OR FRIDAY.

BEGIN TEXT:

BEGIN TEXT:

- MR. CHAIRMAN, MY DELEGATION NOTES WITH PRIDE AND SATISFACTION TWO MAJOR DEVELOPMENTS OF THE 38TH SESSION. FIRST, WE ARE HAPPY THAT THE WORKING GROUP ON THE CONVENTION ON TORTURE HAS COME SO CLOSE TO ACHIEVING CONSENSUS THAT THE CONVENTION IS VIRTUALLY READY FOR ADOPTION. ON FEW THINGS ARE GOOD AND HONEST CITIZENS AROUND THE WORLD IN CLOSER AGREEMENT, MR. CHAIRMAN, THAN ON THE INHUMANITY OF TORTURE. THE ABILITY OF HUMAN BEINGS TO INFLICT PAIN UPON ONE ANOTHER HAS ALWAYS SHOCKED AND SICKENED DECENT PERSONS. INDESCRIBABLE THINGS HAVE BEEN DONE TO HUMAN

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PAGE 02

GENEVA 02166 01 OF 02 221904

PAGE 02
FLESH AND HUMAN SPIRIT -- INDESCRIBABLE THINGS ARE STILL

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(X) PHASE (X) FOIA
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☐ DATE ☐ PART
☐ DATE Non-Responsive Info
 FOIA Exemptions _____
 PA Exemptions _____

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BEING DONE. SUCH ACTS OF TORTURE MUST STOP, MR. CHAIRMAN. THEY MUST STOP. HUMANITY RISES UP IN REVULSION AGAINST THE TORTURERS. THIS NEW INTERNATIONAL CONVENTION ON TORTURE RAISES STANDARDS, GIVES HOPE, AND SETS IN PLACE EXACTLY THE SORT OF INTERNATIONAL JURISDICTION WHICH DECENT PEOPLE IN EVERY NATION, OF EVERY STATION, YEARN FOR

- HOW MANY PEOPLE, MR. CHAIRMAN, DURING THIS CENTURY, DURING OUR LIFETIME, HAVE BEEN SUBJECTED TO TORTURE? SCORES OF MILLIONS OF WITNESSES, ALAS, HOVER IN SPIRIT OVER US AS WE DELIBERATE, MILLIONS OF WITNESSES TO HUMAN SAVAGERY, ASKING OF US SOME SMALL INDICATION OF UNIVERSAL HUMANITY. MY DELEGATION EARNESTLY SUPPORTS THIS CONVENTION, MR. CHAIRMAN, AND PROFOUNDLY HOPES THAT EVERY DELEGATION WILL JOIN US SOON IN UNIVERSAL CONSENSUS: NO ONE OF US, NO HUMAN BEING ANYWHERE, MAY EVER AGAIN BE TORTURED WITH IMPUNITY.

- MR. CHAIRMAN, TWO YEARS AGO THE 36TH SESSION OF THIS COMMISSION CREATED ONE OF THE JEWELS OF THE UNITED NATIONS SYSTEM, ONE OF THE BEST WORKING GROUPS EVER ESTABLISHED: THE WORKING GROUP ON DISAPPEARANCES, SO ABLY LED BY VISCOUNT COLVILLE OF CULROSS. WE HAVE READ THE REPORT OF THAT WORKING GROUP WITH EMOTION AND WITH ADMIRATION. WHILE SOMETIMES OUR WORK IN THIS COMMISSION SEEMS TO RESULT ONLY IN PIECES OF PAPER, AND SHARPER HOSTILITIES, IN THIS CASE OUR WORK ENABLES EACH OF US TO SAY THAT, THROUGH THIS COMMISSION, WE HAVE EACH BEEN ABLE TO ASSIST, HOWEVER HUMBLY, IN SAVING TENS OF LIVES AND IN BRINGING LONG-AWAITED NEWS TO HUNDREDS OF OF FAMILIES AND LOVED ONES.

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PAGE 03

GENEVA 02166 01 OF 02 221904Z

- THIS WORKING GROUP, MR. CHAIRMAN, IS ADMIRABLE BOTH IN ITS DESIGN AND IN ITS DAILY EXECUTION. BY DESIGN, IT IS AS UNIVERSAL AS THE UNIVERSAL DECLARATION, PLAYS NO FAVORITES, HAS NO DOUBLE STANDARDS, IS UNPOLITICAL, AND GENERIC IN ITS INVESTIGATIONS. IT INVESTIGATES ALL CASES REPORTED TO IT WHICH MEET THE DEFINITIONS OF ITS MANDATE, FROM WHATEVER CORNER OF THE WORLD. IT SETS NO STATE AGAINST ANY OTHER STATE. IT AVOIDS POLITICS ALTOGETHER. IT IS CONCERNED SOLELY WITH INDIVIDUAL PERSONS EVERYWHERE. THIS IS, IN OUR VIEW, THE HIGHEST IDEAL OF

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UNITED NATIONS WORK. MY DELEGATION WISHES THIS COMMISSION COULD DO MUCH MORE OF THIS SORT OF WORK, MUCH LESS OF LESS FRUITFUL SORTS.

- IN ITS DAILY EXECUTION OF ITS TASKS, MEANWHILE, THIS WORKING GROUP HAS BEEN THE SOUL OF DISCRETION, PRACTICALITY, AND WISE COOPERATION WITH ALL PARTIES CONCERNED. EVEN GOVERNMENTS ONCE SUSPICIOUS HAVE COME TO ADMIRE ITS TACT AND WISDOM. MY DELEGATION URGES ALL GOVERNMENTS, ESPECIALLY THOSE AS YET UNWILLING TO COOPERATE, TO TEST THE GOOD SENSE, DISCRETION, AND FAIRMINDEDNESS OF THIS EXTRAORDINARY BAND OF OUR COLLEAGUES. ALL OF US -- AND ALL HUMANITY -- OWE THANKS TO OUR FELLOWS WHO SO WELL AND SO NOBLY SERVE THE IDEALS WHICH BRING US HERE.

- FINALLY, MR. CHAIRMAN, ON AN ENTIRELY DIFFERENT MATTER, WHICH DIRECTLY AFFECTS NEITHER OF THE TWO WORKING GROUPS WE HAVE JUST MENTIONED, BUT WHICH DOES, PROPERLY IT SEEMS, BELONG UNDER THIS AGENDA ITEM, MY DELEGATION IS IMPELLED BY STRICTLY HUMANITARIAN AIMS TO RAISE ONE FURTHER MATTER. THIS MATTER IS UNIQUE OF ITS KIND. IT DOES NOT (RPT. NOT) FALL UNDER THE MANDATE OF THE WORKING GROUP ON DISAPPEARANCES, AND IN NO WAY AFFECTS ITS WORK. IT IS A SEPARATE MATTER.

- MR. CHAIRMAN, THIRTY-EIGHT YEARS AGO THIS COMING
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PAGE 04 GENEVA 02166 01 OF 02 221904Z

JULY, ON JULY 9, 1944, TO BE EXACT, THE SWEDISH GOVERNMENT SENT A NOBLE HUMAN BEING TO BUDAPEST, IN THE TEETH OF THE NAZI FURY OF THOSE DAYS, AS FIRST SECRETARY TO ITS

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PAGE 01

ACTION 10-15

GENEVA 02166 02 OF 02 221906Z

INFO OCT-00 ADS-00 AID-07 INR-10 EUR-12 SS-10 OIC-02
AF-10 CIAE-00 EA-10 DODE-00 H-01 NEA-06 NSCE-00
ARA-16 NSAE-00 SSO-00 HA-06 L-03 TRSE-00 PM-09
PA-01 INRE-00 ICAE-00 SP-02 SPRS-02 /122 W
-----243102 221911Z /41

O 221858Z FEB 82

FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 5760

INFO USMISSION USUN NEW YORK IMMEDIATE

C O N F I D E N T I A L SECTION 02 OF 02 GENEVA 02166

LEGATION THERE. HIS NAME WAS RAOUL WALLENBERG. HE WAS THEN A YOUNG AND HANDSOME MAN. HIS TASK WAS TO ASSIST IN SAVING THE THOUSANDS OF JEWS OF BUDAPEST WHO WERE THEN BEING HERDED LIKE ANIMALS INTO THE HORRIBLE DEATH CAMPS -- THOSE VERY CAMPS WHOSE BITTER MEMORY GAVE RISE TO THE UNIVERSAL DECLARATION OF HUMAN RIGHTS. THIS MAN, RAOUL WALLENBERG, PERSONALLY HELPED 20,000 HUMAN BEINGS TO ESCAPE DEATH, AND WAS INSTRUMENTAL DURING A BRIEF SIX-MONTH PERIOD OF DANGEROUS AND FRANTIC ACTIVITY TO THE EVENTUAL LIBERATION OF ANOTHER 100,000. MR. CHAIRMAN, FEW OF US IN THIS ROOM WILL EVERY HAVE THE OPPORTUNITY TO DO AS MUCH FOR HIS FELLOW HUMAN BEINGS, HUMAN BEINGS OUT OF HIS OWN COUNTRY, NOR OF HIS RACE OR RELIGION, BUT FELLOWS OF HIS AND OURS, JUST THE SAME.

ONE OF THOSE MR. WALLENBERG SAVED, MR. CHAIRMAN, HAS BECOME A CONGRESSMAN IN THE UNITED STATES, CONGRESSMAN LANTOS, AND MANY OTHERS LIVED TO BECOME U.S. CITIZENS. FOR HIS NOBLE IDEALISM AND HIS BRAVERY, THE PEOPLE OF THE UNITED STATES HAVE EMBRACED HIM, THROUGH THE PRESIDENT AND THE CONGRESS, AS A U.S. CITIZEN.

MR. CHAIRMAN, ON JANUARY 17, 1945, MR. WALLENBERG WAS TAKEN PRISONER AND DEPORTED. A WALL OF SILENCE
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PAGE 02

GENEVA 02166 02 OF 02 221906Z

DESCENDED. AT FIRST, REPORTS FROM THE SOVIET UNION SAID NO RECORD OF HIM COULD BE FOUND. ON FEBRUARY 6, 1957,

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TWELVE YEARS LATER, DEPUTY FOREIGN MINISTER GROMYKO REPORTED THAT WALLENBERG HAD BEEN IMPRISONED IN MOSCOW, AND HAD DIED SUDDENLY IN HIS CELL IN LUBYANKA PRISON ON JULY 17, 1947. ONE SMALL PIECE OF PAPER RECORDS THIS.

- MR. CHAIRMAN, MANY REPORTS SINCE THAT TIME HAVE LED WALLENBERG'S FAMILY AND FRIENDS TO BELIEVE THAT WALLENBERG HAS SEVERAL TIMES BEEN SEEN, OR TALKED TO, ALIVE.

- PERHAPS, MR. CHAIRMAN, THERE HAS BEEN A MISTAKE. PERHAPS MR. WALLENBERG IS ALIVE. WHAT HONOR HE DESERVES FROM DECENT PEOPLE EVERYWHERE* WHAT A HERO HE HAS BEEN IN THIS BLEAK CENTURY*

END TEXT.

3. REMAINDER OF DRAFT WILL FOLLOW SEPTTEL. SWAEBE

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Department of State

TELEGRAM

E-523

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AN: DB20103-0278

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PAGE 01
ACTION 10-15

GENEVA 02358 251903Z

INFO OCT-00 ADS-00 EUR-12 SS-10 OIC-02 AF-10 EA-12
NEA-07 NSCE-00 ARA-16 SSQ-00 HA-06 L-03 PA-02
ICAE-00 SP-02 SPRS-02 /099 W
-----377272 251904Z /44

O 251906Z FEB 82

FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 5928
INFO USMISSION USUN NEW YORK

UNCLAS GENEVA 02358

FOR 10/HR

E.O. 12065: N/A

TAGS: UNHRC, SHUM

SUBJECT: HUMAN RIGHTS COMMISSION - SPEECH ON TORTURE, THE
DISAPPEARED, AND WALLEMBERG ITEM 10 (A AND B)

REF: STATE 49724

SUBJECT SPEECH WAS GIVEN AT 7:30 P.M. GENEVA TIME AND
CAN BE RELEASED. CORRECTIONS WERE FEW AND COMPLETE TEXT
WILL FOLLOW SEPTTEL FEB 26. SWAEBE

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Department of State

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TELEGRAM

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AN: 0820104-0454

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PAGE 01
ACTION 10-15

GENEVA 02360 01 OF 02 261046Z

INFO OCT-00 ADS-00 INR-10 EUR-12 SS-10 OIC-02 AF-10
CIAE-00 EA-12 DODE-00 H-01 NEA-07 NSCE-00 ARA-16
NSAE-00 SSO-00 HA-06 L-03 PM-09 PA-02 INRE-00
SP-02 SPRS-02 /119 W
-----022716 261053Z /11

O 261026Z FEB 82
FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 5929
INFO USMISSION USUN NEW YORK
USINFO WASHDC IMMEDIATE

UNCLAS SECTION 01 OF 02 GENEVA 02360

E.O. 12065: N/A

TAGS: UNHRC, SHUM

SUBJECT: HUMAN RIGHTS COMMISSION - SPEECH ON TORTURE, THE
DISAPPEARED, AND WALLEMBERG - ITEM 10 (A AND B)

REF: GENEVA 2358

FOLLOWING IS COMPLETE TEXT OF SPEECH AS GIVEN BY MICHAEL
NOVAK FEB 25 AT 7:30 P.M. GENEVA TIME.

BEGIN TEXT:

STATEMENT BY
MICHAEL NOVAK
UNITED STATES REPRESENTATIVE TO THE
38TH SESSION, UN COMMISSION ON HUMAN RIGHTS
ITEM 10 (A AND B)

MR. CHAIRMAN, MY DELEGATION NOTES WITH PRIDE AND
SATISFACTION TWO MAJOR DEVELOPMENTS OF THE 38TH SESSION.
FIRST, WE ARE HAPPY THAT THE WORKING GROUP ON THE CON-
VENTION ON TORTURE HAS MADE PROGRESS TOWARD ACHIEVING
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PAGE 02

GENEVA 02360 01 OF 02 261046Z

CONSENSUS, ALTHOUGH WORK STILL REMAINS TO BE DONE. ON

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FOIA Exemptions ()
PA Exemptions ()
Non-Response ()

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FEW THINGS ARE GOOD AND HONEST CITIZENS AROUND THE WORLD IN CLOSER AGREEMENT, MR. CHAIRMAN, THAN ON THE INHUMANITY OF TORTURE. THE ABILITY OF HUMAN BEINGS TO INFLECT PAIN UPON ONE ANOTHER HAS ALWAYS SHOCKED AND SICKENED DECENT PERSONS. INDESCRIBABLE THINGS HAVE BEEN DONE TO HUMAN FLESH AND HUMAN SPIRIT -- INDESCRIBABLE THINGS ARE STILL BEING DONE. SUCH ACTS OF TORTURE MUST STOP, MR. CHAIRMAN, THEY MUST STOP. HUMANITY RISES UP IN REVULSION AGAINST THE TORTURERS. A NEW INTERNATIONAL CONVENTION ON TORTURE WOULD RAISE STANDARDS, GIVE HOPE, AND SET IN PLACE, THROUGH THE INSTITUTION OF QUASI-UNIVERSAL JURISDICTION, A TRULY MEANINGFUL INSTRUMENT WITH WHICH TO COMBAT THE HORROR OF TORTURE. SOME NATIONS, IT IS TRUE, STILL OPPOSE QUASI-UNIVERSAL JURISDICTION. THEY ARGUE THAT EACH STATE ALONE SHOULD COMBAT ACTS OF GOVERNMENTAL TORTURE COMMITTED IN ITS TERRITORY. YET THERE ARE SOMETIMES, ALAS, INSTANCES IN WHICH A STATE FAILS TO ACT AGAINST ITS OWN OFFICIALS ALLEGED TO BE INVOLVED IN TORTURE. IT IS TO DEFEND DECENCY AGAINST SUCH INSTANCES THAT QUASI-UNIVERSAL JURISDICTION IS DESIGNED.

- HOW MANY PEOPLE, MR. CHAIRMAN, DURING THIS CENTURY, OR DURING OUR LIFETIME, HAVE BEEN SUBJECTED TO TORTURE? SCORES OF MILLIONS OF WITNESSES HOVER IN SPIRIT OVER US AS WE DELIBERATE, MILLIONS OF WITNESSES TO HUMAN SAVAGERY, ASKING OF US SOME SMALL INDICATION OF UNIVERSAL HUMANITY. MY DELEGATION EARNESTLY SUPPORTS THIS CONVENTION, MR. CHAIRMAN, AND PROFOUNDLY HOPES THAT EVERY DELEGATION WILL JOIN US SOON IN UNIVERSAL CONSENSUS SO THAT NO ONE OF US, NO HUMAN BEING ANYWHERE, MAY EVER AGAIN BE TORTURED WITH IMPUNITY BY ANY OFFICIAL OF ANY GOVERNMENT.

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PAGE 03 GENEVA 02360 01 OF 02 261046Z

- MR. CHAIRMAN, TWO YEARS AGO THE 36TH SESSION OF THIS COMMISSION CREATED ONE OF THE JEWELS OF THE UNITED NATIONS SYSTEM, ONE OF THE BEST WORKING-GROUPS SO FAR ESTABLISHED: THE WORKING GROUP ON DISAPPEARANCES, SO ABLY LED BY VISCOUNT COLVILLE OF CULROSS. WE HAVE READ THE REPORT OF THAT WORKING GROUP WITH EMOTION AND WITH ADMIRATION. WHILE SOMETIMES OUR WORK IN THIS COMMISSION SEEMS TO RESULT ONLY IN PIECES OF PAPER, AND SHARPER HOSTILITIES, IN THIS CASE OUR WORK ENABLES EACH OF US TO SAY THAT, THROUGH THIS COMMISSION, WE HAVE EACH BEEN ABLE TO

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ASSIST, HOWEVER HUMBLLY, IN SAVING TENS OF LIVES AND IN BRINGING LONG AWAITED NEWS TO HUNDREDS OF FAMILIES AND LOVED ONES.

- THIS WORKING GROUP, MR. CHAIRMAN, IS ADMIRABLE BOTH IN ITS DESIGN AND IN ITS DAILY EXECUTION. BY DESIGN, IT IS AS UNIVERSAL AS THE UNIVERSAL DECLARATION, PLAYS NO FAVORITES, HAS NO DOUBLE STANDARDS, IS UNPOLITICAL, AND GENERIC IN ITS INVESTIGATIONS. IT INVESTIGATES ALL CASES REPORTED TO IT WHICH MEET THE DEFINITIONS OF ITS MANDATE, FROM WHATEVER CORNER OF THE WORLD. IT SETS NO STATE AGAINST ANY OTHER STATE. IT AVOIDS POLITICS ALTOGETHER. IT IS CONCERNED SOLELY WITH INDIVIDUAL PERSONS EVERYWHERE. THIS IS, IN OUR VIEW, THE HIGHEST IDEAL OF UNITED NATIONS WORK. MY DELEGATION WISHES THIS COMMISSION COULD DO MUCH MORE OF THIS SORT OF WORK, MUCH LESS OF LESS FRUITFUL SORTS.

- IN ITS DAILY EXECUTION OF ITS TASKS, MEANWHILE, THIS WORKING GROUP HAS BEEN THE SOUL OF DISCRETION, PRACTICALITY, AND WISE COOPERATION WITH ALL PARTIES CONCERNED. EVEN GOVERNMENTS ONCE SUSPICIOUS HAVE COME TO ADMIRE ITS TACT AND WISDOM. MY DELEGATION URGES ALL GOVERNMENTS, ESPECIALLY THOSE AS YET UNWILLING TO COOPERATE, TO TEST THE GOOD

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PAGE 01 GENEVA 02360 02 OF 02 261049Z
ACTION 10-15

INFO OCT-00 ADS-00 INR-10 EUR-12 SS-10 OIC-02 AF-10
CIAE-00 EA-12 DODE-00 H-01 NEA-07 NSCE-00 ARA-16
NSAE-00 SSO-00 HA-06 L-03 PM-09 PA-02 INRE-00
SP-02 SPRS-02 /119 W

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O 261026Z FEB 82

FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 5930
INFO USMISSION USUN NEW YORK
USINFO WASHDC IMMEDIATE

UNCLAS SECTION 02 OF 02 GENEVA 02360

SENSE, DISCRETION, AND FAIRMINDEDNESS OF THIS EXTRAORDINARY
BAND OF OUR COLLEAGUES. ALL OF US -- AND ALL HUMANITY --
OWE THANKS TO OUR FELLOWS WHO SO WELL AND SO NOBLY SERVE
THE IDEALS WHICH BRING US HERE.

- FINALLY, MR. CHAIRMAN, ON AN ENTIRELY DIFFERENT
MATTER, WHICH DIRECTLY AFFECTS NEITHER OF THE TWO WORKING
GROUPS WE HAVE JUST MENTIONED, BUT WHICH DOES, PROPERLY
IT SEEMS, BELONG UNDER THIS AGENDA ITEM, MY DELEGATION
IS IMPELLED BY STRICTLY HUMANITARIAN AIMS TO SUPPORT THE
GOVERNMENT OF SWEDEN ON ONE FURTHER MATTER. THIS MATTER
IS UNIQUE OF ITS KIND. IT DOES NOT (REPEAT NOT) FALL
UNDER THE MANDATE OF THE WORKING GROUP ON DISAPPEARANCES,
AND IN NO WAY AFFECTS ITS WORK. IT IS A SEPARATE MATTER.

- MR. CHAIRMAN, THIRTY-EIGHT YEARS AGO THIS COMING JULY,
ON JULY 9, 1944, TO BE EXACT, THE SWEDISH GOVERNMENT SENT
A NOBLE HUMAN BEING TO BUDAPEST, IN THE TEETH OF THE NAZI
FURY OF THOSE DAYS, AS FIRST SECRETARY TO ITS LEGATION
THERE. HIS NAME WAS RAOUL WALLENBERG, HE WAS THEN A YOUNG
AND HANDSOME MAN. HIS TASK WAS TO ASSIST IN SAVING THE
THOUSANDS OF JEWS OF BUDAPEST WHO WERE THEN BEING HERDED
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PAGE 02 GENEVA 02360 02 OF 02 261049Z

LIKE ANIMALS INTO THE HORRIBLE DEATH CAMPS -- THOSE VERY
CAMPS WHOSE BITTER MEMORY GAVE RISE TO THE UNIVERSAL

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DECLARATION OF HUMAN RIGHTS. THIS MAN, RAOUL WALLENBERG, PERSONALLY HELPED 20,000 HUMAN BEINGS TO ESCAPE DEATH, AND WAS INSTRUMENTAL DURING A BRIEF SIX-MONTH PERIOD OF DANGEROUS AND FRANTIC ACTIVITY IN THE EVENTUAL LIBERATION OF AS MANY AS 100,000. MR. CHAIRMAN, FEW OF US IN THIS ROOM WILL EVER HAVE THE OPPORTUNITY TO DO AS MUCH FOR HIS FELLOW HUMAN BEINGS, HUMAN BEINGS NOT OF HIS OWN COUNTRY, OR RELIGION, BUT FELLOWS OF HIS AND OURS, JUST THE SAME.

- ONE OF THOSE MR. WALLENBERG SAVED, MR. CHAIRMAN, HAS BECOME A CONGRESSMAN IN THE UNITED STATES, CONGRESSMAN LANTOS, AND MANY OTHERS LIVED TO BECOME U.S. CITIZENS AND CITIZENS OF MANY OTHER COUNTRIES REPRESENTED IN THIS ROOM. FOR HIS NOBLE IDEALISM AND HIS BRAVERY, THE PEOPLE OF THE UNITED STATES HAVE EMBRACED RAOUL WALLENBERG THROUGH THE PRESIDENT AND THE CONGRESS, AS AN HONORARY U.S. CITIZEN. HE IS ACTUALLY A CITIZEN OF ALL HUMANITY.

- MR. CHAIRMAN, ON JANUARY 17, 1945, MR. WALLENBERG WAS TAKEN PRISONER AND DEPORTED. A WALL OF SILENCE DESCENDED. AT FIRST, REPORTS FROM THE SOVIET UNION SAID NO RECORD OF HIM COULD BE FOUND. ON FEBRUARY 6, 1957, TWELVE YEARS LATER, DEPUTY FOREIGN MINISTER GROMYKO REPORTED THAT WALLENBERG HAD BEEN IMPRISONED IN MOSCOW, AND HAD DIED SUDDENLY IN HIS CELL IN LUBYANKA PRISON ON JULY 17, 1947. ONE SMALL PIECE OF PAPER RECORDS THIS.

- MR. CHAIRMAN, MANY REPORTS SINCE THAT TIME HAVE LED WALLENBERG'S FAMILY AND FRIENDS TO BELIEVE THAT WALLENBERG HAS SEVERAL TIMES BEEN SEEN, OR TALKED TO, ALIVE.

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UNCLASSIFIED

PAGE 03

GENEVA 02360 02 OF 02 261049Z

- PERHAPS, MR. CHAIRMAN, THERE HAS BEEN A MISTAKE. PERHAPS MR. WALLENBERG IS ALIVE. WHAT HONOR HE DESERVES FROM DECENT PEOPLE EVERYWHERE*. WHAT A HERO HE HAS BEEN IN THIS BLEAK CENTURY*

- WHAT OUR DELEGATION URGENTLY HOPES FOR, MR. CHAIRMAN, IS SOLELY A HUMANITARIAN GESTURE, WHICH WOULD CONTRIBUTE TO UNIVERSAL GOOD-FEELING, NAMELY, A RENEWED SEARCH AND FULL REPORT, WHICH MAY LAY QUESTIONS TO REST; OR ELSE, IN THE BEST OF ALL POSSIBLE OUTCOMES, RESULT IN THE DISCOVERY OF THE WHEREABOUTS OF A MAN WHO STANDS AMONG THE HEROES OF

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820043-1137

DEPARTMENT OF STATE
EXECUTIVE SECRETARIAT

E-525

DF

ACTION SLIP

LINE

SAD:YED

S/S CONTROL NUMBER

8205269

(Attachment Classification)

ACTION ASSIGNED TO:

EUR

DATE:

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(Action Office Instructions on Reverse)

ACTION REQUESTED

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| ☐ STATE TO NSC MEMO | ☐ with Draft reply for signature |
| ☐ STATE TO | ☐ by _____ |
| | ☐ with Comment or Recommendation |
| ☐ DIRECT REPLY | ☐ provide info copy under cover |
| ☐ REPLY FOR SIGNATURE | ☐ of State-NSC transmittal form |
| BY _____ | ☐ provide comeback copy |
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| ☐ RECOMMENDATION FOR _____ | |
| ☐ with Memorandum for the President | |
| ☒ APPROPRIATE HANDLING | |
| ☐ FOR YOUR INFORMATION | |

CLEAR WITH:

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DUE IN S/S BY:

REMARKS/SPECIAL INSTRUCTIONS:

For Dispatch

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**MICROFILMED
BY S/S**

FROM: *Kathy Mc Guigan* (NAM)
S/S

NATIONAL SECURITY COUNCIL

E-525A

PAGE D01

DATE: 01 MAR 82

REFERRAL

MEMORANDUM FOR: STATE SECRETARIAT

'82 MAR -1 P3:58 DEPARTMENT OF STATE

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DEPARTMENT OF JUSTICE

☒ (X) RIA 557

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FOIA Exemptions

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DOCUMENT DESCRIPTION:

TO: LAGERGREN, NINA

SOURCE: CLARK

DATE: 01 MAR 82

KEYWORDS. SWEDEN

USSR

WALLENBERG, RAOUL

HUMAN RIGHTS

LAGERGREN, NINA

SUBJ: CLARK RESPONSE TO LAGERGREN LTR TO PRES RE WALLENBERG

REQUIRED ACTION: FOR DISPATCH

DUE DATE:

COMMENTS:

Cathy Milleson
FOR MICHAEL O WHEELER

STAFF SECRETARY

FOR NSC USE ONLY

FOR INFO STEARMAN

F WH

O CM C CM

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6/6

10/12/83

E-525B

FOIA Exemptions

PA Exemptions

THE WHITE HOUSE

WASHINGTON

March 1, 1982

Dear Mrs. Lagergren:

I have been asked to reply to your letter of October 13 to President Reagan. Thank you for your kind words about America's effort on behalf of your brother, Raoul Wallenberg. I am sorry it has taken so long for us to respond to you.

As the President stated when he proclaimed your brother an honorary American, the United States is committed to the effort to resolve the mystery of your brother's fate. We shall continue to pursue the question of your brother's disappearance with the Soviets at every appropriate occasion. In so doing, we shall continue to cooperate with and offer support for the initiatives of the Government of Sweden as well as continue our own direct approaches to the Soviets. We shall also solicit the support of all other governments who hold dear the humanitarian principles which Raoul Wallenberg so heroically exemplified and for which he so unjustly suffered at the hands of the Soviet Union.

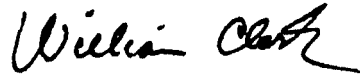
In the effort to resolve your brother's case, we will investigate every avenue that offers a reasonable chance for success. Unfortunately, as you know, in dealing with the Soviet Union on humanitarian issues such as your brother's case, we cannot be very optimistic that the Soviet Government can be moved to act in accordance with the humanitarian principles to which it is committed by its adherence to the Helsinki Final Act. As you may know, we approached the Soviets again about Raoul's fate shortly after the October 5 ceremony. We still have not received a formal reply from them, and we may not since the Soviets have told us many times that they consider the matter to be closed. We are hopeful, however, that our most recent approach has convinced the Soviets of the seriousness with which we intend to pursue your brother's case. Once the Soviets understand and accept that we will not abandon your brother's cause until they have provided a full and satisfactory accounting, we are hopeful that we will be able to make progress in reaching the objective which we -- and the President and Mrs. Reagan in particular -- share so deeply with you.

- 2 -

Please feel free to call on us -- directly or through our Embassy in Stockholm -- any time you might wish to discuss the progress of our joint effort to seek justice for your brother.

With best wishes from President and Mrs. Reagan.

Sincerely,



William P. Clark

Mrs. Nina Lagergren
c/o American Embassy
Stockholm, Sweden

- 3 -



Department of State

TELEGRAM

E-527

CONFIDENTIAL

AM: DB20131-0582

CONFIDENTIAL

PAGE 01 STATE 064742
ORIGIN SP-02

INFO OCT-00 ADS-00 EUR-12 HA-06 /020 R

DRAFTED BY S/P:RWHITESIDE
APPROVED BY S/P:PWOLFOWITZ
EUR/ME - KIM PENDLETON
EUR/RPM - R. CALDWELL
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C O N F I D E N T I A L STATE 064742

TO CSCE DEL, FOR AMB. KAMPELMAN ONLY

E.O. 12065 GDS 3/11/88

TAGS: CSCE, SW

SUBJECT: APPROACH TO SWEDES ON POSSIBLE WALLENBERG AWARD

1. (C) ENTIRE TEXT.

2. HA ASSISTANT SECRETARY ABRAMS AND EUR ACTING ASSISTANT SECRETARY HOLMES HAVE APPOINTMENT LATE AFTERNOON MARCH 11 WITH SWEDISH AMBASSADOR TO THE US, WACHTMEISTER TO DISCUSS THE POSSIBILITY OF ESTABLISHING A JOINT AWARD IN HONOR OF RAOUL WALLENBERG.

3. HAVING BEEN PRESENT AT THE CREATION, YOU OF COURSE KNOW THE FULL BACKGROUND OF THE WALLENBERG AWARD. GIVEN YOUR CLOSE WORKING RELATIONSHIP WITH THE HEAD OF THE SWEDISH DELEGATION TO MADRID CSCE, YOU MAY WANT TO TAKE THE OPPORTUNITY BEFORE THE CSCE MEETING RECESSES MARCH 12 TO INFORMALLY SHARE THE IDEA WITH YOUR SWEDISH COUNTERPART.
CONFIDENTIAL
CONFIDENTIAL

PAGE 02 STATE 064742

YOU SHOULD STRESS THAT THE IDEA WILL BE PRESENTED TO THE

CONFIDENTIAL

PA Exemptions
10/12/93

CONFIDENTIAL

GOS IN WASHINGTON, WITH FOLLOW-UP DISCUSSIONS NEXT WEEK, THROUGH OUR EMBASSY IN STOCKHOLM.

4. FOR YOUR BACKGROUND, WE ARE REPEATING THE TEXT OF THE NON-PAPER TO BE GIVEN TO THE SWEDISH AMBASSADOR ON MARCH 11.

5. BEGIN TEXT: ON OCTOBER 5, PRESIDENT REAGAN SIGNED INTO LAW THE JOINT RESOLUTION OF CONGRESS MAKING RAOUL WALLENBERG AN HONORARY CITIZEN OF THE UNITED STATES. THIS IS ONLY THE SECOND TIME IN THE HISTORY OF THE UNITED STATES THAT A FOREIGN CITIZEN HAS BEEN SO HONORED -- THE FIRST WAS WINSTON CHURCHILL.

SINCE OCTOBER, THE USG HAS BEEN EXPLORING WAYS TO RESPOND POSITIVELY AND CONCRETELY TO THE TREMENDOUS OUTPOURING OF FEELING IN THIS COUNTRY FOR RAOUL WALLENBERG, IN A WAY THAT WOULD APPROPRIATELY HONOR HIS EXAMPLE OF COURAGE AND FREEDOM.

SPECIAL CONSIDERATION IS BEING GIVEN TO THE CREATION OF AN AWARD TO HONOR THIS GREAT MAN -- AN AWARD TO BE CALLED THE RAOUL WALLENBERG FREEDOM AWARD. PRESIDENT REAGAN HAS ENDORSED THIS IDEA IN PRINCIPLE AND HAS ASKED THAT THE IDEA BE EXPLORED WITH THE GOVERNMENT OF SWEDEN.

THE AWARD WOULD BE PARTICULARLY MEANINGFUL IF IT WERE JOINT CREATION OF THE SWEDISH AND AMERICAN PEOPLE, ADMINISTERED BY A JOINT COMMISSION OF PROMINENT CITIZENS FROM EACH OF OUR COUNTRIES. WE ENVISION THAT THE AWARD WOULD BE GIVEN PERIODICALLY -- PERHAPS ANNUALLY -- TO AN INDIVIDUAL OR GROUP WHO HAS, IN DEEDS AND CHARACTER, REFLECTED THE COURAGE AND SELFLESS COMMITMENT TO HUMAN
CONFIDENTIAL
CONFIDENTIAL

PAGE 03

STATE 064742

FREEDOM OF RAOUL WALLENBERG, A RECIPIENT WHO DOES NOT USE OR ADVOCATE VIOLENCE IN THE PURSUIT OF FREEDOM.

LIKE THE NOBEL PRIZE, AN ESTABLISHED AMOUNT OF MONEY COULD ACCOMPANY THE AWARD, ALTHOUGH A LARGE CASH AWARD IS NOT NECESSARY. THE AWARD COULD BE A MEDALLION OR OTHER APPROPRIATE MOMENTO.

AS A NEXT STEP, WE WOULD SUGGEST THAT PRESIDENT REAGAN PRESENT THE IDEA FORMALLY IN A LETTER TO PRIME MINISTER

CONFIDENTIAL

CONFIDENTIAL

FALLOIN. IF THE PRIME MINISTER SHARES PRESIDENT REAGAN'S INTEREST IN THIS ENDEAVOR, A U.S. DELEGATION WOULD VISIT STOCKHOLM TO DISCUSS THE IDEA IN MORE DETAIL WITH APPROPRIATE OFFICIALS OF THE SWEDISH GOVERNMENT.

WE ENVISAGE THE PRESENTATION OF THE FIRST AWARD BY PRESIDENT REAGAN AND THE KING OF SWEDEN IN AN APPROPRIATE CEREMONY.

POSSIBLE RECIPIENTS (ILLUSTRATIVE ONLY)

ALTHOUGH DETAILS OF THE AWARD WOULD BE WORKED OUT BETWEEN OUR TWO GOVERNMENTS, OUR INITIAL THINKING REGARDING POSSIBLE RECIPIENTS WOULD INCLUDE THE FOLLOWING:

-- THOSE WHO HAVE, AT GREAT RISK TO THEMSELVES, LED OTHERS TO FREEDOM, E.G., AN INDIVIDUAL OR GROUP CONNECTED WITH THE RESCUE OF VIETNAMESE BOAT PEOPLE.

-- SPECIAL CONSIDERATION MIGHT BE GIVEN TO THOSE WHO HAVE BEEN IMPRISONED FOR THEIR WORK IN THE CAUSE OF FREEDOM, E.G., SAKHAROV OR ORLOV.

-- ORGANIZATIONS RESPECTED FOR THEIR EFFORTS ON BEHALF OF THE FREEDOM OF INDIVIDUALS THROUGHOUT THE WORLD.

CONFIDENTIAL
CONFIDENTIAL

PAGE 04

STATE 064742

E.G. AMNESTY INTERNATIONAL, THE INTERNATIONAL RED CROSS.

-- LESS FORMAL GROUPS WHO REPRESENT GREAT STRUGGLES FOR FREEDOM, E.G., HELSINKI MONITORS, CHARTER 77, SOLIDARITY.

-- CHARISMATIC SYMBOLS OF MAN'S YEARNING FOR FREEDOM, LIKE LECH WALESA.

END TEXT.

6. FOR STOCKHOLM: WE WILL REPORT THE RESULTS OF THE MARCH 11 MEETING, WITH INSTRUCTIONS FOR AN APPROPRIATE FOLLOW-UP WITH THE GOS IN STOCKHOLM ASAP. HAIG

CONFIDENTIAL

12



Department of State

TELEGRAM

AN: DB20134-0614

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PAGE 01 STATE 066482
ORIGIN HA-06

INFO OCT-00 ADS-00 EUR-12 SSO-00 SP-02 /020 R

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APPROVED BY HA:EABRAMS
EUR/NE:DFINNERTY (SUBS)
S/P:JTHOMAS
S/P:RWHTESIDE (INFO)
EUR/SOV:RCOMBS (SUBS)

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INFO AMEMBASSY MOSCOW PRIORITY

C O N F I D E N T I A L STATE 066482

E.O. 12065: GDS 3/12/88 (ABRAMS, ELLIOTT) - HA
TAGS: CSCE, SW

TAGS: CSCE, SM

TAGS: CSCE, SW
 SUBJECT: APPROACH TO SNEDES ON POSSIBLE WALLENBERG AWARD

SUBJECT: AFRICA
REF: STATE 064742

REF: STATE 064742
1. CONFIDENTIAL ENTIRE TEXT.

2. HA ASSISTANT SECRETARY ABRAMS AND EUR ACTING ASSISTANT SECRETARY HOLMES MET LATE AFTERNOON MARCH 11 WITH SWEDISH AMBASSADOR TO THE US, WACHTMEISTER, TO DISCUSS THE POSSIBILITY OF ESTABLISHING A JOINT AWARD IN HONOR OF RAUL WALLENBERG, AS ANTICIPATED REFTEL.

3. SPEAKING PERSONALLY, WACHTMEISTER WELCOMED ANOTHER MOVE TO HONOR WALLENGERG, CAUTIONING THAT THE AWARD SHOULD NOT IMPLY HONORING WALLENGERG POSTHUMOUSLY, AS IT IS SWEDISH POLICY TO HOLD OPEN THE POSSIBILITY THAT HE IS ALIVE. WACHTMEISTER ALSO MENTIONED THE POTENTIAL FOR POLITICAL DIFFICULTIES IN GOVERNMENTS BECOMING IDENTIFIED WITH THE POLITICS OF RECIPIENTS OF THE AWARD, BUT AGREED

PAGE 02

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PAGE 02 STATE OF CALIFORNIA
THAT MINIMAL GOVERNMENT INVOLVEMENT IN THE WALLENBERG COM-

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21. DATE Non-Responsive Info 11/17/01
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 PA Exemptions _____

CONFIDENTIAL

MISSION WOULD HELP MINIMIZE SUCH DIFFICULTIES. HE UNDERTOOK TO BRING THIS PROPOSAL TO THE ATTENTION OF HIS SUPERIORS IN STOCKHOLM.

4. EMBASSY SHOULD FOLLOW UP, USING REFTEL NON-PAPER AND TALKING POINTS BELOW.

5. TALKING POINTS:

-- AS YOU KNOW, ON OCTOBER 5, THE PRESIDENT SIGNED INTO LAW THE JOINT RESOLUTION OF CONGRESS MAKING RAOUL WALLENBERG AN HONORARY CITIZEN. THIS IS ONLY THE SECOND TIME IN OUR HISTORY THAT A FOREIGN CITIZEN HAS BEEN SO HONORED-- THE FIRST WAS WINSTON CHURCHILL.

-- WE HAVE BEEN EXPLORING WAYS TO RESPOND POSITIVELY AND CONCRETELY TO THE TREMENDOUS OUTPOURING OF FEELING IN THIS COUNTRY FOR WALLENBERG, IN A WAY THAT WOULD APPROPRIATELY HONOR HIS EXAMPLE OF COURAGE AND FREEDOM.

-- PRESIDENT REAGAN HAS ENDORSED IN PRINCIPLE, THE CREATION OF AN AWARD TO HONOR THIS GREAT MAN -- THE RAOUL WALLENBERG FREEDOM AWARD.

-- WE ARE CONVINCED THAT THE AWARD WOULD BE PARTICULARLY MEANINGFUL IF IT WERE A JOINT CREATION OF THE SWEDISH AND AMERICAN PEOPLE, ADMINISTERED BY A JOINT COMMISSION OF PROMINENT CITIZENS FROM EACH OF OUR COUNTRIES.

-- WE ENVISION THAT THE AWARD WOULD BE GIVEN PERIODICALLY-- PERHAPS ANNUALLY-- TO AN INDIVIDUAL OR GROUP WHO HAS, IN DEEDS AND CHARACTER, REFLECTED THE COURAGE AND SELFLESS COMMITMENT TO HUMAN FREEDOM OF RAOUL WALLENBERG, A
CONFIDENTIAL
CONFIDENTIAL

PAGE 03

STATE 066482

RECIPIENT WHO DOES NOT USE OR ADVOCATE VIOLENCE IN THE PURSUIT OF FREEDOM.

-- LIKE THE NOBEL PRIZE, AN ESTABLISHED AMOUNT OF MONEY COULD ACCOMPANY THE AWARD, ALTHOUGH A LARGE CASH AWARD IS NOT NECESSARY. THE AWARD COULD BE A MEDALLION OR OTHER APPROPRIATE MOMENTO.

-- AS A NEXT STEP, WE WOULD PROPOSE THAT PRESIDENT REAGAN PRESENT THE IDEA FORMALLY IN A LETTER TO YOUR PRIME

CONFIDENTIAL

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MINISTER. IF THE PRIME MINISTER SHARES THE PRESIDENT'S INTEREST IN THIS ENDEAVOR, WE WOULD FOLLOW THE PRESIDENT'S LETTER WITH A VISIT TO STOCKHOLM (PERHAPS ABRAMS OR HOLMES) TO DISCUSS THE IDEA IN MORE DETAIL.

-- WE ENVISAGE THE PRESENTATION OF THE FIRST AWARD BY PRESIDENT REAGAN AND THE KING OF SWEDEN IN AN APPROPRIATE CEREMONY.

-- WE WOULD WELCOME YOUR OWN RESPONSE TO THIS PROPOSAL.

POSSIBLE RECIPIENTS (TO BE USED AS APPROPRIATE)

THOSE WHO HAVE, AT GREAT RISK TO THEMSELVES, LED OTHERS TO FREEDOM, E.G. AN INDIVIDUAL OR GROUP CONNECTED WITH THE RESCUE OF VIETNAMESE BOATPEOPLE.

SPECIAL CONSIDERATION MIGHT BE GIVEN TO THOSE WHO HAVE BEEN IMPRISONED FOR THEIR WORK IN THE CAUSE OF FREEDOM, E.G. SAKHAROV OR ORLOV.

ORGANIZATIONS RESPECTED FOR THEIR EFFORTS ON BEHALF OF THE FREEDOM OF INDIVIDUALS THROUGHOUT THE WORLD, E.G. AI, THE IRC, AMNESTY INTERNATIONAL, INTERNATIONAL RED CROSS.

LESS FORMAL GROUPS WHO REPRESENT GREAT STRUGGLES FOR
CONFIDENTIAL
CONFIDENTIAL

PAGE 04 STATE 066482

FREEDOM, E.G. HELSINKI MONITORS, CHARTER 77, SOLIDARITY.

CHARISMATIC SYMBOLS OF MAN'S YEARNING FOR FREEDOM, LIKE LECH WALESA.

6. IN ORDER TO ALLEVIATE THE CONCERN THAT THE CREATION OF THIS AWARD IMPLIES WALLENBERG IS DEAD, WE SUGGEST YOU MAKE THE FOLLOWING POINTS:

-- WE BELIEVE THAT THE WALLENBERG FREEDOM AWARD WOULD NOT ONLY SERVE TO HONOR AND ENCOURAGE COURAGEOUS EFFORTS OF INDIVIDUALS AND ORGANIZATIONS IN THE NAME OF FREEDOM, IT WOULD ALSO DRAW PUBLIC ATTENTION TO THE FACT THAT WALLENBERG'S WHEREABOUTS HAVE NOT BEEN SATISFACTORILY EXPLAINED AND TO THE POSSIBILITY THAT HE REMAINS ALIVE.

-- THE PRESIDENT SAID TO MRS. LAGERGREN DURING THE
CONFIDENTIAL

CONFIDENTIAL

CEREMONY BESTOWING HONORARY CITIZENSHIP ON WALLENBERG
THAT "WE'RE GOING TO DO EVERYTHING IN OUR POWER" TO CON-
TINUE OUR EFFORTS IN FINDING AND FREEING WALLENBERG.
THIS AWARD IS INTENDED TO BE A PART OF THAT EFFORT.

-- THIS CONCEPT WOULD BE EMBODIED IN THE CHARTER OF THE
COMMISSION.

HAIG

CONFIDENTIAL

CONFIDENTIAL



STANLEY FINK
SPEAKER

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

8209144

E-529

March 30, 1982

Hon. Alexander M. Haig, Jr.
Secretary of State of the
United States
2201 C Street, N.W.
Washington, D.C. 20520

DEPARTMENT OF STATE

☒ RELEASE ☐ DECLASSIFY
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PA Exemptions _____

10/13/93
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Dear Secretary Haig:

Enclosed is Legislative Resolution No. 435, adopted in the Assembly on March 15, 1982.

It memorializes the President and the Secretary of State of the United States to use all appropriate diplomatic means to secure information concerning the fate of Raoul Wallenberg, a Swedish Christian, who was responsible for having saved between 30,000-100,000 Hungarian Jews during the Holocaust.

Please contact Jeff Wice, Director of the Assembly Washington office, if you need further information. The office is located at 444 North Capital Street, N.W., Washington, D.C. 20001 (telephone 202-624-5860).

Very truly yours,

Stanley Fink
Stanley Fink
Speaker

SF:bh
Enclosure

DEPARTMENT OF STATE
EXECUTIVE SECRETARIAT

PP20060-1487 (E-53)

ACTION SLIP

S/S CONTROL NUMBER

8209611

(Attachment Classification)

ACTION ASSIGNED TO:

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DATE:

4/8/82

(Action Office Instructions on Reverse)

ACTION REQUESTED

STATE TO NSC MEMO
STATE TO

with Draft reply for signature

by
with Comment or Recommendation

DIRECT REPLY

provide info copy under cover
of State-NSC transmittal form

REPLY FOR SIGNATURE
BY

provide comeback copy
for

RECOMMENDATION FOR
with Memorandum for the President

✓ APPROPRIATE HANDLING

FOR YOUR INFORMATION

CLEAR WITH:

DUE IN S/S BY:

REMARKS/SPECIAL INSTRUCTIONS:

DEPARTMENT OF STATE

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S. Williams

(NAM)

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ATTACH THIS ACTION SLIP TO ANY SUBMISSION TO S/S

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() ONE SE () DECEMBER

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PA Exemptions _____

10/12/93

E-531A



THE SENATE
STATE OF NEW YORK
ALBANY

CAROL BERMAN
9th District

8209611

I thought you might be interested
in this material.

Cordially,

Carol Berman

ERNEST F. HOLLINGS
SOUTH CAROLINA

OFFICES:

1835 ASSEMBLY STREET
COLUMBIA, SOUTH CAROLINA 29201
803-765-5731

103 FEDERAL BUILDING
SPARTANBURG, SOUTH CAROLINA 29301
803-583-3702

242 FEDERAL BUILDING
GREENVILLE, SOUTH CAROLINA 29603
803-233-5366

112 CUSTOM HOUSE
200 EAST BAY STREET
CHARLESTON, SOUTH CAROLINA 29401
803-724-4525

233 FEDERAL BUILDING
FLORENCE, SOUTH CAROLINA 29503
803-682-8135

P820 072-1501

United States Senate

115 SENATE OFFICE BUILDING
WASHINGTON, D.C. 20510

202-224-3121

May 21, 1982

COMMITTEES:
BUDGET; RANKING DEMOCRAT

APPROPRIATIONS

STATE JUSTICE, COMMERCE AND
THE JUDICIARY; RANKING DEMOCRAT
DEFENSE
LABOR, HEALTH AND HUMAN SERVICES,
EDUCATION
ENERGY AND WATER DEVELOPMENT
LEGISLATIVE

COMMERCE, SCIENCE, AND
TRANSPORTATION
COMMUNICATIONS; RANKING DEMOCRAT
SURFACE TRANSPORTATION
SCIENCE, TECHNOLOGY, AND SPACE

DEMOCRATIC POLICY COMMITTEE
OFFICE OF TECHNOLOGY ASSESSMENT
NATIONAL OCEAN POLICY STUDY

E-535

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ACTION
is assigned to

EUR

Mr. Powell Moore
Assistant Secretary of State for Congressional Relations
Department of State
2201 C Street
Washington, D.C. 20520

Dear Powell:

Since the government of the United States conferred honorary citizenship on Raoul Wallenberg last September, a number of people have contacted me concerning what steps would be taken by our government to follow-up the Resolution's injunction for the President to take all possible steps to ascertain the whereabouts of Raoul Wallenberg and to secure his possible return to freedom. The purpose of my letter today is to request a status report on what steps have been taken or are being contemplated.

With kindest regards, I am

Sincerely,

Ernest F. Hollings
Ernest F. Hollings

EFH/mcc

DEPARTMENT OF STATE

☒ RELEASE	() DECLASSIFIED
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DOCUMENT ANALYSIS

102 MAY 26 PM 5 03

10/13/93

E-537

June 11, 1982

P820081-1483

CONFIDENTIAL

Dear Senator Hollings:

I am responding to your letter of May 21 concerning U.S. Government actions on behalf of Raoul Wallenberg.

As you know, making Raoul Wallenberg an honorary American citizen was an important symbolic act. It let the entire world know how much we admire Raoul Wallenberg's courage, how much we are inspired by his dedication to humanity and humanitarian principles, and how much we deplore his unjust and illegal punishment by the Soviet Union. Following the signing ceremony which made Raoul Wallenberg an honorary American, we called in Soviet Ambassador Dobrynin to make the Soviet government formally and officially aware of our continued dedication to find out the truth about Raoul Wallenberg's fate. To date, we have not received a response from the Soviet Government, but we shall continue in our effort to resolve the tragic mystery of Wallenberg's fate until the Soviets provide a full and satisfactory clarification of their actions in this case.

We have pressed our effort both on a bilateral basis and at international forums, such as the CSCE Review Conference in Madrid and the U.N. Human Rights Commission. In this regard, on February 25 our representative to the U.N. Human Rights Commission meeting in Geneva, Mr. Michael Novak, urged the Soviet Union to make "a humanitarian gesture, which would contribute to universal good-feeling, namely, a renewed search and full report, which may lay questions to rest; or else, in the best of all possible outcomes, result in the discovery of the whereabouts of a man who stands among the heroes of our time."

We have also continued to work closely with the Government of Sweden to try to confirm reports that have come to light about Wallenberg. To date, we have been unable to confirm any of the reports suggesting that Wallenberg might still be alive. We intend to continue to cooperate fully with the Government of Sweden and all other interested parties in a persistent effort to obtain

The Honorable
Ernest F. Hollings
United States Senate.

DEPARTMENT OF STATE	IS 100	12/2/82
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FOIA Exemptions	() EXEMPTED	
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- 2 -

information that will clarify the fate of this brave man.
We will also continue to express concern over the
Wallenberg case at every appropriate opportunity, both
publicly and in our diplomatic communications with the
Soviet Union.

With cordial regards,

Sincerely,

Powell A. Moore
Assistant Secretary for
Congressional Relations

Drafted: EUR/SOV: JGoldstein/ALAGoodman: lcl
6/3/82 X28671 #72-1501
Cleared: EUR/SOV: TWSimons, Jr. *AD for*
EUR: JDScanlan *for*
H: TTowell
HA: Hsinan 43

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PJ20104-0065

WASHINGTON OFFICE
431 CANNON HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225-2861

DISTRICT OFFICERS:

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MONTEREY, CALIFORNIA 93940
(408) 648-3555

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(408) 837-0500

SALINAS, CALIFORNIA
(408) 424-2229

SAN LUIS OBISPO, CALIFORNIA
(805) 543-0134

SANTA CRUZ, CALIFORNIA
(408) 425-1978

Congress of the United States

House of Representatives

Washington, D.C. 20515

6219503

June 21, 1982

CONCLUSIONS

BUCKET

CHAIRMAN

CHAIRMAN
HOUSE COMMITTEE ON RECONCILIATION
BUDGET ENFORCEMENT
BUDGET COMMITTEE

AGRICULTURE

DUKE ADMINISTRATION
(ON LEAVE)

MAJORITY REGIONAL WY: P

The Honorable Ronald Reagan
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

085535

E-538

Dear Mr. President:

The Public Law (P.L. 97-54) which you signed last October requested that you "take all possible steps to ascertain from the Soviet Union the whereabouts of Raoul Wallenberg and to secure his return to freedom." The upcoming meeting between yourself and Mr. Brezhnev would seem to be an appropriate occasion for this case to be discussed. I realize that there are, of course, many important subjects which require attention at this conference, but in accordance with the overwhelming support that the American public has voiced for Mr. Wallenberg's plight, I believe that our demands for information should be communicated to Mr. Brezhnev.

I greatly appreciate your consideration of this request and hope that we are in agreement. Thank you very much.

Sincerely,

LEON E. PANETTA
Member of Congress

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P830004-0063

July 7, 1982

E-541

Dear Leon:

Thank you for your June 21 letter to President Reagan urging him to discuss with Mr. Brezhnev the plight of Raoul Wallenberg.

We appreciate your interest in contacting us in this matter, and please know that I have communicated your concerns to the President's foreign policy advisers for prompt and careful review. In the interim, you may be assured that your request is receiving close attention.

With best wishes,

Sincerely,

Kenneth M. Duberstein
Assistant to the President

The Honorable Leon Panetta
House of Representatives
Washington, D.C. 20515

KMD:CMF:KRJ:krj

cc: w/copy of inc to NSC Secretariat - for DRAFT response

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ID 8204745

NATIONAL SECURITY COUNCIL

E-542

DATE: 03 JUN 82

REFERRAL

MEMORANDUM FOR: STATE SECRETARIAT

8219503

DOCUMENT DESCRIPTION:

TO: PRES

PRBROOK - 0260

SOURCE: PANETTA, LEON E

DATE: 21 JUN 82

KEYWORDS: USSR

HUMAN RIGHTS

WALLENBERG, RAOUL

CO

S J: URGES PRES TO DISCUSS WHEREABOUTS OF WALLENBERG W/ BREZHNEV

REQUIRED ACTION: PREPARE DRAFT RESPONSE

DUE DATE: 15 JUL 82

COMMENTS:

Michael O. Wheeler
FOR MICHAEL O. WHEELER

STAFF SECRETARY

DEPARTMENT OF STATE IS: FPO: CDR *HW* Date: *10/13/93*

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| PA Exemptions | ☐ DOWN |

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(Received in 5/5-1)

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

E-542A

☐ O - OUTGOING

☐ H - INTERNAL

☒ I - INCOMING

Date Correspondence Received (YY/MM/DD)

12/06/85

Name of Correspondent:

Leon E. Panetta

☐ MI Mail Report

User Codes:

(A) (B) (C)

Subject:

Urged the President to discuss with Mr. Brennan, the whereabouts of Rasel Wallenberg.

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)
LR Duke
VS atn, Secretariat

Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
ORIGINATOR	82-06226	RD	82-06226
Referral Note:	82-107449		
Referral Note:			
Referral Note:			
Referral Note:			

ACTION CODES:

- A - Appropriate Action
- C - Comment/Recommendation
- D - Draft Response
- F - Furnish Fact Sheet to be used as Enclosure

1 - Info Copy Only/No Action Necessary

- R - Direct Reply w/Copy
- S - For Signature
- X - Interim Reply

DISPOSITION CODES:

- A - Answered
- B - Non-Special Referral
- C - Completed
- S - Suspended

FOR OUTGOING CORRESPONDENCE:

- Type of Response - Initials of Signer
- Code - "A"
- Completion Date - Date of Outgoing

Comments:

PARTMENT OF STATE

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IN PART
Non-Responsive Info
FOIA Exemptions

IS, FPC/CDR

MR Cases Only:
EO Citations

Date: 10/3/93

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DOWNGRADE TS to () S or () C

Keep this worksheet attached to the original incoming letter



DEPARTMENT OF STATE

Washington, D.C. 20520

8219503

E-543

82 JUL 26 AM 47

July 26, 1982

Copies to:

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HA

S/S

S/S-S

Team-C

RF:njs

UNCLASSIFIED

MEMORANDUM FOR MR. WILLIAM P. CLARK
THE WHITE HOUSE

Subject:

Draft Reply to Letter from Representative Louis
Farrabee Concerning Abdul Wallenberg

Attached is the draft reply you requested concerning
Farrabee's letter to the President concerning Abdul Wallenberg.

Executive Secretary

Attachments:

1. Draft Reply.

DEPARTMENT OF STATE

IS/FPC/CDR

W

Date: 7/15/82

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DEPARTMENT OF STATE

IS/FPC/CDR

Date: 10/13/93

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E-543A

Dear Mr. Panetta:

I am responding to your letter of June 21 to the President concerning the fate of Raoul Wallenberg.

As you know, making Raoul Wallenberg an honorary American citizen was an important symbolic act. It let the entire world know how much we admire Raoul Wallenberg's courage, how much we are inspired by his dedication to humanity and humanitarian principles, and how much we deplore his unjust and illegal punishment by the Soviet Union. Following the signing ceremony which made Raoul Wallenberg an honorary American, we called in Soviet Ambassador Dobrynin to make the Soviet Government formally and officially aware of our continued dedication to finding out the truth about Raoul Wallenberg's fate. To date, we have not received a response from the Soviet Government, but we shall continue in our effort to resolve the tragic mystery of Wallenberg's fate until the Soviets provide a full and satisfactory clarification of their actions in this case.

We have pressed our effort both on a bilateral basis and at international forums, such as the CSCE Review Conference in Madrid and the U.N. Human Rights Commission. In this regard, on February 25 our representative to the U.N. Human Rights Commission, Mr. Michael Novak, urged the Soviet Union to make

The Honorable

Leon E. Panetta,

House of Representatives.

BEST COPY AVAILABLE

"a humanitarian gesture, which would contribute to universal good-feeling, namely, a renewed search and full report, which may lay questions to rest; or else, in the best of all possible outcomes, result in the discovery of the whereabouts of a man who stands among the heroes of our time."

We have also continued to work closely with the Government of Sweden to try to confirm reports that have come to light about Wallenberg. To date, we have been unable to confirm any of the reports suggesting that Wallenberg might still be alive. We intend to continue to cooperate fully with the Government of Sweden and all other interested parties in a persistent effort to obtain information that will clarify the fate of this brave man. As Ambassador Max Kampelman noted at a CSCE plenary session a year ago, the Wallenberg case is one that "will not go away;" the Soviet failure "to appreciate the human factor which is symbolized by the Wallenberg case" only serves to stimulate further interest. The United States Government will continue to express concern over the Wallenberg case at every appropriate opportunity, both publicly and in our diplomatic communications with the Soviet Union.

Sincerely,

P820120-1433

8223650

E-544

SIMON WIESENTHAL CENTER

on the campus of yeshiva university of los angeles

July 27, 1982

Rabbi Marvin Hier
Dean

Secretary of State George Schultz
State Department
Washington, D. C. 20520

Dear Secretary Schultz:

On the occasion of his 70th birthday, August 4, 1982, the Simon Wiesenthal Center and its 130,000 constituents throughout the United States, salutes Raoul Wallenberg - the greatest Christian hero of the Holocaust. We take this opportunity to remind the world that this forsaken hero has not been forgotten. We are pleased by the commitment you reiterated at the Senate confirmation hearings that the U.S. government will continue to urge the Soviet authorities to reopen his case - a move which hopefully will solve this 37 year long tragedy.

We hope that the President will take up this matter directly with Premier Brezhnev when they meet this fall and that you will contact the Soviet Foreign Minister in the Kremlin as well to express the concern of all Americans.

Sincerely,

Rabbi Marvin Hier
Dean

Abraham Cooper
Rabbi Abraham Cooper
Assistant Dean

MH/AC:1nd

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Cleveland, OH.
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Beverly Hills, CA
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Beverly Hills, CA
Maurice Weiss
Beverly Hills, CA

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DEPARTMENT OF STATE
EXECUTIVE SECRETARIAT

INDEXED

8/16

ACTION SLIP

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(Classification/Downgrader)

S/S CONTROL NUMBER

8224547

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DUE IN
S/S BY:

E-546

ACTION ASSIGNED TO: L

P820126-1448

ACTION REQUESTED

- ☐ STATE TO NSC MEMO
- ☐ STATE TO
- ☐ TRAVEL AUTHORIZATION
- ☐ STATE TO NSC TRANSMITTAL FORM

☒ DIRECT REPLY by PA/IPL

- ☐ with Draft reply for signature by _____
- ☐ with Comment or Recommendation

☐ provide info copy under cover of State-NSC transmittal form

☐ REPLY FOR SIGNATURE BY _____

☐ provide comeback copy for _____

☐ RECOMMENDATION FOR _____
with Memorandum for the President

UNDER COVER OF AN ACTION MEMO

☐ APPROPRIATE HANDLING

☐ FOR YOUR INFORMATION

ATTACH THIS ACTION SLIP AND ORIGINAL CORRESPONDENCE TO ANY SUBMISSION TO S/S

REMARKS/SPECIAL INSTRUCTIONS:

DEPARTMENT OF STATE

IS/FPC/CDR WH

Date: 10/13/93

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- ☐ S/S-EX
- ☒ S/S-S
- ☐ TEAM A
- ☐ TEAM B
- ☐ TEAM C
- ☐ IA
- ☒ S/S-I (RF)

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- ☐ S/AL
- ☐ S/CSCE
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- ☐ S/CPR
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- ☐ ICA

FROM: Linda Laykle (NAME)
S/S-S: A B C
21522 28062 28338 28062

820126-1469^R

E-546A

8224547



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

LEGISLATIVE CLERK
ALBANY, NEW YORK 12224
TEL. 518-457-1111
STATE OFFICE
270 BROADWAY, ROOM 1201
NEW YORK, NEW YORK 10014
TEL. 212-512-2014

STANLEY FINK
30th DISTRICT
KINGS COUNTY
SPEAKER

August 9, 1982

Honorable George P. Shultz
Secretary of State of the
United States
2201 C Street, N.W.
Washington, D.C. 20520

Dear Sir:

Enclosed is a copy of Legislative Resolution #1390, which was passed by the New York State Assembly on July 2, 1982.

This Resolution calls upon the President of the United States and the Secretary of State to do all in their power to secure from the Soviet Union information on the whereabouts of Raoul Wallenberg.

The Members of the New York State Assembly feel that since the President of the United States proclaimed Raoul Wallenberg an honorary United States citizen, the United States should press the Soviet Government to renew its search and issue a full report, which would answer all the questions on the fate of a man who stands among the heroes of our time.

Very truly yours,
Stanley Fink
Stanley Fink
Speaker

SF:bh
Enclosure

DEPARTMENT OF STATE		IS/FPC/CDR <i>HT</i>	Date: 10/13/93
☒ RELEASE	☐ DECLASSIFY	MR Cases Only:	
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DEPARTMENT OF STATE

IS/FPC/CDR *WTH*

Date: 10/12/93

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E-546B

STATE OF NEW YORK

☐ CLASSIFY as _____
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The Legislature

ALBANY

LEGISLATIVE RESOLUTION

Senate No. 11

Assembly No. 1390

IN SENATE

By Senators Berman, Ackerman, Babbush, Beatty, Bogues, Bruno, Dunne, Floss, Gazzara, Gold, Halperin, Lack, Leichter, Levy, Markowitz, Mendez, Nolan, Ohrenstein, Perry, Ruiz, Solomon, Tully and Winikow:

IN ASSEMBLY

By The Committee on Rules (at the request of Messrs. Hevesi, Abramson, Boyland, Branca, Burrows, Mrs. Connelly, Conners, D'Amato, D'Andrea, Emery, Engel, Esposito, Feldman, Fortune, Friedman, Goldstein, Gottfried, Grannis, Halpin, Harenberg, Hinchey, Hirsch, Kelleher, Kennedy, Kisor, Kremer, Larkin, Lentol, Levy, Mrs. Lipschutz, Madison, Marchiselli, Mazza, H.M. Miller, Morahan, Murtaugh, Nine, Orazio, Parola, Passannante, Perone, Pillittere, Schimminger, Serrano, Siegel, Silver, Skelos, Smoler, Ms. F.M. Sullivan, Tallon, Viggiano, D.B. Walsh, Ms. Weinstein, Weprin, Wilson and Yevoli):

Legislative resolution memorializing the Honorable Ronald W. Reagan, President of the United States; the Honorable members of the United States Congress; the Secretary of State of the United States, to use all appropriate diplomatic means to secure information from the government of the Union of the Soviet Socialist Republic concerning the fate of Raoul Wallenberg

Whereas, The case of Raoul Wallenberg has been one of the most tragic, unresolved issues of the Holocaust; and

Whereas, As an agent of the government of Sweden, acting at the request of the American War Refugee Board, Mr. Wallenberg was responsible for saving the lives of tens of thousands of Hungarian Jews between July, 1944, and January, 1945; and

Whereas, On January seventeenth, nineteen hundred forty-five, Mr. Wallenberg was arrested by Soviet authorities and imprisoned; and

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DEPARTMENT OF STATE

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Date. 10/13/93

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E-5460

THE ASSEMBLY
STATE OF NEW YORK

ALBANY
STANLEY FINK
SPEAKER

Honorable George P. Shultz
Secretary of State of the
United States
2201 C Street, N.W.
Washington, D.C. 20520

82038402126

PEZC118-2178

S/S-I

8223650

August 12, 1982

E-547

Rabbi Marvin Hier
Rabbi Abraham Cooper
Simon Wiesenthal Center
9760 West Pico Boulevard
Los Angeles, Calif. 90035

Dear Rabbi Hier and Rabbi Cooper:

I have been asked to respond to your letter of July 27 to Secretary Shultz concerning U.S. government action on behalf of Raoul Wallenberg.

As you know, making Raoul Wallenberg an honorary American citizen was an important symbolic act. It let the entire world know how much we admire Raoul Wallenberg's courage, how much we are inspired by his dedication to humanity and humanitarian principles, and how much we deplore his unjust and illegal punishment by the Soviet Union. Following the signing ceremony which made Raoul Wallenberg an honorary American, we made the Soviet Government formally and officially aware of our continued dedication to finding out the truth about Raoul Wallenberg's fate. To date, we have not received a response from the Soviet Government, but we shall continue in our effort to resolve the tragic mystery of Wallenberg's fate until the Soviets provide a full and satisfactory clarification of their actions in this case.

We have pressed our effort both on a bilateral basis and at international forums, such as the CSCE Review Conference in Madrid and the U.N. Human Rights Commission. In this regard, on February 25 our representative to the U.N. Human Rights Commission, Mr. Michael Novak, urged the Soviet Union to make "a humanitarian gesture, which would contribute to universal good-feeling, namely, a renewed search and full report, which may lay questions to rest; or else, in the best of all possible outcomes, result in the discovery of the whereabouts of a man who stands among the heroes of our time."

We have also continued to work closely with the Government of Sweden to try to confirm reports that have come to light about Wallenberg. To date, we have been unable to confirm any of the reports suggesting that Wallenberg might still be

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BY

alive. We intend to continue to cooperate fully with the Government of Sweden and all other interested parties in a persistent effort to obtain information that will clarify the fate of this brave man. As Ambassador Max Kampelman noted at a CSCE plenary session a year ago, the Wallenberg case is one that "will not go away;" the Soviet failure "to appreciate the human factor which is symbolized by the Wallenberg case" only serves to stimulate further interest. The United States Government will continue to express concern over the Wallenberg case at every appropriate opportunity, both publicly and in our diplomatic communications with the Soviet Union.

Sincerely,

James F. Schumaker
Officer-in-Charge
Bilateral Relations
Office of Soviet Union Affairs

Draft: EUR/SOV:JMordway
8/10/82 #1104B S/S #823650

DEPARTMENT OF STATE
EXECUTIVE SECRETARIAT

ACTION SLIP

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8/9

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S/S BY:

E-547A

ACTION ASSIGNED TO: EUR

ACTION REQUESTED

STATE TO NSC MEMO

STATE TO

TRAVEL AUTHORIZATION

STATE TO NSC TRANSMITTAL FORM

DIRECT REPLY on behalf of S.

with Draft reply for signature
by

with Comment or Recommendation

provide info copy under cover
of State-NSC transmittal form

REPLY FOR SIGNATURE
BY

provide comeback copy
for

RECOMMENDATION FOR
with Memorandum for the President

UNDER COVER OF AN ACTION MEMO

APPROPRIATE HANDLING

FOR YOUR INFORMATION

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REMARKS/SPECIAL INSTRUCTIONS:

DEPARTMENT OF STATE

IS/FPC/CDR

Date: 10/13/93

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FROM: Linda Deyell

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E-548

August 23, 1982

811 Appelby Street
Venice, California 90291

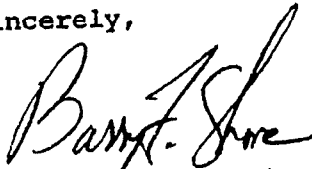
Mr. George Schultz
Secretary of State
Washington, D.C. 20500

Dear Mr. Schultz:

We deeply implore you to inquire strongly about the fate of a world hero: Raoul Wallenberg.

We are concerned about his very existence. Please do not hesitate to include this in your Agenda with the Soviet authorities.

Sincerely,



Barry F. Shore
Writing for the 500 members of the Santa Monica Jewish Community.

82039101434

R

AUGUST 31 1982

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We have pressed our effort both on a bilateral basis and at international forums, such as the CSCE Review Conference in Madrid and the U.N. Human Rights Commission. In this regard, on February 25 our representative to the U.N. Human Rights Commission, Mr. Michael Novak, urged the Soviet Union to make "a humanitarian gesture, which would contribute to universal good-feeling, namely, a renewed search and full report, which may lay questions to rest; or else, in the best of all possible outcomes, result in the discovery of the whereabouts of a man who stands among the heroes of our time."

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The Honorable
Hamilton Fish, Jr.,
House of Representatives.

- 2 -

which is symbolized by the Wallenberg case" only serves to stimulate further interest. The United States Government will continue to express concern over the Wallenberg case at every appropriate opportunity, both publicly and in our diplomatic communications with the Soviet Union, and we expect that this matter will be raised again when CSCE reconvenes this November in Madrid.

If we can be of further assistance to you in this or any other matter, please do not hesitate to contact us.

With cordial regards,

Sincerely,

by
Powell A. Moore
Assistant Secretary for
Congressional Relations

Drafted: EUR/SOV:JMordway
8/20/82 Ext. 28670 #114-0958 S/S No. 8224743
Cleared: EUR/SOV:TSimons, Jr
EUR:JDScanlan
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E-551

Dear Mr. Speaker:

I have been asked to respond to your letter of August 9 to Secretary Shultz concerning State Department action on behalf of Raoul Wallenberg.

As you know, making Raoul Wallenberg an honorary American citizen was an important symbolic act. It let the entire world know how much we admire Raoul Wallenberg's courage, how much we are inspired by his dedication to humanity and humanitarian principles, and how much we deplore his unjust and illegal punishment by the Soviet Union. Following the signing ceremony which made Raoul Wallenberg an honorary American, we made the Soviet Government formally and officially aware of our continued dedication to finding out the truth about Raoul Wallenberg's fate. To date, we have not received a response from the Soviet Government, but we shall continue in our effort to resolve the tragic mystery of Wallenberg's fate until the Soviets provide a full and satisfactory clarification of their actions in this case.

We have pressed our effort both on a bilateral basis and at international forums, such as the CSCE Review Conference in Madrid and the U.N. Human Rights Commission. In this regard, on February 25 our representative to the U.N. Human Rights Commission, Mr. Michael Novak, urged the Soviet Union to make "a humanitarian gesture, which would contribute to universal good-feeling, namely, a renewed search and full report, which may lay questions to rest, or else, in the best of all possible outcomes, result in the discovery of the whereabouts of a man who stands among the heroes of our time."

We have also continued to work closely with the Government of Sweden to try to confirm reports that have come to light about Wallenberg. To date, we have been unable to confirm any of the reports suggesting that Wallenberg might still be alive. We intend to continue to cooperate fully with the Government of Sweden and all other interested parties in a persistent effort to obtain information that will clarify the fate of this brave man. As Ambassador Max Kampelman noted at a CSCE plenary session a year ago, the Wallenberg case is one that "will not go away;" the Soviet failure "to appreciate the human factor

The Honorable
Stanley Fink, Speaker,
The Assembly,
State of New York,
Albany, NY

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which is symbolized by the Wallenberg case" only serves to stimulate further interest. The United States Government will continue to express concern over the Wallenberg case at every appropriate opportunity, both publicly and in our diplomatic communications with the Soviet Union, and we expect that this matter will be raised again when OSCE reconvenes this November in Madrid.

If we can be of further assistance to you in this or any other matter, please do not hesitate to contact us.

Sincerely,

Walter E. Fisher
Director, Intelligence Policy
Bureau of Public Affairs

Drafted: EUP/SOP/JMOrdway
8/25/82 EAL: 28670 S/E SA: 2220347
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DEPARTMENT OF STATE
Washington, D.C. 20520

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September 20, 1982

E-554

MEMORANDUM FOR MR. WILLIAM F. CLARK
THE WHITE HOUSE

Subject: Raoul Wallenberg Award

We have attached a report on the Department's proposal for creation of an award honoring Raoul Wallenberg, recommending that we not proceed with the award at this time.

L. Paul Bremer, III
L. Paul Bremer, III
Executive Secretary

Attachment

DEPARTMENT OF STATE		IS/FPC/CDR <i>HW</i>	Date: <i>10/13/93</i>
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E-554A

SUBJECT: RAUL WALLENBERG AWARD FOR HUMAN FREEDOM

On January 4, the President approved in principle, the Department's proposal recommending creation of a Raoul Wallenberg Award for Human Freedom to be administered by a U.S.-Swedish joint commission. Your staff asked that we develop the idea further and explore, on a low-key basis, the concept of the Award with the Swedish Government. In response, the Department forwarded to the White House a framework for the Award in the areas of funding, composition of a selection committee and potential recipients (Tab A). In addition, the proposal was discussed with the Swedish Ambassador. Our Embassy in Stockholm was instructed to follow-up at an appropriate level.

On April 5, Swedish Ambassador Wachtmeister reported that his government, having considered the proposal at the highest levels, did not believe it advisable to create the Award. In their view, there were two problems: 1) creating the Award in Wallenberg's name would imply that he is no longer living; and 2) the likelihood that the Wallenberg case would be swept up in the context of East-West polemics, thus locking the Soviets into a position beclouding the case. Ambassador Wachtmeister reported that his Government had discussed the proposal with the Wallenberg family and that the family fully shared the Government's view.

We discussed the Swedish response with Congressman Tom Lantos, who has close ties to members of the Wallenberg family. Lantos is enthusiastic about our efforts to publicize the Wallenberg case and upset at the Swedish Government response. Although he would prefer to see us move unilaterally on the Award, he confirmed misgivings among the Wallenberg relatives about this particular effort.

If we faced only the opposition of the Swedish Government, we could consider proceeding unilaterally. However, the Department does not believe that we can proceed in the face of the family's opposition. We will continue to develop other ways to publicize the Wallenberg case.

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CONFIDENTIAL

DECL: OADR

P820138-0065 E

CHARLES H. PERCY, ILL., CHAIRMAN

HOWARD H. BAKER, JR., TENN.
JESSE HELMS, N.C.
B. J. HAYAKAWA, CALIF.
RICHARD B. LUGAR, IND.
CHARLES MC C. MATTHEW, JR., MO.
RANDY L. KASSBAUM, ILL.
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PAUL E. TROTT, WASH.
ALAN CRANSTON, CALIF.
CHRISTOPHER J. DODD, CONN.

United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, D.C. 20510

September 22, 1982

E-555

EDWARD G. SANDERS, STAFF DIRECTOR
GUYLDE B. CHRISTIANSON, MINORITY STAFF DIRECTOR

S
ACTION
is assigned to
EUR

The Honorable
George P. Shultz
Secretary of State
Washington, DC 20520

Dear Mr. Secretary:

I understand that you are scheduled to meet with Soviet Foreign Minister Andrei Gromyko at the United Nations on September 28. This meeting provides an opportunity to raise important human rights issues which, in my view, must be emphasized in the ongoing dialogue with the Soviet Union.

Three outstanding issues of particular concern to me are Soviet Jewry, the resolution of the Raoul Wallenberg case, and the deplorable crackdown on Helsinki monitors which forced the Moscow Helsinki Monitoring Group to disband earlier this month. I would deeply appreciate it if you would raise these issues with Foreign Minister Gromyko. As a member and former Co-Chair of the Commission on Security and Cooperation, I believe that the Soviet Union must be urged to fulfill obligations undertaken in the Final Act in the area of human rights.

With every good wish.

Ever sincerely,

Claiborne Pell

FOIA ANALYSIS

DEPARTMENT OF STATE

IS/FPC/CDR

Date: 10/3/93

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MR Cases Only:
EO Citations

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P82043 - 1908

8232417

Congress of the United States

House of Representatives

Washington, D.C. 20515

E-556

103195

October 5, 1982

The President
The White House
Washington, D.C. 20500

DEPARTMENT OF STATE

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IS/FPC/CDR

Date: 10/13/93

MR Cases Only:
EO Citations

TS authority to
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Dear Mr. President,

One year ago today, you signed legislation making Raoul Wallenberg an honorary American citizen and committed our nation to the quest for his freedom. This is an appropriate time to reaffirm our commitment to a man who exemplifies those ideals which we as Americans hold sacred. We urge the administration to take all possible steps to locate Raoul Wallenberg and secure his return to freedom.

We are anxious to hear from you regarding those actions that are being taken and those that are planned. We know that you share our concern for this great man and we hope that together we might help to achieve his freedom before it is too late.

Sincerely yours,

TOM LANTOS, MC

MILLICENT FENWICK, MC

JOHN LeBOUTILLIER, MC

DON BONKER, MC

ROBERT K. DORNAN, MC

OLYMPIA SNOWE, MC

TOBY ROTH, MC

WILLIAM F. GOODLING, MC

The President
October 5, 1982
P.2

Mr. Mervyn M. Dymally
Mervyn M. DYMALLY, MC

Ed Edward J. Derwinski
EDWARD J. DERWINSKI, MC

Jim Jim Leach
JIM LEACH, MC

Dan Dan Mica
DAN MICA, MC

Mr. Jonathan B. Bingham
JONATHAN B. BINGHAM, MC

Joel Joel Pritchard
JOEL PRITCHARD, MC

Mr. Benjamin S. Rosenthal
BENJAMIN S. ROSENTHAL, MC

Mr. Stephen J. Solarz
STEPHEN J. SOLARZ, MC

Howard Wolpe
HOWARD WOLPE, MC

Mr. Sam Giddenson
SAM GIDDENSON, MC

Mr. Michael D. Barnes
MICHAEL D. BARNES, MC

Jack Jack F. Kemp MC

Gus Gus Yatron
GUS YATRON, MC

Ben Benjamin A. Gilman
BENJAMIN A. GILMAN, MC

Bob Robert Lagomarsino
ROBERT LAGOMARSINO,

Mr. Rob Shamansky
ROB SHAMANSKY, MC

The President
October 5, 1982
P.3

Bill

Bill Broomfield
WILLIAM S. BROOMFIELD, MC

Ar

Arden Erdaahl
ARLEN ERDAHL, MC

Chem

Clement Zablocki
CLEMENT A. ZABLOCKI, MC

Mr.

Geo. W. Crockett Jr.
GEORGE W. CROCKETT, JR., MC

Mr.

David R. Bowen
DAVID R. BOWEN, MC

Mr.

Dante B. Fascell
DANTE B. FASCELL, MC

Andy

Andy Ireland
ANDY IRELAND, MC

Drafted: EUR/GOV: LNE: fit: jh
10/8/82 Ext. 22137 S/S #8229213
Clear: EUR/GOV: TWSimons, Jr. JW

EUR: MPalmer

HA: JBuncher

H: TTowell

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OCTOBER 14 1982

8229213

E-558

Dear Senator Pell:

Thank you for your letter of September 22, expressing your desire that Secretary Shultz raise the plight of Soviet Jewry, the resolution of the Raoul Wallenberg case, and the Soviet crackdown on Helsinki Monitors in the course of his discussions with Soviet Foreign Minister Gromyko in New York.

Soviet abuse of the human rights of their citizens and others, such as Raoul Wallenberg, is a matter of deep and continuing concern to our Government, and it has been raised with the Soviets at every appropriate opportunity. In diplomatic talks up to and including the Foreign Minister level, we have repeatedly stressed that these abuses constitute a major negative factor in U.S.-Soviet relations.

Consistent with this ongoing United States commitment in support of human rights, in preparation for the Secretary's discussions with Mr. Gromyko, all significant humanitarian issues were taken fully into consideration, including the particular areas of concern mentioned in your letter.

During his meetings with Foreign Minister Gromyko, the Secretary placed heavy emphasis on human rights issues and reiterated the President's and the American people's strong interest in these matters. It was made clear to the Soviets that their violations of basic human rights would continue to have a serious detrimental effect upon relations with the United States. While we cannot realistically expect an acceptable Soviet response in the near term, the Soviets can have no doubt as to the depth of American concern for individual rights and for those persons whose rights have been abridged.

Our Government will continue to speak out against Soviet abuses and to seek a more flexible and humane Soviet approach toward all those who are now undergoing repression in the USSR.

With cordial regards,

Sincerely,

Powell A. Moore
Assistant Secretary for
Congressional Relations

The Honorable
Claiborne Pell,
United States Senate.

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EXCISE
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ID 8207312

NATIONAL SECURITY COUNCIL

REFERRAL

DATE: 22 OCT 82

MEMORANDUM FOR: STATE SECRETARIAT

8232416

DEPARTMENT OF STATE

TO: PRESIDENT

E-560

DOCUMENT DESCRIPTION:

SOURCE: PELL, CHARLORNE
+ PERRY, CHARLES

DATE: 05 OCT 82

WALLENBERG, RAOL

USSR

KEYWORDS: CO

HUMAN RIGHTS

SUBJ: URGE CONTINUED EFFORTS TO GAIN FREEDOM FOR WALLENBERG

REQUIRED ACTION: DRAFT REPLY FOR WH SIG

DEPARTMENT OF STATE

IS/FPC/CDR

Date: 10/13/82

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MR Cases Only:
EO Citations

TS authority to:
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() DOWNGRADE TS to () S or () C OADR

DUE DATE: 29 OCT 82

COMMENTS:

Cathy Millison
FOR MICHAEL WHEELER

STAFF SECRETARY

Received in S/S

DEPARTMENT OF STATE

IS/FPC/CDR W74 Date: 10/13/93

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PA Exemptions

MR Cases Only:
EO Citations

TS authority to:

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ID #

20151

8232416

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMING

Date Correspondence Received (YY/MM/DD) 82, 10, 106

Name of Correspondent: Charles H. Percy

User Codes: (A) (B) (C)

☐ MI Mail Report

Subject: Write to you on the one-year anniversary of your signing of legislation making Raul Wallenberg an honorary American citizen and committing our nation to the quest for his freedom. Request information as to what steps the Administration is taking to locate Mr. Wallenberg and secure his return to freedom.

DISPOSITION

ACTION

Office/Agency (Staff Name)

IA DUBE

Action Code

Tracking Date
YY/MM/DD

Type of Response

Code

Completion Date
YY/MM/DD

ORIGINATOR

Referral Note:

Referral Note:

Referral Note:

Referral Note:

Referral Note:

ACTION CODES:

A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet
to be used as Enclosure

I - Info Copy Only/No Action Necessary
R - Direct Reply w/Copy
S - For Signature
X - Interim Reply

DISPOSITION CODES:

A - Answered
B - Non-Special Referral
C - Completed
S - Suspended

FOR OUTGOING CORRESPONDENCE:

Type of Response = Initials of Signer
Code = "A"
Completion Date = Date of Outgoing

Comments:

Keep this worksheet attached to the original incoming letter.
Send all routing updates to Central Reference (Room 78, OEGB).
Always return completed correspondence record to Central Files.
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

DEPARTMENT OF STATE

IS/FPC/CDR ~~HW~~

Date: 10/12/93

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MR Cases Only:
EO Citations

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E-5608

Dear Senator Percy:

The President has asked me to thank you for your October 5 letter, cosigned by 36 of your Senate colleagues, urging the Administration to take all possible steps to locate Raoul Wallenberg and secure his return to freedom.

We appreciate your interest in writing, and I will be pleased to see that your request for an update on this matter receives prompt and careful consideration. You should be hearing further as any additional information becomes available.

With best wishes,

Sincerely,

Kenneth M. Duberstein
Assistant to the President

The Honorable Charles H. Percy
United States Senate
Washington, D.C. 20510

KMD: CMP: KRJ: Lpt (KMD-5)

cc: w/copy of inc to NSC Secretariat - for DRAFT response

WH RECORDS MANAGEMENT HAS RETAINED ORIGINAL

CHARLES H. PERCY, M.L. CHAIRMAN

HOWARD J. BAKER, JR., TOLSON
JAMES H. BEHR, M.L.
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GERTIE S. CHRISTIANSON, MINORITY STAFF DIRECTOR

PP2465 - 1998
United States Senate
COMMITTEE ON FOREIGN RELATIONS
WASHINGTON, D.C. 20510

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E-560C

103442

October 5, 1982

DEPARTMENT OF STATE

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FOIA Exemptions
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IS/FPC/CDR WLT

Date: 10/13/93

MR Cases Only:
EO Citations

TS authority to:
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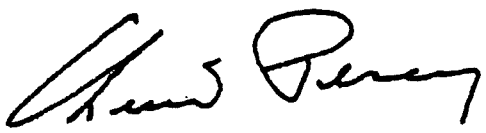
The President
The White House
Washington, DC

Dear Mr. President:

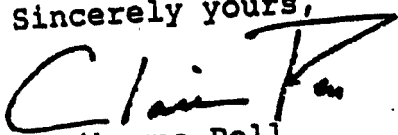
One year ago today, you signed legislation making Raoul Wallenberg an honorary American citizen and committed our nation to the quest for his freedom. This is an appropriate time to reaffirm our commitment to a man who exemplifies those ideals which we as Americans hold sacred. We urge the Administration to take all possible steps to locate Raoul Wallenberg and secure his return to freedom.

We are anxious to hear from you regarding those actions that are being taken and those that are planned. We know that you share our concern for this great man and we hope that together we might help to achieve his freedom before it is too late.

Sincerely yours,



Charles H. Percy
Chairman



Claiborne Pell
Ranking Minority Member

⁸¹¹⁵⁵⁶
Ernst Helig

Winnifred

Daniel K. Thayer

Harry Becker

Howard K. Krenbaum
^{metzenbaum}

Alfred Specter
^{Specter}

Joe Baden

Larry Ruck

Wayne

Howard K. Cannon
^{Cannon}

S. I. Hayakawa

Carl Levin
^{Levin}

Henry M. Jackson

Chas. M. Durenberg

Fane Furber
^{Durenberg}

David E. Boren
^{Boren}

George J. Dodd
^{Chf. of Dept. J. Dodd}

El. J. J. J.

Lester C. C.

^{Patrick P. P. P.}

W. H. H.

Gene Helms

John Glenn

Paul Sarban

Howell Heflin

Tom Eagleton

Max Baucus

Sam Nunn

Ruby Roche

Walter Huddleston

Dennis DeConcini

JJ Egan

Alvin Dugan

Pam Riffe

Jim Bradley

Sheldon Cran

Leahy

EXECUTIVE SECRETARIAT

ACTION SLIP

(Classification/Downgrader)

S/S CONTROL NUMBER

8232416

DUE IN

S/S BY:

10/28

E-560D

ACTION ASSIGNED TO: EUR/90

ACTION REQUESTED

- ☐ STATE TO NSC MEMO
☐ STATE TO
☒ TRAVEL AUTHORIZATION
☐ STATE TO NSC TRANSMITTAL FORM
☐ DIRECT REPLY

☐ REPLY FOR SIGNATURE
 BY _____

☐ RECOMMENDATION FOR _____
 with Memorandum for the President

☐ APPROPRIATE HANDLING

☒ with Draft reply for signature
 by The White House
☐ with Comment or Recommendation

☐ provide info copy under cover
 of State-NSC transmittal form

☐ provide comeback copy
 for _____

☐ UNDER COVER OF AN ACTION ME

☐ FOR YOUR INFORMATION

ATTACH THIS ACTION SLIP AND ORIGINAL CORRESPONDENCE TO ANY SUBMISSION TO S

REMARKS/SPECIAL INSTRUCTIONS:

DEPARTMENT OF STATE

IS/FPC/CDR #44

Date: 10/13/93

- ☒ RELEASE () DECLASSIFY
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MR Cases Only:
EO Citations

TS authority to:

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FROM: L. DeWile

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E-561

8/50 8202417

Date November 2, 1982

'82 NOV -1 P9:43

DEPARTMENT OF STATE
EXECUTIVE SECRETARIAT
TRANSMITTAL FORM

OR:

Mr. William P. Clark
National Security Council
The White House

REFERENCE:

TO: The President

DATE: October 5, 1982

FROM: Rep. Tom Lantos + 30

SUBJECT: Raoul Wallenberg

WHITE HOUSE REFERRAL DATED: 10/22/82

NSC# 8207313
(if any)

THE ATTACHED ITEM WAS SENT DIRECTLY
TO THE DEPARTMENT OF STATE

ACTION TAKEN:

XX A draft reply is attached.

 A draft reply will be forwarded.

 A translation is attached.

 An information copy of a direct reply is attached.

 We believe no response is necessary for the reason
cited below.

 Other.

REMARKS:

Drafted: EUR/SOV:JMOrdway:lcl
10/28/82 X28671
Cleared: EUR/SOV:JFSchumaker

EUR/SOV:TWSimons Jr
HA/HR:JBuncher
EUR:MPalmer
EUR:RBurt
H:TTowell

[Signature]
L. Paul Bremer III
Executive Secretary

Unclassified
(Classification)

12
PP 2063 - 1803

DRAFT REPLY

E-561A

Dear Tom:

The President has asked me to respond to your letter of October 5, cosigned by 30 of your House colleagues, urging the Administration to take all possible steps to locate Raoul Wallenberg and secure his return to freedom.

Along with Congress, the President and his Administration have taken every opportunity to express their strong concern about the fate of Raoul Wallenberg. Following the ceremony at which the President signed the legislation which made Raoul Wallenberg an honorary American, the Department of State made the Soviet Government aware formally and officially of the continued dedication of the American people to ascertain the truth about Raoul Wallenberg's fate. To date, the Soviet Government has not provided us with a response, but we are continuing our efforts to resolve the tragic mystery of Wallenberg's fate. We shall not be satisfied until the Soviets provide a full and satisfactory clarification of their actions in this case.

We have pressed this effort both on a bilateral basis and at international forums, such as the CSCE Review Conference in Madrid and the U.N. Human Rights Commission. In this regard, on February 25 our representative to the U.N. Human Rights Commission, Michael Novak, urged the Soviet Union to make "a humanitarian gesture, which would contribute to universal good-feeling, namely, a renewed search and full report, which may lay questions to rest; or else, in the best of all possible outcomes, result in the

The Honorable
Tom Lantos,
House of Representatives.

FOIA Exemptions
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discovery of the whereabouts of a man who stands among the heroes of our time." —

We have worked closely with the Government of Sweden to try to confirm reports that have come to light about Wallenberg. To date, we have been unable to confirm any of the reports suggesting that Wallenberg might still be alive. We continue to cooperate fully with the Government of Sweden and all other interested parties in a persistent effort to obtain information that will clarify the fate of this brave man. As Ambassador Max Kampelman noted at a CSCE plenary session a year ago, the Wallenberg case is one that "will not go away;" the Soviet failure "to appreciate the human factor which is symbolized by the Wallenberg case" only serves to stimulate further interest. As has been our practice during the year since Raoul Wallenberg became an honorary American citizen, we will continue to raise the Wallenberg case at every appropriate opportunity, both publicly and in our diplomatic communications with the Soviet Union. We plan to press the issue of Raoul Wallenberg again when CSCE reconvenes this November in Madrid.

It is our hope that our continuing efforts to raise this issue publicly, and the resulting opprobrium, will eventually convince the Soviet authorities to provide a satisfactory answer to our questions about the fate of this remarkable man.

Sincerely,

12 82324
ID 8207313
DATE: 22 OCT 82
E-561B

20163-1905
NATIONAL SECURITY COUNCIL

REFERRAL
MEMORANDUM FOR: STATE SECRETARIAT

DEPARTMENT OF STATE

DOCUMENT DESCRIPTION:

TO: PRESIDENT

SOURCE: LANTOS, THOMAS

DATE: 05 OCT 82

KEYWORDS: CO

USSR

WALLENBERG, RAOUL

HUMAN RIGHTS

SUBJ: URGE CONTINUED EFFORTS TO GAIN FREEDOM FOR WALLENBERG

REQUIRED ACTION: DRAFT REPLY FOR WH SIG

DUE DATE: 29 OCT 82

COMMENTS:

DEPARTMENT OF STATE

IS/FPC/CDR HH

Date: 10/13/93

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PA Exemptions _____

MR Cases Only:
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TS authority to:
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Cathy Millison
FOR MICHAEL O WHEELER
STAFF SECRETARY

Received in 5/5-7
10/22 at 3:21 P.M.

DIST TO:
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Unclassified
(Classification)

S/S 8232416

Date November 2, 1982

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E-502

DEPARTMENT OF STATE
EXECUTIVE SECRETARIAT
TRANSMITTAL FORM

OR: Mr. William P. Clark
National Security Council
The White House

DEPARTMENT OF STATE
☒ RELEASE ☐ DECLASSIFY
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MR Cases Only:
EO Citations
☐ CLASSIFY as
☐ DOWNGRADE TS to

REFERENCE:

TO: The President

FROM: Sens. Percy & Pell + 36

DATE: October 5, 1982

SUBJECT: Raoul Wallenberg

WHITE HOUSE REFERRAL DATED: 10/22/82

MSC# 8207312
(if any)

THE ATTACHED ITEM WAS SENT DIRECTLY
TO THE DEPARTMENT OF STATE

ACTION TAKEN:

- ☒ A draft reply is attached.
☐ A draft reply will be forwarded.
☐ A translation is attached.
☐ An information copy of a direct reply is attached.
☐ We believe no response is necessary for the reason cited below.
☐ Other.

REMARKS:

Drafted: EUR/SOV: JMordway: lcl
10/28/82 X28671
Cleared: EUR/SOV: JFSchumaker 37
EUR/SOV: TWSimons, J. J.
HA/HR: JBunch
EUR: MPalmer
EUR: RBurt
H: TTowell

[Signature]
Paul Bremer III
Executive Secretary

Unclassified
(Classification)

820163-1891

DRAFT REPLY

E-562A

Dear Senator Pell:

The President has asked me to respond to your letter of October 5, cosigned by 36 of your Senate colleagues, urging the Administration to take all possible steps to locate Raoul Wallenberg and secure his return to freedom.

Along with Congress, the President and his Administration have taken every opportunity to express their strong concern about the fate of Raoul Wallenberg. Following the ceremony at which the President signed the legislation which made Raoul Wallenberg an honorary American, the Department of State made the Soviet Government aware formally and officially of the continued dedication of the American people to ascertain the truth about Raoul Wallenberg's fate. To date, the Soviet Government has not provided us with a response, but we are continuing our efforts to resolve the tragic mystery of Wallenberg's fate. We shall not be satisfied until the Soviets provide a full and satisfactory clarification of their actions in this case.

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The Honorable
Claiborne Pell,
United States Senate.

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discovery of the whereabouts of a man who stands among the heroes of our time." — —

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It is our hope that our continuing efforts to raise this issue publicly, and the resulting opprobrium, will eventually convince the Soviet authorities to provide a satisfactory answer to our questions about the fate of this remarkable man.

Sincerely,

DEPARTMENT OF STATE

IS/FPC/CDR

Date: 12/13/93

(X) RELEASE () DECLASSIFY
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 IN PART

MR Cases Only:

EO Citations

DRAFT REPLY

E-562B

DELETE Non-Responsive Info
 Exemptions
 Dear Mr. Chairman:

The President has asked me to respond to your letter of October 5, cosigned by 36 of your Senate colleagues, urging the Administration to take all possible steps to locate Raoul Wallenberg and secure his return to freedom.

Along with Congress, the President and his Administration have taken every opportunity to express their strong concern about the fate of Raoul Wallenberg. Following the ceremony at which the President signed the legislation which made Raoul Wallenberg an honorary American, the Department of State made the Soviet Government aware formally and officially of the continued dedication of the American people to ascertain the truth about Raoul Wallenberg's fate. To date, the Soviet Government has not provided us with a response, but we are continuing our efforts to resolve the tragic mystery of Wallenberg's fate. We shall not be satisfied until the Soviets provide a full and satisfactory clarification of their actions in this case.

We have pressed this effort both on a bilateral basis and at international forums, such as the CSCE Review Conference in Madrid and the U.N. Human Rights Commission. In this regard, on February 25 our representative to the U.N. Human Rights Commission, Michael Novak, urged the Soviet Union to make "a humanitarian gesture, which would contribute to universal good-feeling, namely, a

The Honorable

Charles H. Percy,

Chairman,

Committee on Foreign Relations,
 United States Senate.

renewed search and full report, which may lay questions to rest; or else, in the best of all possible outcomes, result in the discovery of the whereabouts of a man who stands among the heroes of our time."

We have worked closely with the Government of Sweden to try to confirm reports that have come to light about Wallenberg. To date, we have been unable to confirm any of the reports suggesting that Wallenberg might still be alive. We continue to cooperate fully with the Government of Sweden and all other interested parties in a persistent effort to obtain information that will clarify the fate of this brave man. As Ambassador Max Kampelman noted at a CSCE plenary session a year ago, the Wallenberg case is one that "will not go away;" the Soviet failure "to appreciate the human factor which is symbolized by the Wallenberg case" only serves to stimulate further interest. As has been our practice during the year since Raoul Wallenberg became an honorary American citizen, we will continue to raise the Wallenberg case at every appropriate opportunity, both publicly and in our diplomatic communications with the Soviet Union. We plan to press the issue of Raoul Wallenberg again when CSCE reconvenes this November in Madrid.

It is our hope that our continuing efforts to raise this issue publicly, and the resulting opprobrium, will eventually convince the Soviet authorities to provide a satisfactory answer to our questions about the fate of this remarkable man.

Sincerely,

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(CLASSIFICATION)

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Dist To:
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DATE December 3, 1982

DEPARTMENT OF STATE
EXECUTIVE SECRETARIAT
TRANSMITTAL FORM

E-563

FOR: Mr. William P. Clark
National Security Council
The White House

REFERENCE:

TO: President Reagan FROM: Mr. Luis Kutner
DATE: November 8, 1982 SUBJECT: Raoul Wallenberg

WHITE HOUSE REFERRAL DATED: November 26, 1982 NSC # 110454

THE ATTACHED ITEM WAS SENT DIRECTLY
TO THE DEPARTMENT OF STATE

ACTION TAKEN:

- ☐ A draft reply is attached
- ☐ A draft reply will be forwarded
- ☐ A translation is attached
- ☒ An information copy of a direct reply is attached
- ☐ We believe no response is necessary for the reason cited below
- ☐ Other

REMARKS:

PA/PC/CM:MPensabene
12/1/82 x21299

Cleared: EUR(LPC) 7/82
PA:JO'Neil

Joann S. Allen
L. Paul Bremer, III
Executive Secretary

MICROFILMED
BY S731

UNCLASSIFIED

behind in Sweden. It was a city stripped bare of all traces of what we like to refer to as civilization. The people of Budapest lived in the grip of fear, backed against a wall of terror, with no place to go and no friends to turn to. The heroes, if there were any heroes left in those months, either waited in their underground refuges for the jackboots to pass, or had long since taken the final journey to Dachau, Mauthausen, or Auschwitz. Courage, in Budapest, in the summer of 1944, was a crime punishable by death. It was an unlikely destination for the son of an illustrious Swedish dynasty.

Raoul Wallenberg's story begins in an atmosphere of unselfconscious gentility, of refinement polished by generations of distinguished public service and genuine accomplishment. He grew up amid the solid comforts of long accumulated wealth. The son of a naval officer, the grandson of Stockholm's minister to Tokyo and Istanbul, Wallenberg was expected both to serve and to excel. No one anticipated that his reward for service was to be decades spent languishing in the grim monotony of the Gulag.

By the summer of 1944, in all of Nazi-occupied Europe, only the Jews of Budapest had escaped annihilation. Hitler's last and most reluctant ally in the war, Hungary had tried repeatedly and unsuccessfully to shake off the Nazis' grip, tried to let the enemy powers, the Russians, the British, and the Americans, deal with her as mercifully as they chose. Anything was better than being Hitler's last friend in Europe. But the Nazis would not let go. And as the Third Reich's fall grew more inevitable each day, as the Russians pressed harder at its heels, the Nazis' reign of terror accelerated in Hungary. It was as though violence against a people still under their total command was the Nazis' final resource in the face of now certain defeat.

Until the spring of 1944, Hungarians, Jews and Christians alike, had lived with the illusion that the war would be over before Hitler's cattle cars swallowed entire villages, only to empty their human cargo before the crematoria that dotted the Reich's landscape. Projects of such scale take time, and weren't the Germans on the run, routed since Stalingrad? By now, however, the Nazis were highly practiced in the technology of genocide. It took them weeks to accomplish what it had taken them months and even years to achieve in the other occupied lands of Europe.

In Hungary rural Jews were the first to go. Between

May and July of 1944, half a million were herded to Auschwitz to die. By July the countryside was pronounced "purified." In many ways the unprecedented speed with which the Hungarian "Jewish question" was resolved can be attributed to one man: Adolf Eichmann. The story of Raoul Wallenberg in Budapest is really the story of a race between the giver of life and the instrument of death: Wallenberg versus Eichmann.

He did not look like a hero, this controlled, thirty-two-year-old man with his overly prominent nose and weak chin. His hair was already thinning. Wallenberg had no interest in clothes, but wore a well-knotted tie and vest even at the end, when he was a hunted man, changing residences each night. He looked too soft, too cerebral, to be a Scarlet Pimpernel. Only his eyes gave him away. In that unassuming, almost bland face, the eyes were a surprise. They were very steady, never the first to turn away from those he faced. In the eyes was all the passion everything else in his appearance belied. He looked perfectly suited for his chosen field: architecture. At the University of Michigan he showed more than the usual flair for his intended profession. But wartime, even for a neutral country, is not an auspicious moment for a young architect to begin. Finding a job was not the problem. Wallenberg joined one of his grandfather's banks.

The young Swede had already shown a remarkable facility for languages. Before long he was dispatched on business to Palestine. There, in the Mediterranean seaport of Haifa, he first heard reports of Nazi atrocities. Haifa was then teeming with Jewish refugees. The impression their accounts of Nazi Germany made on the young man was to be significant.

From then on, events in Raoul Wallenberg's life took an almost fatalistic turn. When he returned to Stockholm, he became the head of an export-import firm. Among his partners in the business was a Hungarian Jew named Kalman Lauer. Wallenberg found in Lauer a bright, sensitive, and cultivated companion, who soon became his closest friend. Lauer could no longer travel to his native country, so Raoul went in his place when business required it.

Budapest in those days was living out its own fantasy. Though part of the Axis, the charms of the city seemed to divert the Reich's soldiers so much that its residents could not imagine they would bring the war to its gates. So they continued to dine outdoors at Gundel's in the City Park, and to fill the dancing bars on Margit Island. They lined up to see Charlie Chaplin's bald-faced impersonation of Hitler in *The Great Dictator*, and they laughed uproariously. Black was the color in fashion, and "Stormy Weather" was the tune they hummed along the Corso by the Danube. Budapest's favorite riddle was, "What is the difference

Kati Marton, a native of Hungary, is a journalist now living in London.

The Wallenberg Mystery

between Hitler and Chamberlain? Chamberlain takes his weekend in the country, while Hitler takes his country on the weekend." This was the Budapest Raoul Wallenberg first saw in 1943: a city whose handsome baroque architecture proclaimed its ties to its sibling on the Danube, Vienna; a city whose people wanted desperately to hang on to their fantasy. Wallenberg was struck by the fragile quality of all this good living.

By then Raoul was learning the more precise details of what lay ahead for Hungary. His uncle, Jacob Wallenberg, had become an intermediary for the head of the German anti-Nazi underground, Karl Goerdeler. The elder Wallenberg tried to act as a liaison between Goerdeler, the mayor of Leipzig, and the British government. About the same time, when the fortunes of the German Army were rapidly declining, and the front was crumbling, Heinrich Himmler turned to Raoul's uncle with a peace feeler for the Allies. Like countless other efforts at the eleventh hour, these attempts led nowhere. Impatient now, young Wallenberg was convinced by these failures that he must get personally involved. He was not especially fearless by nature. Nor was he lusting for adventure. He had a consuming sense of duty and by 1944 he was ready to do more.

The awakening of Wallenberg's conscience coincided with a search by the World Jewish Council and the American ambassador in Stockholm for a Swede to undertake a rescue mission to Budapest. Ambassador Herschel Johnson, acting for FDR's War Refugee Board, was looking for someone who, under diplomatic cover, could move swiftly, cut through the requirements of red tape and protocol, and extricate as many Hungarian Jews from Hitler's grasp as he could. Money was not a problem. FDR had made a commitment to funnel whatever funds the rescue mission required through the American Embassy in Stockholm to Wallenberg. Before he accepted the Budapest mission, Wallenberg negotiated for three days with the Swedish Foreign Ministry. He insisted on having a free hand in Hungary, without strings, without regard for diplomatic niceties. The ministry gave him carte blanche.

When Eichmann first saw Wallenberg sitting at the bar of Budapest's Arizona nightclub, the SS captain took him for a decadent diplomat. Eichmann was wrong. Wallenberg was capable of beating the Nazis at their own game. He bribed, flattered, forged, and smuggled; he learned to survive in a state of total anarchy and terror. In the end, when the Nazis were on the run, when Eichmann was looking for a hiding place in Austria, Wallenberg was still hauling Jews out of the grip of the petty thugs who

stayed on because they had no place to run to, the Hungarian Nazis, known as the Arrow Cross.

In one of his final letters to his mother in Stockholm, Wallenberg wrote, "Among my personnel there are forty cases of disappearance and torture . . . I have a feeling after the arrival of the Russians it may be difficult for me to return to Stockholm for a while. I don't envision coming home before Easter . . . and even that is up in the air. No one can predict what will happen here."

The nightmare Wallenberg had lived through, the midnight raids by uniformed bandits on the helpless, the naked bodies lined up on the edge of a frozen Danube for "swimming lessons" by the Arrow Cross, represented a complete breakdown of order. The Danube was never blue, and very often red that winter of 1944-1945. The dead were no longer buried. Sirens no longer bothered to warn the residents of air raids that never ceased. When one of the Nazis' 30,000 horses was hit by a mortar shell, it took a group of starving men and women working with their pocketknives and fingernails only minutes to clean its carcass.

As a final gesture, the Arrow Cross, with the help of the remaining German soldiers, planned to massacre the 70,000 Jews huddled in the city's walled-in ghetto. One of Wallenberg's paid informers alerted him the night before the pogrom was to take place. A lone figure in the curfew-covered city, Wallenberg made his way to the German High Command, housed in the Royal Palace of Buda. Using his by now familiar threat, Wallenberg warned General August Schmidhuber he would personally see to it that the German would be tried as a war criminal if the massacre was not stopped. With the Allies' bombs raining overhead, Schmidhuber countermanded the order. In a single evening Wallenberg had saved 70,000 lives.

It was among Wallenberg's most successful tactics, this threat of repercussions. It would never have worked in Warsaw in 1941, when Hitler's vision of world domination still seemed a realizable nightmare. In Budapest, by 1944, the vision had crumbled for all but the most fanatic, as the Russians closed in on the once invincible Army of the Reich. Wallenberg exploited this fear of the future to the fullest. "He was a great actor," says his half-sister Nina Lagergren. "He could imitate brilliantly. If he wanted to, he could be more German than a Prussian general. Shouting louder, sounding more authoritative . . ." Thus, to an almost unbelievable degree, he was able to win concessions from the Nazis.

In January, when the Red Army had already penetrated Pest, on the eastern bank of the Danube, Wallenberg did not want to leave the city, or to follow his fellow diplomats to shelter in the safer hills of Buda. He was a driven man, unable to let go of what had

become an obsession. "He was like a violinist, playing an extremely difficult concerto," says Edith Wohlerster, one of the thousands of Jews Wallenberg sheltered in Budapest, now first violinist of the Stockholm Opera. "It took everything out of him. But he did not want to stop." He had saved the remnants of the city's Jewish community. As many as 100,000 people were alive in large measure because of his ability to stand up to and outwit the Nazis. Now he wanted to do more for them.

"He was a great embarrassment to the Swedish Foreign Office," according to Carl-Frederik Palmstierna, former secretary to Swedish King Gustav Adolf. "After all, he was an amateur, not a professional diplomat. What he did in Budapest far exceeded anybody's expectations of what a rescue mission should be." By January 1945, the mission entrusted him by the War Refugee Board was over. But his personal mission, he felt, was simply entering a new phase. With his grand scheme, entitled the Wallenberg Institution for Rescue and Reconstruction, he intended to make his way to the only source of power left in this phantom country: the Soviet Army High Command in Debrecen, 200 kilometers east of Budapest. It was in some ways an arrogant plan. Marshal Rodion Malinovsky's troops were still fighting house to house in the capital. The last vestige of the German Army was still holed up in the Royal Palace. The Führer's order was that Budapest must be held as though it were Berlin. And Wallenberg wanted to sit down with the Soviet commander and discuss the future of the thousands of lost, unaccounted for, and orphaned whose sole hope he had become. He wanted to talk to the Communist Army of Occupation about restoring the property of Hungary's Jews.

On January 13, 1945, Wallenberg presented himself to a Soviet street patrol, near one of the thirty-two buildings he had set up as "safe houses," flying the flag of Sweden in Budapest. The end of the war was a hairbreadth away. Hitler had already locked himself in the Reich Chancellery bunker. In three weeks Churchill, Stalin, and Roosevelt would sit down in Yalta and redraw the map of Europe. In two days, the evacuation of Auschwitz was to begin. For most people the long nightmare was ending. For Raoul Wallenberg, it was about to begin.

Four days later, on January 17, Wallenberg, flanked by a Soviet motorcycle escort, began the journey he thought would take him to Debrecen. He had no way of knowing that the red epaulet decorating the uniform of the major who accompanied him stood for the NKVD, the Soviet State Security Service, the predecessor of the KGB. Wallenberg was permitted to make several stops on the way out of Budapest. To Jews in several Swedish houses he distributed large amounts of



money he always carried. At his final stop, the improvised hospital set up by the Swedish Red Cross, Wallenberg slipped on the icy sidewalk of the entrance. As he was helped to his feet by one of the hospital staff, Paul Nevi, Wallenberg caught a glimpse of three elderly patients with yellow stars still stitched to their coats, carefully making their way to the hospital. "I am happy to see," Wallenberg remarked to his companion, "my mission has not been completely in vain." Those were among his final words as a free man. He had outsmarted, outrun, and outlived the Nazis. Eichmann, who tried unsuccessfully to have him killed, had paid him a great compliment. He called Wallenberg "a brilliant chess player." But the Swede had no experience in dealing with the new occupiers of Hungary. He knew nothing of survival under a system of institutionalized indifference and distrust.

The Russians were resentful and suspicious of the residents of Budapest, Hitler's last allies. Scenes of Soviet troops looting and raping in broad daylight were commonplace. The sex- and alcohol-starved "liberators" replaced one form of terror with another. The steady rumble of tank fire shook the capital. The waters of the Danube reflected the flames of burning buildings. Already, long lines of prisoners were twisting eastward.

Wallenberg assumed he would be the honored guest of Marshal Malinovsky. Were they not, after all, natural allies, with a shared record of fighting a common

The Wallenberg Mystery

Executioner Adolf Eichmann (far left), his nemesis, Raoul Wallenberg, and (below) Budapest Jews being herded off to Nazi death camps, as photographed from Wallenberg's automobile.



enemy? His connection to Washington through the War Refugee Board was no secret. Wallenberg had no way of knowing that the end of World War II would signal the beginning of another confrontation: the Cold War.

Rumors of the incredible concessions he had wrung from the Nazis, the tens of thousands of lives he had saved as a result, all this was fascinating raw material for the agents of the NKVD. The Soviet Security Police had by then set up its own separate chain of command, alongside the military. From subsequent testimony it is clear what they were after. All members of the Swedish legation were arrested in the weeks following Wallenberg's disappearance. Each diplomat was interrogated on the subject of Raoul's clandestine activities. Jewish leaders and Wallenberg's collaborators were always asked the same questions: "Did you collaborate, through Wallenberg, with the Nazis? If you admit it you can get off easy. If not . . ."

Meanwhile, Wallenberg and his Hungarian driver, Vilmos Langfelder, were on a train, bound not for Debrecen but crossing Rumania, bound for Moscow. Before they were led to the Lubyanka, they were shown the famous subway of the Soviet capital. By January 31, Wallenberg occupied cell 123 of the former Moscow Hotel, transformed into a vaultlike fortress for political prisoners. His cellmate during those early weeks was Gustav Richter, a former German police officer, arrested in Bucharest. Richter, released in 1955, has testified that all prisoners who had shared a cell with either Wallenberg or his driver were first

interrogated about their, then put in solitary confinement.

It was not until the spring of 1945 that the other members of the Swedish legation in Budapest were able to start their slow journey home to Stockholm. The diplomats had been held at an internment camp outside Budapest. Ironically, at first the Swedish government was more concerned about the rest of the embassy staff than about Wallenberg. In February, they had word from the Soviet ambassador to Stockholm that Raoul was in protective custody and in good health in Moscow. Stockholm had no word regarding its other diplomats in Hungary for several months.

In April the group turned up in Moscow on its way to Stockholm. The diplomats were received by the Swedish ambassador to the Kremlin, Stefan Söderblom. It was Söderblom's task to get some answers about Wallenberg's whereabouts out of the Soviets. It was a mission the ambassador was singularly unenthusiastic about fulfilling. Söderblom was far more interested in building good relations with the Kremlin than in making a fuss over the disappearance of a single Swedish diplomat. According to the editor of *Expressen*, Sweden's most widely read newspaper, Söderblom suffered from "rysskrack," fear of Russia. It is not an uncommon emotion in a country where little children are still admonished to behave or "the Russians will get you!" In postwar Sweden, "rysskrack" was often combined with a sense of guilt for having preserved the country's neutrality during the war. Sweden's eastern neighbor had lost 20 million of her people. Raoul Wallenberg fell victim to both the deep-rooted fear and the guilt his countrymen felt vis-à-vis the Soviet Union.

One of Raoul's fellow Swedes in Budapest, Per Anger, recalls Ambassador Söderblom pulling Anger aside as the diplomatic party was about to leave Moscow for Stockholm. "Remember," Söderblom whispered to Anger, "when you get to Sweden, not one bad word about the Russians." Anger, recently retired as Sweden's ambassador to Ottawa, was by then convinced Wallenberg had been taken prisoner by the Soviets under suspicion of spying. "I met with very little understanding of this theory in the Foreign Office," Anger writes in his memoirs. "I had the feeling nobody at home who had not been abroad during the War understood what I was talking about." The following year, 1946, Sweden granted the Soviet Union one billion kroner in trade credit. The Swedes asked for nothing in return.

On several occasions, under pressure from Wallenberg's family, the Foreign Office had to prod Söderblom to continue to raise the subject of Wallenberg with the Soviets. When the ambassador finally succeeded in gaining an audience with Stalin, the Swede provided the Soviet leader with the easiest way out of a

The Wallenberg Mystery

medicine, Dr. Nanna Svartz, brought up the subject of Raoul Wallenberg in conversation with one of her Soviet colleagues, Dr. A. L. Myasnikov, during an international scientific congress. To her surprise, the Russian told Dr. Svartz he knew of Wallenberg and heard he was in a mental institution in rather poor condition. The conversation, as all previous exchanges between the two scientists, was in German. Myasnikov subsequently called before Party Chairman Nikita Khrushchev, and later recanted his story. It was his German son that was the source of the misunderstanding, he explained. Myasnikov died of a heart attack not long after this episode. But now, the Swedish journalist who has been more dogged in his pursuit of the Wallenberg trail than any other, Eric Sjöström, claims that is not where the Nanna Svartz connection ends. Sjöström interviewed the ninety-year-old professor recently, and asked for the full story. Dr. Svartz told him Myasnikov not only knew of the Wallenberg case, but had personally examined Raoul while he was in a Soviet mental institution in 1961. The Svartz-Myasnikov chapter is part of the still classified edition of the Swedish file on Wallenberg. Under Swedish law it will not be opened until 1981.

In 1973 Raoul's eighty-year-old mother, Maj von Söderfeldt, wrote a letter to a man she thought would be a natural ally in her quest to determine her son's fate: Henry Kissinger. The State Department drafted a letter to Raoul's mother, promising help through inquiries to be made by the American Embassy in Moscow. The letter gave as reason for this offer "the efforts on behalf of Hungarian Jews during World War II," undertaken by Wallenberg at the behest of the United States. But the letter was never sent. Kissinger, then national security adviser, disapproved it. When the head of the American Wallenberg Committee, Lena Söderbeck-Kaplan, asked the former secretary of state for an explanation, Kissinger replied that others on his staff were empowered to use his signature. He said he never knew the letter had been disapproved.

In 1979 the long dormant case was forced open again. This time a Tel Aviv dentist was the unlikely connection. Dr. Anna Bilder had never heard of Raoul Wallenberg until she received a telephone call from her father, a Moscow Jew recently released from a Soviet prison camp. Jan Kaplan, a former administrator of an operatic conservatory in Moscow, was jailed in 1975 on charges of black marketing, following his request for an exit visa to Israel. He was freed eighteen months later for health reasons. Kaplan told his daughter it is possible to survive in the Gulag. "In fact," Kaplan went on, "I met a Swede in the Butyrki prison in Moscow who has

survived thirty years." For nearly two years Anna Bilder had no further word from her father. Then, in July 1979, Anna's mother smuggled a letter to her daughter in Israel. "My dear Anna," Mrs. Kaplan wrote, "the same thing has happened again to your father. For the past year and a half he has been imprisoned. . . . I had lost all hope after having been summoned to the Lubyanka by the KGB, where I was told all this happened because of a letter concerning a Swiss or a Swede named Wallenberg whom your father knew in the prison infirmary. Your father had written to you about this Wallenberg and tried to get it to you through some tourists he met in the synagogue. Since then, your father has been in Lefortovo and in the Lubyanka and I have now lost all hope of ever seeing him again."

The letter resulted in an official request from the Swedish Foreign Ministry to interview Jan Kaplan, wherever he may be. It was the first official Swedish communication on the subject of Raoul Wallenberg in fourteen years. It has thus far elicited the same response as most other efforts on his behalf: silence.

The Swedes no longer consider the Wallenberg case a bilateral issue between themselves and the Soviets. In 1945 Ambassador Söderblom rejected an offer of help in negotiating Raoul's release by Averell Harriman. In 1979 Secretary of State Cyrus Vance met with Raoul's half sister and assured her of Washington's interest.

Last fall, breaking its former practice of not proposing prisoner exchanges because "Sweden does not do such things," Stockholm offered Moscow a deal. Stig Bergling, former Swedish Defense Ministry employee and recently convicted KGB agent, now serving a life sentence in Sweden, was proposed as an exchange for Raoul Wallenberg. Bergling's arrest and trial in November 1979 was the biggest spy scandal in recent Swedish history. The Swede was picked up by Israeli intelligence officers in Tel Aviv. Using sophisticated radio communications, Bergling had for years been passing high-level Swedish military secrets to the Soviets. Most recently, as a member of the Swedish UN battalion in the Gaza and southern Lebanon, he had maintained regular contact with the KGB. He was, as the Swedish Foreign Ministry put it, "a blown agent," of no further use to the Soviets. The Kremlin showed no interest in exchanging Bergling for Wallenberg.

There is no doubt the riddle of Raoul Wallenberg has cast a shadow over Swedish-Soviet relations. No Swedish administration can again neglect the case as it was neglected in 1945. Whatever hopes the Soviets may have nurtured of "Finlandizing" Sweden have been dashed; Raoul Wallenberg has now become a permanent symbol of the inhumanity and indifference of the Soviet system.

Inside Stockholm's baroque Foreign Ministry, offi-

cials are not optimistic about ever learning more about Wallenberg. The prisoner, if he is alive, would now be sixty-eight years old, having spent thirty-five of those years in Soviet prisons. The Swedes feel it would take a major shift in the Kremlin leadership to be able to reverse the years of stubborn insistence that Wallenberg died of a heart attack in 1947. Above all it would require the fall from power of Andrei Gromyko, who, more than anyone else in the Kremlin, is personally identified with the Soviet line on Wallenberg, and the foreign minister is, by Soviet standards, a youthful seventy-one.

Almost as a sort of penance for the early years of excessive caution, the Swedish government must continue to pursue the trail of Raoul Wallenberg. But who can say for how long? His tracks keep reappearing. Last year a newly arrived young Soviet Jew turned up at the Swedish Embassy in Tel Aviv. He told the story of a party he had attended shortly before leaving Moscow. It was at the home of one of his close friends, whose father he knew to be a KGB agent. After a night of raucous drinking, his friend's father warned them, "Be careful, boys, or you will end up like this Swede I met in the Lubyanka. He's been sitting for thirty-five years." Swedish diplomatic sources claim the KGB agent has since been removed from his job.

The Swedish government says Wallenberg's current trail leads to the Mordvinia prison complex in the western Russian autonomous republic of Moldavia. In the past few months, prisoners coming out of this complex have reported sighting him there in a special prison for those inmates who are supposed to be officially dead. Neither the Swedes nor the Wallenberg Committee are willing to disclose the names of new witnesses. Too many others, like Jan Kaplan and perhaps the KGB agent, have been lost because of early disclosures.

For Raoul Wallenberg, it may be too late. His is the tragic story of a life of boundless promise cut short. But the almost obsessive search for the key to his mystery may well go on for years, perhaps decades, because it is a question that probes at the heart of a system once described by Churchill as "a riddle wrapped in a mystery inside an enigma." Why did they take a man, so plainly innocent, and lock him up for life? What degree of paranoia would suspect Raoul Wallenberg, who had no need for money, and whose position in society was assured, of spying? And why, when Stalinists were purged from the Kremlin's ranks in 1957, did they not free him? Were they waiting for the Swedes to "put hard against hard," as diplomat Per Anger claims, to come up with a bargaining chip stronger than a simple appeal to decency? The world will probably never get solid answers to the nagging questions that have overgrown this case like weeds.

There have been too many contradictions, too much subterfuge surrounding Raoul Wallenberg, for the Soviets to start sounding credible about him now. Even if they did produce their Wallenberg file, perhaps as thick as the Swedes' own, would it be believed as the genuine article, or dismissed as fabrication?

Without a doubt the Soviets have been surprised by the fresh international concern about Wallenberg. The West's attention span is not generally known to be this durable. Wallenberg's mystery appears to fuel itself: in Stockholm, in Tel Aviv, and in New York, there is a growing body of folklore, rooted in fact, about Raoul Wallenberg. Stories are repeated now of Wallenberg driving alongside the so-called "death marchers," Hungarian Jews being led to the Austrian border and the death camps. He distributed food, warm clothes, and Swedish passports to the wretched marchers. Those he could Wallenberg pulled from the convoy into his car and drove back to Budapest. Risking his own, he was able to save dozens of lives this way. Or they tell of an unarmed Wallenberg sitting across the dinner table from a fully armed Eichmann. The Swede calmly lectured the Nazi on the inevitability of the Reich's demise. Eichmann, sipping Wallenberg's brandy, renewed his pledge to have him killed.

In 1780, a German Jew named Michael Bendicks traveled north to Stockholm, in search of opportunities denied him by Germany's anti-Semitic laws. Bendicks found that in Stockholm, too, Jews were barred from the professions. He became a jeweler. Bendicks was said to be a man of cultivation and curiosity. He prospered and ended up lending the king money. Bendicks, who married a Lutheran and was himself converted, would in all probability have approved of his great-great-grandson, Raoul Wallenberg.

"People often say I am indulging in wishful thinking," says Nina Lagergren, "imagining my brother is still alive. They are wrong. It is wishful thinking to imagine him dead. To believe he has been spared these years of being buried alive. That is wishful thinking."

On a Sunday in April 1948, a giant statue representing Saint George slaying the dragon, symbol of Raoul Wallenberg's fight against the Nazis, was to be unveiled in Budapest. It had been commissioned by the city's grateful residents and was to stand in Saint Stephen's Park, not far from the street which bears Wallenberg's name. But the people of the city were never to see the monument. Overnight, passersby reported seeing Russian soldiers, with ropes and horses, removing the statue. By morning, only its pedestal was still in place. Recently, the monument reappeared, without an inscription, in front of a penicillin factory in the eastern Hungarian city of Debrecen. Raoul Wallenberg's destination the day he disappeared thirty-five years ago. □

Who was Raoul Wallenberg?

Why the interest in him now?

The circumstances to his work at the end of World War II - Jews who survived Adolf Eichmann's desperate attempt to wipe them out in Hungary as they had been wiped out of the rest of Europe - still refer to him as their savior and to his appearance as a miracle according to advance publicity for a book by John Bierman entitled *Righteous Gentile: The Story of Raoul Wallenberg, Missing Hero of the Holocaust* to be published by Viking Press in September.

A brave man when few were brave, the advance notices say, Wallenberg was a legend in Budapest in 1944. The mere rumor that he was going through the Jewish ghetto there brought hope to thousands who had despaired of surviving. At least thousands of them did survive because of his work survive and continue to marvel at what he did in those waning days of the war.

Born in Sweden in August 69 years ago, Wallenberg grew up as a member of two of Sweden's leading families, often referred to as "the Rockefellers of Sweden." It is a family of diplomats, bankers, physicians, and bishops of the Lutheran Church, the state church of Sweden.

His grandfather, ambassador to Japan at the time of his birth, took over his education because his father had died three months before his birth.

Young Raoul Wallenberg spoke four languages and studied in America, completing a degree in architecture from the University of Michigan in a year less than the normal time and receiving a medal as the top student. Upon his return to Europe, however, he went into international banking and ultimately returned to Sweden where he became junior partner of an European trading company which dealt with foodstuffs.

Much of his time was spent traveling throughout Europe for the company. As a Swedish Christian with an outstanding family name, he was able to travel freely in Nazi-occupied France and Germany and began to know well the eccentricities of the Nazi bureaucracy and was unusually successful in his dealings with the many Nazi officials with whom he was forced to be in contact.

In the early 1940's Raoul is best remembered by his friends as being a charming host with a fabulous wine cellar which had belonged to his grandfather, the ambassador. In 1942 he and several friends saw and were much affected by a film in which Leslie Howard played the part of a mild-mannered professor who managed to rescue dozens of victims from the Nazis.

In the United States at the request of President Roosevelt an organization was set up called the War Refugee Board. Its goal was to save Jews and other potential Nazi victims and its top priority after the partial Nazi occupation of Hungary in June 1944 were the 750,000 Jews living in Hungary.

Cordell Hall, U.S. secretary of state, went to neutral Sweden, which had an active embassy in Budapest in 1944, and advertised for a person who would agree to go to Hungary. The plan was for that person to work under the auspices of the Swedish government with the protection of a neutral Swedish diplomatic passport to issue Swedish passports and save potential Nazi victims.

Raoul Wallenberg volunteered to be that man.

Never was a man so well suited to a job. He has been referred to by Senator Carl Levin as a man of action in a time of action.

Arriving in Budapest in early July of 1944 with an overcoat, a knapsack and a small pistol which he never used, he went immediately to work, realizing that every hour that he slept people were dying.

He was pitted against Adolph Eichmann, who saw the "purification" of Hungary as his final great task as a Nazi.

Wallenberg's first effort in Budapest was to redesign the Swedish protective passport, the "Schutzpasse" into an impressive looking blue document embossed with the three crowns of Sweden. The document was calculated to impress even the most ignorant soldier and was responsible for saving thousands and thousands of men, women and children.

By January of 1945 he had distributed Swedish passports to thousands of Budapest Jews and had sheltered thousands of others in "safe" houses which he rented and where he flew the Swedish flag.

In carrying out his rescue operation, he cared little for his own safety and yet seemed immune to harm by the Germans. He stood on top of a deportation train handing out Swedish papers to all the hands that could reach them, then insisted that the people holding them be allowed off the train.

With his own hands, he pulled people out of "death marches" to the Austrian border or brought them bread, soup and medical supplies in the middle of the night.

If Wallenberg got word of a raid on the "safe" houses, he would dress young blond, blue-eyed Jews in SS uniforms and put them in front of the houses to act as guards.

His most remarkable deed was saving

Continued on Back Page

perpetrate attempt to solve the Final Solution to the Jewish question with extermination.

The people at St. John's not only listened but responded with questions and plans to write their congressmen and get her in touch with the North Carolina Lutheran Synod and an invitation to speak to a book club and a promise from Rowan Senator Paul Smith to write to President Reagan.

And that's exactly what she was after.

WANTS TO SPEAK

That and more invitations to speak anywhere and everywhere she can help make Raoul Wallenberg's name known so that pressure can be brought to get him released from a Soviet prison and so others will recognize a real hero.

Now living "right smack dab in the middle of Manhattan" with her businessman husband, Peter, and their two daughters, nine-year-old Ashley and four-year-old Samantha, Salisbury-born Rachel Haspel, who's here now for an end-of-the-summer visit with her parents, doesn't think of herself as a Fighter for Causes.

Nor was she looking for a hero last March when a chance flick of a television dial made her aware of Raoul Wallenberg.

But suddenly she was caught.

What she heard on television brought to the surface again an interest she had deliberately put down since college days and forced her to think about what she wanted for her children.

Rachel first saw Raoul Wallenberg's name in an article in *The New York Times* in March of 1980.

"I skimmed it, but I didn't really read it. When I was in college, I spent a year in one of my history courses doing a study on the Jewish question in Nazi Germany, but after that I found it difficult to watch anything or read anything to do with that period of German history...."

OVERWHELMED

"I think it was because I was so overwhelmed by the evil, by the terror, by the horror of it. I couldn't deal with it any more."

So she hadn't really read the *Times* article, but she remembered it a year later when she turned the television set on one Sunday morning and saw Lena Kaplan, mother of one of her daughter's friends.

"I called Ashley to come quickly to see Christina's mother on television and then I started listening to what she was saying."

Christina Kaplan and Ashley have been close friends since they started kindergarten at Spence School, where they'll be fourth graders this year, and Rachel had

Shop On Sale ...

Polly Fisher

Rachel tells world about her hero

Continued From Page 1

bulletins and transcripts of some of the Swedish hearings about Raoul Wallenberg. Using those resources I then put together information for people who wanted to make speeches and want to set up committees in their communities.

"The more I got involved with my research after I volunteered to put together a basic body of information, the more excited I became by the story. It's just mind boggling what he was able to do in six months.

"At first I was fairly sure he was dead already and the important thing was that the information about him become known, but the more I worked on dates and letters from the Russians and from the Swedish government, the more convinced I became that he is alive.

"I really think he is, and I think that everybody on this committee believes that and is very committed to bringing him out of Russia alive.

"For people to learn about him is very important in the world we live in today — in a world filled with brutality — to be

aware that there are individuals like Wallenberg who rise above this and dedicate their lives to helping people, to saving people and

"But what else is more important?"

"What chance is there of getting him out?"

"Some chance, but that's a big nut to crack. I don't think it's hopeless, but it will be an easier task if Mr. Reagan becomes interested and we have honorary citizenship for him and the people in this country get behind this movement. If we get a grass roots movement of people who want to see justice done. Then I think our chances of succeeding become infinitely greater...."

And why her concern to bring her message to Salisbury and Rowan County?

"This is very important to me symbolically. I grew up here. I'm Jewish. My family has always had very close ties with all the various faiths in the community, and I felt that it was important for me personally to bring this information to my friends in Salisbury because I know they are people who are interested in caring people.

"And if one is talking about a grassroots movement that's here. It's important that this information be taken out of the cities. Had there been 10 men like Wallenberg the story of Europe would have been very different.

"There's a Jewish folktale that in every generation there have to exist 36 saintly men and in times of crisis one of these men will appear. But if there are not 36 saintly men the world will disappear."

Wallenberg, she believes, is one of those saintly men about whom the folktale speaks and a resurgence of interest in him now could be just as significant she is convinced, as his appearance was in Budapest 36 years ago.

"We want people to recognize his name.

"When I started speaking at St. John's, I asked if anyone had ever heard of Raoul Wallenberg. No one in that entire room raised his hand. Yet as soon as the meeting was over, there were more than 100 people who knew about him, who may talk to others."

The name, she's certain, will be well known in the next few years. A movie is to be made based on John Bierman's book with Jon Voight playing the role of Wallenberg. 60 Minutes is planning a segment on him, and a PBS program, already shown, is to be shown again.

In New York a park has been dedicated in his honor, a Raoul Wallenberg Day was declared in Boston, and groups in California are collecting tapes of interviews with people saved by Wallenberg.

And Rachel Oestreicher Haspel pulls out her collapsible soap box wherever she goes.

Now that she's learned — thanks to the people at St. John's who listened to her maiden speech — that she can speak about Raoul Wallenberg (and next time she won't be frightened if her parents want to listen she wants to continue to speak. "I'd be delighted to speak any place in North Carolina or South Carolina or Virginia.

The effort to save him is totally non-political and non-sectarian and that itself part of the reason he has become Rachel Oestreicher Haspel's Cause.

Raoul Wallenberg, humanist, who cut through the barriers of nationality, religion, of politics to save lives, is wasted in a Russian prison camp.

"Every day that he languishes there is a day that shouldn't be, a day that should happen."

The world, Rachel Haspel believes should know about its heroes.

Who is Raoul Wallenberg?

Continued From Page 1

70,000 Jewish men, women and children who were incarcerated in a huge stadium. Orders had been left by Adolph Eichmann when he left Hungary before Nazi forces pulled out of Budapest to blow up the stadium.

Wallenberg threatened the SS commandant, General Schmidhuber, with hanging on the day the allied forces entered Budapest and, since the Russians were already on the outskirts of Budapest the threat carried enormous weight. The general rescinded Eichmann's order.

On Christmas Eve, 1944, the Russians entered Budapest. Wallenberg had been personally responsible for saving at least 100,000 lives and was influential in protecting another 20,000.

But three and a half weeks later, Wallenberg and his driver and two Russian officers set out for a town 120 miles east of Budapest and neither he nor his driver returned.

He had been taken into "protective custody" by the Russians and was sent to prison in Moscow.

In 1949 Albert Einstein recommended him for the Nobel Peace Prize because of his work in Hungary.

For 12 years the Russians denied any knowledge of his whereabouts. Then in 1961 Andre Gromyko sent a message to the Swedish foreign office saying evidence

Since that date, the Russians have denied any further knowledge of Raoul Wallenberg.

Careful and well documented investigation by the Swedish government and members of Raoul Wallenberg's family have indicated that he was very much alive as late as 1978 or 1979.

Within the last two weeks, Rachel Haspel says, information has been sent to Sweden by a Soviet immigrant who claims that Leonid Brezhnev was directly responsible in 1945 for the kidnapping and imprisonment of Raoul Wallenberg.

Work has continued in the United States and six other countries by the International Raoul Wallenberg Committee with headquarters in Sweden to attain freedom for Wallenberg and to honor the deeds he performed with pressure in the United States to make him an honorary citizen, an honor heretofore conferred only on Lafayette and Winston Churchill. This would allow the government to make official inquiries about his whereabouts.

John Bierman's work has heightened that concern.

Bierman discovered the virtually unknown story of Wallenberg while working as a television news correspondent for BBC in Israel in 1979. Inspired by his achievements, appalled by his fate, and dismayed at his own and the world's ignorance of the case, he made a documentary film for BBC.



Department of State

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PAGE 01 LONDON 06388 232356Z
ACTION EUR-12

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C O N F I D E N T I A L LONDON 06388

E.O. 12065: GDS 3/21/86 (SIMONS, THOMAS W.) OR-P
TAGS: PDIP PINR SW UR
SUBJECT: (C) BBC PROGRAM ON WALLENBERG CASE.

C - ENTIRE TEXT.

1. ON 20 MARCH, A 50 MINUTE BBC SPECIAL BY JOHN BIERMAN, -
TRACED THE WALLENBERG CASE FROM WARTIME BUDAPEST TO RECENT
INDICATIONS THAT WALLENBERG MAY STILL BE ALIVE IN SOVIET
PRISON. USING WARTIME NEWSREELS, DEATH MARCH AND CONCEN-
TRATION CAMP FOOTAGE, AND INTERVIEWS WITH INDIVIDUALS
SAVED BY WALLENBERG AND SWEDISH DIPLOMATS WHO SERVED WITH
HIM, THE PROGRAM MAKES A STRONG CASE FOR SOVIET PERFI-
DY AND CITES GROWING INTERNATIONAL PRESSURE FOR AN ACCOUNTING
BY THE SOVIETS FOR WALLENBERG'S WHEREABOUTS AND TREATMENT
SINCE CAPTURE.

2. AN EMBASSY TRANSCRIBED VIDEO-TAPE OF THE PROGRAM IS
BEING FORWARDED TO STOCKHOLM FOR INTERNAL USE ONLY. A
COPY HAS BEEN POUCHED TO WASHINGTON VIA SESO CHANNELS.

3. ALSO POUCHING STOCKHOLM AND DEPARTMENT AN ARTICLE
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PAGE 02 LONDON 06388 232356Z

BY ALAN PATIENT, PRODUCER OF THE WALLENBERG PROGRAM,

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DEPARTMENT OF STATE	IS/FPC/CDR	DATE: 14/12/93
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WHICH APPEARED IN THE 20 MARCH ISSUE OF MEDIA PUBLICATION
"THE LISTENER." BREWSTER

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Civil Action 84-0353

MURRAY LEVIN, Esq.
Pepper, Hamilton & Scheetz
1235 Broad Street
Philadelphia, Pennsylvania

(X) RELEASE () DECLASSIFY
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For the United States:

DAVID ANDERSON, Esq.
Room 3645
Department of Justice
10th & Constitution Avenue, N.W.
Washington, D. C.

1 precede, your honor.

2 JUDGE PARKER: All right.

3 MR. ANDERSON: As your honor knows, I am
4 David Anderson of the Justice Department, represent-
5 ing the United States.

6 The United States' appearance here this
7 morning is at the invitation of the Court, an invita-
8 tion that your honor issued because of your recogni-
9 tion that the contempt finding that the plaintiffs
10 sought against the Soviet Union might well implicate
11 foreign policy concerns.

12 I want to make it clear that I do not
13 represent or speak for the Soviet Union. The only
14 interests we are asserting here are those of the
15 United States.

16 And I'd like to take a minute, if I
17 could, to describe to your honor what those interests
18 are.

19 In the first place, the United States has
20 an interest in a uniform and what we believe to be a

21 ---

22 JUDGE PARKER: Mr. Anderson, tell me
23 this. It is suggested in the plaintiffs' papers that
24 your office well knew of what was going on in this
25 case, but then you just sat back and rested on your

1 oars.

2 What reason do you give for that?

3 MR. ANDERSON: Well, there was no occa-
4 sion, your honor, for the United States to appear in
5 this case. We certainly had no notion prior to your
6 honor's default judgment of what the Court's decision
7 might be. We do not routinely appear in cases, even
8 though they involve foreign sovereigns. And then
9 following the judgment, until your honor issued an
10 invitation, again there was no procedural occasion
11 for the United States to state its views.

12 JUDGE PARKER: Well, now, the government
13 suggests that in other cases that you've been more
14 than an idle bystander, that you've taken some ini-
15 tiative in the cases.

16 MR. ANDERSON: There have been some cases
17 where the United States has stated its views. Now,
18 what has happened in some cases--the Jackson case, in
19 particular, I'm familiar with ---

20 JUDGE PARKER: Which is that? The Nige-
21 rian case?

22 MR. ANDERSON: No, that's the Chinese
23 bonds case down in Alabama which the Eleventh Circuit
24 has now rendered a decision on.

25 But in that case the United States

1 | mounted a diplomatic effort much like that involved
2 | in this case with the Soviets to try to get the
3 | Chinese to appear in court. And it was in the nature
4 | of the agreement finally struck that the Chinese
5 | agreed to appear, if the United States would state
6 | its views that it should be heard.

7 | JUDGE PARKER: Did you mount a similar
8 | initiative in this case?

9 | MR. ANDERSON: We did, your honor. The
10 | United States repeatedly tried to get the Soviet
11 | Union to appear by counsel and present its defenses
12 | to this court. The Soviet Union continued to view it
13 | as a matter for resolution between the governments,
14 | and, as you know, asserted its immunity by means of a
15 | diplomatic note, which your honor is quite correct is
16 | not the right way to do it.

17 | But we think under the Verlinden case
18 | that even though a foreign sovereign does not appear
19 | in a case, the Court still has an affirmative obliga-
20 | tion to look at the Foreign Sovereign Immunities Act
21 | to determine that immunity is unavailable.

22 | JUDGE PARKER: And what was the other
23 | case where you took the initiative?

24 | MR. ANDERSON: I believe in Sideman the
25 | United States filed an appearance to urge the Court

RECORDED

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10 to allow the foreign sovereign to present its defenses.

11 JUDGE PARKER: And what government was that?

12 MR. ANDERSON: That was Argentina.

13 JUDGE PARKER: Were you representing the Department on those occasions?

14 MR. ANDERSON: In the Jackson case I did represent the Department.

15 JUDGE PARKER: What steps did you take to invite the Chinese government to do anything?

16 MR. ANDERSON: Well, there were repeated contacts both in Washington and Beijing on that case. And I believe the same to be true here, that there have been discussions both by the American embassy in Moscow and at the State Department here in Washington with the Soviets, urging them to appear, telling them that the FSIA provided that they should present their defenses in court.

17 But the mere fact that a foreign sovereign doesn't do that does not relieve the Court of its obligation to consider whether it has jurisdiction, as your honor did. Your honor went on, after finding that their non-appearance represented a waiver of sovereign immunity, to state other theories.

JUDGE PARKER: Did you receive an invitation from the Court in either of those two cases to make representations?

MR. ANDERSON: Not to my knowledge. We did not in Jackson, and I'm not certain about Sideman. But I don't think so.

JUDGE PARKER: All right, proceed.

MR. ANDERSON: Well, I did want to state at the outset what the United States interest was in this case, because the plaintiffs have made a bit of an issue of it, and, as I say, the first is in the application of the Foreign Sovereign Immunities Act, which is an Act that is very important to the United States government.

And that Act, of course, is crucial to the contempt motion before your honor in a couple of ways.

JUDGE PARKER: Are you saying that the Court has no jurisdiction in this matter under the FSIA?

MR. ANDERSON: That would be our view, yes.

JUDGE PARKER: Go on.

MR. ANDERSON: First of all, the FSIA was an attempt by Congress to balance the interests of

foreign states against those of private individuals who might have legal controversies with them. And to the extent that these private interests may become overbalanced by judicial decisions, the United States is going to have problems with its allies and adversaries alike. This can range from diplomatic protests over perceived unfair treatment to the assertion of reciprocal ---

JUDGE PARKER: Well, that doesn't mean that it has no jurisdiction because they may protest.

MR. ANDERSON: No, that's absolutely right. I'm not talking right now about jurisdiction; I am talking about what the interests of the United States are. And if you want me to pass the jurisdiction ---

JUDGE PARKER: No, no, I want to hear you fully.

MR. ANDERSON: Well, as I say, our first interest is that the FSIA be applied correctly, because it can create foreign policy problems for the United States if it's not.

And I think a related concern is that any interpretation of the FSIA or the Alien Tort Act that goes beyond what we think Congress had in mind would have the Court's involved in what are essentially

political disputes which should be for resolution by diplomatic means by the governments involved.

So there is really a separation-of-powers component to our concern on that score.

Now, I realize that we have not in this case pointed to any specific and narrow foreign policy concern that might result if your honor enters a finding of contempt.

JUDGE PARKER: It's completely barren, it's completely barren--I'm left to guess.

MR. ANDERSON: Well, we are left to guess as well. It's simply a matter of speculation. We cannot state exactly what would happen. That's not to say that nothing would happen. In fact, I think we suggest a couple of possibilities ---

JUDGE PARKER: Did you articulate that in the other two cases?

MR. ANDERSON: In the other two cases there was more that we could point to. In this case we cannot point to anything specific. But what I am trying to get at is that these more general concerns are very real and substantial and we think that the Court should take them into account.

[Pause]
Your honor, I think where I was was to

deal with the plaintiffs' suggestion that the United States' position in this proceeding violates the spirit of the Sovereign Immunities Act, and we think that's just wrong.

It's true that the Foreign Sovereign Immunities Act was passed in part to get the State Department out of the business of making determinations of sovereign immunity and to end the political pressures that that at one time put upon the State Department.

But we are not in this case supporting any executive determination of sovereign immunity. We recognize that that ---

JUDGE PARKER: Do you gather that from what the plaintiffs say in their papers?

MR. ANDERSON: They did say that.

JUDGE PARKER: They did?

MR. ANDERSON: They did. But we under-

stand that the decision on sovereign immunity is solely one for your honor, for this Court. We are here simply to urge interpretations of the Foreign Sovereign Immunities Act and the Alien Tort Act that we think should be applied across the board to all sovereigns. And we are not here because of any pressure by the Soviet Union. We are here only in

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response to your honor's invitation to present our views here, and because we think that the foreign policy interests involved are very important ones.

The statement of interest we submitted broke the question asked by your honor down into two parts: first, is contempt a proper remedy under the Foreign Sovereign Immunities Act against a foreign state; and, second, because a finding of civil contempt needs underlying jurisdiction to sustain it, we have addressed the jurisdictional bases for this action.

The premise that we start from on both these questions is that the Foreign Sovereign Immunities Act is the sole and exclusive basis for jurisdiction against foreign states in the courts of the United States. That is the teaching of the Verlinden case that the Supreme Court decided, and a number of other courts have said the same thing.

I want to address the Alien Tort Claims Act very briefly later, but for now let me focus on the FSIA.

There are two reasons under that Act why we don't think that contempt is a proper remedy. The first has to do with the structure of the Act, and the second has to do with the specific words of the

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1 | tort exemption.

2 | The FSIA is a comprehensive scheme for
3 | suits against foreign states. It not only regulates
4 | the substantive and procedural questions that arise
5 | prior to a judgment, but it contains very specific
6 | provisions for post-judgment remedies. Like the rest
7 | of the Act, those provisions start with a strong
8 | presumption of sovereign immunity and then list ex-
9 | ceptions.

10 | Now, I don't understand the plaintiffs to
11 | contend that contempt is one of the specific excep-
12 | tions in the Act. What they do is they rely on three
13 | or four sentences in the legislative history where
14 | the--I guess it's the House report which talks about
15 | the possibility of a fine for violation of an injunc-
16 | tion. So there is a question about what that cryptic
17 | reference in the legislative history means.

18 | Of course, the principal purpose of the
19 | FSIA was to codify the restrictive theory of sov-
20 | ereign immunity. That is that the commercial activi-
21 | ties of foreign states and their instrumentalities
22 | would not be immune from jurisdiction.

23 | So we could see circumstances in a
24 | strictly commercial context where a court might enter
25 | an injunction against a trading company of a foreign

state, for example, in the nature of requiring specific performance of a contract or to restrain the delivery of contested goods. And, in fact, the cited paragraph of the legislative history mentions specific performance.

So it's this type of traditional equitable remedy in a commercial context that we think Congress had in mind with that language. And fines for contempt might conceivably be a remedy in a case like that.

But if any confirmation is needed that Congress by contrast in a case like this didn't contemplate injunctive relief, it's in the specific language of another part of the Act, Section 1605(a)(5). That's the tort exception to sovereign immunity. And that subsection denies sovereign immunity in certain types of court suits--and I quote--"in which money damages are sought against a foreign state."

Now, if the FSIA is the sole source of jurisdiction against foreign states, as we think the Supreme Court has held that it is, then Congress specifically determined that injunctions were not an appropriate remedy in tort cases.

So the bottom line is that attachments

and executions were specifically provided as the remedy for money judgments in certain kinds of cases, and money damages were the only remedies allowed in tort cases.

So we don't think that Congress authorized injunctions in cases like this, or contempt as a remedy to enforce them.

Now, we've also raised questions ---

JUDGE PARKER: What is the extent of the relief if it were a commercial activity?

MR. ANDERSON: Well, if it were a commercial activity, Sections 1610 and 1611 allow certain restricted kinds of execution and attachment against foreign states and their instrumentality. For the most part ---

JUDGE PARKER: Namely, what?

MR. ANDERSON: Well, for the most part, property that is used in commercial activities can be seized. It would be typical in those respects to the ordinary kinds of remedies that you could get against private litigants, but there are a lot of restrictions put on it, and there are more restrictions put on executions and attachments against foreign states themselves than there are on instrumentalities like trading companies.

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1 | But those are in commercial cases. If
2 | your honor looks at the Letelier decision in the
3 | Second Circuit where they considered the appropriate-
4 | ness of execution against the assets of foreign
5 | states, in tort cases the Second Circuit at least
6 | suggested that this is one place where Congress may
7 | have created a right without a remedy.

8 | It's kind of complicated, the execution
9 | and attachment provisions.

10 | JUDGE PARKER: Now, the Letelier case was
11 | under which Act?

12 | MR. ANDERSON: That was under the FSIA,
13 | the tort exemption. This case does not purport to be
14 | under that exemption. I think because the tort did
15 | not happen in the United States, the plaintiffs felt
16 | that they didn't come within that tort exemption.

17 | Now, to move on to jurisdiction, we've
18 | discussed that, because, of course, the validity of a
19 | contempt finding depends on jurisdiction. And we
20 | think that the Court has authority under Rule
21 | 12(h)(3) to re-examine its decision on that subject.
22 | In a number of other cases that we've talked about,
23 | the courts have, when new arguments were raised,
24 | reconsidered jurisdictional decisions against foreign
25 | states. So there is ample precedent, if your honor

1 decides to take a second look.

2 JUDGE PARKER: Which case do you rely
3 upon?

4 MR. ANDERSON: Well, Jackson, Siderman--
5 indeed, Judge, Joyce Green in Letelier considered
6 jurisdiction a second time when a diplomatic note was
7 presented by the Argentinians to the State Depart-
8 ment.

9 JUDGE PARKER: That was after the Second
10 Circuit?

11 MR. ANDERSON: That was before.

12 JUDGE PARKER: Before the Second?

13 MR. ANDERSON: The D. C. Circuit decided
14 the underlying case, and then the plaintiffs there
15 tried to execute on property that was in the Second
16 Circuit, so that's why that court got involved.

17 JUDGE PARKER: I understand now.

18 MR. ANDERSON: Now, I've already covered
19 the point that the mere non-appearance by a foreign
20 sovereign, according to the Supreme Court in
21 Verlinden, is not a basis for finding that they have
22 waived sovereign immunity.

23 I think, unfortunately, though, the non-
24 appearance of the Soviets had another effect in this
25 case, and that was, of course, that your honor only

1 || heard one side of the arguments. Now, I'm not sug-
2 || gesting that the plaintiffs did anything unfair, but,
3 || of course, any court is at a serious disadvantage
4 || when it only hears half the arguments.

5 || So let me move on to the other three
6 || bases. Your honor did not limit the Court's decision
7 || to simply finding that the non-appearance waived
8 || sovereign immunity; your honor did discuss three
9 || other possible theories of waiver under the Foreign
10 || Sovereign Immunities Act.

11 || The first is the question of whether a
12 || substantive violation of international law waives
13 || sovereign immunity. And I think there are a couple
14 || of pertinent points to make on this issue.

15 || JUDGE PARKER: And what was the substan-
16 || tive violation here?

17 || MR. ANDERSON: I believe it was the vio-
18 || lation of the norms of international conduct in dis-
19 || regarding the diplomatic safe conduct.

20 || Now, when Congress said that it meant to

21 || ---

22 || JUDGE PARKER: It violated the rights of
23 || a diplomat.

24 || MR. ANDERSON: In part. I think there
25 || was more to it than that, but that was certainly the

1 guts of it.

2 When Congress said that it meant to in-
3 corporate standards of international law into the
4 Foreign Sovereign Immunities Act, we think it meant
5 no more than the restrictive theory of sovereign
6 immunity that it was codifying was consistent with
7 international law practice. To go beyond that and to
8 hold that immunity is waived when there is a viola-
9 tion of international law, even when the test is a
10 serious or a gross violation of recognized interna-
11 tional standards, really makes jurisdiction turn on
12 the merits of the case. And it also threatens to
13 turn the courts of this country into forums for the
14 resolution of the kinds of international problems
15 that the United States considers to be diplomatic in
16 nature.

17 Now, it may well be, as your honor sug-
18 gested, that under international law the United
19 States could assert jurisdiction over violations of
20 international law. But Congress, in the FSIA, did
21 not decide to do that, and Congress, of course,
22 regulates the jurisdiction of the District Courts.

23 So Congress specified the exceptions to
24 sovereign immunity that it wanted to created juris-
25 diction, and violation of international law was not

one of them.

We don't think that the act-of-state doctrine has anything to do with it either because that is a prudential doctrine not a jurisdictional one, and it simply reflects the courts' reluctance to adjudicate acts that a foreign state performs within its own territory.

Now, sometimes courts do adjudicate such controversies, even though there is this act-of-state doctrine. But that doesn't mean they have jurisdiction, and first they have to look to find if they have jurisdiction.

So where we come out on this issue is that Congress did not intend violations of international law to be a basis for waiving sovereign immunity without more--even violations as serious as the one ---

JUDGE PARKER: What specific authority do you have for this? The Act itself?

MR. ANDERSON: Yes, the Act itself has specific exemptions, and it nowhere mentions international law. And if the one basis for assuming that international law creates jurisdiction is the suggestion that Congress wanted to follow international law, we think there is an alternate explanation for

that which really makes much more sense in light of the structure of the Act. Congress's codification of the restrictive theory was consistent with international law, as they understood it. And we think that that has to be all that they mean.

Now, the next issue is whether, independently of the FSIA, the Soviet Union has waived sovereign immunity, either explicitly or implicitly, pursuant to some international agreement. If there is such an agreement waiving immunity, then the FSIA would provide jurisdiction.

We think that Congress in Section 1604 was referring to agreements dealing with the subject of immunity, or at least the jurisdiction or choice of law kinds of subject. An explicit waiver might be a treaty in which country X says it waives its immunity with respect to particular kinds of claims; an implicit waiver might be where country X says that certain claims may be adjudicated in accordance with the laws of country Y. That is certainly the drift of the legislative history. Those are the kinds of examples that Congress gave.

And we don't think that Congress intended any broader interpretation of Section 1604. Most treaties and international

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1 | agreements, your honor, do not give rise to private
2 | rights of action; they can't be sued on by private
3 | parties. They really establish rights and obliga-
4 | tions between governments.

5 | And the only agreements that establish
6 | rights in private persons are what are called self-
7 | executing treaties. These are agreements that con-
8 | tain rules of laws that courts can apply directly in
9 | cases before them, and they don't require legislative
10 | action to implement them.

11 | Now, the Vienna Convention and the 1973
12 | Convention on internationally protected persons are
13 | not self-executing. And in fact Congress passed
14 | legislation to implement the 1973 Convention; they
15 | passed the criminal law ---

16 | JUDGE PARKER: Was a question raised in
17 | the Letelier case about a private right of action at
18 | any point, subsequent point?

19 | MR. ANDERSON: At any subsequent point?
20 | You mean in the Second Circuit?

21 | JUDGE PARKER: Yes.

22 | MR. ANDERSON: I don't think that was an
23 | issue there. The only issue there was ---

24 | JUDGE PARKER: Was the execution?

25 | MR. ANDERSON: Yes. My basic point is

1 that to imply a waiver on the basis of a violation of
2 an international agreement would have the courts
3 enforcing non-self-executing treaties which are real-
4 ly political agreements between the governments in-
5 volved, and at the place where the courts have tradi-
6 tionally allowed the Executive Branch; that is, the
7 Executive Branch has responsibility for managing the
8 treaty relations of the United States. It's only in
9 self-executing treaties where the courts use that
10 treaty to determine private rights before them that
11 the courts have any role.

12 So Section 1604 really, as a constitu-
13 tional matter, must only refer to waivers of sov-
14 ereign immunity in self-executing treaties that deal
15 with subjects like sovereign immunity, jurisdiction,
16 choice of law.

17 The last FSIA jurisdictional issue is
18 whether, under Section 1605(a)(1), a violation of a
19 treaty or other international obligation constitutes
20 a waiver of sovereign immunity. And we see this
21 issue as being similar to the analysis that the Court
22 should apply under Section 1604.

23 Just because a foreign state enters into
24 a government-to-government agreement where it agrees
25 to undertake certain obligations vis-a-vis another

government to adhere to certain standards of conduct, or whatever, doesn't mean that it agrees to be bound by decisions of the courts of that country, if it's accused of violating those agreements. Again, this would have the courts enforcing all types of treaty rights that properly belong to the United States and not to private individuals and which are for the Executive Branch to vindicate under our constitutional system.

Just in closing I want to say a few words about the Alien Tort Act, very quickly. First of all, as I said before, we think the FSIA is the exclusive basis for jurisdiction against foreign states, so that the Alien Tort Act could not provide jurisdiction against foreign states. And all the other courts that have considered that question have said that it does not provide jurisdiction against foreign states--and that includes at least two judges on the panel in the D. C. Circuit in the Hanoch Tel-Oren case; both Judge Edwards and Judge Bork said that the Alien Tort Act could not provide jurisdiction against Libya in that case, although it is somewhat buried in the discussions there. In Judge Edwards' opinion it's at 726 F. 2d at 776, Note 1, and in Judge Bork's it's at page 805 at Note 13.

But historically that makes sense, because at the time the Alien Tort Act was enacted, in 1789, Congress could not have thought that it would apply to foreign states. The universal practice at that time was to grant all foreign states absolute sovereign immunity, and that rule didn't change in the United States until 1952.

Giving the Alien Tort Act that interpretation does not deprive it of meaning, because what Congress probably had in mind were offenses like piracy, possibly even violation of diplomatic safe conducts, but when done, as they were at the time, by private persons.

All this leads us to believe that the Tort Act does not provide jurisdiction against foreign states. It's the FSIA or nothing, and we think the Court ought to re-examine its jurisdictional holding under that statute.

It's unfortunate, your honor, that the United States has to be taking these positions in a case involving the Soviet Union where the Soviet Union failed to appear and where the underlying conduct is so abhorrent.

But we see the broader interests of the United States as lying with an interpretation of the

1 FSIA that reflects Congress's balancing of the in-
 2 terests and the proper constitutional roles of the
 3 political branches and the courts.

4 We very much appreciate this opportunity
 5 to present the views of the United States.

6 JUDGE PARKER: Mr. Anderson, the State
 7 Department is on this submission of yours, is that
 8 correct?

9 MR. ANDERSON: Yes.

10 JUDGE PARKER: And you, of course, speak
 11 for your client with respect to the State Department.

12 MR. ANDERSON: Yes, I do.

13 JUDGE PARKER: Are you speaking with one
 14 voice?

15 MR. ANDERSON: We are.

16 JUDGE PARKER: Would you answer this
 17 question. On page 2 of your submission--do you have
 18 it in front of you--the last two lines at the bottom.

19 MR. ANDERSON: Yes.

20 JUDGE PARKER: Who is this Munroe Leigh?
 21 Is that the way you pronounce his name or is it
 22 Munroe "Lay"?

23 MR. ANDERSON: No, it's "Lee," I believe.
 24 He was, at the time he wrote the letter, the legal
 25 advisor to the State Department.

JUDGE PARKER: And he's on the contemporary scene now?

MR. ANDERSON: He's no longer with the State Department.

JUDGE PARKER: No, but he's on the contemporary scene--he's living.

MR. ANDERSON: Yes.

JUDGE PARKER: I'd like to see that letter.

MR. ANDERSON: I'll provide a copy. Thank you.

MR. STRUVE: May it please the Court, my name is Guy Struve, I'm from Davis, Polk & Wardwell, and, together with a number of other people who have volunteered their services, we represent the plaintiffs.

JUDGE PARKER: I see that.

MR. STRUVE: I'd like, before I begin, your honor, if I may, to complete the response to a number of questions that your honor asked which were incompletely answered.

The first one is whether the government has been on notice of every step in this lawsuit.

Mr. Anderson did say that the government was furnished with copies of the original pleadings and of

1 the motion for a default judgment. There's more than
2 that. They were furnished in November 1985, less
3 than a month after your honor's decision, with a copy
4 of that decision. They were furnished in April 1986,
5 the same day that we filed this motion for contempt
6 which is now being heard by your honor, with a copy
7 of that motion.

8 So that at every important step in the
9 lawsuit the government has been on full notice of
10 what the Court has been doing and of what the plain-
11 tiffs have been trying to accomplish. And we think
12 that their inaction speaks for itself.

13 JUDGE PARKER: Have you had any dialogue
14 with them?

15 MR. STRUVE: No, your honor. We sought a
16 dialogue; we did not have any dialogue from them, or
17 any response, except to acknowledge what we had sent
18 them, until after your honor's letter.

19 The next question I'd like to pick up on,
20 your honor, is whether the government was invited by
21 the courts to come in in the Jackson and Siderman
22 cases. Mr. Anderson correctly said that they were
23 not so invited; they came in uninvited.

 There's another very important distinc-
tion which your honor is aware of, and that is that

1 || in both Jackson and Siderman the People's Republic of
2 || China and the Republic of Argentina came into the
3 || court themselves and made the jurisdictional argu-
4 || ments themselves, which the State Department had told
5 || them they had to do. That's in stark contrast to
6 || this case.

7 || As far as we know--and Mr. Anderson has
8 || not denied this--this is the first case in the ten
9 || years since the enactment of the Foreign Sovereign
10 || Immunities Act in which the government, without the
11 || foreign government itself coming into the case in any
12 || form, has interceded to present the jurisdictional
13 || arguments that, under the Act, should be presented by
14 || the foreign government itself.

15 || JUDGE PARKER: Well, what inference do
16 || you want me to draw from that?

17 || MR. STRUVE: I was going to get to that
18 || when I come in my argument to the subject of juris-
19 || diction, and I think it goes to the question of what
20 || weight the Court should give to that submission.

21 || The next thing I'd like to pick up on,
22 || your honor, is your honor asked it had been held in
23 || the Letelier case that a private right of action can
24 || be implied and has been implied from the ---

 JUDGE PARKER: Or whether it had been

1 raised.

2 MR. STRUVE: Well, and Mr. Anderson an-
3 swered that that had not been decided by the Second
4 Circuit, but, as your honor knows--this was mentioned
5 at page 254 of your honor's prior decision--the deci-
6 sion of this Court in the Letelier case expressly
7 held that a private right of action arises from the
8 criminal statutes, which have been enacted by Con-
9 gress to carry out the conventions to protect the
10 foreign diplomats, that is to say, 18 U.S.C. Sections
11 1116 and 1201.

12 And I might add that the government in
13 its brief implies that those statutes are limited to
14 cases in which the act was committed either by a
15 United States national or within the United States.
16 Looking at the sections themselves will show that's
17 not so; it expressly covers any defendant found in
18 the United States regardless of where the act was
19 committed, regardless of the nationality of the vic-
20 tim and of the perpetrator.

21 JUDGE PARKER: You are referring now to
22 Title 18?

23 MR. STRUVE: That's right, it's in Title
24 18, your honor, so that even if more than a treaty is
25 required, even if some implementing legislation is

1 required, that implementing legislation, as the Court
2 has already held, exists in this case.

3 What I'd now like to do, your honor, is
4 address the two great questions that Mr. Anderson has
5 addressed in the same order in which he addressed
6 them, starting with the question of contempt.

7 I think it's common ground between us and
8 the government that the traditional standards for
9 civil contempt are met here. We have a judgment of
10 the Court which was clear and specific as to what it
11 required; we have notice of that judgment on the part
12 of the defendant; we have an unequivocal refusal by
13 the defendant to comply with that order. Under those
14 circumstances, no more showing is required under the
15 law for civil contempt, at least in a domestic con-
16 text.

17 As we understand it, the government makes
18 two arguments in response to that. The first argu-
19 ment is that as a matter of law civil contempt is
20 unavailable under the Foreign Sovereign Immunities
21 Act. And, as your honor knows, in our submission
22 there are a number of reasons, each independently
23 sufficient, why that cannot be so.

24 The first is that Section 1606 of the
25 Foreign Sovereign Immunities Act expressly provides

that, with the single exception of punitive damages, which are available only in part, a foreign sovereign, under the Foreign Sovereign Immunities Act, is liable in the same manner and to the same extent as a private person.

To us, the language is clear that a foreign sovereign ---

JUDGE PARKER: What language are you relying on?

MR. STRUVE: The language in 1606, your honor.

JUDGE PARKER: Yes, cite it.

MR. STRUVE: I'm starting with the beginning of the section, your honor. "As to any claim for relief with respect to which a foreign state is not entitled to immunity, under Section 1605 or Section 1607 of this chapter, the foreign state shall be liable in the same manner and to the same extent as a private individual under like circumstances." And then it goes on with a proviso as to punitive damages. I can read the proviso, but I represent to your honor that it deals only with punitive damages.

The second independently sufficient ground we rely on, your honor, is the legislative history. The legislative history--and Mr. Anderson

1 | said that he thought this was the House report; it's
2 | the Senate report, too; they are identical on this
3 | point--expressly says that in an appropriate case the
4 | Court may grant injunctive relief or specific-perfor-
5 | mance relief. And then it goes on in that same
6 | paragraph to say that there may be some limitations
7 | on the Court's ability to enforce that. And on the
8 | subject of fines what it says is that fines for
9 | violations of injunctions by a foreign government may
10 | be unenforceable, if there is some immunity under the
11 | execution provisions of the Act.

12 | Now, what that says to us is that Con-
13 | gress expressly contemplated that there could be
14 | fines for violation of an injunction. And the gov-
15 | ernment says, well, that doesn't tell us that civil
16 | contempt is available; they didn't say what kind of
17 | fines they meant, they didn't say on what findings
18 | they would be granted.

19 | Your honor, it seems clear to us that,
20 | unless "fines for violation of an injunction" means
21 | civil contempt, it means criminal contempt. Those
22 | are the only two means by which one has fines for
23 | violation of an injunction.

24 | We are not suggesting that criminal con-
25 | tempt should be available against a foreign

1 sovereign, at least until civil contempt has been
2 tried and has failed.

3 But those are the only two possibilities.
4 If it doesn't mean at least that, then the congres-
5 sional reference to fines for violation of an injunc-
6 tion means nothing.

7 The third ground, your honor, why we
8 submit that the contempt power must exist in the
9 Court is that, stepping back from the Act in its
10 legislative history, it's a fundamental constitu-
11 tional principle that the courts recognized beginning
12 in the early 19th century--Justice Marshall, for
13 example--that inherent in the power of a court to
14 adjudicate controversies and grant an injunction is
15 the power to apply contempt remedies if the injunc-
16 tion is disobeyed.

17 Under the Constitution, Congress may
18 limit that power so long as it does so expressly--and
19 there is no express limitation in the FSIA--but it
20 may not eliminate it.

21 So that's a third ground we submit, your
22 honor, why the power to enter a fine for civil con-
23 tempt must exist in this Court.

24 Finally, your honor, the purpose of Con-
25 gress in enacting the FSIA, we submit, should be

14 considered. Clearly, Congress intended that injunc-
15 tions could be rendered against foreign sovereigns
16 under the FSIA. That's clear from the legislative
17 history, and the government does not dispute that.
18 So that if Congress intended to withhold the contempt
19 remedy, then it has to be concluded that they inten-
20 ded to provide a remedy which the courts could not
21 enforce, which makes nonsense of the congressional
22 intent. And we submit, moreover, your honor, it
23 would raise questions under Article III of the Con-
24 stitution because a judgment that cannot be enforced
25 is an advisory opinion, and, under Article III, the
26 courts cannot grant advisory opinions.

27 JUDGE PARKER: Mr. Struve, as I listen to
28 your argument--I don't pretend to be a Shakespeare
29 scholar, but it seems to me that there is a quotation
30 that comes out of Shakespeare--I don't know what play
31 it is--but one of the actors says "And I will call
32 thee serpents from the briny deep," and the other
33 actor says "You may call them, but will they come?"

34 If I gave you the relief that you are
35 seeking, where would you go, or what do you want the
36 Court to do?

37 MR. STRUVE: What we've asked for, your
38 honor, is an order which would find the Soviet Union

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1 in contempt, which would give a certain period of
2 time after the service by mail of that order--we've
3 suggested two weeks--for the Soviet Union to take it
4 in and reconsider.

5 JUDGE PARKER: And then what?

6 MR. STRUVE: Which after that would pro-
7 vide for a fine of an appropriate amount per day,
8 which would continue to accrue until the Court finds
9 that its judgment has been complied with.

10 If we got that far, your honor--and my
11 hope is that at that point the Soviet Union would
12 come in: that's the purpose of a civil contempt
13 fine. But if we got that far, we would then be
14 attempting to enforce the fine by execution under the
15 provisions of the Foreign Sovereign Immunities Act on
16 assets of the Soviet government, which would mean
17 that we would be coming back to your honor, or to an
18 appropriate judge in another district, for an order
19 of attachment.

20 JUDGE PARKER: How would that differ,
21 then, from the situation that the Second Circuit
22 found itself in?

23 MR. STRUVE: It would differ, your honor,
24 because we would be relying on different grounds for
25 overcoming immunity from attachment, just as on the

substantive issues we were relying on different exemptions from immunity than were relied on Letelier. In Letelier the exemption that was relied on was the tort exception, Section 1605(a)(5). And we relied on that in our initial submission to your honor. That was not a ground that your honor adopted.

What we have now is four completely different grounds, and each one of the grounds that your honor did rely on has its express counterpart in the exceptions to immunity from attachment.

So the way we see it, the same issues of immunity that have already been decided with respect to the merits of the action will arise again, and, we submit, should be decided the same way, at the attachment phase. Again, if we have to reach attachment, it is not our purpose, your honor, to collect funds. The only reason we suggest fines to your honor is that, on behalf of the plaintiffs, we believe it's deeply important that the Court's order be obeyed. In fact, I should mention, your honor, because it may be a question in your honor's mind, that one might wonder why have we not taken that \$39-million damage judgment, which the Court entered more than a year ago, and gone out and executed on Soviet assets for them.

JUDGE PARKER: That's a good question.

Why not?

MR. STRUVE: And the answer is, your

honor ---

JUDGE PARKER: Counsel, the Court will
take a short recess.

[Brief recess]

JUDGE PARKER: Very well, Mr. Struve, I
think when you left off you were saying that you were
going to execute on the judgment or something. Was
it to that effect?

MR. STRUVE: What I was saying, your
honor, was that there was a reason why we had not
just gone ahead in November of 1985, when the Court's
amended judgment was entered, and executed right away
on the \$39-million judgment. And that reason is that
from the standpoint of the plaintiffs, who are the
family and the legal guardian of Raoul Wallenberg, by
far the most important object of this case is to get
him back, or his remains, if he's dead, and to get a
true accounting of his fate.

The \$39 million is not unimportant, but,
compared to that, it is relatively unimportant. So
that our concern was, your honor, and remains, that
for us to have gone ahead right away and executed on

the \$39-million damage award would have put the focus of the litigation on exactly the point where it ought not to be, and that the real focus should be on exhausting every opportunity open to us and the Court to obtain compliance with the injunctive relief awarded, which was the primary purpose of the lawsuit.

That's the reason.

I have, your honor, some other topics in the contempt area, going beyond the legal points which I've discussed. One of them is a mixed question of fact and law. It is the suggestion in the government's brief that in order to make a civil contempt award against a foreign sovereign, the Court has to make a finding that there has been some specific scorn and contempt expressed for the Court's judgment by the foreign sovereign rather than some kind of principled determination that the foreign sovereign will never appear in U. S. courts.

We submit, your honor, that that is not the law. Civil contempt doesn't require, despite the name, which goes back to the Middle Ages, an actual factual finding of scorn and contempt; it merely requires deliberate violation of the Court's judgment. But unfortunately, your honor, we submit that if scorn and contempt were required, the Soviet note,

1 which unaccountably is not mentioned in the govern-
2 ments's statement, supplies what is needed for that
3 finding. And it's attached at Tab E to my affidavit
4 from April of 1986.

5 In the English translation made by the
6 State Department, it reads "It is quite obvious that
7 the American court, in rendering its decision, was
8 not guided at all by legal rules but by other mo-
9 tives."

10 Now, obviously, it's the Russian text
11 that is authoritative, and I can tell you, your
12 honor, that while I would have translated some of the
13 words by a synonym, the sense is accurately conveyed
14 by what I read from the State Department's transla-
15 tion.

16 In addition, your honor, as your honor
17 noticed in your honor's ---

18 JUDGE PARKER: What are the words of
19 significance, "by other motives"?

20 MR. STRUVE: That's correct. In the
21 original Russian--this is at the top of the last page
22 of Tab E--it says [statement in Russian], and [state-
23 ment in Russian] literally is "not by legal norms,"
24 and then the word [Russian word] is a word usually
25 translated "but," but it can also be translated "and

1 not." The sense it carries is that what is to follow
2 is in contradiction of what's just been said. And
3 then [Russian word] is just a word that means
4 "other." So "by other motives," the implication
5 being in contradistinction to legal motives. That's
6 what it says.

7 In addition, your honor, the Court found
8 in its prior decision that the Soviet Union knows
9 what the procedures are for raising its defenses
10 properly under the Foreign Sovereign Immunities Act,
11 and has appeared in other cases to raise those defen-
12 ses. So we are not dealing with a defendant that has
13 a consistent record of never appearing in American
14 courts for reasons of principle; we are dealing with
15 a defendant which in this case has not appeared, and
16 has stated its reasons for not appearing.

17 Now, we emphasize, your honor, we don't
18 believe your honor needs to make a finding of scorn
19 and contempt; all we believe is needed is a finding
20 of knowing violation of the Court's order, and that's
21 perfectly clear.

22 Let me now, your honor, go on to the
23 question of the foreign policy implications. This is
24 something that your honor discussed this morning with
25 Mr. Anderson, and Mr. Anderson stated--and this is an

accurate summary of what's in the government's statement--that whatever specific foreign policy implications there may be in this case are left as a matter of speculation.

And we submit that in that kind of a case they should not be given controlling weight. What should govern is the facts and the law.

JUDGE PARKER: What were the known and established facts in the other case?

MR. STRUVE: You mean in Jackson, your honor, and in Siderman?

JUDGE PARKER: Yes.

MR. STRUVE: First of all, there were very specific facts--and in the Jackson case it was an affidavit from Secretary Shultz, who said that he had personally discussed this with the Chinese leaders, that there would be specific harm to American foreign policy interests if they were not permitted to be heard. That was the issue that was involved in those cases, just letting ---

JUDGE PARKER: If they were not immediately heard.

MR. STRUVE: Exactly. The issue there was that they had suffered default judgments to occur. The reasonable term under Rule 60(b) of the

1 Federal Rules of Civil Procedure, as normally inter-
2 preted, had run. Finally, the State Department had
3 persuaded China in the one case, Argentina in the
4 other case, to come in. All the State Department was
5 asking was that they be given this belated opportuni-
6 ty to be heard, and they were saying very specific-
7 ly--and they spelled it out chapter and verse in the
8 Jackson case by an affidavit from the Secretary of
9 State--that there would be specific foreign policy
10 problems if they were not heard. Nothing like that
11 in this case.

12 JUDGE PARKER: We don't even have that in
13 this case.

14 MR. STRUVE: That's right, your honor.
15 Moreover, there's something else I want to say before
16 I leave this topic, and that is that there is a
17 suggestion in the government's brief that the issue
18 presented by this case is not one that ought to be
19 dealt with in the courts, that it should be left to
20 statecraft and diplomacy.

21 Now, the Wallenberg family left this
22 issue to statecraft and diplomacy for 39 years, and I
23 am not saying, nor is the Wallenberg family, that the
24 Swedish government and the American government didn't
25 try, but the answer that the Soviet Union now

1 consistently gives to diplomatic approaches on the
2 subject of Raoul Wallenberg is that they said all
3 there was to be said in 1957 when they said he died
4 of a heart attack in 1947 and that the matter is
5 closed.

6 And, again, that's in the record, because
7 the Soviet note, which is Tab E to my affidavit,
8 specifically says--and I am reading from the third
9 paragraph--"In its time, in response to the corres-
10 ponding requests of the Department of State, the
11 Soviet side has already given exhaustive explanations
12 with regard to the fate of Swedish citizen, R.
13 Wallenberg, and considers the matter closed."

14 And, again, that's not the most exact
15 translation that could have been made, but the sense
16 is accurate.

17 JUDGE PARKER: Before you move from that,
18 if Mr. Wallenberg were living, how old would he be
19 today?

20 MR. STRUVE: Your honor, he would be 74.
21 But this is an age that others in his family have
22 reached. His mother died in her early 90's, less
23 than a decade ago, still hoping to see him. His
24 brother is only a few years younger, and also his
25 sister. So that if, which the evidence indicates, he

1 was never held in the type of Gulag conditions which
2 Solzhenitsyn wrote about, but instead was in solitary.
3 confinement but physically relatively decently
4 treated in the central core of the Soviet prison
5 system, there is no reason to believe that he is not
6 alive today from any natural cause.

7 Let me, your honor, now say some words
8 about the question of jurisdiction. Your honor asked
9 me earlier, and I do now wish to give your honor a
10 full answer, what significance do we attach to the
11 fact that the Soviet Union is not here and that the
12 government is in effect making the arguments on jur-
13 isdiction which Congress intended the Soviet Union to
14 come in and make for itself?

15 Your honor, we don't wish to be dogmatic
16 about that. If the government had raised questions
17 that were truly new, as opposed to questions that had
18 been addressed by your honor in your honor's deci-
19 sion, I don't think we would be here saying that
20 under no circumstances could your honor consider what
21 they had to say. And certainly, if the Soviet Union
22 were here, under Rule 50(b) of the Federal Rules of
23 Civil Procedure, and your honor found, which candidly
24 we would urge your honor not to find, that this was
25 still within the reasonable time for questioning the

1 original judgment under Rule 60(b), we would certain-
2 ly not say that your honor could not listen to what
3 they had to say. What we are saying, though, your
4 honor, is that, because Congress intended that the
5 State Department remove itself from this process and
6 that the foreign governments come in and address
7 themselves to the courts directly, there should be a
8 strong presumption, except in extraordinary circum-
9 stances, that that's the way it happens.

10 And we submit, your honor, that the argu-
11 ments that the government has made on jurisdiction
12 are not new arguments, and that they do not warrant
13 reconsideration of your honor's decision.

14 We've discussed those points in our
15 brief, and so what I would like to do, if I may, your
16 honor, is touch only on two specifics in the juris-
17 dictional area. One of them is an argument raised
18 for the first time by Mr. Anderson on oral argument,
19 and the other is a general point about your honor's
20 prior decision, which we believe the government has
21 insufficiently taken account of.

22 The point Mr. Anderson raised for the
23 first time on oral argument relates to Section
24 1605(a)(5), the tort exemption from the Foreign Sov-
25 ereign Immunities Act. And the argument is that

because that specific exemption is limited to actions for money damages, therefore everything else in the Foreign Sovereign Immunities Act is limited to actions for money damages.

Like many afterthoughts, this is not a happy thought. The language of the Act makes it perfectly clear that that limitation to money damages applies only to that one subsection, and that every other exception to sovereign immunity is not limited by that, so that actually this argument, when looked at in the context of the structure of the Act, works the other way. If Congress had wanted to say that the Act as a whole should be limited to the money damages, it knew how to say that. It said that in Section 1605(a)(5). But it didn't say that. The bases for overcoming sovereign immunity that your honor has relied do not involve Section 1605(a)(5), and therefore this argument is simply without merit in this case.

The other point I would like to make, your honor, is that running through the government's statement and Mr. Anderson's argument to your honor is an argument that somehow the Court's decision recognizing jurisdiction in this case opened the floodgates and that, unless the Court reverses its

1 decision, every alleged violation of international
2 law by any plaintiff will be entertainable in a U. S.
3 court.

4 I know your honor has this very much in
5 mind, but I think it's important to remind ourselves
6 that the Court specifically found that this was an
7 extraordinary and unprecedented case. It's a case
8 where the defendant itself has admitted that the
9 seizure and detention of Raoul Wallenberg were unlaw-
10 ful. It's a case where the defendant has knowingly
11 and deliberately defaulted, knowing what the proper
12 procedures are.

13 And, finally, it's a violation of one of
14 the central per se rules of international law, name-
15 ly, diplomatic immunity. And what I mean by a per se
16 rule is that it is one of those standards that
17 doesn't contain any questions of judgment or of rea-
18 sonableness or of degree in its application. Anyone
19 who interferes with the personal integrity of a dip-
20 lomat has violated international law.

21 I know I don't need to remind your honor
22 that this case is an important one from a number of
23 points of view, including to the Wallenberg family.
24 They would not be here if they thought they had any
25 other recourse, for the relief that your honor has

1 granted in this case. And that's the only reason
2 that we are asking for the order that we are.

3 JUDGE PARKER: Did I infer that there
4 were some other reasons other than of interest to the
5 Wallenberg family?

6 MR. STRUVE: I'm sorry, your honor, I did
7 not hear your honor.

8 JUDGE PARKER: I gather that you didn't.
9 I thought that you were about to say that there were
10 several reasons.

11 MR. STRUVE: There are, your honor.

12 JUDGE PARKER: And you only mentioned the
13 Wallenberg family. What are the other reasons?

14 MR. STRUVE: Your honor, you are right to
15 remind me. There are a myriad of reasons, but let me
16 mention two others.

17 One other is that it was the United
18 States government in 1944 that initiated the effort
19 that sent Raoul Wallenberg to Budapest. We needed
20 somebody on the scene to do as much as could be done
21 to save Jewish citizens of Hungary from extermina-
22 tion. An American could not do it because we were at
23 war with Hungary. Sweden was willing to allow us to
24 send a Swede there with full diplomatic immunity if
25 we could find a Swede willing to volunteer, and

Wallenberg volunteered. It was for that that he was made an honorary citizen--and we submit that's important.

And I should not have forgotten, your honor--now, another set of interests that is involved here is that this Court has rendered a judgment, and that judgment has been disobeyed. Even in a case that did not involve any of the other interests this one does, that interest alone is very important.

JUDGE PARKER: Mr. Anderson, did you want to say anything briefly in reply?

MR. ANDERSON: Very briefly, your honor. First of all, I just want to make clear we are not making jurisdictional arguments on behalf of the Soviet Union here. We are simply stating what the United States believes to be an interpretation of the Foreign Sovereign Immunities Act that Congress intended and that beyond which would create serious foreign policy problems for the United States.

Just by way of observation, your honor, I think it should be said that in at least two cases, under the Foreign Sovereign Immunities Act, the Soviet Union did not appear and the Court still found that it was immune. One is the Frolova case in the Seventh Circuit; the other was the Korean Airlines

1 case before Judge Robinson.

2 JUDGE PARKER: Tell me this. I was in-
3 terested in Judge Robinson's case. No one entered an
4 appearance at all in that case.

5 MR. ANDERSON: No, not for the Soviets.
6 I don't know if there were other codefendants. The
7 United States was involved ---

8 JUDGE PARKER: Was that against the Ko-
9 rean Airlines? Is that the case you are talking
10 about?

11 MR. ANDERSON: It involved the Korean
12 Airlines, the shooting down of the plane, yes.

13 JUDGE PARKER: So only the plaintiffs
14 were represented there, is that it, the families? I
15 didn't look at the case to see.

16 MR. ANDERSON: I know there were related
17 proceedings against the United States that I think
18 were also dismissed, but they had nothing to do with
19 the suit against the Soviets.

20 I guess the final point I want to make,
21 your honor, has to do with your honor's question of
22 where do we go from here, what happens if your honor
23 enters this--and Mr. Struve suggests that they could
24 execute. I think that that is probably wrong, be-
25 cause there are specific exemptions for execution in

1 the Foreign Sovereign Immunities Act, but they only
2 apply to commercial suits. There are no waivers of
3 sovereign immunity for execution or attachment in
4 tort suits, unless Mr. Struve is arguing that somehow
5 there has been a waiver here. And we would seriously
6 doubt that Congress meant to allow the kind of impli-
7 cit waiver that they have been arguing about here.

8 JUDGE PARKER: Mr. Struve, what, for
9 example, would you execute on, as a practical matter?

10 MR. STRUVE: We would be focusing, your
11 honor, on assets of the Soviet government itself
12 rather than on agencies or instrumentalities in the
13 first instance--bank accounts, real estate.

14 JUDGE PARKER: What real estate?

15 MR. STRUVE: I'd like to remain general
16 on this subject, your honor, but in and around the
17 three cities in the United States in which the So-
18 viets have diplomatic representation--namely,
19 Washington, New York, and San Francisco--are various
20 parcels of real estate which they own or which are
21 owned by their nominees. And obviously they also
22 have bank accounts.

23 And those assets are, particularly the
24 bank accounts, commercial in the sense in which that
25 is used in the Foreign Sovereign Immunities Act,

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1 namely, that it's not the purpose you look at but
2 whether they are assets of a kind that a private
3 individual might also use for similar purposes.

4 And I might mention, your honor, in brief
5 response to Mr. Anderson's ---

6 JUDGE PARKER: I didn't really want you
7 to take Mr. Anderson's time.

8 Proceed, Mr. Anderson.

9 MR. ANDERSON: I think the only point I
10 was trying to make, your honor, is that the Soviet
11 Union has flouted world opinion on the Wallenberg
12 case for four decades now, and it's a little bit hard
13 to believe that as a result of a Court judgment in
14 the United States they are going to turn around and
15 suddenly own up to what they've done with respect to
16 that.

17 So really ---

18 JUDGE PARKER: You don't have a built-in
19 mentality, now, with respect to the Soviet Union, do
20 you?

21 MR. ANDERSON: Well, I think my personal
22 views are kind of irrelevant here. But I think, your
23 honor, that the only thing that can happen is sort of
24 a downward spiral in terms of attempts at execution
25 and the possibility of reciprocal action by the

1 Soviet Union. And that's one of the reasons we say
2 we don't think the courts have a role to play in
3 determinations that go beyond what we think Congress
4 meant in the Sovereign Immunities Act.

5 Thank you.

6 JUDGE PARKER: Mr. Struve, if you wish to
7 file any kind of post-hearing memorandum, I'll consi-
8 der it.

9 MR. STRUVE: Unless your honor would like
10 a memorandum at this time, setting forth the legal
11 bases for the execution of fines against the Soviet
12 Union, it seems to me that we have covered everything
13 else adequately in our brief and the oral argument.

14 JUDGE PARKER: Let me have that latter
15 memorandum.

16 MR. STRUVE: It will be done, your honor.
17 Would January 5th be an appropriate date?

18 JUDGE PARKER: Yes, that will be fine.

19 Very well.

20 MR. STRUVE: Thank you, your honor.

21 JUDGE PARKER: Thank you very much,

22 gentlemen.

23 [The hearing concluded at 11:25 a.m.]

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By Benjamin
LRD

And that's one of the reasons we say
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Sovereign Immunities Act.
Thank you.

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5th be an appropriate date?

JUDGE PARKER: Yes, that will be fine.

MR. STRUVE: Thank you, your honor.

JUDGE PARKER: Thank you very much,

The hearing concluded at 11:25 a.m.

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DATE December 8, 1986

DEPARTMENT OF STATE
EXECUTIVE SECRETARIAT
TRANSMITTAL FORM

FOR: Dr. Alton G. Keel, Jr.
National Security Council
The White House

REFERENCE:

TO: President Reagan FROM: Miss. Patricia McFate

DATE: October 28, 1986 SUBJECT: Raoul Wallenberg

WHITE HOUSE REFERRAL DATED: Nov. 7, 1986 NSC# 443754

THE ATTACHED ITEM WAS SENT DIRECTLY
TO THE DEPARTMENT OF STATE

ACTION TAKEN:

☐ A draft reply is attached

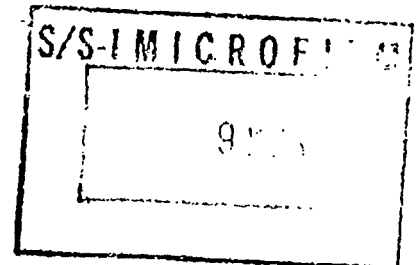
☐ A draft reply will be forwarded

☐ A translation is attached

☒ An information copy of a direct reply is attached

☐ We believe no response is necessary for the reason
cited below

☐ Other



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Nicholas Platt
Executive Secretary

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United States Department of State



WASHINGTON, D.C. 20520

EJLdca

Ms. Patricia McFate
President,
The American-Scandinavian Foundation
127 East 73rd Street
New York, New York 10021

Dear Ms. McFate:

I am replying to your message to President Reagan regarding Raoul Wallenberg. I regret the delay in this response.

The President, the Department of State, and Congress share a strong concern about the fate of Mr. Wallenberg. The U.S. Government takes every opportunity to make this concern known to the Soviet authorities.

Reflecting U.S. interest in this case, President Reagan signed into law in October 1983 a bill conferring honorary U.S. citizenship upon Raoul Wallenberg. Honoring Mr. Wallenberg in this fashion was an important symbolic act. It has made the Soviets and the rest of the world aware of our great admiration for his courage and dedication to humanity. In addition, it stressed our abhorrence for his unjust and illegal punishment by the Soviet Government.

To emphasize further our dedication to resolve the mystery of Mr. Wallenberg's fate, we raised his case with the Soviets through diplomatic channels after he was made an honorary citizen. To date, the Soviets have not responded. However, our efforts to resolve the tragic mystery of Mr. Wallenberg's fate will continue until the Soviets provide a full and satisfactory clarification of their actions in his case.

We have pressed our efforts both in bilateral meetings and international forums, such as the Conference on Security and Cooperation in Europe (CSCE) Review Meeting in Madrid and the UN Human Rights Commission. In 1982, the U.S. Representative to the UN Human Rights Commission urged the Soviet Union to make "a humanitarian gesture which would contribute to universal good-feeling, namely a renewed search and full report, which may lay questions to rest; or else in the best of all possible outcomes, result in the discovery of the whereabouts of a man who stands among the heroes of our time." At a

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NOVEMBER 7, 1986

TO: DEPARTMENT OF STATE

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DESCRIPTION OF INCOMING:

ID: 443754

MEDIA: LETTER, DATED OCTOBER 28, 1966

TO: PRESIDENT REAGAN

FROM: MISS PATRICIA MCFATE
PRESIDENT
THE AFRICAN-SCANDINAVIAN
FOUNDATION
127 EAST 73RD STREET
NEW YORK NY 10021

**SUBJECT: WRITES URGING WORKING FOR RELEASE OF RAOUL
WALLENBERG RELEASE FROM THE SOVIET UNION**

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**SALLY KELLEY
DIRECTOR OF AGENCY LIAISON
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THE WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

INCOMING

DATE RECEIVED: NOVEMBER 03, 1986

NAME OF CORRESPONDENT: MISS PATRICIA MCFATE

SUBJECT: WRITES URGING WORKING FOR RELEASE OF RAOUL
FALLENBERG RELEASE FROM THE SOVIET UNION

ROUTE TO: OFFICE/AGENCY	(STAFF NAME)	ACTION ACT CODE	DATE YY/MM/DD	TYPE RESP	COMPLETED D YY/MM/DD
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The American Scandinavian Foundation
127 East 73rd Street
New York, New York 10021
Telephone: 212 879 1279 Telex: 661553 WLL

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DEPARTMENT OF STATE

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28 October 1986

President Ronald Reagan
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20520

Dear Mr. President:

On behalf of myself and the Trustees of The American-Scandinavian Foundation I am writing to you in regard to a matter of grave concern.

As you know, for forty-one years Raoul Wallenberg has been held illegally in the Soviet Union. It is distressing that in this time we have been unable to gain the release of someone who has done so much to gain freedom for others, and in doing so, exemplifies the principles upon which this country is based. We are certain you share our concern, and urge you to ensure that Raoul Wallenberg's release be regarded of upmost importance in all forthcoming meetings with representatives of the Soviet Union.

Please honor the citizenship the United States has bestowed upon Raoul Wallenberg, and act on his behalf.

Yours very truly,

Patricia McFate

Patricia McFate
President

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

GUY VON DARDEL,

Plaintiff,

v.

UNION OF SOVIET SOCIALIST
REPUBLICS,

Defendant.

Civil Action No. 84-0353

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STATEMENT OF INTEREST OF THE UNITED STATES

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IS/FPC/CFR

Date: 12/13/93

TABLE OF CONTENTS

	<u>Page</u>
TABLE OF AUTHORITIES	11
STATEMENT	1
1. The Instant Proceedings	1
2. The Foreign Sovereign Immunities Act	2
3. The Position of the United States	4
DISCUSSION	6
I. The Standards For A Finding Of Contempt .	6
II. Contempt Is Inappropriate Under The FSIA And Would Be Ineffective	8
III. Contempt Is Inappropriate Because There Are Serious Questions Concerning Jurisdiction In This Case	15
A. A Foreign Sovereign Does Not Waive Immunity By Failing To Appear	18
B. Violations Of International Law Do Not Establish Jurisdiction Under The FSIA	19
C. Violations Of International Agreements Do Not Establish Jurisdiction Unless Expressly So Stated Or Unless Otherwise In Conflict With The FSIA	21
D. A Foreign Sovereign Can Waive Immunity Under The FSIA Only By Express Waiver Or By Clear Conduct .	23
E. The Alien Tort Claims Act Does Not Provide A Basis For Jurisdiction Against A Foreign State	24
F. A Foreign State's Diplomatic Presence Alone Does Not Satisfy Constitutional Requirements For Minimum Contacts	26
CONCLUSION	28

TABLE OF AUTHORITIES

PAGE

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Aldinger v. Howard, 427 U.S. 1 (1976) 21

*Anerada Hess Shipping Corp. v.
Argentina, 85 Civ. 4365
RCL (S.D.N.Y. Order of May 5, 1986) passim

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Mexican States, 735 F.2d 1517
(D.C. Cir. 1984) 17

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376 U.S. 398 (1974) 20

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735 F.2d 329 (9th Cir. 1984),
cert. denied, 105 S.Ct. 510 (1985) 24

Consolidation Coal Co. v. Local 1702,
UMW, 683 F.2d 827 (4th Cir. 1982) 8

Diggs v. Richardson, 555 F.2d 848
(D.C. Cir. 1976) 23

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753 F.2d 1172 (2d Cir. 1985) 7

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345 F.2d 87 (D.C. Cir. 1965) 28

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Republics, 761 F.2d 370 (7th Cir. 1985) 17,23,24

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682 F.2d 1022 (D.C. Cir. 1982) 26

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726 F.2d 774 (D.C. Cir. 1984) 26

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September 1, 1983, D.D.C. (MDL
Docket No. 585, Order of August 2, 1985) 15,24,26

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Kalamazoo Spice Extraction Co. v. Ethiopia, 729 F.2d 422 (6th Cir. 1983)	20
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Owen Equipment & Erection Co. v. Kroger, 437 U.S. 365 (1979)	21
Persinger v. Islamic Republic of Iran, 729 F.2d 835 (D.C. Cir. 1984)	17
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STATUTES AND REGULATIONS

Alien Tort Claims Act, 28 U.S.C. § 1350	passim
Foreign Sovereign Immunities Act of 1976, 28 U.S.C. § 1330	passim

MISCELLANEOUS

Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents, 28 U.S.T. 1975	21
Federal Rules of Civil Procedure Rule 70	12
H.R. Rep. No. 1487, 94th Cong., 2d Sess. reprinted in 1976 U.S. Code Cong. & Ad. News 6601	passim

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

GUY VON DARDEL,

Plaintiff,

v.

UNION OF SOVIET SOCIALIST
REPUBLICS,

Defendant.

Civil Action No. 84-0353

STATEMENT OF INTEREST OF THE UNITED STATES

STATEMENT

The United States files this Statement of Interest pursuant to the Court's request (Letter of October 19, 1986), and 28 U.S.C. § 517, which authorizes the Attorney General to attend to the interests of the United States in a pending suit.

1. The Instant Proceedings

This suit was brought by Raoul Wallenberg's half brother, Guy von Dardel, and his legal guardian, Sven Hagstromer, against the Soviet Union, alleging that Soviet treatment of Wallenberg violates international law, international agreements and the laws of the United States. The Soviet Union refused to appear, returned the Complaint to the United States Embassy in Moscow and sent a diplomatic note asserting absolute sovereign immunity from suit in non-Soviet courts. On October 15, 1985, the Court granted plaintiffs' Motion for a Default Judgment. 623 F. Supp. 246 (D.D.C. 1985). The default judgment, as amended on November 7, 1986, directed the Soviet Union to produce the person of

Wallenberg or his remains within 60 days of the order, to provide the Court with any documents or information in its custody pertaining to Wallenberg and to pay plaintiffs compensatory damages of \$39 million.

When the Soviet Union failed to comply with the judgment and returned the Notice of Default and supporting papers, plaintiffs moved to hold the Soviet Union in civil contempt, and to impose a fine of \$50,000 per day which would rise by a factor of two every two weeks to a maximum of \$1 million per day. (Plaintiffs' Motion for an Order Holding the Defendant Union of Soviet Socialist Republics in Civil Contempt, filed April 28, 1986.) Recognizing that the entry of such an order would involve important issues of foreign policy, the Court requested the views of the United States. As the Court stated in its October 29, 1986 letter:

Because the entry of an order of the type that plaintiffs contemplate would involve issues of foreign policy, the Court deems it appropriate to have the views of the United States before proceeding further in this matter.

2. The Foreign Sovereign Immunities Act

Under the Foreign Sovereign Immunities Act of 1976, 28 U.S.C. §§ 1330, 1602, et seq. (hereinafter referred to as the "FSIA" or "the Act"), immunity decisions are to be made by the courts. Nevertheless, the United States maintains a continuing interest in the interpretation of the Act because of the foreign policy implications of its application, see Letter of Monroe Leigh to Attorney General Edward H. Levy, Nov. 2, 1976, LXXV St.

Dept. Bull. 649 (1976), and, in passing the FSIA, Congress certainly did not intend to preclude the Executive Branch from responding substantively to judicial requests. In response to the Court's request, we therefore offer the United States' views.

Foreign policy concerns are clearly triggered when a court contemplates holding a foreign State in contempt. Congress no doubt assumed in enacting the FSIA that foreign States would respond to suits against them in United States courts. The Department of State has strongly supported Congressional policy in the FSIA by urging all States to respond to such litigation, and the United States responds in foreign courts as the price for enforcing such a policy. The State Department has also explained to foreign States that refusal to appear may lead to entry of default judgments against them. Thus, in principle, the United States supports the rights of aggrieved plaintiffs to sue the Soviet Union in federal court when permitted under the FSIA, and has repeatedly requested the Soviet Union in the strongest terms to respond to suits against it.

Despite Congress' intention and the State Department's strenuous efforts, however, some foreign States have refused to respond to suits in our courts. Those States do not adhere to the widely-held restrictive theory of immunity under international law, on which United States law is based. They subscribe, instead, to the theory of absolute immunity. See generally Jackson v. People's Republic of China, 794 F.2d 1490, 1492-94 (11th Cir. 1986). Some States may also fail to accept

the premise of United States law that any line between immune and non-immune activities is to be drawn by our courts -- an approach to immunity determinations which is not universally practiced even by States adhering to the restrictive theory of immunity. Rather, they see immunity determinations as an issue for diplomatic resolution on a government-to-government basis. Thus, when States fail to respond in United States courts, that action should not necessarily be seen as reflecting any disrespect for our courts. It may instead represent an assertion by that State of its views concerning sovereignty and equality under international law. However much the United States may disagree with such failure to respond, one cannot lightly characterize such conduct as reflecting contemptuous behavior.

3. The Position of the United States

The United States believes that a foreign State's failure to appear should be treated with fairness and great care. While United States courts have the power to decide immunity issues, to issue default judgments, and to enforce those judgments through appropriate means, they should take special care strictly to adhere to all legal requirements and to take into account all relevant implications. Decisions holding a foreign State in default are not always challenged by a foreign State, and often adversely affect this nation's foreign relations -- sometimes seriously. Moreover, to our knowledge, a foreign government has never been held in contempt, a fact which could only be expected severely to compound foreign relations problems if that action

were taken. In view of the importance of these default decisions, the United States will continue, when appropriate, to respond to requests from courts, parties and States for its views, and will act on its own initiative to inform courts of its views, consistent with Congress' policy of having courts decide immunity issues.

The United States believes that the exercise of the contempt powers of the Court in the instant case would be inappropriate because: (1) their exercise would be inconsistent with the purposes of the FSIA, and would be ineffective; and (2) there is serious question concerning the validity of the underlying judgment. The Court therefore should not enter an order of contempt in this case, and should reexamine under the FSIA the jurisdictional bases for its decision.

In stating its views, the United States wishes to make clear that its views on the legal elements of the von Dardel case have no effect on the United States' position concerning Soviet treatment of Wallenberg. The United States abhors the Soviet Union's unjust imprisonment of Wallenberg and continues, through Governmental channels, to seek a full and satisfactory accounting for his fate. The proper forum for such matters, however, is the diplomatic arena and not the courts of the United States.

The United States must also consider the current proceedings in terms of their potential impact on broader foreign policy interests. The imposition of contempt sanctions against the defendant under the circumstances of this case would create a

precedent that could later be applied against other governments here -- and the United States abroad -- in factual situations that are far less sympathetic to plaintiffs.

DISCUSSION

I. The Standards For A Finding Of Contempt

Contempt sanctions would be inappropriate in the instant case for two reasons. First, the imposition of such sanctions would be inconsistent with the legal framework established by Congress in the FSIA for litigation against foreign states, particularly with respect to the enforcement of judgments. Second, such sanctions would be inappropriate because the underlying judgment is of questionable validity.

Courts generally have the inherent authority to enforce their orders and to impose sanctions on individuals who disobey those orders through contempt proceedings. See, e.g., 7 Wright & Miller, Federal Practice and Procedure, § 2960 at 581. However, the authority of our courts in cases against foreign States is circumscribed by the FSIA. To our knowledge, the question of the relationship between contempt and the FSIA is one of first impression.

As a general rule, a respondent may be held in contempt for failure to comply with a lawful court order if the following criteria are satisfied: (1) the order being enforced is clear and unambiguous; (2) proof of non-compliance is clear and convincing; (3) respondent has not exercised reasonable diligence in attempting to comply; and (4) basic standards of due process

such as notice and an opportunity to defend have been met. See, e.g., E.E.O.C. v. Local 638, 753 F.2d 1172 (2d Cir. 1985); 7 Wright and Miller, § 2960 at 588-89.

In the FSIA, however, Congress created a legal framework for litigation against foreign States in which it sought to balance the rights and interests of foreign States against the rights of private litigants. See generally H.R. Rep. No. 1487, 9th Cong., 2d Sess. reprinted in 1976 U.S. Code Cong. & Ad. News 6604, at seq.; McKee v. Islamic Republic of Iran, 722 F.2d 582 (9th Cir.), cert. denied, 105 S.Ct. 243 (1984). While Congress expressly provided for the enforcement of judgments against such States by attachment and execution, 28 U.S.C. §§ 1609-1611, it did not provide for the imposition of contempt sanctions. In view of this framework, the United States believes such sanctions were considered inappropriate by Congress. At a minimum, before a court considers imposing such sanctions it must, as this Court has decided to do, take into account the character of the defendant as a foreign sovereign and the implications that the contempt sanctions may have on the foreign relations of the United States. Imposing contempt sanctions in this case would set a precedent which could affect our legal and political relationships with all foreign nations potentially subject to the jurisdiction of United States courts. Furthermore, the Court should be cautious in exercising its contempt powers to ensure that the orders it enters will be effective, and that the Court has used the least power possible to achieve its objectives.

See, e.g., Shillitani v. United States, 384 U.S. 364, 371 (1966), citing Anderson v. Dunn, 6 Wheat. 204, 231 (1821).

A finding of contempt which seeks to enforce compliance with the orders of the court or to compensate for losses or damages will not survive if the underlying decree or judgment is found invalid. See e.g., United States v. United Mine Workers, 330 U.S. 258, 294-295 (1947); Latrobe Steel Co. v. United Steel Workers, et al., 545 F.2d 1336, 1342-1348 (3d Cir. 1976). Contempt would be inappropriate in the instant case because an analysis of the jurisdictional requirements of the FSIA casts serious doubt on the validity of the underlying judgment.

II. Contempt Is Inappropriate Under The FSIA And Would Be Ineffective

Courts employ the contempt power either to coerce compliance with their orders or to compensate for losses or damages sustained (civil contempt), or to punish persons for acts against the judicial process or the courts (criminal contempt).¹ In

¹ The determinative factor in evaluating whether contempt is civil or criminal is the purpose for which the sanction is imposed rather than the nature of the act punished. See, e.g., Shillitani, 384 U.S. at 369-370. In proceedings for civil contempt, the sanctions are intended to coerce compliance with an order of the court, or to compensate for losses or damages as a result of the defendant's non-compliance. See, e.g., Washington Metro. Area Transit Auth. v. Amalgamated Transit Union, 531 F.2d 617, 622 (D.C. Cir. 1976). Criminal contempt, by contrast, carries punitive sanctions for past acts and is designed to deter offenses against the public. See, e.g., Consolidation Coal Co. v. Local 1702, UMW, 683 F.2d 827 (4th Cir. 1982). Moreover, while the contemnor can purge himself of civil contempt through compliance with the court's order, the punishment of criminal contempt is unconditional. See United States v. North, 621 F.2d 1255 (3d Cir.) cert. denied, 449 U.S. 866 (1980). Accordingly, civil contempt is always a facet of the principal suit, while

(continued...)

either event, recourse to the contempt powers is inappropriate in a case such as this.

The exercise of the contempt powers of the Court in this case would conflict with the delicate balance between the rights and interests of sovereign States and the rights of private litigants that Congress sought to strike in the FSIA. In enacting the FSIA, Congress intended to codify the restrictive theory of sovereign immunity under international law. 1976 U.S. Code Cong. & Ad. News at 6613. The Act provides jurisdiction over actions against sovereign States (and their agencies and instrumentalities) based upon the commercial activities of such States, as well as certain tort actions for monetary damages. 28 U.S.C. § 1605.

The Act establishes a comprehensive mechanism for initiating such actions and for enforcing resulting judgments against foreign States. The FSIA does not expressly provide for the imposition of contempt sanctions, and there is no indication in the history of the legislation that Congress contemplated the imposition of such sanctions under the Act, even with respect to agencies and instrumentalities of foreign States.² In the

¹(...continued)
criminal contempt is a separate action prosecuted in the name of the United States. See In re Stewart, 571 F.2d 958 (5th Cir. 1978).

² Plaintiffs concede that the Act contains no provision for, or reference to, contempt sanctions. (Plaintiffs' Memorandum in support of their Motion for Contempt at 10). Instead, they rely upon a single ambiguous sentence in the legislative history which
(continued...)

absence of a clear intention by Congress to the contrary, the Court should be reluctant to go beyond the statutory scheme contained in the FSIA for enforcement of judgments.

Exercise of the contempt power in response to a sovereign's failure to respond to a Court's judgment would be inappropriate because it ignores the basis for the foreign State's refusal. The refusal of a sovereign State to engage in litigation against it from its inception, absent specific evidence to the contrary, should not be considered as an expression of scorn or contempt for which such sanctions are normally imposed. Rather, such a refusal reflects a determination by that sovereign based on its strongly held principles that it is not subject to the jurisdiction of a foreign court and ought not be required to submit to that jurisdiction even for the limited purpose of disputing such jurisdiction. In the view of the foreign State, the refusal to appear in our courts normally reflects a dispute between two sovereigns concerning an issue of foreign relations and international law.³ Some foreign States also object to the

²(...continued)
states that "[A] fine for violation of an injunction may be unenforceable if immunity exists under Section 1609-1610." (Plaintiffs Memorandum at 10, quoting from 1976 U.S. Code Cong. & Ad. News at 6621.) The legislative history does not explain what Congress intended by the use of the word "fines", the circumstances under which those fines could be imposed, nor against whom they could be assessed. And, as discussed, *infra*, the imposition of contempt is inconsistent with the entire scheme of the Act.

³ As noted by the Court in this case, the Soviet Union returned the Complaint to the United States Embassy in Moscow and (continued...)

inconvenience and the cost associated with responding to what they see as unjustifiable attempts to assert jurisdiction over them or their agencies and instrumentalities. They maintain that they do not subject the United States to such actions and expect the United States to extend to them the same respect and courtesy. However much the United States may disagree with the refusal of such States to respond to the jurisdiction of our courts, it is important to note that a number of foreign States share that point of view.

Plaintiffs' proposed use of contempt to enforce the Court's judgment is likewise inappropriate because it ignores the intention of Congress that judgments against foreign states and their agencies and instrumentalities be enforced through attachment and execution. Congress expressly provided for attachment and execution to enforce judgments in certain cases and expressly preserved the immunity of State property in others. 28 U.S.C. §§ 1610, 1611. Thus, while Congress provided for attachment and execution against the commercial property of a State for judgments resulting from actions based upon the commercial activities of such States, Congress distinguished between property of the sovereign States and that of its agencies and instrumentalities. Compare 28 U.S.C. § 1610(a) with 28 U.S.C. § 1610(b). With respect to the foreign State itself,

³ (...continued)
sent a diplomatic note asserting absolute sovereign immunity from suit in non-Soviet courts. 623 F. Supp. at 250.

Congress authorized attachment and execution only against property which was used for the commercial activity upon which the cause of action is based. 28 U.S.C. § 1610(a).⁴ Moreover, Congress deliberately distinguished such commercial actions from tort actions against foreign States. While permitting private litigants to file some non-commercial tort actions against foreign States, 28 U.S.C. § 1605(a)(5), Congress preserved the immunity of those States with respect to attachment and execution against the property of the State to enforce such actions. 28 U.S.C. § 1610-1611. As the Court of Appeals for the Second Circuit recognized in Letelier v. Republic of Chile, 748 F.2d 790 (2d Cir. 1984), cert. denied, 105 S.Ct. 2656 (1985), in such cases Congress, in effect, created a right which may be without an enforceable remedy.

These distinctions reflect a conscious decision on the part of Congress to strike a balance between the rights and interests of the foreign sovereign and the private litigant. Contempt, even to enforce a judgment,⁵ is distinct from execution and

⁴ Section 1610(a) of the Act contains other provisions regarding immunity from attachment of State property.

⁵ In this instance, the contempt that plaintiffs have requested the Court to impose is civil. The imposition of criminal contempt involves different standards and procedures. Compare 18 U.S.C. § 402 with Rule 70, Federal Rules of Civil Procedure. In any event, it is clear that Congress did not intend to authorize the imposition of criminal contempt or other punishment against foreign States. 1976 U.S. Cong. Code & Ad. News at 6621. The extraordinary sanctions that plaintiffs request in a sense seek to punish the defendant and, for that reason as well, are inconsistent with the intention of Congress.

attachment. It suggests purposeful wrongdoing and would be viewed by the foreign State as a serious charge.⁶ For these reasons, a finding of contempt may have more serious consequences for our foreign relations than would normal recourse to the execution and attachment provisions of FSIA.

In view of the sensitivity that the FSIA reflects regarding the imposition of such an extraordinary remedy in litigation against a foreign sovereign, the Court should also consider whether use of the contempt power would be effective. See, e.g., United States v. United Mine Workers, 330 U.S. at 304. The governing principle is that a court should exercise "(t)he least possible power adequate to the end proposed." Shillitani, 384 U.S. at 371, citing Anderson v. Dunn, 6 Wheat. 204, 231 (1821). This is consistent with the general principle of judicial economy that courts should not perform futile acts. In this case the use of contempt would not be effective.⁷

⁶ Emerging international practice among those States that have followed the example of the United States also raises a question whether imposition of contempt sanctions to enforce compliance with a court order is appropriate. Of the six States that have enacted legislation similar to our FSIA, five (UK, Hong Kong, Singapore, Pakistan, and Canada) do not permit injunctive or specific performance relief and limit the imposition of fines. The sixth -- Australia -- permits the courts wide discretion in their orders, but does not provide for imposition of penalties by way of fine. Accordingly, a decision by this Court to impose contempt sanctions on the Soviet Union might conflict with the intent of Congress to enact a statute that incorporates international standards concerning sovereign immunity.

⁷ Moreover, any attempt to enforce the contempt order through execution against property of a foreign State would be ineffective since the FSIA does not permit execution against the
(continued...)

The United States' views on Wallenberg are well known, *supra*, at page 5, and we do not take issue with the Court's condemnation of Soviet conduct in regard to Mr. Wallenberg. The real question, however, is whether in the FSIA Congress intended to resolve these kinds of government to government political issues that we believe fall outside the carefully delimited scope of jurisdiction over foreign States under the Act, or whether such issues are properly left to statecraft and diplomacy.

The United States continues to urge upon the Soviet Union and other governments that they should respond to any and all United States court proceedings brought against them, regardless of their nature. However, whether in their absence in this kind of case the Court should properly find first jurisdiction and then enter contempt sometimes is another matter. For example, in recognition of these concerns, this Court (Robinson, C.J.), recently dismissed an action against the Soviet Union brought by heirs of the passengers killed in the downing of Korean Airlines flight 007. In Re Korean Airlines Disaster of September 1, 1983, M.D.L. Docket No. 565, (D.D.C., Order of August 1985) (Copy attached as Exhibit 1). While the Court found the Soviets' actions "deplorable," *id.* at 13, it concluded that it did not have and should not exercise jurisdiction over the Soviet Union

7 (...continued)
property of a foreign State on a judgment resulting from the non-commercial tortious actions of a State, regardless of how egregious that conduct might have been. *Letelier*, 748 F.2d at 798-799. Thus, entry of an order of civil contempt would be a futile act.

pursuant to the FSIA or any other of the jurisdictional bases advanced by the plaintiffs.⁸

In light of these considerations and the jurisdictional bounds of the FSIA, we do not believe that the exercise by this Court of its contempt powers is appropriate in this type of case.

III. Contempt Is Inappropriate Because There Are Serious Questions Concerning Jurisdiction In This Case

An order of civil contempt does not survive if the underlying decree or judgment is found invalid. See, e.g., United States v. United Mine Workers, 330 U.S. at 294-295; Latrobe Steel Co. v. United Steel Workers, 545 F.2d at 1342-1348. In the underlying judgment in this case, the Court found that it had jurisdiction under both the FSIA and the Alien Tort Claims Act, 28 U.S.C. § 1350. 623 F.Supp. 246. However, because the defendant did not appear in this proceeding, the Court did not have the benefit of adversarial argument on the merits of the jurisdictional issues. In similar cases which have led to default judgments, it has not been unusual for courts to reexamine the issue of jurisdiction in light of new arguments presented at some later stage in the proceeding. See Jackson v. The People's Republic of China, 794 F.2d 1490; Sidexman de Blake v. The Republic of Argentina, CV No. 82-1772-RMT (C.D. Cal. March 7, 1985) (Copy attached as Exhibit 2).

⁸ An additional jurisdictional basis asserted in the KAL litigation, the Alien Tort Claims Act, was also advanced by the instant plaintiffs and is discussed *infra* at pp. 24-26.

This Court held in its October 15, 1986 Opinion and Order, 623 F.Supp. 246, that it had subject matter and personal jurisdiction over the Soviet Union under the FSIA, on the following grounds:

- (1) sovereign immunity is an affirmative defense that must be pleaded and proved by the sovereign defendant;
- (2) the FSIA should be read not to extend immunity to clear violations of universally recognized principles of international law;
- (3) the FSIA should be read to permit the full operation of international agreements to which the United States is a party;
- (4) in ratifying an international agreement, a foreign sovereign implicitly waives the defense of sovereign immunity with regard to claims based upon violations of such agreements.

The Court also concluded that the Alien Tort Claims Act, 28 U.S.C. § 1350, provides an independent basis for subject matter jurisdiction. Finally, in holding that it had personal jurisdiction over the defendant, the Court reasoned that the minimum contacts required to bring suit against the Soviet Union under 28 U.S.C. § 1330(b) were "clearly satisfied" because the Soviet Union maintains a substantial presence in the District of Columbia.

The United States believes that these jurisdictional findings are subject to serious question. The FSIA was intended to provide jurisdiction generally over commercial actions and over a limited number and type of tort actions. 28 U.S.C.

§§ 1602, 1605. The FSIA provides jurisdiction only for tort actions in which money damages are sought and where the injury occurs in the United States. 28 U.S.C. § 1605(a)(5). The legislative history of this provision, however, reflects that Congress intended that the tortious act or omission must also occur in the United States, 1976 U.S. Code Cong. & Ad. News at 6619. And, virtually every court that has addressed the issue has required that the tortious act or omission occur in the United States. See, e.g., Persinger v. Islamic Republic of Iran, 729 F.2d 835, 842-843 (D.C. Cir. 1984); Asociacion de Reclamantes v. United Mexican States, 735 F.2d 1517, 1524-1525 (D.C. Cir. 1984); Frolova v. Union of Soviet Socialist Republics, 761 F.2d 370, 379-380 (7th Cir. 1985); Olsen v. Government of Mexico, 729 F.2d 641, 645-646 (9th Cir. 1984).

To the extent that the judgment of this Court would create jurisdiction where none was intended by the FSIA, it exposes the United States to similar jurisdiction abroad. The theory of jurisdiction apparently applied by the Court could expose the United States to jurisdiction abroad for virtually any act said to be inconsistent with international law, as construed by any country in which the United States might be found. For the reasons set forth below, the United States does not believe Congress intended to establish jurisdiction over cases such as this, and would vigorously oppose the assertion of such jurisdiction against the United States abroad. Whatever one thinks of the Wallenberg controversy - and the United States

abhors the Soviet conduct in this matter -- it clearly was not a commercial matter or a tort that Congress intended to subject to the jurisdiction of courts in the United States. In view of the arguments relating to jurisdiction presented below, the United States invites the Court, sua sponte, to review its findings on jurisdiction.

A. A Foreign Sovereign Does Not Waive Immunity By Failing To Appear

This Court has concluded that sovereign immunity under the FSIA is an affirmative defense that must be specially pleaded, and that failure to assert the defense constitutes a deliberate choice by the defendant State to forego any entitlement to immunity under the Act. 623 F. Supp. at 252-253. In arriving at this conclusion, the Court relied on a statement in the legislative history that "sovereign immunity is an affirmative defense that must be specially pleaded", 1976 U.S. Code Cong. & Ad. News at 6616.

The question whether a foreign sovereign must appear to plead immunity was conclusively resolved by the Supreme Court in Verlinden B.V. v. Central Bank of Nigeria, 461 U.S. 480 (1983). Noting the aforementioned statement in the legislative history, the Supreme Court concluded:

Under the Act [FSIA], however, subject matter-jurisdiction turns on the existence of an exception to foreign sovereign immunity, 28 U.S.C. § 1330(a). Accordingly, even if the foreign state does not enter an appearance to assert an immunity defense, a district court still must determine that immunity is unavailable under the Act.

461 U.S. at 493-494, n. 20. See also MOL. Inc. v. People's Republic of Bangladesh, 736 F.2d 1326, 1328 (9th Cir. 1984). In view of the Supreme Court's holding, it is inconsistent with the terms of the FSIA and its legislative history to imply a waiver of immunity on the basis that the defendant State failed or refused to make an appearance.

B. Violations Of International Law Do Not Establish Jurisdiction Under The FSIA

The Court concluded that the FSIA should not be read to extend immunity to clear violations of universally recognized principles of international law. 623 F. Supp. at 253-254. This conclusion was based on a statement in the legislative history that the "Act [incorporated] standards recognized under international law," on certain decisions applying the act of state doctrine, and on the notion of "universal jurisdiction" under international law. 623 F. Supp. at 253-254.

The FSIA contains no exception to immunity based on violations of international law, and the United States believes that Congress intended to limit exceptions to immunity to those specified in the Act. The legislative history upon which the Court relied denotes merely that Congress was adopting internationally accepted standards concerning the restrictive theory of immunity. 1976 U.S. Code Cong. & Ad. News at 6613. It does not imply that the Act was intended to establish an exception to immunity for violations of international law.

Amerasia Shipping Corp. v. Argentina, 85 Civ. 4365 (RCL)

(S.D.N.Y. May 5, 1986) (Slip opinion at 10-11.). (Copy attached as Exhibit 3.)

Decisions applying the act of state doctrine, upon which the Court also relied, do not support its conclusion. Under the act of state doctrine, a court may abstain from adjudicating a proceeding in which it otherwise has jurisdiction if the case requires the court to determine the validity of a public act of a foreign sovereign within the territory of that sovereign, even where the act is alleged to constitute a violation of international law. See, e.g., Ranco Nacional De Cuba v. Sabbatino, 376 U.S. 398 (1974). The decisions upon which the Court relied reflect the willingness of courts to adjudicate proceedings in which the act of state doctrine would otherwise permit judicial abstention where international law standards are clearly established. Those decisions, however, do not bear on the central issue of this case -- whether jurisdiction exists in the first instance.⁹

Similarly, the notion of "universal jurisdiction" under international law is not relevant to the FSIA. While the United States may be entitled as a matter of international law to exercise such jurisdiction, federal courts may not exercise that jurisdiction unless empowered by Congress to do so. Owen

⁹ Courts routinely determine whether jurisdiction exists under the FSIA before addressing the applicability of the prudential Act of State doctrine. For example, in Kalamazoo Spice Extraction Co. v. Ethiopia, 729 F.2d 422 (6th Cir. 1983), the court, after finding jurisdiction under the FSIA, refused to dismiss the proceeding on the basis of the Act of State doctrine.

Equipment & Erection Co. v. Kroger, 437 U.S. 365, 372 (1979); Aldinger v. Howard, 427 U.S. 1, 6-16 (1976); Turner v. Bank of North America, 4 Dall. (4 U.S.) 6, 11 (1799). Congress has not so provided. Rather, Congress has determined that the FSIA is the exclusive basis of jurisdiction for suits against foreign states in our courts. See Verlinden, 461 U.S. 480; McKeel v. Islamic Republic of Iran, 722 F.2d 582; Amerada Hess Shipping Corp. v. Argentina, slip. op. at 8-9.

C. Violations Of International Agreements Do Not Establish Jurisdiction Unless Expressly So Stated Or Unless Otherwise In Conflict With The FSIA

This Court has concluded that, where the provisions of the Vienna Convention on Diplomatic Relations, 23 U.S.T. 3227, and the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents, 28 U.S.T. 1975, have been violated by a defendant, section 1604 of the FSIA confers jurisdiction on United States courts to enforce such agreements.¹⁰ 623 F. Supp. at 254-255.

To provide an exception to immunity under the FSIA, however, an international agreement must expressly provide for amenability to suit or otherwise conflict with the FSIA's immunity provisions. See 1976 U.S. Code Cong. & Ad. News at 6616; Amerada Hess Shipping Corp. v. Argentina, slip op. at 10-11. Neither the

¹⁰ Section 1604 provides: "Subject to existing international agreements to which the United States is a party at the time of enactment of this Act a foreign state shall be immune from the jurisdiction of the courts of the United States and of the States except as provided in sections 1605 to 1607 of this chapter."

Vienna Convention¹¹ nor the Convention on Protected Persons¹² preempts the FSIA's immunity provisions since neither Convention conflicts with the FSIA nor even relates to its subject matter -- lawsuits against foreign States.¹³ Thus, neither provides an exception to immunity under the FSIA.

D. A Foreign Sovereign Can Waive Immunity Under The FSIA Only By Express Waiver Or By Clear Conduct

This Court has concluded that, by becoming a party to international agreements containing obligations to respect certain human rights and diplomatic immunities, the Soviet Union implicitly waived its immunity under section 1605(a)(1) of the

¹¹ The Vienna Convention is limited to setting forth the scope of privileges and immunities to be accorded to diplomatic missions and their personnel, and does not give rise to an independent basis for asserting jurisdiction over a foreign State which fails to accord such protection. See Skeen v. Federative Republic of Brazil, 566 F. Supp. 1414, 1419 (D.D.C. 1983).

¹² The Convention on Protected Persons requires States to exercise jurisdiction over certain criminal offenses committed by private individuals, but does not deal with the sovereign immunity of States. Moreover, the Convention as well as domestic implementing legislation, 18 U.S.C. § 112, extends only to offenses which have been perpetrated within the territory of, or by a national of, the State exercising jurisdiction. Thus, this Convention would not apply to the case before this Court in any event.

¹³ Moreover, unless implemented by legislation, international agreements do not provide the basis for private suits unless they are intended to be self executing. See Diggs v. Richardson, 555 F.2d 848 (D.C. Cir. 1976); Erolova v. Union of Soviet Socialist Republics, 761 F.2d 370. Neither agreement in this case was intended to confer rights on individuals which are judicially enforceable in United States courts. See Skeen, 566 F. Supp. at 1419. And, although the 1973 Convention has been implemented through domestic legislation, 18 U.S.C. § 112, that legislation is criminal and does not apply to the type of case before the Court.

FSIA.¹⁴ 623 F. Supp. at 255-256. In reaching this conclusion, the Court relied on general statements by several scholars that treaty provisions should be carried out by the courts to the fullest extent possible. Preailing law under section 1605(a)(1), however, holds that waivers of immunity cannot be implied from the broad, general obligations contained in such Conventions.

In accord with the general principle which applies to suits against the United States that waivers of immunity should be strictly construed, the waiver provisions of the FSIA have been construed narrowly, and courts have been reluctant to find waivers of sovereign immunity by international agreement without convincing evidence that the foreign state so intended. Prolova v. Union of Soviet Socialist Republics, 761 F.2d at 376-378; Berkovits v. Islamic Republic of Iran, 735 F.2d 329, 333 (9th Cir. 1984), cert. denied, 105 S.Ct. 510 (1985); In re KAL Disaster, Slip Op. at 5-6; Rio Grande Transport, Inc. v. Compagnie Nationale Algerienne de Navigation, 516 F. Supp. 1155, 1160 (S.D. N.Y. 1981).

The agreements at issue in this case do not address sovereign immunity. Neither the text of the agreements nor their history indicates that the parties contemplated that by acceding

¹⁴ Section 1605(a)(1) of the Act provides that foreign countries are not immune in cases "in which the foreign state has waived its immunity either explicitly or by implication, notwithstanding any withdrawal of the waiver which the foreign state may purport to effect except in accordance with the terms of the waiver."

they would be waiving any sovereign immunity; nor are we aware of any support for the Court's suggestion that waiver should be implied simply because the agreements set forth recognized principles of international law. Certainly the FSIA, which establishes the sole standard for resolving questions of sovereign immunity, does not so provide. See Latelier v. Republic of Chile, 488 F. Supp. 672 (D.D.C. 1980).

E. The Alien Tort Claims Act Does Not Provide A Basis For Jurisdiction Against A Foreign State

The Court concluded that the Alien Tort Claims Act (hereinafter referred to as 'ATCA') independently provides subject matter jurisdiction over the defendant state in this case. 623 F. Supp. at 256-259. The ATCA gives the district courts "original jurisdiction of any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States." 28 U.S.C. § 1350. The ATCA, however, was not intended to establish jurisdiction over a foreign State, and, even if it were, it has been modified by the FSIA.

At the time of enactment of the ATCA, 1789, both international law and United States law generally recognized the absolute immunity of States from suit. The Schooner Exchange v. McFadden, 11 U.S. (7 Cranch) 116, 136-137 (1812). If Congress had intended to limit the well established doctrine of sovereign immunity, it would have done so expressly. It is clear from the silence of the statute and its legislative history that, whatever

jurisdiction the ATCA established in regard to suits by aliens against individuals for torts committed in violation of the law of nations, it did not establish jurisdiction in regard to suits against foreign states. Sideman v. Argentina, Slip Op.; Amerada Hess Shipping Corp. v. Argentina, Slip Op.

Furthermore, the FSIA provides the sole jurisdictional basis for suits against foreign states in United States courts. 1976 U.S. Code Cong. & Ad. News at 6610. Almost without exception, courts interpreting the Act have treated it as the exclusive source of jurisdiction over foreign states. See, e.g., Verlinden B.V. v. Central Bank of Nigeria, 461 U.S. at 496-497; O'Connell Machinery Co. v. M.V. Americana, 734 F.2d 115, 116 (2d Cir. 1984); McKeel v. Islamic Republic of Iran, 722 F.2d 582; Gilson v. Republic of Ireland, 682 F.2d 1022, 1026 (D.C. Cir. 1982).

The instant case aside, there have been four attempts to establish jurisdiction over a foreign state under the ATCA. See, e.g., Hanoch Tel-Oren v. Libyan Arab Republic, 726 F.2d 774 (D.C. Cir. 1984); Sideman v. Argentina, Slip Op.; In re KAL Disaster, Slip Op. at 10-11; Amerada Hess Shipping Corp. v. Argentina, Slip Op. at 6-8. All have failed, including the plaintiffs in Hanoch Tel-Oren, cited by this Court.¹⁵ Thus, whether one concludes

¹⁵ In Hanoch-Tel-Oren v. Libyan Arab Republic, the Court of Appeals for the District of Columbia Circuit affirmed, *per curiam*, the district court's dismissal of jurisdiction, with three separate concurring opinions. While the concurring opinions differed widely as to the construction of the ATCA in suits against individuals, two of the three panel members expressly found that suit against Libya was barred by reason of the FSIA. 726 F.2d at 776, n.1 (Edwards, J.), and at 805, n.13 (Bork, J.).

that the ATCA was never intended to establish jurisdiction over States or that the subsequently enacted FSIA became the exclusive remedy against such States, the result is the same -- jurisdiction over foreign States in United States courts is available only in accordance with the FSIA, regardless of the origins of the cause of action.

F. A Foreign State's Diplomatic Presence Alone Does Not Satisfy Constitutional Requirements For Minimum Contacts

As this Court has recognized, 623 F.2d at 251, n.3, jurisdiction over a foreign state under the FSIA must also comport with minimum jurisdictional contacts and due process as required by International Shoe Co. v. Washington, 326 U.S. 319 (1945). This Court concluded that these minimum requirements are "clearly satisfied because the defendant maintains a substantial presence in the District". 623 F. Supp. at 251, n.3. The Court did not elaborate on the presence to which it was referring. The Soviet Union, of course, maintains a diplomatic presence in the District of Columbia through its Embassy. The diplomatic presence of a foreign State, however, would satisfy the requirement for minimum contacts only if the cause of action were expressly related to that presence. See, e.g., Maritime International Nominees Establishment v. Republic of Guinea, 693 F.2d 1094 (D.C. Cir. 1982), cert. denied, 464 U.S. 815 (1983).

In the view of the United States, the diplomatic activities of a foreign State that are not related to a cause of action brought under the FSIA shed no light on whether a foreign State

is amenable to suit under one of the FSIA's exceptions to immunity, and should not be considered for minimum contact purposes. This conclusion serves important policy interests. First, foreign States should not be subject to suit for conducting internationally protected diplomatic activities. A contrary rule, in effect, punishes foreign States for conducting diplomatic relations in the United States. Second, this conclusion is consistent with the primary intention of the FSIA to reach the "commercial" or non-governmental activities of foreign States. Furthermore, this view is supported by the decision of the Court of Appeals for the District of Columbia Circuit in Fandel v. Arabian American Oil Company, 345 F.2d 87, 88-89 (D.C. Cir. 1965).¹⁶

CONCLUSION

For the foregoing reasons, the United States believes that the exercise of the contempt power in this case would be inappropriate.

Respectfully submitted,

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¹⁶ The court in Fandel held that an office maintained by a Saudi Arabian corporation in Washington, D.C., and used to continue relationships with the State Department and other executive agencies of the United States, with diplomatic missions and with other educational and international organizations was not "doing business" in the District, as required under the Washington, D.C., long-arm statute. Fandel is especially significant since the long-arm provisions of the FSIA were patterned on that statute. 1976 U.S. Code Cong. & Ad. News at 6612.

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CERTIFICATE OF SERVICE

I, Elizabeth Sarah Gere, certify that on this 8th day of December, 1986, a copy of the Statement of Interest of the United States was mailed, via first-class mail, postage prepaid, to the following:

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