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**Collection:** Dobriansky, Paula: Files  
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*Baltic* 1  
ID 8407532

NSC/S PROFILE

UNCLASSIFIED

RECEIVED 05 OCT 84 17

TO KIMMITT

FROM DONATELLI, F

DOCDATE 05 OCT 84

BERZINS, IVARS

14 AUG 84

KEYWORDS: USSR

IMMIGRATION

HUMAN RIGHTS

SUBJECT: DEPORTATION OF DENATURALIZED BALTIC NATIONALS

-----  
ACTION: PREPARE MEMO FOR MCFARLANE DUE: 10 OCT 84 STATUS S FILES WH

FOR ACTION

FOR CONCURRENCE

FOR INFO

DOBRIANSKY

THOMPSON

MATLOCK

LENCZOWSKI

COMMENTS

Close out. NSC and White House Public Liaison apprised State of its interest in seeking a fair, policy-consistent resolution of this case (Linnas). Derwinski and Palmer (DAs) were specifically contacted, \* White House Public Liaison is aware of NSC involvement. *PD 10/25/84*

REF# LOG NSCIFID ( JF )

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ACTION OFFICER (S) ASSIGNED ACTION REQUIRED DUE COPIES TO

*NSC/S C 26 Oct see Dobriansky note - NFAR*

DISPATCH \_\_\_\_\_ W/ATTCH FILE \_\_\_\_\_ (C)

National Security Council  
The White House

System # I  
Package # 7532

84 OCT 5 P 3: 37

	SEQUENCE TO	HAS SEEN	DISPOSITION
Paul Thompson	_____	_____	_____
Bob Kimmitt	<u>1</u>	<u>K</u>	_____
John Poindexter	_____	_____	_____
Tom Shull	_____	_____	_____
Wilma Hall	_____	_____	_____
Bud McFarlane	_____	_____	_____
Bob Kimmitt	_____	_____	_____
NSC Secretariat	<u>2</u>	_____	<u>A</u>
Situation Room	_____	_____	_____

I = Information	A = Action	R = Retain	D = Dispatch	N = No further Action
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cc: VP Meese Baker Deaver Other \_\_\_\_\_

COMMENTS Should be seen by: \_\_\_\_\_  
(Date/Time)

*Stuff*

*Action*    *Dobransky*

*Cont*      *Thompson*  
              *Matlock*

*Info*      *Lewyanski*

## THE WHITE HOUSE

WASHINGTON

October 5, 1984

MEMORANDUM TO ROBERT KIMMITT, DEPUTY ASSISTANT TO THE PRESIDENT  
FOR NATIONAL SECURITY AFFAIRS

FROM: FRANK DONATELLI, DEPUTY ASSISTANT THE PRESIDENT FOR  
PUBLIC LIAISON (CJD)

SUBJECT: Deportation of Denaturalized Baltic Nationals

This office has been approached by the Joint Baltic American National Committee (JBANC) with its concern regarding the deportation of a denaturalized U.S. citizen who was a former citizen of the Republic of Estonia. The precedent setting case is scheduled to be reconsidered by the Board of Immigration Appeals in New York later this month (see letter from Mr. Ivars Berzins, Tab A). JBANC, and other Baltic-American organizations, are concerned that the deportation of Baltic nationals to the Soviet Union would violate the United States longstanding policy of the non-recognition of the annexation of Estonia and the other Baltic States by the Soviet Union.

Full page protests have been published in Lithuanian, Latvian and Estonian-American newspapers (see example, Tab B), bringing this matter to the attention of the White House, and asking for our assistance.

While we do not believe this matter would be appropriate to be handled at the White House at this time, we do believe it is of immediate importance and feel strongly that it should be considered by senior State Department officials. This Administration has taken pride in its strong reiteration of the United States policy of the non-recognition of the incorporation of the Baltic States into the Soviet Union. It would be unfortunate if this policy were undermined by bureaucratic oversight.

Should you require any additional information on this matter, the OPL ethnic liaison, Linas Kojelis (x2741), will be able to help you.

cc: Bill Sittman

may consider the implications of the United States' refusal to recognize the Soviet annexation of Estonia, designate a country of deportation pursuant to the appropriate provisions of section 243(a) of the Act, 8 U.S.C. 1253(a), and articulate the statutory basis for selecting whichever country is designated. Upon remand both the respondent and the Service may be given an opportunity to submit additional evidence or arguments on these issues.

11/ In Matter of S-Y-L-, 9 I&N Dec. 575 (BIA 1962), we refused to deport a national of Communist Mainland China to that country because the United States did not recognize the legitimacy of the Communist government there. Our policy against deporting aliens to Communist China was not discontinued until we recognized the legitimacy of that government. Matter of Cheung, 10 I&N Dec. 690 (BIA 1979)."

We now have another opportunity to present to the Immigration Judge evidence and arguments why nationals of Estonia, Latvia and Lithuania ought not be deported to the U.S.S.R., while the United States does not recognize the illegal Soviet occupation of those countries. Unfortunately, all the evidence and all the arguments may be to no avail, if this Administration, through the Department of Justice and its Office of Special Investigations, persists in asking the Immigration Judge to order deportation to the U.S.S.R. We are faced with a political, not a legal issue. If sufficient political pressure is applied to this Administration, perhaps they will relent. The elections, after all, are not far away.

If a Baltic national is deported to the U.S.S.R., it would constitute discrimination of the most invidious sort. While the United States did not recognize Mainland China, no Chinese nationals were deported to Mainland China. The United States ought to adhere to the same policy concerning deportable Baltic nationals. Anything less than that would make a mockery of the policy of nonrecognition of the Soviet annexation of the Baltic states.

4

IVARS BERZINS, P. C.  
ATTORNEY AT LAW  
484 WEST MONTAUK HIGHWAY  
BABYLON, NEW YORK 11702  
516 - 661-3540

August 14, 1984

The American Latvian Association  
in the United States, Inc.  
P. O. Box 432  
Rockville, Maryland 20850

Ladies and Gentlemen:

I represent Mr. Karl Linnas, an Estonian who has lost his United States citizenship and has been found deportable. At United States Government request, the Immigration Judge ordered him deported to the U.S.S.R. We appealed to the Board of Immigration Appeals. The Board in its July 31, 1984 decision, affirmed the deportation order, but questioned the designation of U.S.S.R. as the place of deportation. The Board said:

"Lastly, the respondent has argued that the immigration judge's designation of the U.S.S.R. is unreasonable in light of the fact that the United States has refused to recognize the legitimacy of the Soviet annexation of Estonia. We are unable to assess the merits of this argument because the immigration judge's decision is silent as to the basis for his designation of the U.S.S.R. Moreover, on appeal the Service failed to state its position on the effect of the Soviet annexation of Estonia upon designation of a country of deportation. 11/ Thus, a remand on this issue is appropriate.

ORDER: The appeal is dismissed as to all of the issues except that of the reasonableness of the immigration judge's designation of the U.S.S.R. as the country of deportation. Inasmuch as we are unable to ascertain the reasons for that designation, the case is remanded to the immigration judge so that he

6

To the best of my knowledge, the case of Karl Linnas is the first case where a Baltic national has been ordered deported to the U.S.S.R. Consequently, this is a test case and if it is lost, similar deportations to the U.S.S.R. will follow. This first attempt at deportation to the U.S.S.R. should be resisted vigorously. We seek your support.

Very truly yours



Ivars Berzins

IB:ah

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We therefore wonder:

## WHO SPEAKS FOR THIS ADMINISTRATION?

**Attorney General William French Smith**

(Address before the DePaul University Convocation, February 5, 1984)

*„A tyrannical nation uses any and every thing it wishes to use. Nothing is important in itself but only as a means to achieving the ends of the state. If much has changed about the Soviet Union since the time of Stalin, this tyrannical character of the state has remained the same. Whereas Stalin murdered political dissidents— millions lost their lives this way — Soviet rulers now deal with them in ways that are less bloody, but no less effective ... The Soviet Union, however, is a land of servitude, a totalitarian society. Whatever features the Soviets' legal system may appear to have in common with ours, the respective systems are as different in the final analysis, as night and day.”*

**Attorney General William French Smith**

(Address before the American Bar Association, August 6, 1984)

*„...We were especially concerned by reports in the press that the Ku Klux Klan had allegedly mailed threatening and abusive letters to some twenty Asian and African countries planning to take part in the 1984 Olympic Games. We have copies of these letters. They are openly racist and disgusting, and they threaten violence... But even more reprehensible than the letters themselves is what we now know about their origin ... They were ... manufactured and mailed by another organization devout to terror: the KGB ... they [the letters] are classical examples of a Soviet forgery on disinformation operation ... Through this plot, the Soviet Union, employing cynical falsehood, struck at both the Olympic ideal and the rule of law.”*

— OR —

**Deputy Assistant Attorney General, Mark M. Richard**

(direct supervisor of OSI) in his letter of July 23, 1984 to Rep. Ray Kogovsek (U.S. House of Representatives)

[Responding to Mr. Zumbakis' charge of OSI-KGB partnership]

*„...our reliance on this [soviet] evidence is not misplaced. [and] the articles which Zumbakis assembled portray these men [ Procurators Rudenko and Bakucionis] as suppressing of insurgent prisoners [in Vorkuta slave labor camp] and prosecuting religious dissidents ... may arouse our indignation, [but] they do not demonstrate that the evidence obtained in the Soviet Union is tainted ... nor should they be used as an excuse for failing to use legitimate evidence — regardless of its origin ...”*

**President Ronald Reagan**

(Statement to the 38th United Nations General Assembly — July 29, 1983)

*„...the government of the United States has never recognized the forced incorporation of the Baltic States into the Soviet Union and will not do so in the future.”*

— OR —

**OSI Trial Attorney**

In U.S. v. Linnas hearing April 28, 1983 in Judge Howard Cohen's Court Room:

*„Yes your Honor. It is the government's [U.S.A.] position that the defendant [Mr. Linnas — an Estonian] is stateless and for that reason the government ... designates the Union of Socialist Republics...” [ for deportation ].*



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

August 30, 1984

Dear President Reagan:

You have expressed interest in ethnics, and you have seen the true nature of the Soviet propaganda and deception campaigns. We all admire your courage and appreciate your stand. We agree with your assessment that the Soviet Union is an evil empire.

The KGB team which has been so active in recent years against your Administration and the rest of the Free World, has found unwitting partners within your own Justice Department. I wrote to you about this on March 28, 1984; to document these charges, I enclosed 140 pages of documents admitted as evidence in our courts and other reliable materials as to the linkage between the Justice Department, Office of Special Investigations and the notorious KGB.

Unfortunately, it appears that your aides did not bring the matter to your attention, nor did they see fit to even acknowledge the receipt of the hand-delivered letter and exhibits.

Your administration has been insensitive to this issue, which is directed exclusively against Eastern Europeans. Ukrainians, Latvians, Estonians, Lithuanians, Croatians, Rumanians, and Russians are victimized by the OSI in its search for alleged Nazi collaborators in the United States. While I am not against the concept of deporting Nazi collaborators, I feel that the KGB link with the OSI is as intolerable as would be such a link with the Gestapo. Eastern Europeans, who suffer under the armed Soviet yoke, should not be singled out for prosecution.

Eastern European communities have been shocked and outraged by the OSI's collaboration with the KGB. The OSI-KGB partnership (so termed by Fed. Judge D. Debevoise in United States v. Kungys, 571 F. Supp. 1104 [1983]) is simply unconscionable, as I am sure you will agree. Also intolerable is the single-minded focus on Eastern Europeans - primarily those who emigrated to the United States under the Displaced Persons Act of 1948. Why not seek out French, Italian, or Spanish collaborators as well? After all, those countries had millions of sympathizers, collaborators, and Fascists formally working for the Third Reich. Why are the members of the Jewish Judenrat, who profited from the Holocaust and escaped Israeli justice, allowed to remain free in the United States and are not sought out by the OSI? Why does our government permit ex-NKVD (KGB) agents to live in the United States free of the threat of deportation? The Soviets were, after all, as vicious as the Nazis; and they are, unlike the Nazis, still operating against their own citizens, imprisoning innocent dissidents in concentration camps and psychiatric wards, and oppressing entire nations.

I think you will agree, that the concepts of due process and equal protection demand that unless the OSI is expanded to trace all alleged Nazi and Soviet collaborators, it should not be allowed to terrorize only those ethnic communities which have been vocal in their anti-communism.

As a further example of the OSI's attempt to placate their friends at the KGB, you may wish to examine the OSI's position in the Matter of Linnas. Mr. Linnas was found deportable from the United States. The merits of the trial process aside, the OSI has taken it upon itself to expressly rewrite your foreign policy as to the non-recognition of the Soviet occupation of Latvia, Estonia and Lithuania. It has requested in open court that Mr. Linnas, a native and citizen of independent Estonia, be deported to the USSR, because Estonia no longer exists. This is in complete contradiction of all presidential pronouncements on the issue, beginning with President Truman and ending with you, Mr. President. The Baltic communities supported your election, confident that your Administration would continue the policy of non-recognition. They were encouraged by your statement, which was introduced in the United Nations by Ambassador Jeane J. Kirkpatrick on July 29, 1983:

"... the government of the United States has never recognized the forced incorporation of the Baltic States into the Soviet Union and will not do so in the future.

"On this occasion, we wish to reaffirm this policy as we note the anniversary of the 1922 recognition by the United States of the three Baltic Republics. In so doing, we demonstrate our continuing commitment to the principles and purposes of the United Nations Charter and to the cause of peace and liberty in the world."

If the OSI is successful in deporting a single Balt to the Soviet Union, however, all your proclamations are rendered meaningless. The Baltic communities have been overwhelmed by these inconsistent stands towards the policy of non-recognition; but surely it could not have been your intention to delegate the sensitive issue of non-recognition policy to the OSI. Your words are clear and reassuring, but acts speak louder than words, and it appears that the OSI speaks for your Administration.

Representatives of various Eastern European nationalities met at Georgetown University in Washington D.C. on February 4-5, 1984, and thereafter sent you a telegram with a plea for an affirmation that due process standards must be applied in OSI prosecutions and that KGB produced evidence has no place in our courts. That telegram, as well as thousands of letters to the White House from individual Ukrainians, Rumanians, Lithuanians, Estonians, Latvians, Russians, Croatians, and others, have gone unanswered.

Mr. President, it is imperative for us to know the true policy of the first term of your Administration as to the United States' position on non-recognition. We have always believed in and trusted you. We assume it is your aides who block these issues from your consideration, and we hope that you will at long last be addressing these questions yourself. Hundreds of thousands of American citizens of Eastern European origin are awaiting your response, confident that it will be consistent with your personal philosophy of freedom and fairness.

Respectfully,  
(signed)

S. Paul Zumbakis

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**Telegram to President Reagan**

Dear Mr. President:

In 1978, Congress enacted Public Law 95-549, which resulted in the establishment of the Office of Special Investigations under the U.S. Department of Justice.

In January of 1980, in Moscow, Walter Rockler and Allan Ryan of the O.S.I. negotiated an agreement with the Soviet Union for the submission of evidence and testimony to be used in our United States courts.

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Mr. President, it is our firm belief that any person who participated in crimes against humanity should be brought to justice. Our Constitution and principles of due process should be the standards by which American Justice is meted out. Persons prosecuted by the O.S.I. should have the right to a trial by jury, legal counsel should they not be able to afford same and equal access to evidence. KGB produced evidence should have no place in our courts.

AMERICANS FOR DUE PROCESS  
February 9, 1984

CO-SIGNED BY SEMINAR ATTENDEES:

Americans Against Defamation of Ukrainians  
American Croatian Defense Association  
American Latvian Association  
American Latvian Youth Association  
American Lithuanian Community - Executive Committee  
American Lithuanian Community - Public Affairs Council  
American Lithuanian Youth Association.

Baltic Student Association	Legion of Estonian Liberation
Byelorussian Anti-Defamation Federation	Lithuanian World Review Radio
Committee Against the Use of Soviet Evidence	Romanian Orthodox Brotherhood
Coalition for a Free Russia	Ukrainian Congress Committee of America
Congress of Russian Americans	Ukrainian American Bar Association
Estonian American National Council	World Federation for a Free Latvia
Joint Baltic American National Committee	World Lithuanian Community
Latvian Welfare Association	World Lithuanian Youth Association

We do not believe that President Reagan would tolerate the actions of the Office of Special Investigations if his aides informed him of the OSI's linkage with the notorious KGB.

We need your support and your contributions. Please help us inform the President and the American people.

— We are AMERICANS FOR DUE PROCESS —  
P.O. Box 85  
Woodhaven, New York 11421

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P.O. Box 85  
Woodhaven, New York 11421**

as of 11/15/84

MEETING ON  
DEPORTATION OF ALIENS FROM U.S. TO USSR

Friday, November 16, 1984 - 3:00 p.m. - OEOB, Room 208

State

Dale HERSPRING	EUR	2-0575	
Leon JOHNSON	HA		
Geoffrey LEVITT	L		
Gary MATTHEWS	HA	2-9454	
Daniel McGOVERN	L	2-5036	D/Legal Advisor
Ronald NEITZKE	C	2-8864	
Mark PALMER	EUR	2-1126	
Carol SCHWAB	L/EUR	2-0557	
Thomas SIMONS	EUR/Sov	2-3738	
John ZEROLIS	EUR	2-3655	

regrets:

Edward J. DERWINSKI	C	
Laura DIETRICH	HA	2-0798
James HERGEN	L	
Thomas NILES	EUR	2-1010
Mary Beth WEST	L	

Justice

Mark RICHARD	Deputy Asst AG	633-2333
Neal SHER	Special Investigations	633-2502

White House

Marshall BREGER		x2164
Stephen GALEBACH		x6520
Linas KOJELIS	PL	x2741

NSC

Paula DOBRIANSKY  
Jack MATLOCK  
Walt RAYMOND

Steve STEINER



REQUEST FOR APPOINTMENTS

To: Officer-in-charge  
Appointments Center  
Room 060, OEOB

Please admit the following appointments on Friday, November 16, 1984  
for Paula Dobriansky of NSC  
(NAME OF PERSON TO BE VISITED) (AGENCY)

State

Dale HERSPRING	EUR
Leon JOHNSON	HA
Geoffrey LEVITT	L
Gary MATTHEWS	HA
Daniel McGOVERN	L
Ronald NEITZKE	C
Mark PALMER	EUR
Carol SCHWAB	L/EUR
Thomas SIMONS	EUR/Sov
John ZEROLIS	EUR

Justice

Mark RICHARD Deputy Asst AG  
Neal SHER Special Investigations

Internal:

White House

Marshall BREGER  
Stephen GALEBACH  
Linas KOJELIS PL

NSC

Paula DOBRIANSKY  
Jack MATLOCK  
Walt RAYMOND

MEETING LOCATION

Building OEOB  
Room No. 208  
Time of Meeting 3:00 p.m.

Requested by Francesca Lapinski  
Room No. 368 Telephone x5646  
Date of request November 15, 1984

Additions and/or changes made by telephone should be limited to five (5) names or less.

APPOINTMENTS CENTER: SIG/OEOB - 395-6046 or WHITE HOUSE - 456-6742

*File Baltic states*  
17

# DRAFT

November 21, 1984

MEMORANDUM FOR PAULA DOBRIANSKY, DIRECTOR, EAST EUROPEAN AFFAIRS,  
NATIONAL SECURITY COUNCIL

FROM: LINAS KOJELIS, ASSOCIATE DIRECTOR, OFFICE OF PUBLIC  
LIAISON

SUBJECT: Issues Surrounding the Pending Deportation by the USG  
to the Soviet Union of Baltic Nationals Accused of War  
Crimes

The purpose of this memorandum is to summarize the salient issues surrounding the precedent setting pending deportation by the USG to the Soviet Union of Baltic (Estonian, Latvian and Lithuanian) nationals accused of committing "war crimes" in the Baltic States during World War II, as expressed to me by representatives of Baltic and other East European-American organizations.

There are two main issues:

1. The rendering of justice on those accused of "war crimes."
2. The effects of deportation on the U.S. policy of not recognizing the annexation of the Baltic States by the Soviet Union.

## 1. Rendering of Justice

The Office of Special Investigations was established to find persons who either illegally entered the United States by falsifying their immigration papers by denying participation in "war crimes" during World War II, or who were consciously harbored by the USG despite their participation in those crimes, to strip them of their citizenship and have them deported.

Unfortunately, no thought has been given to the rendering of justice to those accused of war crimes. Clearly, those accused of committing crimes in the nations of Western Europe, when and if they are deported and taken into custody by West European governments are tried in free and open judicial systems which afford defendants basic human, civil and legal rights. A serious problem arises, however, in the event that a nation with an unsound judicial system expresses interest in these individuals. The pending case is just such an example.

### Soviet Justice

In the establishment of OSI, no thought was given to the problem of rendering justice to those accused of crimes in the Soviet Union and Eastern Europe. For many years, the U.S.

government has recognized that the judicial systems in those countries deny, in varying degrees, basic civil and human rights. Moreover, in cases which would be considered by them to be "political crimes" there is no question but that the court systems in the U.S.S.R. and Eastern Europe are not independent of the ruling political authorities (i.e. the Communist Party).

The State Department's Office of Human Rights and Humanitarian Affairs has done extensive research and many case studies on the nature of the Soviet judicial system and its practices in political cases. In fact, many times, the victims of Soviet justice are Soviet Jews who are persecuted for their religious beliefs and nationality. The Baltic American communities argue that it is illogical to hand over to the same Soviet authorities who are currently persecuting Jews persons who are accused by the Soviet Union of anti-Semitic crimes committed in the past.

#### Historical Inconsistency

A related argument is based on the Soviet Union's collaboration with Nazi Germany before June 1941. Questions have been raised as to the Soviet Union's moral authority to try persons accused of collaborating with Nazi authorities, when the Soviet Union itself was a chief collaborator and ally of Germany during much of the period of Nazi rule. Nazi persecution of Jews did not begin after June 1941. To allow the Soviet Union to try those accused of "Nazi war crimes" would bestow upon the U.S.S.R. civil and moral authority which would be a travesty.

Yet another related issue is the East European Americans' concern regarding U.S./Soviet collaboration against East European displaced persons as a class. In his recently released book, former OSI director Allan Ryan has expressed his personal concerns regarding the Displaced Persons Act which allowed many DP's to come to the U.S. The East European Americans are wary of the revival of an Operation Keelhaul-type of mentality by the U.S. in which anyone who fled advancing Soviet forces was assumed to be a Nazi collaborator and was subject to deportation to Eastern Europe.

And finally, East European Americans are appalled that citizens of East European origin (Baltic, Ukrainian and other) should be deported to the same government which, since its inception, has persecuted the citizenry of those nations, at times for arguably genocidal purposes.

#### Options

From the standpoint of the rendering of justice, the resulting situation is one which calls for creative solutions. If no country in the world is willing to accept those accused of collaboration, and if it is decided that it would be unfair to deport them to the Soviet Union or Eastern Europe, a new solution must be worked out.

Possible options might include:

- a. trial by an international tribunal (reconstitution of a form of the Nuremburg tribunal.)
- b. trial in the U.S. for actual war crimes.

2. Non-Recognition

The United States has never recognized the Soviet annexation of the Baltic States. The concept of "non-recognition" is neither a precise nor legal one. It is defined at the discretion of the Executive Branch of the Federal Government. In most cases, the determination is made by the Department of State. The policy of "non-recognition" of Soviet annexation of the Baltic States has been implemented in a flexible manner. For example, while senior U.S. diplomats in Moscow and Leningrad are prohibited from visiting the Baltic States, junior FSO's travel to the Baltic States periodically on consular and humanitarian missions.

The policy of non-recognition is, in fact, defined and affected by many factors, including:

1. Statements and acts of the Executive Branch
2. Domestic U.S public perception
3. Perception of the Congress
4. Statements and acts of the Soviet Government
5. Perception of other foreign governments and the international community
6. Legal restrictions

Legal Arguments

As regards the legal restrictions, the Department of State's General Counsel's (DOS GC) office has determined that the deportation of a Baltic national to the Baltic States would violate the policy of "non-recognition." Because the U.S. does not recognize the Soviet governments in the Baltic States, Baltic nationals must be deported to a third country.

However, in the pending case, no country, save the U.S.S.R., is willing to accept the Baltic national. According to the guidelines set forth in Section 1253 (a) of Title 8 of the Immigration and Nationality Act, the U.S. must deport the individual to "any country which is willing to accept such alien into its territory." Thus, the State Department argues that the U.S. would transfer a Baltic national not on the basis of Soviet claims of authority over that individual, but only because no other third country is willing to accept him.

Such a determination would deny a relationship between the government of the U.S.S.R. and the Soviet imposed governments in the Baltic States.

The pending case is a precedent setting case on all accounts. The U.S. has never before been faced with a similar situation.

Public Perceptions

While such a determination might make legal sense to DOS GC, the Baltic American communities argue that this formal legal distinction would not hold up against all of the other factors which determine the concept and policy of "non-recognition." In short, they believe that, if the State Department relies solely on what a legal argument (the Baltic American groups would consider it a technicality) to define the U.S. policy of "non-recognition," than the Secretary of State is abdicating his

executive authority, thereby reducing the policy of "non-recognition" to little more than words on paper.

### International Perceptions

At our meeting on November 16, the representative of the Office of the Counselor to the Secretary of State suggested that foreign governments would interpret the deportation of a Baltic national to the Soviet Union as the gutting of the U.S. policy of "non-recognition."

### Soviet Perceptions

The Soviet government has claimed that the Baltic States voluntarily joined the Soviet Union and that it has legal jurisdiction over the citizens and affairs of the Baltic States. The Soviet government would not accept Baltic nationals under the assumption that it is a third country, but rather, that such nationals are its rightful citizens.

In fact, the Soviet government has indicated that unless it receives custody of the Baltic national in the pending case, it may refuse to cooperate with the Justice Department in future cases.

# DRAFT

November 21, 1984

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NATIONAL SECURITY COUNCIL

FROM: LINAS KOJELIS, ASSOCIATE DIRECTOR, OFFICE OF PUBLIC  
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### Historical Inconsistency

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And finally, East European Americans are appalled that citizens of East European origin (Baltic, Ukrainian and other) should be deported to the same government which, since its inception, has persecuted the citizenry of those nations, at times for arguably genocidal purposes.

### Options

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Possible options might include:

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- b. trial in the U.S. for actual war crimes.

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1. Statements and acts of the Executive Branch
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5. Perception of other foreign governments and the international community
6. Legal restrictions

### Legal Arguments

As regards the legal restrictions, the Department of State's General Counsel's (DOS GC) office has determined that the deportation of a Baltic national to the Baltic States would violate the policy of "non-recognition." Because the U.S. does not recognize the Soviet governments in the Baltic States, Baltic nationals must be deported to a third country.

However, in the pending case, no country, save the U.S.S.R., is willing to accept the Baltic national. According to the guidelines set forth in Section 1253 (a) of Title 8 of the Immigration and Nationality Act, the U.S. must deport the individual to "any country which is willing to accept such alien into its territory." Thus, the State Department argues that the U.S. would transfer a Baltic national not on the basis of Soviet claims of authority over that individual, but only because no other third country is willing to accept him.

Such a determination would deny a relationship between the government of the U.S.S.R. and the Soviet imposed governments in the Baltic States.

The pending case is a precedent setting case on all accounts. The U.S. has never before been faced with a similar situation.

### Public Perceptions

While such a determination might make legal sense to DOS GC, the Baltic American communities argue that this formal legal distinction would not hold up against all of the other factors which determine the concept and policy of "non-recognition." In short, they believe that, if the State Department relies solely on what a legal argument (the Baltic American groups would consider it a technicality) to define the U.S. policy of "non-recognition," than the Secretary of State is abdicating his



executive authority, thereby reducing the policy of "non-recognition" to little more than words on paper.

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The Soviet government has claimed that the Baltic States voluntarily joined the Soviet Union and that it has legal jurisdiction over the citizens and affairs of the Baltic States. The Soviet government would not accept Baltic nationals under the assumption that it is a third country, but rather, that such nationals are its rightful citizens.

In fact, the Soviet government has indicated that unless it receives custody of the Baltic national in the pending case, it may refuse to cooperate with the Justice Department in future cases.

Baltic Countries

8920

25

MEMORANDUM

NATIONAL SECURITY COUNCIL

December 20, 1984

ACTION

MEMORANDUM FOR ROBERT M. KIMMITT

FROM: PAULA DOBRIANSKY ↗

SUBJECT: Linnas Deportation Case

Per our conversation, attached at Tab I is a memorandum from you to Charles Hill which tasks State to provide an update on the Karl Linnas deportation case. Faith Whittlesey's memorandum to Mr. McFarlane, dated December 4, is at Tab II.

RECOMMENDATION

That you forward the memorandum at Tab I to State.

Approve \_\_\_\_\_ Disapprove \_\_\_\_\_

Attachment:

- Tab I Proposed memorandum to State
- Tab II Faith Whittlesey's memorandum, December 4, 1984

NATIONAL SECURITY COUNCIL  
WASHINGTON, D.C. 20506

MEMORANDUM FOR MR. CHARLES HILL  
Executive Secretary  
Department of State

SUBJECT: Linnas Deportation Case

Given the many queries we have received regarding the Karl Linnas deportation case, we would appreciate an update. Please provide details on those countries that have been asked to accept Linnas. The update should be forwarded to NSC by COB, Friday, December 28, 1984.

Robert M. Kimmitt  
Executive Secretary

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National Security Council  
The White House

THE WHITE HOUSE  
WASHINGTON

System # \_\_\_\_\_

Package # 8920

12/6/84

RECORDED [ ] ATT: [ ]

	SEQUENCE TO	HAS SEEN	DISPOSITION
Paul Thompson	_____	_____	_____
Bob Kimmitt	<u>1</u>	<u>K</u>	_____
John Poindexter	_____	_____	_____
Tom Shull	_____	_____	_____
Wilma Hall	_____	_____	_____
Bud McFarlane	_____	_____	_____
Bob Kimmitt	_____	_____	_____
NSC Secretariat	<u>2</u>	_____	<u>A</u>
Situation Room	_____	_____	_____

Paula Dobriansky:

Bud asked me to contact State to ask that they look very carefully at the issue of whether deportees could be sent elsewhere in the world except the Soviet Union, e.g., Switzerland. Brannon McKinley said he would do so.

I = Information    A = Action    R = Retain    D = Dispatch    N = No further Action

cc: VP    Meese    Baker    Deaver    Other \_\_\_\_\_

COMMENTS

Should be seen by: \_\_\_\_\_

(Date/Time)

Stuff to Paula Sys I  
info Thompson

Bob Kimmitt

THE WHITE HOUSE

WASHINGTON

December 4, 1984

MEMORANDUM FOR: GEORGE SHULTZ, SECRETARY OF STATE  
 JAMES BAKER, CHIEF OF STAFF  
 ROBERT MCFARLANE, ASSISTANT TO THE PRESIDENT  
 FOR NATIONAL SECURITY AFFAIRS

FROM: FAITH WHITTLESEY, ASSISTANT TO THE PRESIDENT  
 FOR PUBLIC LIAISON FRW

SUBJECT: Baltic-Americans' Concern Regarding the  
 Deportations by the USG to the Soviet Union  
 of Baltic Nationals Accused of War Crimes

Background

The Baltic-American communities have contacted the White House over the past month to express grave concern regarding the possible forced deportation by the USG to the Soviet Union of Baltic nationals accused of committing war crimes in the Baltic States during World War II.

I have been informed that a report is currently being prepared at the Department of State which will make recommendations as to whether or not persons of Baltic origin should be deported to the Soviet Union by the USG. The purpose of this memorandum is to summarize the salient issues surrounding this case as expressed to my office by representatives of Baltic-American organizations.

Major Issues

The Baltic-American communities fully share our opposition to the harboring of war criminals in the U.S., and are sincere in their desire to see such people expelled from their communities and brought to justice. They are not opposed to the deportation of such individuals from the U.S. However, in light of the President's repeated and very strong statements reiterating our policy of "non-recognition," they are truly perplexed by what they see as an effort to shirk political responsibility for developing a solution to this problem which will both demonstrate our continued support of efforts to deport war criminals without violating the long-standing policy of "non-recognition."

The Baltic-American community's position is that the issue which the State Department must resolve is not simply whether or not a Baltic national is technically deportable to the Soviet Union, but whether or not such a deportation would violate our policy of

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"non-recognition" as it has developed over the past forty years through Presidential statements and the perceptions of the Baltic-American community, Congress, the international community and the Soviet Union itself.

The Baltic-American communities are especially concerned about the Department's intent to define "non-recognition" on purely technical legal grounds. They argue that policy of non-recognition is, in fact, defined and affected by many factors, including:

1. Statements and acts of the Executive Branch of the USG
2. Domestic U.S public perception
3. Perception of the Congress
4. Statements and acts of the Soviet Government
5. Perception of other foreign governments and the international community
6. Legal considerations

#### Legal Considerations

The Department of State's General Counsel's (DOS GC) office has determined that the deportation of a Baltic national to the Baltic States would violate the policy of "non-recognition." Because the U.S. does not recognize the Soviet governments in the Baltic States, Baltic nationals must be deported to a third country.

However, in this case, according to the State Department staff, no country, save the U.S.S.R., is willing to accept the Baltic national. According to the guidelines set forth in Section 1253 (a) of Title 8 of the Immigration and Nationality Act, the U.S. must deport the individual to "any country which is willing to accept such alien into its territory." Thus, DOS GC argues that the U.S. could transfer a Baltic national to Soviet authorities not on the basis of Soviet claims of authority over that individual, but only because no other third country is willing to accept him.

Baltic Americans argue that such a determination would deny an obvious direct relationship between the government of the U.S.S.R. and the Soviet imposed governments in the Baltic States. They further argue, that it is ludicrous to deny that relationship as it is precisely because of that relationship that the U.S. does not recognize the governments in the Baltic States in the first place. To deny this relationship is to simply refuse to address the central issue.

#### Public Perceptions

While such a determination might make legal sense to DOS GC, the Baltic American communities argue that this formal legal distinction would not hold up against all of the other factors which determine the concept and policy of "non-recognition." In short,

they believe that, if the State Department relies solely on a legal argument (the Baltic-American groups would consider it a technicality) to define the U.S. policy of "non-recognition," then the Department is abdicating its executive authority, thereby reducing the policy of "non-recognition" to little more than words on paper.

International Perceptions

The Baltic-American community also believes that our policy of "non-recognition" is also dependent on perceptions held by the international community. There is strong belief that foreign governments would interpret the deportation of a Baltic national to the Soviet Union as the gutting of the U.S. policy of "non-recognition."

Soviet Perceptions

The Soviet government has claimed that the Baltic States voluntarily joined the Soviet Union and that it has legal jurisdiction over the citizens and affairs of the Baltic States. The Soviet government would not accept Baltic nationals under the assumption that it is a third country, but rather, that such nationals are its rightful citizens.

In fact, at a meeting called by the National Security Council on November 16 to discuss this matter, the representatives from the Department of Justice stated that the Soviet government has indicated that unless it receives custody of the Baltic national in the pending case, it may refuse to cooperate with the Justice Department in future cases. This could be an indication of Soviet interest in "breaking" or at least severely weakening our non-recognition policy.

Conclusion

In seeking a resolution of this problem, the Baltic-American community feels strongly that the Department of State must not allow the USG to designate the Soviet Union as the country of deportation, and should strive instead to find a non-Soviet dominated third country.

~~Klissas~~

Baltic

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MEMORANDUM

9378

NATIONAL SECURITY COUNCIL

~~CONFIDENTIAL~~

January 9, 1985

INFORMATION

MEMORANDUM FOR ROBERT C. McFARLANE

DECLASSIFIED  
Authority NSL Waiver 8/6/10  
BY RW NARA DATE 12/20/16

FROM: NICHOLAS S. KLISSAS *Nick*

SUBJECT: Linnas Deportation Case

Per our request, State has forwarded an update on the Karl Linnas deportation case (Tab I). Linnas, as you recall, was a Kommandant of a Nazi concentration camp in Estonia.

State's memorandum concludes that the prospects for finding a third-country residence for Linnas are dim. The following countries have been approached and have responded negatively: Brazil, East Germany, the FRG, Greece, Sri Lanka, Sweden, Switzerland, Thailand, the U.K., and Venezuela. Italy and Turkey were asked and have not provided definitive responses. State believes, however, that their reply will be negative. Czechoslovakia and Israel are still reviewing the matter. To date, only the Soviet Union has agreed to accept Linnas.

While Jewish groups strongly urge that Linnas be deported, regardless of destination, the Baltic-American community is unhappy over Linnas's likely deportation to the Soviet Union. They argue that if Linnas goes to the USSR, this could be construed as a contravention of our non-recognition policy of the USSR's incorporation of the Baltic states.

The State Department, however, contends that Linnas could be lawfully deported to the Soviet Union because Section 243(a)(7) of the Immigration and Nationality Act specifically states that if deportation to any country or place otherwise described is "impracticable, inadvisable, or impossible," then deportation is directed "to any country which is willing to accept such alien into its territory." Under this section, Linnas would be deported to the Soviet Union as a "country willing to accept" him and not as his country of nationality or citizenship. For this reason, State urges that Linnas's deportation to a place which we regard as within the territory of the Soviet Union would not, as a matter of law, contravene our non-recognition policy.

On December 28, the Department of Justice filed its brief that Linnas's deportation take place under Section 243 (a) (7). His case is still being decided by the courts. He has further opportunities for appeal to the Second Circuit of Appeals and the Supreme Court. Thus, his deportation could actually be delayed for one, and up to two, years.

*GM* *WR Stone* *SRS*  
Matlock, Dobriansky, Steiner, and Sestanovich concur.

Attachment: Tab I State's memorandum, December 28, 1984

~~CONFIDENTIAL~~





Washington, D.C. 20520

9378

December 28, 1984

~~CONFIDENTIAL~~

MEMORANDUM FOR MR. ROBERT C. MCFARLANE  
THE WHITE HOUSE

SUBJECT: Linnas Deportation Case

This is in response to the request for an update on the Linnas deportation case and, in particular, for details on those countries which have been asked to accept Linnas. The following countries have been approached: Brazil, Czechoslovakia, East Germany, the FRG, Greece, Israel, Italy, Sri Lanka, Sweden, Switzerland, Thailand, Turkey, the UK and Venezuela. Of those, Brazil, East Germany, the FRG, Sri Lanka, Switzerland, Thailand, the UK and Venezuela have responded negatively. Italy and Turkey have not yet provided definitive responses, but we have reason to believe that the responses from those countries will be negative. Czechoslovakia, Greece and Israel are reviewing the matter and have not yet responded. Thus, at the current time the Soviet Union is the only country which has agreed to accept Linnas.

With regard to the status of the case itself, we would suggest that the Department of Justice, which is responsible for the litigation, be consulted for details. Our understanding of the situation is that, as requested by the U.S. immigration judge, the Department of Justice is filing its brief in the Linnas case on December 28. (Although the brief was originally due December 14, Justice sought a short extension to complete the drafting.) It is the position of the Department of Justice, as expressed in the brief, that deportation of Mr. Linnas to the Soviet Union would take place under section 243(a)(7) of the Immigration and Nationality Act, 8 U.S.C. § 1253(a)(7). That section provides that if deportation to any of the places or countries otherwise described is "impracticable, inadvisable, or impossible," then deportation is directed "to any country which is willing to

DECL: OADR

DECLASSIFIED

Authority State Waiver 11/16/85  
BY RW NARA DATE 12/20/16

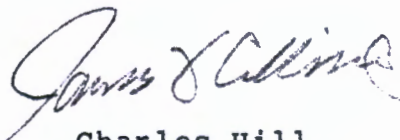
~~CONFIDENTIAL~~

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- 2 -

accept such alien into its territory." Under this section Mr. Linnas would be deported to the Soviet Union solely as a "country willing to accept" him and not as his country of nationality or citizenship. On the basis of Justice's position, as was indicated at a November 16 meeting at the NSC, the Department of State has concluded that deportation of Mr. Linnas under 8 U.S.C. § 1253(a)(7) to a place which we regard as within the territory of the Soviet Union would not, as a matter of law, contravene the longstanding and firmly held United States policy of non-recognition of the forcible incorporation of Estonia into the Soviet Union. A declaration to this effect will accompany the brief (copy attached).

It is uncertain whether the immigration judge will hold a formal hearing on the issue of Linnas' country of deportation. Once the judge renders his decision, it is likely that the case will be appealed again to the Bureau of Immigration Appeals. Thereafter, Mr. Linnas has further opportunity for appeal to the Second Circuit Court of Appeals and eventually the Supreme Court. This process could delay actual deportation for at least a year or two.



Charles Hill  
Executive Secretary

Attachment: Declaration

Baltic

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THE WHITE HOUSE

WASHINGTON

February 14, 1985

MEMORANDUM FOR PAULA DOBRIANSKY

FROM: LINAS KOJELIS *LK*

SUBJECT: Draft Proclamation for Lithuanian Independence Day, 1985

Paula, I recommend the following additions and revisions to the draft proclamation. They are as follows:

1. At the end of the first sentence in ¶2, add the following,

".... and basic human freedoms."

Among the freedoms most brutally attacked by Soviet authorities is the freedom of religion. The victims of these attacks have often been Church figures, such as Fr. Alfonsas Svarinskas, Fr. Sigitas Tamkevicius, and, most recently, Fr. Jonas-Kastytis Matulionis. Their crimes; administering to the spiritual need of the faithful.

Yet the people of Lithuania refuse to submit quietly. Hundreds of thousands of people have signed petitions demanding the release of priests and other human and civil rights leaders. Underground publications such as the sixty-fourth issue of the "Chronicle of the Catholic Church in Lithuania" and forty-first issue of "The Dawn", which have recently come to the West, continue to inform the world of ongoing persecutions.

2. The second sentence of ¶2 should then be inserted after the first sentence in ¶3.

My reasons for adding the suggested language are as follows:

1. Political prisoners who have been released from Soviet jails have stated that their conditions improve when their names are mentioned prominently in the West. We should use opportunities such as Presidential proclamations to help as many individuals as possible. For example, in the last Captive Nations Proclamation, we mentioned Yuri Shukhevich.

2. The added information makes the proclamation less generic, and more timely.

3. Mention of the underground publications will give their publishers encouragement. They will know that top USG officials are aware of their heroic efforts.

4. We must remember that as important as this proclamation is for domestic consumption, that it will also be broadcast over RFE and VOA for the benefit of the people of Lithuania.

cc: Laura Dietrich, HA, State  
John Zerolis, EUR, State  
Walt Raymond, NSC

February 14, 1985

MEMORANDUM FOR PAULA DOBRIANSKY

FROM: ~~FAITH WHITTLESEY~~ *UK*

SUBJECT: Draft Proclamation for Lithuanian Independence Day, 1985

Paula, here is my revised text:  
*and basic human rights.*

Among the freedoms most brutally attacked by Soviet authorities is the freedom of religion. The victims of these attacks have often been Church figures, such as Fr. Alfonsas Svarinskas, Fr. Sigitas Tamkevicius, and, most recently, Fr. Jonas-Kastytis Matulionis. Their crimes; administering to the spiritual need of the faithful.

Yet the people of Lithuania refuse to submit quietly. As many as 123,000 persons have signed petitions demanding the release of priests and other human and civil rights leaders. Underground publications such as the "Chronicle of the Catholic Church in Lithuania" and "The Dawn" continue to inform those living in Lithuania and the West of ongoing persecutions.

2/14/85 38

Paula,  
Mark Valente brought  
this "addition" to you<sup>s</sup>  
~~it~~ for clearance -- if you  
have no objections  
please call Duncan  
Clark ASAP at 7610.  
P.S. W.R. reluctant but defers to you

too much detail &  
specific charges in 39  
Press Proclamations

*Duncan Clark*

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THE WHITE HOUSE

WASHINGTON

February 14, 1985

MEMORANDUM FOR ANNE HIGGINS

FROM: FAITH WHITTLESEY

SUBJECT: Draft Proclamation for Lithuanian Independence Day, 1985

This office concurs with the text as provided for the Lithuanian Independence Day, 1985 Proclamation, but recommends that the following paragraph be added after paragraph 3. We feel that the proclamation would be strengthened by adding some recent detailed information:

Today the citizens of Lithuania are being subjected to a civil death: not only segregation in prison, labor camps, psychiatric hospitals and exile, but permanent restrictions of personal freedoms and social discrimination on account of their beliefs. In 1983, 123,000 believers in Lithuania, at great personal risk, petitioned Soviet officials for the release of two Catholic priests, Fr. Alfonsas Svariskas and Fr. Sigitas Tamkevicius, who were serving 10 year terms for merely administering to the spiritual needs of the faithful. The third and latest victim, Fr. Jonas-Kastytis Matulionis, a graduate of the underground seminary, was just sentenced this January to three years imprisonment. Soviet authorities who impeded him from entering the sole official seminary in Kaunas accused him of being an "impostor priest."

cc: Paula Dobriansky, NSC  
Walt Raymond, NSC

*Keched*  
*not Presidential*  
*better included in*  
*HR report.*  
*use "too much detail,*  
*brood concerns already*  
*expressed in mag"*



THE WHITE HOUSE  
WASHINGTON

401

**RUSH**

Document No. 245022

February 13, 1985

MEMORANDUM FOR: BOB KIMMITT, NSC  
FRED FIELDING  
CRAIG FULLER  
M. B. OGLESBY  
JACK SVAHN  
LEE VERSTANDIG  
✓ FAITH WHITTLESEY  
ED ROLLINS (FYI)  
FRED RYAN (FYI)

FROM: Duncan Clark  
(for) ANNE HIGGINS  
18-OEOB/Ext. 7610

SUBJECT: (DRAFT PROCLAMATION)  
Lithuanian Independence Day, 1985  
(FEBRUARY 16)

Attached for your review is the above mentioned proclamation designating February 16, 1985, as "Lithuanian Independence Day, 1985."

It was submitted by the Department of State and edited by this office.

IMMEDIATE ATTENTION REQUIRED. WRITTEN response required by no later than 10:00 a.m., THURSDAY, FEBRUARY 14.

Thank you.

cc: Ron Geisler

FUE BASIC

Paula

Dobreny  
40

THE WHITE HOUSE  
Office of the Press Secretary

For Immediate Release

February 19, 1985

LITHUANIAN INDEPENDENCE DAY, 1985

- - - - -

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Sixty-seven years ago, a small nation achieved freedom in the aftermath of World War I. Proclaiming the Lithuanian Republic, its founders stepped forward on February 16, 1918, to assert their country's independence and commitment to a government based on justice, democracy, and the rights of individuals. Twenty-two years later, Soviet tyranny imposed itself on Lithuania and denied the Lithuanian people their just right of national self-determination as well as basic human freedoms.

Among the freedoms most consistently attacked by Soviet authorities is the freedom of religion. The victims of these attacks have often been Catholic Church figures, such as Father Alfonsas Svarinskas, Father Sigitas Tamkevicius, and, most recently, Father Jonas-Kastytis Matulionis. Their crimes: administering to the spiritual needs of the faithful.

Yet the people of Lithuania refuse to submit quietly. Hundreds of thousands of people have signed petitions demanding the release of priests and other human and civil rights leaders. Underground publications such as the sixty-fourth issue of the "Chronicle of the Catholic Church in Lithuania" and forty-first issue of "The Dawn," which have recently come to the West, continue to inform the world of ongoing persecutions.

Americans are united in an enduring belief in the right of peoples to live in freedom. The United States has refused to recognize the forcible incorporation of Lithuania into the Soviet Union. We must be vigilant in the protection of this ideal because we know that as long as freedom is denied to others, it is not truly secure here.

We mark this anniversary of Lithuanian Independence with a renewed hope that the blessings of liberty will be restored to Lithuania.

The Congress of the United States, by House Joint Resolution 655, has designated February 16, 1985, as Lithuanian Independence Day and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim February 16, 1985, as Lithuanian Independence Day. I invite the people of the United States to observe this day with appropriate ceremonies and to reaffirm their dedication to the ideals which unite us and inspire others.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of February, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

RONALD REAGAN

#####

THE WHITE HOUSE  
WASHINGTON

FILE  
Baltic  
W. 42

Date: May 31, 1985

TO: PAULA DOBRIANSKY

FROM: LINAS KOJELIS *UK*  
Associate Director  
Office of Public Liaison  
Room 438 OEOB, Ext. 2741

SUBJECT: Baltic Freedom Day 1985

The attached is for your:

- |   |  |
|---|--|
| <input type="checkbox"/> Information            | <input checked="" type="checkbox"/> Review & Comment |
| <input type="checkbox"/> Direct Response        | <input type="checkbox"/> Appropriate Action          |
| <input type="checkbox"/> Draft Letter           | <input type="checkbox"/> Signature                   |
| <input type="checkbox"/> File                   | <input type="checkbox"/> Other                       |
| <input type="checkbox"/> Please Return By _____ |  |

Comments: Paula, would NSC like to also recommend. Please let me know ASAP. Thanks.

CONCUR.

*PK*

6/3/85

# DRAFT

41

THE WHITE HOUSE

WASHINGTON

SCHEDULE PROPOSAL

May 31, 1985

**TO:** FRED RYAN, DIRECTOR, PRESIDENTIAL APPOINTMENTS AND SCHEDULING

**FROM:** LINDA CHAVEZ, DIRECTOR, OFFICE OF PUBLIC LIAISON

**PROPOSAL:** For a Presidential signing ceremony on the occasion of Baltic Freedom Day

**BACKGROUND:** Congress will soon pass legislation requesting the President to proclaim June 14, 1985 as Baltic Freedom Day. Over the past four years, the President has been a strong and consistent supporter of human and national rights for Estonia, Latvia and Lithuania.

Baltic Americans, who overwhelmingly supported the President last fall, continue to actively support major Administration initiatives. No less than five Baltic-American organizations joined the Deficit Reduction Coalition, and other groups have lobbied hard for aid to Nicaraguan Freedom Fighters and the Peacekeeper. It is also significant to note the great number of young Americans of Baltic heritage (students and young professionals) who are a key part of this community's pro-Administration work.

A signing ceremony would provide due recognition for the important support of this active ethnic community.

**PREVIOUS PARTICIPATION:** Presidential signing ceremony for Baltic Freedom Day, June 1983

**DATE:** June 11-13                      **DURATION:** 15 minutes

**LOCATION:** Roosevelt Room

**PARTICIPANTS:** 50 prominent Baltic-American leaders

**OUTLINE OF EVENTS:** The President would enter the room, deliver a short address, sign the proclamation, accept the Baltic Freedom Award and depart.

**REMARKS REQUIRED:** Short address (5-7 minutes)

**MEDIA COVERAGE:** Media pool, local cameras

# DRAFT

**DRAFT**

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**RECOMMENDED BY:** Pat Buchanan, Linda Chavez,

**PROJECT OFFICER:** Linas Kojelis, x2741

**DRAFT**

*Dobriansky*

*Baltic c.*

4785

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MEMORANDUM

NATIONAL SECURITY COUNCIL

June 14, 1985

MEMORANDUM FOR ANNE HIGGINS

FROM: ROBERT M. KIMMITT *Ed*  
SUBJECT: Draft Proclamation Designating June 14, 1985, as  
"Baltic Freedom Day, 1985"

We have reviewed and revised the draft proclamation for Baltic Freedom Day. The revised text is attached at Tab A.

State concurs.

Attachment:

Tab A Revised Draft Proclamation

BALTIC FREEDOM DAY, 1985

This year marks the 45th anniversary of the United States non-recognition policy by which our government refuses to recognize the forcible Soviet occupation of Estonia, Latvia and Lithuania. It has been 45 years since the dark year of 1940 when invading Soviet armies, in collusion with the Nazi regime, overran these three independent Baltic Republics.

The atrocious character of the Soviet oppression was shockingly illustrated by the imprisonment, deportation and murder of close to 100,000 Balts during a three-day reign of terror June 14-17, 1941. The suffering of this brutal period was made even worse when Nazi forces struck back through these three states at the beginning of the Nazi-Soviet war and instituted a civil administration under control of the nefarious Gestapo. Due to Soviet and Nazi tyranny, by the end of World War II, the Baltic nations had lost twenty per cent of their total population.

Today, suppression and persecution are the daily burdens of the Estonian, Latvian and Lithuanian people. Soviet policies are specifically targeted toward the very ethnic life and historical heritage of the Baltic nations. Russification takes place under many guises: forced relocation, expanded colonization by Russian immigrants and heavy pressure against the indigenous religious, cultural and social traditions.

Yet despite this crushing system, the Baltic peoples courageously continue to resist amalgamation by pressing for their national, political and religious rights. Peaceful expression of demands through the underground press, petitions to government

officials, demonstrations, the activities of the Catholic Church and other religious denominations, Helsinki monitoring groups and committees to defend the rights of religious believers command the admiration of everyone who loves and honors freedom.

Significantly, the defense of national and personal rights is led not by those who grew up during the years of independence, but by a new generation born and raised under the Soviet system. The message of these heroes, both young and old, is: "You, our free brothers and sisters, are our voice to the free world. You must not cease to inform the world of what is being inflicted upon us here behind the Iron Curtain, for it is from your efforts that we get our strength to survive."

All the people of the United States of America share the aspirations of the Baltic nations for national independence. The United States upholds their rights to determine their own national destiny, free of foreign interference. For 45 years, the United States has not recognized the forcible incorporation of the Baltic States into the Soviet Union, and it will not do so in the future.

The Congress of the United States, by Senate Joint Resolution 66 and House Joint Resolution 263, has authorized and requested the President to issue a proclamation for the observance of June 14, 1985 as "Baltic Freedom Day."

Now, therefore, I, Ronald Reagan, President of the United States of America, do hereby proclaim June 14, 1985 as Baltic Freedom Day. I call upon the people of the United States to observe this day with appropriate remembrances and ceremonies and



to reaffirm their commitment to the principles of liberty and freedom for all oppressed people.

In witness thereof, I have hereunto set my hand this \_\_\_\_\_ day of June, in the year of our Lord nineteen hundred and eighty five, and the Independence of the United States of America the two hundred and ninth.

THE WHITE HOUSE  
WASHINGTON

Document No. 245064

June 13, 1985

MEMORANDUM FOR:

FRED FIELDING  
ALFRED H. KINGON  
M. B. OGLESBY  
JACK SVAHN  
ED ROLLINS  
PAT BUCHANAN  
✓ FRED RYAN (FYI)  
BOB KIMMITT, NSC

FROM:

(for) Duncan Clark  
ANNE HIGGINS  
94 OEOB

SUBJECT:

(DRAFT PROCLAMATION)

Baltic Freedom Day, 1985

Attached for your review is the above mentioned proclamation designating June 14, 1985, as "Baltic Freedom Day, 1985."

It was submitted by the White House Office of Public Liaison and slightly edited/revised by this office.

(IMMEDIATE ATTENTION REQUIRED.) Written response required by no later than 3:00 p.m. on Thursday, June 13. For routine clearance, call Maureen Hudson, extension 2304. For questions or discussion, call Duncan Clark, extension 7610.

Thank you.

cc: Ron Geisler



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

June 12, 1985

MEMORANDUM FOR: THE PRESIDENT

FROM: MICHAEL J. HOROWITZ  
COUNSEL TO THE DIRECTOR *MH*

SUBJECT: "BALTIC FREEDOM DAY"

Pursuant to Senate Joint Resolution 66, the President is authorized and requested to issue a proclamation which would designate June 14, 1985, as "Baltic Freedom Day"

The proposed proclamation was submitted by the White House Office and has been retyped in this office to reflect minor editorial changes and as to format.

The proposed proclamation has the approval of the Director of the Office of Management and Budget.

Enclosure

BALTIC FREEDOM DAY, 1985

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BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

This year marks the 45th anniversary of the United States' policy of non-recognition of the illegal and forcible Soviet occupation of Estonia, Latvia, and Lithuania. It has been 45 years since invading Soviet armies, in collusion with the Nazi regime, overran these three independent Baltic Republics. The Baltic States were occupied not only by the Soviet Union during World War II, but by Hitler's Nazi Germany as well. They suffered under both occupations. In only three days, June 14-17, 1941, the Soviet Union ordered the deportation, murder, or imprisonment of close to 100,000 Balts in Siberian death camps; the only "crime" of these brave persons was to resist foreign tyranny and to defend their liberties and freedom.

At the beginning of the Nazi-Soviet War in 1941, the Balts rebelled against the Soviets. But the Nazis proclaimed the Baltic countries as part of the German "Ostland" and instituted a German civil administration under control of the Gestapo. Due to Soviet and Nazi actions, the Baltic Nations lost twenty percent of their total population during that War.

Today, oppression and persecution remain a way of life for the people of Estonia, Latvia, and Lithuania. Soviet policies are specifically targeted toward denying the very existence of the Baltic Nations. In the Baltic Republics, russification is implemented through forced relocation, colonization by Russian immigrants, and intensified religious, cultural, social, and economic oppression.

As a result, broad-based dissident movements have emerged demanding national, political, and religious rights. Peaceful expression of demands by way of the underground press, petitions to government officials, demonstrations, the underground Catholic Church, organized groups monitoring the implementation of the Helsinki accords, and committees to defend the rights of the believers command the admiration of everyone who loves and honors freedom. Significantly, this resistance is being led not by those who grew up during the years of independence, but by a new generation born and raised within the Soviet system.

The list of religious persecutions, prosecutions, and human rights violations continues to grow. The number of incidents involving the infringement of human and religious rights is in the tens of thousands. The various underground samizdats from the Soviet Union keep arriving at a constant rate with the same message: "You, our free brothers and sisters, are our mouthpiece to the free world. You must not cease to inform the world of what is being inflicted upon us here behind the Iron Curtain, for it is from your efforts that we get our strength to survive."

The people of the United States share the aspirations of the Baltic peoples for national independence, and we uphold their right to determine their own national destinies free of foreign domination. For 45 years, the United States has not recognized the forcible incorporation of the Baltic States into the Soviet Union, and it will not do so in the future.

The Congress of the United States, by Senate Joint Resolution 66, has designated June 14, 1985, as "Baltic Freedom Day" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim June 14, 1985, as Baltic Freedom Day, 1985. I call upon the people of the United States to observe this day with appropriate ceremonies and to reaffirm their commitment to the principles of liberty and freedom for all oppressed people.

IN WITNESS WHEREOF, I have hereunto set my hand this  
day of June, in the year of our Lord  
nineteen hundred and eighty-five, and of the Independence of  
the United States of America the two hundred and ninth.

BALTIC FREEDOM DAY 1985



BY THE PRESIDENT OF THE UNITED STATES OF AMERICA  
A PROCLAMATION

This year marks the 45th anniversary of the United States non-recognition policy toward the illegal and forcible Soviet occupation of Estonia, Latvia and Lithuania. It has been 45 years since invading Soviet armies, in collusion with the Nazi regime, overran these three independent Baltic Republics. The Baltic people were occupied not only by the Soviet Union during World War II, but by Hitler's Nazi Germany as well. They suffered under both occupations. In only three days, June 14-17, 1941, the Soviet Regime ordered the deportation, murder and imprisonment of close to 100,000 Balts in Siberian death camps; the only "crime" of these brave persons was to resist foreign tyranny and to defend their liberties and freedom.

At the beginning of the Nazi-Soviet War in 1941, the Balts rebelled against the Soviets. But the Nazis proclaimed the Baltic countries as part of the German "Ostland," and instituted a German civil administration under control of the Gestapo. Due to Soviet and Nazi actions, the Baltic Nations lost twenty percent of their total population during that War.

Today, oppression and persecution remain a way of life for the Estonian, Latvian and Lithuanian people. The Soviet policies are specifically targeted toward denying the very existence of the Baltic Nations. In the Baltic Republics, russification is implemented through forced relocation, colonization by Russian immigrants, and intensified religious, cultural, social and economic oppression.

As a result, broad-based dissident movements have emerged demanding national, political and religious rights. Peaceful expression of demands by way of the underground press, petitions to government officials, demonstrations, the underground Catholic Church, organized groups monitoring the implementation of the Helsinki accords, and committees to defend the rights of the believers command the admiration of everyone who loves and honors freedom. Significantly, this resistance is being led not by those who grew up during the years of independence, but by a new generation born and raised within the Soviet system.

The list of such religious persecutions, prosecutions and human rights violations continues to grow. The number of incidents involving the infringement of human and religious rights is in the tens of thousands. The various underground samizdats from the Soviet Union keep arriving at a constant rate with the same message: "You, our free brothers and sisters, are our mouthpiece to the free world. You must not cease to inform the world of what is being inflicted upon us here behind the Iron Curtain, for it is from your efforts that we get our strength to survive."

The people of the United States share the aspirations of the Baltic people for national independence, and we uphold their right to determine their own national destiny free of foreign domination. For 45 years, the United States has not recognized the forcible incorporation of the Baltic States into the Soviet Union, and it will not do so in the future.

The Congress of the United States, by Senate Joint Resolution 66, has designated June 14, 1985, as "Baltic Freedom Day," and authorized and requested the President to issue a proclamation in observance of this event.



NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim June 14, 1985, as Baltic Freedom Day, 1985. I call upon the people of the United States to observe this day with appropriate remembrances and ceremonies and to reaffirm their commitment to the principles of liberty and freedom for all oppressed people.

IN WITNESS WHEREOF, I have hereunto set my hand this  
day of June, in the year of our Lord  
nineteen hundred and eighty-five, and of the Independence of the  
United States of America the two hundred and ninth.

NATIONAL SECURITY COUNCIL

June 13, 1985

ACTION

MEMORANDUM FOR ROBERT M. KIMMITT

**SIGNED**

FROM: PAULA DOBRIANSKY <sup>TD</sup>

SUBJECT: Draft Proclamation Designating June 14, 1985, as "Baltic Freedom Day, 1985"

I have reviewed and revised the draft proclamation for Baltic Freedom Day. Attached at Tab I is a memorandum to Anne Higgins for your signature, forwarding the revised draft proclamation.

Walter Raymond, <sup>WV</sup> Ron Sable <sup>re: as advised</sup> and State concur.

RECOMMENDATION

That you sign the memorandum at Tab I.

Approve   K  

Disapprove           

Attachments:

Tab I Memo to Anne Higgins

Tab A Revised Draft Proclamation

TAB II Memo from Higgins to Kimmitt with attachments

cc: Jack Matlock  
Chris Lehman