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THE WHITE HOUSE

WASHINGTON

February 17, 1987

MEMORANDUM FOR LINAS KOJELIS
SPECIAL ASSISTANT TO THE PRESIDENT
FOR PUBLIC LIAISON

FROM: JAY B. STEPHENS ORIGINAL SIGNED BY J.B.S.
DEPUTY COUNSEL TO THE PRESIDENT

SUBJECT: Reply to Patience Huntwork Re: ABA/ASL
Declaration of Cooperation

We have reviewed your draft response to Ms. Huntwork regarding the above-captioned matter. Previously, our office has responded to a number of inquiries regarding this matter; we have attached our responses for your information and guidance. As drafted, your letter goes substantially further than the neutral position articulated in previous correspondence from our office. Since this is a matter of internal debate within the ABA, we believe it is not necessarily appropriate to go further on this issue than we have in the past. Consequently, we believe the second page of your draft should either be revised substantially, or eliminated.

We have no objection to OPL's responding to this letter; if you do, we would appreciate a copy of your response. Alternatively, our office could respond along the lines of our previous correspondence on this issue. Thank you for bringing this matter to our attention.

Attachments

THE WHITE HOUSE

WASHINGTON

February 17, 1987

MEMORANDUM FOR JAY B. STEPHENS

FROM:

C. DEAN MCGRATH, JR.



SUBJECT:

Reply to Patience Huntwork Re: ABA/ASL
Declaration of Cooperation

Last September we prepared a reply for Pat Buchanan's signature to Ms. Huntwork's inquiry concerning the Administration's support for the American Bar Association Declaration of Cooperation with the Association of Soviet Lawyers. See memorandum from Peter J. Wallison to Patrick J. Buchanan (September 19, 1986), copy attached. I understand that Mr. Buchanan decided not to send the proposed reply.

I have prepared the attached memorandum from you to Linas Kojelis to indicate that we question whether a response is necessary. In the alternative, we recommend that any response be patterned after our previous replies and that it be prepared for Peter J. Wallison's signature.

Attachments

THE WHITE HOUSE

WASHINGTON

October 10, 1986

Dear Congressman Dornan:

This is in response to your letter to the President regarding an agreement entered into in 1985 between the American Bar Association and the Association of Soviet Lawyers.

Pursuant to the agreement reached last year between the President and General Secretary Gorbachev, the Administration has supported efforts to increase opportunities for the peoples of the United States and the Soviet Union to communicate directly with one another. The Administration's policy is to encourage people-to-people contacts, not to endorse particular Soviet organizations. At the same time, the Administration has made it clear to the Soviets the importance we attach to their respect for human rights, including compliance with their international undertakings in this area.

While we recognize the nature of the Soviet system, it would be inconsistent with our responsibilities in a free and open society for the Administration to dictate exactly which Soviet organizations Americans should and should not contact.

Sincerely,

ORIGINAL SIGNED BY PJW

Peter J. Wallison

Counsel to the President

The Honorable Robert Dornan
U.S. House of Representatives
Washington, D.C. 20515

PJW:CDM:dmh 10/10/86

cc: PJWallison✓

CDMcGrath

chron.

THE WHITE HOUSE

WASHINGTON

October 3, 1986

Dear Mr. Neukom:

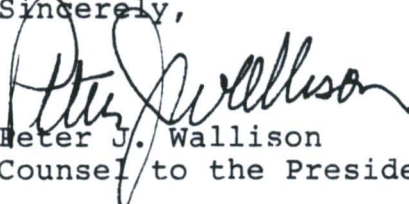
Thank you for your recent letters forwarding the following resolutions as adopted by the House of Delegates of the American Bar Association:

- multilateral trade negotiations
- merit selection nominating commissions
- state and federal education programs for judges
- human rights issues and association of Soviet lawyers
- the homeless
- legal practice in Japan
- peaceful settlements of conflicts between nations

We appreciate your bringing the official policies of the American Bar Association on these matters to our attention.

With best regards,

Sincerely,


Peter J. Wallison
Counsel to the President

William H. Neukom, Esquire
Secretary
American Bar Association
P.O. Box 97017
Redmond, WA 98073-9717

PJW: DGH: dgh
cc: PJWallison
CDMcGrath
ACRaul
PDKeisler
Chron

THE WHITE HOUSE

WASHINGTON

September 2, 1986

Dear Senator DeConcini:

William L. Ball, III, Assistant to the President, has referred to me your letter regarding an agreement entered into in 1985 between the American Bar Association and the Association of Soviet Lawyers.

Pursuant to the agreement reached last year between the President and General Secretary Gorbachev, the Administration has supported efforts to increase opportunities for the peoples of the United States and the Soviet Union to communicate directly with one another. The Administration's policy is to encourage people-to-people contacts, not to endorse particular Soviet organizations. At the same time, the Administration has made it clear to the Soviets the importance we attach to their respect for human rights, including compliance with their international undertakings in this area.

While we recognize the nature of the Soviet system, it would be inconsistent with our responsibilities in a free and open society for the Administration to dictate exactly which Soviet organizations Americans should and should not contact. Mr. Fielding's letter, to which you refer, was offered in this spirit -- as an endorsement of people-to-people contacts in principle, not as an endorsement of the Association of Soviet Lawyers.

Sincerely,

ORIGINAL SIGNED BY PJW

Peter J. Wallison
Counsel to the President

The Honorable Dennis DeConcini
United States Senate
Washington, D.C. 20510

PJW:CDM:dmh 9/2/86

cc: PJWallison ✓

CDMcGrath

chron.

THE WHITE HOUSE

WASHINGTON

September 19, 1986

MEMORANDUM FOR PATRICK J. BUCHANAN
ASSISTANT TO THE PRESIDENT AND DIRECTOR OF
COMMUNICATIONS

FROM: PETER J. WALLISON **ORIGINAL SIGNED BY PJW**
COUNSEL TO THE PRESIDENT

SUBJECT: Correspondence: Patience T. Huntwork --
Agreement Between the American Bar Association
and the Association of Soviet Lawyers

Patience T. Huntwork's letter concerning the agreement between the American Bar Association and the Association of Soviet Lawyers raises substantially the same issues that were raised by Senator DeConcini in his June 18, 1986, letter to the President, copy attached. I responded to Senator DeConcini by stating that the Administration would not dictate which Soviet organizations Americans should and should not contact. See Letter from Peter J. Wallison to Senator DeConcini (Sept. 2, 1986), copy attached. This response was cleared with the NSC staff. The attached letter from you to Ms. Huntwork incorporates the substance of my response to Senator DeConcini.

Attachments

PJW:CDM:dmh 9/19/86

cc: PJWallison
CDMcGrath ✓
chron.

THE WHITE HOUSE

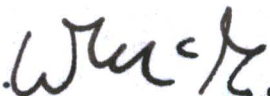
WASHINGTON

February 17, 1987

MEMORANDUM FOR JAY B. STEPHENS

FROM:

C. DEAN MCGRATH, JR.



SUBJECT:

Reply to Patience Huntwork Re: ABA/ASL
Declaration of Cooperation

Last September we prepared a reply for Pat Buchanan's signature to Ms. Huntwork's inquiry concerning the Administration's support for the American Bar Association Declaration of Cooperation with the Association of Soviet Lawyers. See memorandum from Peter J. Wallison to Patrick J. Buchanan (September 19, 1986), copy attached. I understand that Mr. Buchanan decided not to send the proposed reply.

I have prepared the attached memorandum from you to Linas Kojelis to indicate that we question whether a response is necessary. In the alternative, we recommend that any response be patterned after our previous replies and that it be prepared for Peter J. Wallison's signature.

Attachments

THE WHITE HOUSE

WASHINGTON

February 17, 1987

MEMORANDUM FOR LINAS KOJELIS
SPECIAL ASSISTANT TO THE PRESIDENT FOR PUBLIC
LIAISON

FROM: JAY B. STEPHENS
DEPUTY COUNSEL TO THE PRESIDENT

SUBJECT: Reply to Patience Huntwork Re: ABA/ASL
Declaration of Cooperation

Last September this office prepared a reply for Pat Buchanan's signature to Ms. Huntwork's inquiry concerning the Administration's support for the American Bar Association's Declaration of Cooperation with the Association of Soviet Lawyers. See memorandum from Peter J. Wallison to Patrick J. Buchanan (September 19, 1986), copy attached. We understand that Mr. Buchanan did not, in fact, sign the proposed reply to Ms. Huntwork.

In light of Mr. Buchanan's decision not to reply to Ms. Huntwork last September, we question whether a response at this late date is appropriate. However, if you decide that a response is necessary, we recommend that the letter be patterned after our proposed reply and that it be prepared for Peter J. Wallison's signature.

Attachment

THE WHITE HOUSE

OFFICE OF THE PRESIDENT

September 19, 1986

MEMORANDUM FOR PATRICK J. BUCHANAN
ASSISTANT TO THE PRESIDENT AND DIRECTOR OF
COMMUNICATIONS

FROM: PETER J. WALLISON **ORIGINAL SIGNED BY PJW**
COUNSEL TO THE PRESIDENT

SUBJECT: Correspondence: Patience T. Huntwork --
Agreement Between the American Bar Association
and the Association of Soviet Lawyers

Patience T. Huntwork's letter concerning the agreement between the American Bar Association and the Association of Soviet Lawyers raises substantially the same issues that were raised by Senator DeConcini in his June 18, 1986, letter to the President, copy attached. I responded to Senator DeConcini by stating that the Administration would not dictate which Soviet organizations Americans should and should not contact. See Letter from Peter J. Wallison to Senator DeConcini (Sept. 2, 1986), copy attached. This response was cleared with the NSC staff. The attached letter from you to Ms. Huntwork incorporates the substance of my response to Senator DeConcini.

Attachments

PJW:CDM:dmh 9/19/86
cc: PJWallison
CDMcGrath✓
chron.

THE WHITE HOUSE
WASHINGTON

2-17-87

TO:

Dean M.

FROM: JAY B. STEPHENS
Deputy Counsel to the President

FYI: _____

COMMENT: _____

ACTION: _____

THE WHITE HOUSE

WASHINGTON

February 12, 1987

MEMORANDUM FOR: PAULA DOBRIANSKY, NSC
JOHN LENCZOWSKI, NSC

FROM: LINAS KOJELIS *LK* KOPL

SUBJECT: Reply to Patience Huntwork Re: ABA/ASL
Declaration of Cooperation

Attached, for your review and comment, is a draft reply to Patience Huntwork, Co-Chairperson of the Task Force on ABA-Soviet Relations, in response to her letter to the President requesting clarification of a supposed White House endorsement of the Declaration of Cooperation between the American Bar Association and the Association of Soviet Lawyers.

In addition, I would appreciate your recommendations as to who the most appropriate person would be to sign the reply. If you agree, I would be happy to do so.

cc: Jay Stephens, Counsel's Office ✓

DRAFT

February 12, 1987

Dear Mrs. Huntwork and Mr. Jejna:

On behalf of President Reagan, I am replying to your letter of inquiry requesting the Administration's views on the American Bar Association's Declaration of Cooperation with the Association of Soviet Lawyers. I appreciate the opportunity to state that the Administration has at no time taken an official position supporting this agreement.

As outlined by President Reagan in 1985, the purpose of U.S.-Soviet people-to-people exchanges is to promote genuine understanding between private American and private Soviet citizens by providing an alternative to official Soviet institutions which serve to promote official positions of the Soviet government and the Communist Party of the Soviet Union. In the case of the relationship to which you refer, however, the ASL serves functionally as a component part of the Soviet government. Thus, the Administration's approval of people-to-people exchanges should not be construed as approval of an exchange between American lawyers and a group such as the Association of Soviet Lawyers.

DRAFT

DRAFT

Further, a formalized partnership by an organization of American legal professionals with the ASL, purportedly to seek common human rights objectives, could be misconstrued as extending the mantle of legitimacy to a legal system which commonly employs repression and terror to deny basic human and civil rights. In this year of our Constitutional Bicentennial, the American legal profession has a special obligation to publicize and celebrate the benefits of the rule of law, and not to elevate to a position of false equivalency organizations which are void of any legal ethic as accepted in Western democratic societies.

Sincerely,

//signature//

Patience T. Huntwork, Esq.

Orest A. Jejna, Esq.

Co-Chairpersons

Task Force on ABA-Soviet Relations

374 East Monte Vista Road

Phoenix, Arizona 85004

DRAFT

Patience T. Huntwork
Attorney-at-Law
1700 West Washington Street - Room 207
Phoenix, Arizona 85007
(602) 255-5028

May 29, 1986

The President
The White House
Washington, D.C.

Dear Mr. President:

We are writing to advise you of an issue of growing concern involving the American Bar Association. Attached are press clippings which will inform you about the nature of the problem.

As you will see from the materials, the leadership of the ABA last year permitted the ABA Executive Director to conclude a formal agreement of cooperation with a Soviet organization, the Association of Soviet Lawyers ("ASL") without following normal procedures and without informing the ABA membership or House of Delegates. The Agreement contains expressions of respect for the Soviets, and provides for joint ABA-Soviet seminars and symposia, annual visits, electronic information exchanges and a variety of other cooperative ventures to be decided upon in the future. Under an expanded version of the Agreement which has already been approved by the ABA Board, members of the ASL could become associate members of the ABA.

The supposed benefit to the ABA from this Agreement is the right to engage in "dialogue" with the ASL on matters of "mutual interest", including human rights. However, any such benefit appears to be illusory, because the ASL is not a Soviet national bar association similar to the ABA. Instead, it is an elite group of Soviet spokesmen who are hand-picked to "communicate with" the West concerning the repressive Soviet legal system. In this role, the ASL has engaged in a systematic course of disinformation, some of which is viciously anti-Semitic and all of which is incompatible with the supposed status of the ASL as a professional association. Such conduct appears to preclude the possibility of beneficial cooperation.

The President
May 29, 1986
Page Two

On the other hand, the Agreement appears to be highly beneficial to the Soviets, who reportedly initiated and drafted it. The benefits to the Soviets consist of (1) the apparent legitimization of their repressive legal system by means of a "peer" relationship with the most prestigious lawyers' organization in the world; (2) the creation of a forum for spreading disinformation through joint ABA-ASL activities; (3) potential membership privileges in the ABA; and (4) the introduction of Soviet-sponsored individuals under ABA auspices into influential sectors of American society, including American schools, law firms, newspapers and public forums. (See enclosed joint ABA-ASL press release dated May 2, 1985.)

The Agreement is terminable by either side at any time. We have sponsored a Resolution to the ABA Assembly calling for termination. In February, ABA President Falsgraf publicly responded to criticism from us by referring to your Administration's "favorable response" to the ABA-ASL Agreement. (See Washington Times article, February 11, 1986, attached.) Upon our inquiry, the ABA disclosed the attached exchange of letters between Messrs. Falsgraf and Fielding as the sole basis for the ABA's claim of White House support.

It would be greatly appreciated if you could clarify whether your Administration in fact supports this Agreement which, we believe, goes substantially beyond a cultural exchange, into areas of cooperation with the Soviets which are highly objectionable. Specifically, we would appreciate knowing whether there is an official White House position endorsing this Agreement.

Thank you very much for your attention to this issue.

Respectfully,



Patience T. Huntwork
ABA Member
Phoenix, Arizona



Orest A. Jejna
ABA Member
Phoenix, Arizona

THE WHITE HOUSE

WASHINGTON

November 18, 1986

MEMORANDUM FOR LINAS J. KOJELIS
SPECIAL ASSISTANT TO THE PRESIDENT FOR NATIONAL
SECURITY AFFAIRS

FROM: C. DEAN MCGRATH, JR. *C. Dean McGrath*
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Correspondence: Patience T. Huntwork --
Agreement Between the American Bar Association
and the Association of Soviet Lawyers (Case
#400387CU)

This office prepared a response to Ms. Huntwork and forwarded it to Patrick J. Buchanan for signature on September 19, 1986. See memorandum from Peter J. Wallison to Patrick J. Buchanan (Sept. 19, 1986), copy attached.

Attachment

THE WHITE HOUSE

WASHINGTON

October 31, 1986

MEMORANDUM FOR DEAN McGRATH

FROM: LINAS KOJELIS

SUBJECT: Response to Case #400387CU

Please respond to case # 400387CU regarding a letter from Patience Huntwork. Central Files shows that the file is still in your hands. We would like to respond to the constituent as soon as possible.

Thank you.

THE WHITE HOUSE

WASHINGTON

October 10, 1986

Dear Congressman Dornan:

This is in response to your letter to the President regarding an agreement entered into in 1985 between the American Bar Association and the Association of Soviet Lawyers.

Pursuant to the agreement reached last year between the President and General Secretary Gorbachev, the Administration has supported efforts to increase opportunities for the peoples of the United States and the Soviet Union to communicate directly with one another. The Administration's policy is to encourage people-to-people contacts, not to endorse particular Soviet organizations. At the same time, the Administration has made it clear to the Soviets the importance we attach to their respect for human rights, including compliance with their international undertakings in this area.

While we recognize the nature of the Soviet system, it would be inconsistent with our responsibilities in a free and open society for the Administration to dictate exactly which Soviet organizations Americans should and should not contact.

Sincerely,

ORIGINAL SIGNED BY PJW

Peter J. Wallison
Counsel to the President

The Honorable Robert Dornan
U.S. House of Representatives
Washington, D.C. 20515
PJW:CDM:dmh 10/10/86
cc: PJWallison

CDMcGrath✓

chron.

THE WHITE HOUSE

WASHINGTON

October 10, 1986

MEMORANDUM FOR PETER J. WALLISON

FROM:

C. DEAN MCGRATH, JR. *W.M.G.*

SUBJECT:

Congressional Correspondence from Robert Dornan:
American Bar Association/Association of Soviet
Lawyers Agreement

Congressman Dornan wrote the President asking him to publically urge the American Bar Association to abrogate its agreement with the Association of Soviet Lawyers. While the Congressman's request has been overtaken by events, I believe a response setting forth the Administration's position would be appropriate. I have prepared the attached letter, for your signature, to Congressman Dornan to set forth this position. The letter is a revision of our earlier response to Senator DeConcini on this same issue.

Attachment

THE WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

INCOMING

DATE RECEIVED: JULY 29, 1986

Handwritten initials

NAME OF CORRESPONDENT: THE HONORABLE ROBERT K. DORNAN

SUBJECT: WRITES REGARDING THE ALLEGED MISGUIDED
POLICY OF THE AMERICAN BAR ASSOCIATION WHICH
RUNS COUNTER TO U.S. GOALS VIS-A-VIS THE
SOVIET UNION

ROUTE TO: OFFICE/AGENCY (STAFF NAME)	ACTION		DISPOSITION	
	ACT CODE	DATE YY/MM/DD	TYPE RESP	C COMPLETED D YY/MM/DD
WILLIAM BALL	ORG	86/07/29		86/09/15
CUH22 REFERRAL NOTE:	A	8/07/86		8/1/86
WART24 REFERRAL NOTE:	D	86/09/16		8/10/86
REFERRAL NOTE:		1/1		1/1
REFERRAL NOTE:		1/1		1/1
REFERRAL NOTE:		1/1		1/1

COMMENTS: _____

ADDITIONAL CORRESPONDENTS: MEDIA:L INDIVIDUAL CODES: 1240 _____
MAIL USER CODES: (A) _____ (B) _____ (C) _____

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*****
*ACTION CODES:          *DISPOSITION          *OUTGOING          *
*                       *                       *CORRESPONDENCE:  *
*A-A-APPROPRIATE ACTION *A-ANSWERED          *TYPE RESP=INITIALS *
*C-C-COMMENT/RECOM      *B-NON-SPEC-REFERRAL *           OF SIGNER *
*D-D-DRAFT RESPONSE     *C-C-COMPLETED      *           CODE = A   *
*F-F-FURNISH FACT SHEET *S-S-SUSPENDED      *COMPLETED = DATE OF *
*I-I-INFO COPY/NO ACT NEC *                       *           *           OUTGOING *
*R-R-DIRECT REPLY W/COPY *                       *                       *
*S-S-FOR-SIGNATURE      *                       *                       *
*X-X-INTERIM REPLY      *                       *                       *
*****

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REFER QUESTIONS AND ROUTING UPDATES TO CENTRAL REFERENCE
(ROOM 75, OEOB) EXT-2590
KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING
LETTER AT ALL TIMES AND SEND COMPLETED RECORD TO RECORDS
MANAGEMENT.

THE WHITE HOUSE

WASHINGTON

September 15, 1986

MEMORANDUM FOR:

DIANNA HOLLAND

FROM:

KATHY RATTE JAFFKE *KRJ*

SUBJECT:

American Bar Association/
Association of Soviet Lawyers
Agreement

In the attached letter, Congressman Bob Dornan expresses concern that an ABA/ASL agreement may mislead Americans into thinking that the Soviet Union is committed to upholding human rights.

An earlier letter from Senator Deconcini on this subject was referred to the Counsel's office. Peter Wallison responded on September 2. I discussed the Dornan letter with Dean McGrath. We agreed that an acknowledgment from the Counsel's office would be appropriate.

cc: Records Management - FYI (410220)

THE WHITE HOUSE

WASHINGTON

September 10, 1986

MEMORANDUM FOR:

WILLIAM L. BALL, III

FROM:

KATHY RATTE JAFFKE *KRJ*

SUBJECT:

American Bar Association/
Association of Soviet Lawyers
Agreement

In the attached letter, Congressman Bob Dornan expresses concern that an ABA/ASL agreement may mislead Americans into thinking that the Soviet Union is committed to upholding human rights.

An earlier letter from Senator Deconcini on this subject was referred to the Counsel's office. Peter Wallison responded on September 2 (copy attached). The Counsel's office has agreed to provide a similar response to Congressman Dornan's inquiry. If you have no objection, I will direct the Dornan letter to the Counsel's office.

[Handwritten signature]

OK [Handwritten initials]

ROBERT K. DORNAN
38TH DISTRICT, CALIFORNIA



FOREIGN AFFAIRS

SUBCOMMITTEES:
ARMS CONTROL,
INTERNATIONAL SECURITY
AND SCIENCE

AFRICA

EUROPE, SOVIET UNION
AND THE MIDDLE EAST

HOUSE TASK FORCE ON
MISSING IN ACTION

PERMANENT OBSERVER TO
GENEVA ARMS TALKS

WASHINGTON, DC OFFICE:
301 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-2965

DISTRICT OFFICE:
12387 LEWIS STREET, #203
GARDEN GROVE, CA 92640
(714) 971-9292

HISPANIC CAUCUS

TRADE AND TOURISM CAUCUS

TASK FORCE ON ECONOMIC POLICY

TASK FORCE ON CRIME AND NARCOTICS

Congress of the United States
House of Representatives

July 25, 1986

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

Mr. President:

I feel a responsibility to bring to your attention a misguided policy of the American Bar Association which runs counter to U.S. goals vis-a-vis the Soviet Union.

Over one year ago the American Bar Association signed a pact of "professional cooperation" with the Association of Soviet Lawyers on the pretext of improving avenues of communication. Although the ABA may be well intentioned in its efforts, we are concerned that this pact only serves Soviet interests by propagating a moderate image of the Soviet legal system internationally. Natan Scharansky has characterized this agreement as providing critical "help of co-operative Western bodies" which Soviets use to present a "false face" to the world and continue their human rights abuses. We believe that phrases like "mutual respect" contained in the May 2, 1985 agreement and even the existence of the ABA-ASL agreement can dangerously mislead the American public into thinking the USSR is committed to upholding human rights.

Additionally, we fail to understand why the American Bar Association continues to degrade the judicial system of this country by putting it on a par with an organization which is the most prominent sponsor of anti-Semitic material in the USSR. The ASL co-authored the infamous "White Book" designed to discredit and persecute the Soviet Jewish community has been well documented. This fact has been a source of outrage to the American Jewish community. The captive nations communities of the U.S. have also been dismayed by the ABA-ASL agreement, correctly viewing it as a betrayal of the cause of freedom in their homeland.

Mr. President, we need your help. In early August, some members of the American Bar Association will offer the Huntwork-Jejna Resolution for abrogation of the ABA-ASL pact during their annual meeting. Many of my colleagues have joined me in a letter to the President of the ABA, urging his endorsement of the resolution. A public statement by you, Mr. President, would

dovetail with our efforts to elevate public awareness about this outrageous situation and would reinforce your efforts to support respect for human rights in the Soviet Union. The ABA's action on the Huntwork-Jejna Resolution will determine to a large extent the future of Soviet-American relations in the field of law.

Knowing of your passionate desire to deal in a realistic manner with the Soviet Union, we feel confident in recommending this course of action. The American Bar Association should not be encouraged to act as a conduit for Soviet disinformation in this country. Let's not allow the American public to be misled.

We appreciate your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Bob".

Robert K. Dornan
U.S. Congressman

THE WHITE HOUSE

WASHINGTON

September 2, 1986

Dear Senator DeConcini:

William L. Ball, III, Assistant to the President, has referred to me your letter regarding an agreement entered into in 1985 between the American Bar Association and the Association of Soviet Lawyers.

Pursuant to the agreement reached last year between the President and General Secretary Gorbachev, the Administration has supported efforts to increase opportunities for the peoples of the United States and the Soviet Union to communicate directly with one another. The Administration's policy is to encourage people-to-people contacts, not to endorse particular Soviet organizations. At the same time, the Administration has made it clear to the Soviets the importance we attach to their respect for human rights, including compliance with their international undertakings in this area.

While we recognize the nature of the Soviet system, it would be inconsistent with our responsibilities in a free and open society for the Administration to dictate exactly which Soviet organizations Americans should and should not contact. Mr. Fielding's letter, to which you refer, was offered in this spirit -- as an endorsement of people-to-people contacts in principle, not as an endorsement of the Association of Soviet Lawyers.

Sincerely,

ORIGINAL SIGNED BY PJW

Peter J. Wallison
Counsel to the President

The Honorable Dennis DeConcini
United States Senate
Washington, D.C. 20510

PJW:CDM:dmh 9/2/86

cc: PJWallison ✓

CDMcGrath

chron.

June 25, 1986

Dear Senator DeConcini:

On the President's behalf, I would like to thank you for your June 18 letter regarding an issue involving the American Bar Association, the Counsel's Office and the Association of Soviet Lawyers.

We appreciate receiving your statement of concern and will reiterate your recommendation to Mr. Wallison. You may be assured that your correspondence will be carefully reviewed.

With best wishes,

Sincerely,

William L. Ball, III
Assistant to the President

The Honorable Dennis DeConcini
United States Senate
Washington, D.C. 20510

WLB:KRJ:hlb

cc: w/copy of inc to Peter Wallison - for
DIRECT action

STROM THURMOND, SOUTH CAROLINA, CHAIRMAN
 CHARLES McC. MATHIAS, JR., MARYLAND
 PAUL LAXALT, NEVADA
 ORRIN G. HATCH, UTAH
 ALAN K. SIMPSON, WYOMING
 JOHN EAST, NORTH CAROLINA
 CHARLES E. GRASSLEY, IOWA
 JEREMIAH DENTON, ALABAMA
 ARLEN SPECTER, PENNSYLVANIA
 MITCH MCCONNELL, KENTUCKY

JOSEPH R. BIDEN, JR., DELAWARE
 EDWARD M. KENNEDY, MASSACHUSETTS
 ROBERT C. BYRD, WEST VIRGINIA
 HOWARD M. METZENBAUM, OHIO
 DENNIS DeCONCINI, ARIZONA
 PATRICK J. LEAHY, VERMONT
 HOWELL HEFLIN, ALABAMA
 PAUL SIMON, ILLINOIS

DENNIS W. SHEDD, CHIEF COUNSEL AND STAFF DIRECTOR
 DEBORAH K. OWEN, GENERAL COUNSEL
 DEBORAH G. BERNSTEIN, CHIEF CLERK
 MARK H. GITENSTEIN, MINORITY CHIEF COUNSEL

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510

June 18, 1986

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

Dear Mr. President:

It has been brought to my attention by one of my constituents, Patience Huntwork, that the Administration's name is being bandied about as a supporter of an agreement entered into in 1985 between the American Bar Association and the Association of Soviet Lawyers (the ABA-ASL agreement). This apparently results from a letter by President Falsgraf of the ABA in which he asked for Administration support of the agreement and characterized it as noncontroversial. Mr. Fielding apparently responded in a positive manner to the ABA overture. I believe the White House should reconsider its support or clarify the nature of that support. The agreement is not "noncontroversial" and it flies in the face of common sense and human decency to assume that the ASL is other than an instrument of disinformation and propaganda for the Soviet Union. Enclosed are several statements that have been made on this subject by myself and others.

I encourage you to urge the ABA to disassociate itself immediately from this onerous agreement.

Sincerely,



DENNIS DeCONCINI
 United States Senator

DDC/rfv
 Enclosures

cc: Peter Wallison
 Counsel to the President

MEMORANDUM

RE: ABA Assembly Resolution to rescind formal ties between the ABA and the Association of Soviet Lawyers

TO: ABA Young Lawyers Division, Individual Rights and Responsibilities Division, International Law and Practice Division, Litigation Section, Standing Committee on World Order under Law, Standing Committee on Law and National Security, Special Committee on Cooperation with Foreign and International Organizations, and Steering Committee on ABA-ASL Seminars

DATE: April 24, 1986

FROM: Patience T. Huntwork and Orest A. Jejna, Assembly Resolution Sponsors

On May 2, 1985, the Executive Director of the ABA signed an Administrative Agreement between the ABA and the Association of Soviet Lawyers ("ASL"): That Administrative Agreement ("Agreement") is presently in force and effect.

In November, 1985, the ABA Board of Governors approved a "Declaration of Cooperation" as a standard form of written agreement between the ABA and foreign bar associations. The Board intends to offer the Declaration of Cooperation ("Declaration") to the ASL in place of the Agreement, and negotiations to that end have already begun.

The captioned divisions, sections and committees of the ABA are considering an Assembly Resolution (attached) to terminate all formal ABA-ASL ties, whether in the form of the Administrative Agreement or the Declaration of Cooperation. As sponsors of that Assembly Resolution, we briefly summarize eight points in support of the Resolution.

1. The ASL has an institutional purpose which is contrary to the rule of law. The ASL is not a national bar association of the USSR. (There is no national bar association in the USSR. The respective regions have their own bar associations.) Instead, the ASL was formed for a specific purpose by the Soviet authorities. That purpose has been described by former Soviet lawyers Konstantin M. Simis and Dina I. Kaminskaya as follows:

"Officers of the ASL are selected by the Administrative Department of the Central Committee of

the Communist Party of the Soviet Union, in conjunction with the KGB, from attorneys who are trusted by the authorities. . . . The actual purpose of the ASL is to conduct propagandistic actions for the purpose of disinforming international public opinion . . . in the human rights field. . . . The ASL is one of many so-called public organizations, under whose cover other [Soviet] organizations act. . . . Without any doubt, the Agreement between the ASL and the ABA will help the Soviet government mislead American public opinion. . . ." (emphasis added) Letter to Mrs. Huntwork from Dina I. Kaminskaya and Konstantin M. Simis, dated February 26, 1986.^{1/}

The conduct of the ASL and its officers confirms that the ASL serves the anti-Semitic and propagandistic objectives of the Soviet regime. In 1979 the Jewish emigration movement was at its peak, with a record number of 51,320 Jews emigrating from the USSR. In that year, the ASL published the 1979 edition of the White Book, a major official Soviet work against the Jewish emigration movement. An English-language version of the White Book was published in 1981. Although few copies of the 1981 English-language White Book are available in this country, a copy of it is attached to this memorandum for each of the ABA entities considering this matter. The propagandistic, anti-Semitic nature of the book is self-evident.

In the summer of 1985, after signing the ABA-ASL Agreement, the ASL published the 1985 edition of the White Book, which was an updating of the 1979 edition. The co-author of the White Book with the ASL was the Soviet Anti-Zionist Committee, a notorious Soviet public organization whose purpose is to harass and discredit the Soviet Jewish emigration movement. No English translation of the 1985 White Book has as yet appeared. In fact, the 1985 White Book is virtually unavailable in this country. The authors of this memorandum have furnished copies of the 1985 White Book to the ABA.

Examples of disinformation by ASL officers in the past year include the following published statements by them: (1) that 1800 American lawyers visited the Soviet Union in 1985, and none had any objections to the Soviet legal system (ASL President Sukharev); (2) that U.S. Supreme Court Chief Justice Warren Burger has no objections to the Soviet legal

^{1/}The biographies and qualifications of Mrs. Kaminskaya and Mr. Simis are set forth separately as an attachment to this memorandum.

system (ASL President Sukharev); (3) that everyone in the Soviet Union is equal before the law (ASL President Sukharev); (4) that Andrei Sakharov's presence in Gorky has "nothing to do with the notion of exile" and he is merely pursuing his career as a physicist there (ASL Vice-President Zivs); (5) that the Soviet Union has incorporated all the principles of the Helsinki Accords into its laws (ASL President Sukharev); (6) that fewer and fewer Soviet Jews are applying for permission to emigrate, because the process of reunification with relatives has been accomplished (ASL Vice-President Zivs); (7) that the Soviet Union has worked consistently for effective international cooperation in the field of human rights (ASL President Sukharev); and (8) that Andrei Sakharov in his statements has repeatedly called for war (ASL Vice-President Zivs).

2. It is predictable that formal ties between the ABA and the ASL will serve specific disinformation goals of the Soviet authorities. As an indication of the part joint ABA-ASL activities would play in the Soviet campaign of disinformation, we refer to a December, 1984 article from Soviet Life Magazine, detailing the visit to Moscow by ABA officers to lay the groundwork for the Agreement. Interspersed with photos and approving statements of the ABA officers (the authenticity of which statements we have not confirmed), are the following specific falsehoods by the ASL concerning the Soviet legal system: (1) that Soviet law is applied and observed uniformly by all bodies of power; (2) that Soviet courts are autonomous; (3) that the presumption of innocence is accepted and observed in Soviet law; (4) that the Supreme Soviet is the highest body of state authority in the Soviet Union; and (5) that laws in the Soviet Union are adopted justly and democratically. The authors of this memorandum will furnish copies of the Soviet Life article to interested persons upon request.

3. Reports of ABA-ASL formal ties will demoralize resistance movements in the Soviet Union. The Agreement contains expressions of "mutual confidence" and "mutual respect" between the ABA and the ASL. Similarly, the Declaration contains avowals that both parties are "pledged to advance the rule of law in the world." These and other similar statements are both factually incorrect and will be misconstrued by the Soviet authorities as an acknowledgment by the ABA that the ASL is committed to the rule of law and the cause of human rights. This can only be a source of discouragement to Soviet Jews and others who are struggling to exercise basic human rights in the USSR. On this point, Dina Kaminskaya and Konstantin Simis state:

"Dissidents in the Soviet Union would view the agreement between the ASL and the ABA as a victory for the Soviet policy of disinformation . . . of which the latest victim is the ABA. . . . The announcement that the ASL had signed an agreement with the ABA calling for mutual respect and cooperation would be cause for great pain and disappointment for Soviet Jewry. Even more so, because ASL Vice-President Samuil Zivis also happens to be the Vice-President of the Soviet Anti-Zionist Committee and widely known as one of the most active and cynical defenders of the Soviet Anti-Semitic policy." (emphasis added)

4. Exchanges of views with the ASL on human rights are unlikely to bring overall human rights improvement. Simis and Kaminskaya have stated:

"Dialogue between the ASL and the ABA on the subject of human rights could not achieve any benefits for human rights in the USSR. The main reason for this is that dialogue with ABA members could not possibly influence the views of those who would represent the ASL at ABA-ASL meetings. Their views are not determined by their convictions or professional knowledge, but by orders of their superiors from the Central Committee of the Communist Party. . . . The ASL will not and simply cannot conscientiously fulfill its agreement with the ABA, by virtue of its complete subordination to the authorities." (Emphasis added)

In response to the claimed benefits of "dialogue with those having contrary views", former Soviet dissident Vladimir Bukovsky^{2/} has stated:

"Soviet lawyers do not have 'contrary views' because they are not allowed to have any views of their own. [A] 'dialogue' with people who are obliged, under a threat of penalty, to repeat official propoganda, is completely senseless.... Clearly, this agreement is not going to strengthen the rule of law, but will help to deceive millions of people in the world." Letter to Mrs. Huntwork from Vladimir Bukovsky, dated January 25, 1986.

5. A formal written agreement or declaration of cooperation is not necessary for an exchange of views with Soviet lawyers. For many years, American lawyers have traveled to the Soviet Union on professional exchanges. According to

^{2/}Mr. Bukovsky's biography and qualifications are set forth separately as an attachment to this memorandum.

Soviet estimates, 1800 American lawyers visited the Soviet Union in 1985 alone. It is clear, therefore, that people-to-people exchanges can take place without formal written agreements. Indeed, informal people-to-people contacts provide an ideal mechanism for exchanging views on matters of mutual professional interest.

Adequate mechanisms also exist, without formal agreements or declarations of cooperation, for raising the legitimate human rights concerns of the ABA. Such mechanisms include ad hoc contacts with the ASL or other Soviet entities to raise specific human rights concerns, participation in the State Department's trial observer program, formal resolutions calling attention to specific human rights abuses, and human rights initiatives by interested ABA committees. Thus, it is clear that a formal Agreement or Declaration of Cooperation is not a prerequisite to addressing human rights concerns.

6. Formal ties between the ABA and the ASL increase the Soviet authorities' control over ABA contacts with Soviet lawyers. The ability of the Soviet authorities to control exchanges of views between American visitors and Soviet citizens will be increased as a result of the institution of formal ties between the ABA and the ASL. These formal ties will replace existing, less structured contacts with a highly structured, centralized program. Rather than opening new channels of communication, the existence of formal ties will give Soviet authorities a plausible excuse for restricting dialogue to designated representatives of the ASL and ABA.

7. The ABA-ASL Agreement was never properly adopted by the ABA. The ABA-ASL Agreement was not formally approved by any governing body of the ABA. Instead, the Agreement was executed by the ABA's Executive Director with the tacit approval of the Executive Committee of the Board of Governors. Neither the Executive Committee nor the full Board of Governors reviewed the text of the Agreement before it was signed, nor were the pertinent committees of the ABA or the membership consulted before action was taken. In any event, under ABA written policies, the national policy-making body of the ABA is the House of Delegates, and an agreement with a foreign organization as controversial as the ASL should not have been executed without formal action by the House of Delegates. In view of the failure to follow proper procedures, the Agreement should be regarded as unauthorized, and the issue should be subject to full review and debate within the ABA.

8. The ABA-ASL Declaration of Cooperation is substantively identical to the Administrative Agreement except in one respect in which it is more objectionable. The

Agreement and Declaration contain substantially identical provisions for visits, information exchanges, joint seminars and other joint undertakings between the ABA and the ASL. The two documents therefore offer the Soviet authorities the same opportunities to disinform public opinion concerning their legal system.

We understand that the ABA Board of Governors considers the Declaration to be less objectionable than the Agreement because it provides for a two-year term, while the Agreement is of indefinite duration. However, this purported advantage is illusory because both documents are terminable at will by either party.

In addition, the Declaration contains a feature not found in the Agreement which is fundamentally objectionable in view of the nature and conduct of the ASL. Under the Declaration, associate membership in the ABA is automatically conferred upon all members in good standing of the ASL. As noted above, membership in the ASL is not open to all Soviet lawyers. Rather, the membership and leadership of the ASL is selected by the Soviet authorities from attorneys who are most trusted by them. As a result, the ASL membership includes such persons as Messrs. Sukharev, its President, and Zivs, its Vice-President, whose well-documented roles in anti-Semitic activities and other human rights abuses clearly disqualify them from membership in the American Bar Association. Thus, the potential for adverse political consequences is even greater under the Declaration than under the Agreement.

Attachments

DINA I. KAMINSKAYA entered Moscow Law School at the age of 17. After receiving her law degree, she chose a career in criminal defense, and for 37 years was among the leading defense attorneys in the Soviet Union. A member of the Moscow Collegium of Advocates, she undertook the defense of Soviet dissident Vladimir Bukovsky in 1967. She represented other dissidents (among them Ilya Gabay, Pavel Litvinov and Yurii Galanskov) until her conflicts with the authorities became irreconcilable and her "clearance" to appear at political trials was revoked. Shortly prior to her expulsion from the Soviet Union in 1977, she had agreed to take on the case of Jewish dissident Anatoly Shcharansky. She was forced to emigrate to the U.S. in 1977 with her husband, attorney Konstantin M. Simis.

KONSTANTIN M. SIMIS, born in Odessa, Ukraine, in 1919, received his law degree from Moscow Law School in 1940 and his Ph.D. from the Institute of Soviet Law of the Academy of Science of the USSR in 1944. For seventeen years he was a respected trial lawyer, professor and member of the Moscow Collegium of Advocates. Between 1966 and 1977 he was a senior research assistant at the Institute of Soviet Law, Justice Department of the USSR, where he was involved in the drafting of the 1977 Constitution of the USSR. In 1976, the authorities gave Mr. Simis the choice of emigration or imprisonment, after a KGB search of his home revealed an anti-Soviet manuscript on which he had secretly been working. In 1977, Mr. Simis emigrated to the U.S., where his book, concerning pervasive corruption in government, industry, and the judicial system in the Soviet Union, was published in 1982.

VLADIMIR K. BUKOVSKY, born in 1942, was a high school student when first arrested for anti-Soviet activities. He attended Moscow University briefly, but was expelled for organizing public readings of unapproved and unpublished poetry. In 1963, he was sentenced without trial to indefinite detention in a Leningrad prison hospital. Due to continued anti-Soviet resistance, he spent the next twelve years in Soviet prisons, labor camps and psychiatric hospitals. Publicity in the West concerning his case led to his expulsion by the Soviet authorities to Switzerland in 1976, in exchange for Chilean Communist leader Luis Corvalan. Mr. Bukovsky is now a doctoral student in Neurosciences at Stanford University.

ASSEMBLY RESOLUTION

WHEREAS, the ABA on May 2, 1985 entered into an Administrative Agreement ("the Agreement") with the Association of Soviet Lawyers ("ASL"), which Agreement is presently in effect; and

WHEREAS, the Agreement is intended to be superseded in the future by a Declaration of Cooperation with the ASL ("the Declaration"), which the Board of Governors of the ABA approved in principle in November, 1985; and

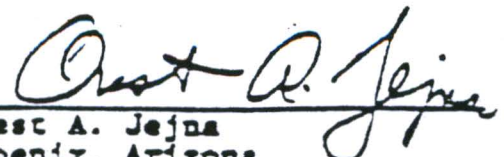
WHEREAS, the ASL and its officers are subject to the direction and control of the Soviet authorities, which authorities have subverted the rule of law by means of numerous offenses against the human rights of citizens of the Soviet Union and other persons; and

WHEREAS, continuation of the Agreement does not foster true dialogue with the lawyers of the USSR, but instead renders service to the Soviet authorities by creating and legitimizing channels of Soviet disinformation; and

WHEREAS, termination of the Agreement will demonstrate the commitment of the ABA to the cause of human rights;

NOW THEREFORE, be it resolved that the ABA terminate the Agreement, and that it refrain thereafter from entering into formal ties with the ASL, by means of an Administrative Agreement, Declaration of Cooperation, or otherwise.


Patience Tipton Huntwork
Phoenix, Arizona


Orest A. Jejna
Phoenix, Arizona

Do the Lawyers Really Understand The Idea of Law?

The journalists at Wednesday night's presidential press conference were hostile when they questioned Mr. Reagan about the recent U.S. operations in the Gulf of Sidra. But the president answered confidently: After all, the U.S. clearly had international law on its side. Respect for the law is a powerful factor in American public debate. The same respect should prompt some protest of the high level delegation that our American Bar Association will soon send to the Soviet Union for meetings with Soviet attorneys.

The ABA, like other trade associations, exchanges information and visits with its counterparts overseas. This is on the whole a good thing. It gives people new ideas. It strengthens the notion that there is such a thing as professional expertise, with its own standards and obligations, separate from the dictates of politics. It gives everyone a chance to bring back souvenirs.

Last spring the ABA signed a co-operation agreement with the Association of Soviet Lawyers. It expresses the signatories' mutual respect and provides for information exchanges and meetings. The president of the ABA, in a letter to the White House explaining the enterprise, said that children of American lawyers might even

Capital Chronicle

by Suzanne Garment

visit the homes of Soviet lawyers and vice versa. He said the Soviet leadership seemed interested, "particularly because Mr. Gorbachev himself is a lawyer."

The agreement soon drew hostile fire. Some critics have protested that the Soviets will use the exchanges for propaganda. Others point out that the Association of Soviet Lawyers, the "counterpart" of the ABA, is not just your average bunch of independent-minded law practitioners.

The ASI — surprised, anyone? — has close connections with the Soviet government. The organization is author, along with the Soviet Anti-Zionist Committee, of a recent publication titled "The White Book." It was written to counter the Jewish emigration movement in the Soviet Union and is not readily available in the West. It contains sections like, "Under the Gulse of Studying Hebrew," and "To Be a Refusenik Is Profitable."

The ABA's board of governors, meeting now in Tallahassee, is not likely to reconsider the agreement. The advocates of cancellation will have to take their case to the big ABA meetings in New York this August. What the ABA decides there will be the business of anyone who values living under the rule of law.

The law is a crummiy way to settle most disputes. But the breakdown of law is a synonym for terror. Without law, anxiety rules each day and the future is a realm of endless fear. Law replaces this nightmare with uniformity, predictability and limits.

When political regimes wish to become tyrannies, one of the chief things they must do is to undermine this regularity. Last summer a court in Tehran ruled — in a new interpretation — that a family of the Baha'i religion, one of whose members was killed by a negligent driver, had been wronged under the law but could not collect damages because they were apostates. This was the sign of a country sinking deep into darkness.

Around the same time, human rights lawyers in Ferdinand Marcos's Philippines were being opposed by pro-government forces not through legal counterattacks but through murder. The then president of the ABA protested publicly and was right to do so.

On the scale that these events suggest, where should we place the Soviet Union? At one level, where law is a useful instrument for maintaining general order, the Soviet system functions with some regularity. On another level, where the system is truly challenged, the government does not simply discard the idea of law but goes farther.

The Soviet system does not merely say to a dissident, "You have committed a political crime; therefore law does not apply to you." Instead it perverts law, using quasi legal rules and punishments to manipulate political opponents.

There is just enough law in the Soviet Union so that Soviet dissidents do believe in the law and tend to form their behavior and expectations accordingly. This makes the dissidents vulnerable to the government's tactics of hewing to the law at one point and ignoring it at another, exploiting it to the full on one day while acting leniently on the next.

The government, in short, has discovered how to use the law as an instrument of torture.

Professional organizations often say that they should not break contact with one another just because their governments are feuding. For some professions this may be true, but not for lawyers. The problem with U.S.-Soviet attorney exchanges is not that the Soviets are hostile to the American government. The problem is that the Soviet system depends for its survival on perverting law as the West knows it.

How can Western lawyers, defenders of the idea of law, deal as peers with the representatives of a regime so inimical to this idea? The ABA says that its emissaries to Moscow will raise human rights issues with their Soviet hosts: Do the U.S. lawyers think they can possibly achieve enough this way to counteract the deeply corrosive effect of their fraternal visits?

For a country like ours, making public policy is almost the same thing as making law. Right now we are trying to drag liability law back from the brink of self-destruction. We are still struggling over defendants' rights in the criminal courts.

We keep putting patches on these rips and tears. But if the legal leaders we rely on for security under law don't start showing more collective care for the principle, the issues they touch will continue to cause us headaches and the issues they evade and deny will do us even deeper harm.

Local lawyers protest ABA-Soviet alliance

By PAULINE YEARWOOD

Two Phoenix attorneys have filed a resolution with the American Bar Association demanding that the organization terminate a 1985 agreement with the Soviet bar association, the Association of Soviet Lawyers, a group the attorneys charge is linked directly with Soviet human rights violations and anti-Semitic policies.

The attorneys, Patience Tip-ton Huntwork and Orest A. Jejna, filed the resolution on Feb. 8 at the ABA's midyear meeting in Baltimore. It states that an administrative agreement between the ABA and the ASL "renders service" to Soviet authorities and that its termination would show the ABA's "commitment to the cause of human rights."

The agreement between the two groups was entered into in May 1985. It contains provisions for each group to send delegates to the others' meetings and for the two organizations to exchange professional publications and other legal materials. The alliance was designed to "promote contacts between American and Soviet lawyers and... develop ongoing cooperation between them in the areas of mutual professional interest," according to the written agreement.

Huntwork and Jejna charge in their resolution that the agreement "does not foster true dialogue with the lawyers of the USSR, but instead renders service to the Soviet authorities by creating and legitimizing channels of Soviet disinformation."

Huntwork, a staff attorney for an Arizona court, told GPJN she decided to co-sponsor the resolution because she had been "committed to pointing out differences between our system and other systems for many, many years."

Specifically, she said, the Soviet lawyers' group and its leaders are linked directly to "atrocious" Soviet human rights policies, particularly to the Anti-Zionist Committee of the Soviet Public, a group that has published repeated denunciations of Soviet Jewish dissidents and refuseniks.

Huntwork said "The White Book," a Soviet collection of anti-American, anti-Jewish and anti-Israel material published in the summer of 1985, was co-authored jointly by the ASL and the Anti-Zionist Committee. The ASL vice president is Samuil Zivs, who is also first vice-chairman of the Anti-Zionist Committee.

Zivs is a Jew who reportedly once made vigorous efforts to change his official "Jewish" designation. He is also the author of another book, "The Anatomy of a Lie," an attack on Amnesty International, a human rights organization, and on Soviet dissidents, particularly Nobel Prize winner Andrei Sakharov.

In that book, Zivs wrote of Sakharov that "the measures exerted on him were gracious." In a public speech in Moscow in December 1985, he denied Sakharov was in exile in the Russian city of Gorky and said the 1975 Nobel Peace Prize winner was "merely pursuing his career as a physicist there."

Zivs was a member of a six-man Soviet delegation that met with the ABA's president and board of governors in May, just before the agreement between the ASL and the ABA was signed.

Another member of the delegation was ASL Acting President Alexander Sukharev, who wrote the foreword to "The White Book." Sukharev has denounced Soviet dissidents at various public functions and once stated that the USSR "has done away with the fundamental social causes of crime and law breaking."

Huntwork said she obtained a copy of the difficult-to-find Russian language "White Book" and had many parts of it translated into English. She said it contains chapters entitled "Zionism the Tool of Imperialism," "Zionist Enticers and Their Helpers," "Under the Guise of Studying Hebrew" and "To Be a Refusenik Is Profitable."

In an Aug. 27, 1985, review of "The White Book" in Izvestiya, the Soviet government newspaper, the book is described as giving "a picture of Zionism in action — lies, deceptions, provocations, terrorism, violation of human rights."

Huntwork said the book also has chapters describing "complicity between Jews and Nazis in World War II."

She said she did not know about the agreement between the ASL and the ABA until last August, when she read an article mentioning it in a Phoenix daily newspaper. She said the issue previously had been brought to some attorneys' attention through a June 1985 "op-ed" article in The Wall Street Journal written by Bill Pearl, a Santa Monica, Calif., attorney.

"Before Pearl's article," Huntwork said, "most people weren't aware of Zivs' identity. The ABA leadership was not aware of any problem with the ASL or its leaders."

She said the ABA has a similar agreement with attorneys from Communist China — the only other agreement of its kind.

Huntwork said most attorneys were not aware that such an agreement had been signed between the two organizations. "There was one article in the ABA Journal, but I didn't see it," she said.

Bar of Arizona, the local association of attorneys. A spokesperson for the State Bar said the group generally does not take stands on such issues as the ABA-ASL agreement "unless they are something that affects our members directly."

Huntwork said she and Jejna filed the resolution "to bring this issue to the American people as a whole and to the press. It should be debated and aired in public so that the full facts can be known."

The resolution will come before the ABA Assembly at the ABA annual meeting in New York City Aug. 6-14. However, Huntwork said she also wants to bring the issue up for discussion before the ABA Board of Governors meeting in Tallahassee, Fla. in April.

Until the August meeting, Huntwork said she and Jejna will be "working (to get support for the resolution) through the ABA hierarchy, the committees and divisions. That is where the power is."

Some of the committee to whom the issue has been broached, Huntwork said, "feel termination (of the ABA-ASL agreement) isn't necessary. They feel they can salvage it by discussing human rights with the Soviets. We are more 'hard line' and feel termination is necessary."

She said that, during her research into human rights violations in the Soviet Union, "I learned a lot about Soviet Jewish concerns," but that she and Jejna are not restricting their concern to Soviet Jews only.

"There are so many victims," she said, "it is inaccurate to focus only on Jews. Human rights abuses (in the USSR) are wide-ranging."

Jejna, a solo practitioner, said he became aware of the agreement in late October by talking with Huntwork and decided to join her in sponsoring the resolution. He said he "has always been concerned (about human rights violations) in the Soviet Union or anywhere else," but that he has a special interest in the Soviet Union because of his family and background.

His parents were Ukrainians who immigrated to the United States at the time of World War II. "All the time I was growing up," Jejna said, "I would hear about what was going on in the Soviet Union and some of the abuses there. It was always part of the talk in the Ukrainian community when I was a boy."

Last year Jejna, who speaks Ukrainian fluently, was part of a well-publicized incident involving the Soviet Union, when, in November, he attempted unsuccessfully to win freedom for Myroslav Medvid, a Ukrainian sailor who jumped from a Soviet freighter and sought asylum in the United States.

Jejna said he has "no objection to attorneys from different countries getting together and talking to each other," but that he feels the formal agreement "is not in the best interests of the ABA. It could very well be used by the Soviets as a tool for disinformation, and I'm sure they are saying the same thing about us."

purpose of the resolution is simply to "raise awareness."

As for the reasons for the agreement, Jejna said, "It is

hard to say if the ABA members were just naive or if they really thought this was a great idea, nice thing to do.

"It is difficult to believe the lawyers, educated people, wouldn't be aware of the abuse of the Soviet system."

Jejna also said he felt many of the lawyers who had negotiated the agreement were not aware of the backgrounds and anti-Zionist activities of Zivs and Sukharev.

Both Huntwork and Jejna said they hope to involve human rights and Jewish groups in the cause.

One local group that already had become involved in the issue is the Arizona Council on Soviet Jewry.

Ann Polinsky, a co-founder and past president of the group, said that, when she became aware of the agreement, she contacted all local lawyers who were ABA members, asking them to protest the ABA-ASL alliance and request that the agreement be abrogated.

Most local attorneys, even those who were ABA members, were not aware of the agreement, she said.

She added that the Arizona Council will continue to support the effort to get the agreement abrogated.

"It is an abomination," she said, "that people who represent American law, who are supposed to stand for upholding the U.S. Constitution, should be consoling with such people (the Soviet lawyers' group)."

Another local lawyer who has become involved in the controversy is Jon L. Kyl, an attorney with the firm of Jennings Strouss and Salmon and a Republican candidate for Congress from the Fourth Congressional District.

Kyl, who said that Huntwork "deserves all the credit for the effort," is joining with her and Jejna "to keep the pressure on for the ABA to terminate the agreement."

That agreement "was a bad idea," Kyl said and shows "naivete about dealing with the Soviet Union in general and these propagandists in particular."

"The specific people involved (in the ASL) are anti-Semitic and are opposed to human rights," he said. "It was ethically foolish or very naive of the ABA to become involved in such a thing."

In the ongoing effort to enlist supporters to their cause, Huntwork and Jejna were scheduled to meet to discuss the issue with Sen. Dennis DeConcini on Feb. 12.

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"Where the Spirit of the Lord is, there is Liberty." II Corinthians 3:17

Editorials

These are the views of The Phoenix Gazette as an institution. They are not signed by an individual writer.

Soviets bring shame to ABA

Color the American Bar Association vermilion. The ABA ought to be red-faced about being flim-flammed by a delegation from the Association of Soviet Lawyers (ASL), sent to the United States last May to consummate an agreement between the two legal fraternities.

Although the agreement pledges exchanges of information and "mutual respect," it turns out that the information about the Soviet lawyers is all bad and the respect is hardly due.

One of the six members of the Soviet group was Samuil Zivs, vice president of the ASL and a high official in the virulently anti-semitic Anti-Zionist Committee of the Soviet Public.

Zivs has publicly denounced Soviet defenders of human rights, including Nobel Peace Prize winner Andrei Sakharov. Zivs also denied that Soviet psychiatric hospitals punish political and religious prisoners. He explained that "similar behavior may be assessed differently in different socio-cultural conditions."

Now comes the "White Book," a joint effort of the Anti-Zionist Committee and the ASL, which Sen. Dennis DeConcini denounced as a "vicious piece of anti-semitism." The foreword was written by none

other than Alexander Zukharev, head of the ASL delegation, and minister of w passses for justice in the Russian Republic.

That's two out of six. At least one of the remaining four members of the delegation was a KGB agent. No Russian group leaves home without one.

The ABA Board of Governors will have an opportunity to vote to terminate the agreement with the ASL during the association's regular midyear meeting in Baltimore, Md. this week. If the governors do not act, two Phoenix attorneys, Patier Huntwork and Orest A. Jejna, will ask the assembled members to support a resolution urging the termination.

The two attorneys share a deep sense of commitment to their country, to freedom and to their profession. It is that devotion that brings them to Baltimore to echo DeConcini's call to the ABA to terminate the agreement "until such time as the Soviet counterparts begin to evidence some respect for the rule of law."

It should now be obvious, even to the most idealistic members of the Board of Governors, that they have been used by the organ of the Kremlin to legitimize a legal system that respects neither human rights nor human life.



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Senate

ABA URGED TO TERMINATE AGREEMENT WITH SOVIETS

Mr. DeCONCINI. Mr. President, on June 6, 1985, I brought to the attention of my colleagues my concern about a mutual respect agreement that was signed on May 2 by the American Bar Association [ABA] and the Association of Soviet Lawyers [ASL]. One of the six delegates representing the ASL, Prof. Samuel Ziv, is also a vice chairman of the Anti-Zionist Committee of the Soviet Public and is the author of a book, "The Anatomy of Lies," which not only defends the Soviet legal system, but also exposes the Soviet Government's contempt for justice and human rights. Bill Pearl, a California attorney, wrote a Wall Street Journal article about this issue and some of his examples of Ziv's thinking included such thoughts as:

Psychiatric hospitals are not used to punish political or religious prisoners;

Reports of starvation in the Gulag Archipelago arose because Amnesty International was seeking to distort the true state of affairs; and

Every prisoner of conscience in the Soviet Union is a liar.

Since I entered Mr. Pearl's article in the CONGRESSIONAL RECORD and publicly asked the ABA to terminate its agreement with the ASL, another example of why the ABA should discontinue its relationship with the ASL has come to my attention. The "White Book," a vicious piece of anti-Semitism, was recently jointly released by the Anti-Zionist Committee of the Soviet Public and the ASL. This anti-Semitic propaganda proves another definite link between these two organizations.

I am certain the ABA intended to foster an atmosphere of awareness with their Soviet counterparts by the agreement they signed. Unfortunately, this is not the reality of the situation. Instead, the mutual respect agreement legitimizes the Soviet repressive legal system and makes a mockery of the cause of thousands of political prisoners, religious dissidents, human rights activists, and refuseniks. These hostages have risked their lives precisely to show the world that the Soviet legal system does not deliver justice and deserves no respect.

I believe the ASL's actions do not justify respect in mutual dealings. Again, I ask the ABA to act boldly and terminate their agreement with the Soviets.

I request that the text of "The Facts Unmask," a review of the White Book published in *Isvestiya* several weeks ago, be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE FACTS UNMASK

Having declared the beginning of a "crusade" against socialism as a social system, Washington is trying to gather under its banners all the forces of international reaction. As one of the striking means in the struggle against the forces of peace and progress, imperialism is putting special dependence on international Zionism. The ideology and political practice of this extremely reactionary movement takes under its wing extreme nationalism, chauvinism and racial intolerance, territorial grabbing and annexations, armed adventurism, the cult of all permissiveness and no punishment, interference in the internal affairs of sovereign states, monstrous deals with the worst enemies of humanity, for example, with Hitlerites of the time of the Third Reich.

The Anti-Zionist Committee of the Soviet Public and The Association of Soviet Lawyers have made public "The White Book", in which the reactionary essence of international Zionism is put under merciless criticism. In the book, there is assembled the richest material—letters, diaries, memoirs, official documents—the reading of which gives an unattractive picture of "Zionism in action"—lies, deceptions, provocations, terrorism, violation of human rights.

Zionism—this is relentless aggression. The state of Israel has existed for less than forty years. And on the bloody ledger of the Israeli rulers there are five aggressions of fateful magnitude against neighboring Arab states. Letters from soldiers and officers, their diaries, excerpts of which are quoted widely by "The White Book," tell of the unbelievable cruelty of Israeli militarism, about its complete moral downfall.

Its undermining activities, most Zionist organizations conduct mainly against the Soviet Union and the other countries of the socialist community. "The White Book" uses rich factual material to expose the dark deeds of the Zionist manipulators. In the book there is evidence of people caught with the goods in the U.S.S.R., spreaders of

Zionist literature, who were occupied at the same time with collecting the addresses of people of interest to American and Israeli and other special services, as well as those having agreed for handouts to deliver slanderous materials about like in our country.

One of the chapters of "The White Book" tells about life in the "promised land." It is impossible to stay calm while reading the letters and other evidence of those who by deceit have been dragged into Israel. Jews who have left their Motherhood—the Soviet Union—shed the curtain of blinders of deceit from their eyes. Encounters with the cruel reality of the capitalist lifestyle often end in tragedy. The newspapers are full of reports of immigrant suicides.

"Pariahs of the Western World," "Wanderings, Ordeals," "People's Tragedies,"—such are the titles of the subsequent chapters of the book. How many distorted fates! How many tragedies! How much sorrow and evil did Zionist propaganda bring!

And in what a contrast sounds the conclusion of "The White Book," entitled "My Motherhood, the U.S.S.R." Here also are given letters of authors who, in the main, are Soviet citizens. These letters are chock full of optimism, pride in their country, their readiness to defend its achievements. They are permeated with anger and indignation at the provocations of international Zionism. They are written by students and workers, physicians and teachers, they are written by Jews and Russians.

"The White Book" is a document of great unmasking force. The facts brought out in the book, evidence, photo illustrations and press materials convincingly unmask the real face of international Zionism upon which, in its aggressive policy, American imperialism makes no small dependence.

¹ The White Book: New Facts, Evidence, Documents. Moscow, "Juridical Literature" 1985.



United States
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Congressional Record

PROCEEDINGS AND DEBATES OF THE 99th CONGRESS, FIRST SESSION

Vol. 131

WASHINGTON, WEDNESDAY, JUNE 19, 1985

No. 82

Senate

HELSINKI ACCORDS NEED ACTIVE SUPPORT OF UNITED STATES AND SOVIET LAWYERS TO WORK

● Mr. DeCONCINI. Mr. President, I would like to call to the attention of my colleagues an excellent Op. Ed. piece that appeared in the June 18 edition of the Wall Street Journal. The article was titled "Lawyer's Detente: Sweeping Soviet Human Rights Aside," and was authored by an attorney from Santa Monica, CA, William Pearl. The point of the article is that America's legal community, in the interest of achieving superficial goodwill with their Soviet counterparts, has overstepped the bounds of decency by signing certain agreements with the Soviets which make a mockery of the principles of rule of law, decency, and justice. As an attorney, as a member of the Helsinki Commission and, as a Senator who has visited the Soviet Union twice, it incenses me that the American Bar Association can be duped so badly and be so callous to the actual state of affairs within the Soviet Union.

What incensed Mr. Pearl was the treatment accorded a Soviet delegation of lawyers which included a Prof. Samuel Zivs who also happens to be the first vice chairman of the "Anti-Zionist Committee of the Soviet Public." The delegation met with the leaders of the American Bar Association, and even the Chief Justice of the United States, prior to signing an agreement "to encourage cooperation in areas of mutual professional interest" and "guided by mutual respect." Mr. Pearl gives numerous examples of Zivs' thinking including such thoughts as: "psychiatric hospitals are not used to punish political and religious prisoners"; "reports of starvation in the Gulag Archipelago arose because Amnesty International was seeking to distort the true state of affairs"; and "Every prisoner of conscience in the Soviet Union is a liar." A wonderful person to respect!

I would hope that the ABA would reconsider the attitude it takes toward Soviet lawyers—at least toward delegations that include the likes of Prof. Zivs. As Pearl comments, "Zivs and his colleagues are the mechanics for the Politburo's counterfeit justice system. Consorting with such people does not enhance the stature of the U.S. legal profession or advance the cause of peace."

What the Soviet Union understands is action. I would hope that the ABA would terminate its "mutually respectful agreement" until such time as their Soviet counterparts begin to evidence some respect for the rule of law. One example of action the Association of Soviet Lawyers could take would be for them to call upon their government to end its breaches of the Helsinki accords. Until they begin to take such actions, the existence of agreements such as I've mentioned merely legitimizes lawlessness camouflaged as law.

The ABA fancies itself as a bastion for the promulgation for justice. They will soon be holding their annual convention in Washington, DC, and I hope that at some time during the week they are here they will reconsider collusion with representatives of Soviet Justice like Prof. Zivs. Rather than meaningless resolutions, I challenge them to act boldly and to terminate their agreements with the Soviets until such time as actions on their part justify respect in mutual dealings.

I ask that Mr. Pearl's article be included in the CONGRESSIONAL RECORD.

The article follows:

LAWYER'S DETENTE SWEEPING SOVIET HUMAN RIGHTS ASIDE

(By Bill Pearl)

Not long ago a prominent Soviet lawyer wrote a book denouncing supporters of human rights in the Soviet Union. He explained that Andrei Sakharov, the only Russian ever to win the Nobel Peace Prize, was "a calumniator and instigator" who assists "the opponents of peace" and whose "actions display a dangerous intention to trample" the Helsinki human-rights accords. The fact that Mr. Sakharov was given a criminal sentence without a trial showed "leniency" and was "in full conformity with the prerogatives of the supreme government body and the legal norms."

Thus wrote Prof. Samuel Zivs, vice president of the Association of Soviet Lawyers. Recently, Mr. Zivs was received in the U.S. by officials of the American Bar Association. As part of a six-man Soviet delegation, he met the ABA's president and board of governors. Someone even arranged a meeting with Chief Justice Warren Burger at the Supreme Court. That same day, the ABA signed an agreement with Prof. Zivs's organization to encourage cooperation in "areas of mutual professional interest," an agreement "guided by mutual respect."

Treating Prof. Zivs and his colleagues with "respect" speaks volumes about one's own respect for justice. Consider Prof. Zivs's book, which explains various aspects of Soviet law:

Psychiatric hospitals are not used to punish political and religious prisoners; it's just that "similar behavior may be assessed differently in different socio-cultural conditions." This is analogous to "the case of cannibalism. What we perceive as an anomaly is known to be regarded as normal in other cultural contexts. . . ." Those who sign appeals against punitive medicine in the Soviet Union are "soft-hearted philistines."

Reports of starvation in the Gulag Archipelago arose because "Amnesty International, seeking to distort the true state of affairs, compares the adulterated 'data' on the calorie intake . . . to the criteria established by the World Health Organization. . . ." Prisoners actually "obtain additional calories from supplementary sources such as the food they buy with their own money in food stores or stalls in the corrective labor institution. . . ."

Every prisoner of conscience in the Soviet Union is a liar. Anatoly Shcharansky, Yuri Orlov, Anatoly Koryagin, all of them. Each one got exactly what he deserved. And as for Mr. Sakharov, the "measures exerted on him were gracious."

Prof. Zivs and his colleagues are the mechanics for the Politburo's counterfeit justice system. Consorting with such people does not enhance the stature of the U.S. legal profession or advance the cause of peace.

ABA President John Shepherd says lawyers have a duty to help achieve world peace by advancement of the rule of law. He's right, but that doesn't mean legitimizing lawlessness camouflaged as law.

If this were 1938, would the ABA sign a mutually respectful agreement with lawyers from Nazi Germany, who applauded the Nuremberg Laws and the Gestapo? Would this contribute to world peace? (For the record, Prof. Zivs also serves as first vice chairman of the "Anti-Zionist Committee of the Soviet Public.")

How many ABA members would want their organization to help improve relations with the South African government? Is the Soviet government less repressive? More representative?

Fortunately, there's a better approach. In 1975, the Soviet Union signed the Helsinki Accords, promising to "respect human rights and fundamental freedoms, including the freedom of thought"; to "promote and encourage the effective exercise of civil [and] political" rights; and to conform to promises of the right to "seek, receive and impart information and ideas through any media and regardless of frontiers." If these promises were observed they would be one of history's greatest conflict-resolution mechanisms. And, of course, they would make the ABA's agreement superfluous.

Some people in the Soviet Union are trying to hold their government to its promises; others are part of the legal apparatus that breaks those promises. The former promote trust and peace; the latter justify state-imposed barriers and the status quo. With whom should American lawyers align themselves?

The ABA has adopted policies and resolutions on the rule of law, but the Politburo knows when actions put the lie to words. To demonstrate a real commitment to the rule of law, and thus to peace, the ABA should terminate its mutually respectful agreement until the Association of Soviet Lawyers calls on its government to end its breaches of the Helsinki Accords.

It's also time for the Reagan administration to invoke the Helsinki proviso, a law that empowers the secretary of state to deny Communist Party apparatchiks automatic clearance to visit the U.S. while the Soviets violate the Helsinki Accords. The State Department should make it clear that on that basis, no member of the Soviet party apparatus will receive a visa until the Sakharovs arrive in the West.

Andrei Sakharov helped invent the Soviet hydrogen bomb. He warned us to treat compliance with the Helsinki Accords as a matter of our security. Sending peace activists to "psychiatric hospitals" makes all of us less safe; in the nuclear age, silencing voices of moderation is not an "internal affair." Mr. Sakharov, a non-lawyer, risked his life to defend the rule of law; instead of legitimizing the traveling salesmen for his tormentors, U.S. lawyers should embrace his understanding of the rule of law and peace: "As long as a country has no civil liberty . . . there exists no effective body of public opinion to control the conduct of government and its functionaries. Such a situation is not just a misfortune for citizens unprotected against tyranny and lawlessness; it is a menace to international security. . . ." [The words of Martin Luther King Jr. ("Injustice anywhere is a threat to justice everywhere") best express my thesis. . . . The fate of each of us and all of us is at stake.]

No credible source has seen the Sakharovs alive since February. The State Department has never invoked the Helsinki proviso. The ABA is entitled to terminate its mutually respectful agreement on three months' notice. ●

THE WHITE HOUSE
WASHINGTON

October 10, 1986

Dear Mr. Neukom:

Thank you for your recent letter forwarding the resolution adopted by the House of Delegates of the American Bar Association on political prisoners in South Africa.

We appreciate your bringing the official policy of the American Bar Association on this matter to our attention.

With best regards,

Sincerely,

ORIGINAL SIGNED BY PJW

Peter J. Wallison
Counsel to the President

William H. Neukom, Esquire
Secretary
American Bar Association
P.O. Box 97017
Redmond, Washington 98073-9717
PJW:CDM:dmh 10/10/86
cc: PJWallison

CDMcGrath✓

chron.

THE WHITE HOUSE
WASHINGTON

October 10, 1986

MEMORANDUM FOR PETER J. WALLISON

FROM: C. DEAN MCGRATH, JR. *WJMcGr*

SUBJECT: American Bar Association Resolution -- Legal Practice in South Africa

William H. Neukom, Secretary, American Bar Association, has provided for our information, and whatever action we deem appropriate, a copy of the American Bar Association's resolution concerning political prisoners in South Africa.

In order to avoid any unforeseen foreign policy consequences stemming from an endorsement of the resolution, I recommend that we simply acknowledge receipt of Mr. Neukom's correspondence. I have prepared the attached letter to Mr. Neukom to reflect this recommendation.

Attachment

**WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

PRD13

- O - OUTGOING
 - H - INTERNAL
 - I - INCOMING
- Date Correspondence Received (YY/MM/DD) 1 1

Dear

Name of Correspondent: William H. Newkom

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Resolution on Political Prisoners in South Africa

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>Cent Hall</u>	ORIGINATOR	<u>8610922</u>			<u>1 1</u>
	Referral Note:				
<u>CIAT 24</u>	<u>D</u>	<u>8610923</u>		<u>S</u>	<u>8610103</u>
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	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, OEOP).
 Always return completed correspondence record to Central Files.
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

American Bar Association

SECRETARY
William H. Neukom
P.O. Box 97017
16011 N.E. 36th Street
Redmond, WA 98073-9717

WRITER'S DIRECT LINE

312/988-5152

September 18, 1986

449439 *cu*

Mr. Peter J. Wallison
Counsel to the President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

RE: Political Prisoners in
South Africa

Dear Mr. Wallison:

At the meeting of the House of Delegates of the American Bar Association held August 11-13, 1986, the attached resolution was adopted upon recommendation of the Section of Individual Rights and Responsibilities and Standing Committee on World Order Under Law. The action taken thus becomes the official policy of the Association in this matter.

This resolution is transmitted for your information and whatever action you may deem appropriate. Please do not hesitate to let us know if you need any further information, have any questions or if we can be of any assistance.

Sincerely yours,



William H. Neukom

WHN:dmb
Attachment
1623f/7293k/7333k/8096k

cc: Honorable Abner J. Mikva
Messrs. Robert F. Drinan
Robert C. Mussehl
Steven G. Raikin
Robert D. Evans
Mmes. Sara-Ann Determan
Penelope Ferriera

REPORT NO. 116B

BE IT RESOLVED, That the American Bar Association supports the immediate release of all persons in South Africa who are in prison, detained or banned solely because of their opposition to apartheid, and early negotiations with these and other opposition leaders towards the establishment of a non-racial system based on the consent of all the governed; and commends the United States Government in calling on the government of South Africa to undertake these measures.

BE IT FURTHER RESOLVED, That the American Bar Association recommends that the United States Government call on all other governments who have detained, imprisoned, harmed or oppressed individuals or groups by denying them their civil liberties to release such persons and work toward the establishment of a system based on the consent of the governed, and supports continued efforts of the United States to this end.

6320f/37
August, 1986