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THE WHITE HOUSE

WASHINGTON

August 18, 1986

MEMORANDUM FOR PAULA DOBRIANSKY
JOHN LENCZOWSKI
JUDYT E. MANDEL
ROBERT PEARSON
PAUL THOMPSON

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

SUBJECT: Inquiry from Senator DeConcini Concerning the
Agreement Between the American Bar Association
and the Association of Soviet Lawyers

Please find attached a draft response to Senator DeConcini's above-referenced inquiry. I would be interested in your thoughts and comments. I have also attached for your reference a copy of Fred F. Feilding's correspondence with William W. Falsgraf (President, American Bar Association).

Attachments

THE WHITE HOUSE

WASHINGTON

DRAFT

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 Soviet Leader 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. 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 could and could not contact.

In the context of this policy, we do not believe it would be appropriate to urge the American Bar Association to disassociate itself from its agreement with the Association of Soviet Lawyers. Our position should not, however, be construed as an endorsement of the agreement or the Association of Soviet Lawyers.

Sincerely,

Peter J. Wallison
Counsel to the President

DRAFT

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

STROM THURMOND, SOUTH CAROLINA, CHAIRMAN

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 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

THE WHITE HOUSE

WASHINGTON

December 27, 1985

Dear Bill:

Thank you for your recent letter concerning the American Bar Association's exchange program with the Association of Soviet Lawyers. I appreciate your bringing the program to our attention, in light of the Geneva Summit and the President's personal interest in increased contacts between American and Soviet citizens from all walks of life.

The ABA-ASL exchange program strikes me as a most worthwhile endeavor. I, therefore, hope that you will not hesitate to call upon me if I can be of any assistance in its implementation.

With best regards,

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

William W. Falsgraf, Esquire
President
American Bar Association
1800 M Street, N.W.
Washington, D. C. 20036

FFF:DKO:lrc

12/27/85

FFFielding✓
DKOwen
Subject
Chron.

AMERICAN BAR ASSOCIATION

OFFICE OF THE PRESIDENT
WILLIAM W. FALSGRAF
AMERICAN BAR CENTER
750 N. LAKE SHORE DRIVE
CHICAGO, ILLINOIS 60611
TELEPHONE: 312/988-5100
ABA/NET: ABA007

PLEASE REPLY TO:
1800 M STREET, N. W.
WASHINGTON, D. C. 20036

361210 *cu*

November 15, 1985

Mr. Fred Fielding
Counsel to the President
The White House
Washington, D.C. 20500

Dear Fred:

I noted with great interest the President's proposal last night for a stepped-up "people-to-people" program between U.S. and Soviet citizens. As I believe you know, last year the ABA entered into an administrative agreement with the Association of Soviet Lawyers (ASL), for the purpose of increasing the professional contacts between American and Soviet lawyers. Informal discussions have even touched on a potential program to provide an opportunity for children of lawyers to visit the homes of lawyers in each country.

The relationship between the ABA and ASL has been carefully developed over the past two years, and as a consequence we have a number of high level personal contacts within the ASL. Moreover we have reason to believe that the ABA-ASL exchange effort has attracted the interest of the current political leadership of the USSR, particularly because Mr. Gorbachev himself is a lawyer.

I call this to your attention now so that if you find it appropriate you may advise the President of these facts. We of course are prepared to take whatever constructive action we can, consistent with our current agreement with the ASL, to support the President's proposal.

Very truly yours,



William W. Falsgraf

WWF:kvm
4136g

Should We Reject the Soviet Bar?

By William S. Pearl

SANTA MONICA, Calif. — American lawyers gathering at the American Bar Association's annual meeting in New York City this week have a chance to right a grievous wrong in its dealings with the Association of Soviet Lawyers. They must decide whether they will continue to lend professional legitimacy to lawyers in a totalitarian police state.

Last year, when A.B.A. officials established a formal relationship with the Association of Soviet Lawyers, the A.B.A. membership was neither consulted nor informed that the Soviet organization had written a book attacking Jewish activists, that the A.S.L.'s president had denounced Soviet human rights advocates or that the group's vice president had written a book vilifying the Nobel Peace Prize laureate Andrei D. Sakharov and Amnesty International, the human rights organization.

American Bar Association officials received these Soviet barristers in the United States, presented them to prominent jurists, including the Chief Justice of the United States, Warren Burger, and gave them a signed agreement — "guided by mutual respect" — to encourage cooperation in "areas of mutual professional interest."

Human rights advocates, members of Congress and lawyers themselves were furious. Unmoved, the A.B.A. justified its actions as promoting human rights.

Within weeks of the visit, however, the Association of Soviet Lawyers released a book warning Soviet Jews of the consequences of emigrating and contending that Zionists had collaborated with the Nazis. The A.S.L. wrote its book together with the Anti-Zionist Committee, whose statements our Government has called anti-Semitic.

William S. Pearl is a lawyer.

In 1984, A.B.A. officials visited Moscow during Dr. Sakharov's well-publicized hunger strike. Today, we know what happened during that visit. When the A.B.A. delegation arrived, Dr. Sakharov was arrested. His forced feedings and possible druggings were administered even as A.B.A. officials met their Soviet brethren. After the A.B.A.'s visit, the measures applied to Dr. Sakharov were intensified.

This spring, A.B.A. officials flew off to Moscow again. The A.B.A. president, William Falsgraf, said he had discussed human rights issues with Soviet officials, who he said "now have a better understanding of the importance of human rights to this association." Soon after Mr. Falsgraf and his entourage left Moscow, the A.S.L.'s vice president signed a public statement denouncing American supporters of Soviet Jews.

Soviet officials, like most people, know the difference between words and action. They must wonder whether any amount of lawlessness jeopardizes a formal relationship with American lawyers. It's a fair question, because the A.B.A. has now adopted a "Declaration of Cooperation" that proclaims both organizations to be "mutually pledged to advance the rule of law in the world."

If an organ of totalitarian lawlessness can be seen as promoting the rule of law, what can't? If the A.S.L. is worthy of the A.B.A.'s professional legitimacy, what isn't? The A.B.A. says that it can lobby Soviet officials about human rights, but consider its results. If Dr. Sakharov were the A.B.A.'s client, would he be pleased?

East-West dialogue, even with the A.S.L., can take place without formal agreements. So can dialogue with outspoken Soviet citizens, not just official organs. American lawyers have a duty to reduce, not legitimize, Soviet control over our contacts with Soviet

citizens and their contacts with us. The key to real dialogue is compliance with existing human rights accords — that is, respect for the rule of law. If the Reagan Administration held the Kremlin to its human rights obligations, formal exchanges would be superfluous.

Human rights lawyers, supported by international figures, including Anatoly B. Shcharansky, have planned a vote at the convention to halt the A.B.A.'s counterproductive formal ties to the A.S.L.

Dr. Sakharov, though not a lawyer, has risked his life to build a safer world based on law. He knows that no one is safe in a system in which peace activists are sent to "psychiatric hospitals." The American Bar Association has adopted laudable resolutions on human rights. Dr. Sakharov's principles deserve more than just lip service. The vote to terminate the A.B.A.'s formal ties to the Association of Soviet Lawyers will show whether American lawyers agree. □

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

August 5, 1986

STATEMENT BY THE PRINCIPAL DEPUTY PRESS SECRETARY

United States and Soviet Union officials today concluded a week of discussions on expanding cultural, educational and people-to-people exchanges between our two countries. These discussions were arranged to implement the agreement reached between the President and Soviet leader Gorbachev last year at the Geneva summit to increase cooperation and contacts and to expand opportunities for people in our respective countries to communicate directly with one another. Thirteen cooperative programs in the areas of education, higher education, health, sports and culture were agreed upon and about nineteen more are under active discussion.

A Soviet inter-governmental delegation composed of representatives of the USSR Ministries of Foreign Affairs, Culture, Education, Higher Education, Health, and the USSR Committee on Sports also met with representatives of twenty-eight private organizations in the United States which will be participating in the exchanges initiative. This reflects the President's conviction that the participation of the American private sector is essential to the success of these programs.

The programs agreed upon today are an important step in fulfilling the commitments made by both leaders at Geneva.

#

THE BAR ASSOCIATION

When fools rush in

The second of two parts.

It has now become painfully evident that the American Bar Association allowed itself to be duped by the Association of Soviet Lawyers, an organization that is under the total domination of the Kremlin.

Suffused with noble purposes, the ABA signed an agreement with the ASL hoping to "contribute to the improvement of relations between the two nations and make an important contribution toward world peace and mutual understanding."

These worthy goals, however, are not served by assisting a counterfeit justice system to gain legitimacy before the court of world opinion.

Two Phoenix attorneys, Patience Huntwork and Orest Jejna, playing David to the ABA Goliath, are working hard to get the agreement rescinded. They point out that the agreement will not accomplish its intended purposes.

Human rights activist Vladimir Bukovsky, who was exchanged by



the Soviet government for Chilean Communist leader Luis Corvalan in 1976, and is now living in California, supported that view in a recent letter to Huntwork.

"The 'dialogue' with people who are obliged, under threat of penalty, to repeat official propaganda is completely senseless... Clearly, the agreement is not going to strengthen the rule of law, but will help to deceive millions of people in the world."

Bukovsky is personally acquainted with the way the leaders of the ASL do the Kremlin's bidding: "Ironically, I have had a personal experience with Alexander Sukharev" (acting president of the ASL)

"which illustrates only too well what sort of duties he performs. As you know, I was sentenced to seven years of prison and labor camps in 1972 for 'anti-Soviet agitation and propaganda' (article 70 of the Penal Code and the Russian Federation). The official version of my verdict formulated by Moscow City Court (and later confirmed by the Supreme Court after my appeal), included my different interviews to Western media about abuse of psychiatry in the USSR for political purpose, possession of forbidden literature and a couple of episodes of 'verbal propaganda.' There was nothing else in my verdict.

"However, in October of 1976, while I was still serving my term, Sukharev, at that time first deputy minister of justice, publicly accused me in an article published in 'Literaturnaya Gazeta' of being a Nazi collaborator." Bukovsky was born in 1942, which would make him the youngest collaborator in the history of the world. The Germans surrendered in May of 1945.

Sukharev has continued to do his duty as a mouthpiece for the Kremlin. In an English translation of an interview on Radio Moscow, on the eve of Human Rights Day, Dec. 9, 1985, Sukharev was eloquent about how Soviet respect for the U.N. Declaration of Human Rights

"stems from the very nature of the socialist system. The Soviet Union has not just signed all the key international agreements on human rights," Sukharev enthused, "but has initiated many of them. What's more, it's entered all the ten principles of the Helsinki Final Act into its constitution, making them law."

No doubt, in future interviews, Zuharev will be able to point to the ASL/ABA agreement as another example of Soviet efforts to further the cause of human rights.

What the starry-eyed idealists at the ABA fail to realize in their pursuit of a lawyers' *detente*, is the importance of symbolism to the leaders of the Soviet Union.

Dina Kaminskaya, the attorney who represented Bukovsky and other dissidents in the Soviet courts, and her husband Konstantin Simis, understand only too well what an important weapon the ABA/ASL agreement is in the Soviet propaganda arsenal. The two attorneys, who are husband and wife, were expelled from the USSR in 1977 and now live in Virginia.

"Without any doubt," they write, "the agreement between the ASL and the ABA will help the Soviet government mislead American public opinion. The Soviet authorities are quite concerned about improving their image and convincing the

world that they do not violate their international obligations in the human rights field. The agreement between the ASL and the ABA facilitates the achievement of this goal for them."

Even more disturbing is the effect on the legitimate leaders of the struggle for human rights: Those who suffer daily in the psychiatric hospitals and labor camps.

"One can be sure that 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 international public opinion, of which the latest victim is the ABA."

To add to the ABA's embarrassment, Samuil Zivs, vice president of the ASL, is well-known for his anti-semitic statements and writings. He serves as the first vice-chairman of the "Anti-Zionist Committee of the Soviet Public."

The Anti-Zionist Committee and the ASL co-authored "The White Book," which is a virulent diatribe against Jews, Israel, and the United States. The foreword was written by Alexander Sukharev.

The ABA/ASL agreement contains a provision allowing either side to terminate by giving three months' written notice.

The clock is running.

SP385

WHITE HOUSE
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Name of Correspondent: William Falger

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Subject: ABA agreement with Association of Court Lawyers

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Office/Agency (Staff Name)	Action Code Tracking Date YY/MM/DD	Type of Response Code Completion Date YY/MM/DD
<u>CUFOC</u>	<u>ORIGINATOR</u> <u>ES</u> <u>85/11/18</u>	<u>C</u> <u>85/12/27</u>
<u>CUATC</u>	<u>D</u> <u>85/11/18</u>	<u>CS</u> <u>85/12/27</u>
<u>CUFIEL</u>	<u>S</u> <u>85/12/27</u>	<u>DD</u> <u>A 85/12/27</u>
	<u>I</u> <u>1/1</u>	<u>I</u> <u>1/1</u>
	<u>I</u> <u>1/1</u>	<u>I</u> <u>1/1</u>

- 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
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THE WHITE HOUSE

WASHINGTON

December 27, 1985

Dear Bill:

Thank you for your recent letter concerning the American Bar Association's exchange program with the Association of Soviet Lawyers. I appreciate your bringing the program to our attention, in light of the Geneva Summit and the President's personal interest in increased contacts between American and Soviet citizens from all walks of life.

The ABA-ASL exchange program strikes me as a most worthwhile endeavor. I, therefore, hope that you will not hesitate to call upon me if I can be of any assistance in its implementation.

With best regards,

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

William W. Falsgraf, Esquire
President
American Bar Association
1800 M Street, N.W.
Washington, D. C. 20036

FFF:DKO:lrc

12/27/85

FFFielding✓
DKOwen
Subject
Chron.

AMERICAN BAR ASSOCIATION

OFFICE OF THE PRESIDENT
WILLIAM W. FALSGRAF
AMERICAN BAR CENTER
750 N. LAKE SHORE DRIVE
CHICAGO, ILLINOIS 60611
TELEPHONE: 312/988-5100
ABA/NET: ABA007

PLEASE REPLY TO:
1800 M STREET, N. W.
WASHINGTON, D. C. 20036

361210 *cu*

November 15, 1985

Mr. Fred Fielding
Counsel to the President
The White House
Washington, D.C. 20500

Dear Fred:

I noted with great interest the President's proposal last night for a stepped-up "people-to-people" program between U.S. and Soviet citizens. As I believe you know, last year the ABA entered into an administrative agreement with the Association of Soviet Lawyers (ASL), for the purpose of increasing the professional contacts between American and Soviet lawyers. Informal discussions have even touched on a potential program to provide an opportunity for children of lawyers to visit the homes of lawyers in each country.

The relationship between the ABA and ASL has been carefully developed over the past two years, and as a consequence we have a number of high level personal contacts within the ASL. Moreover we have reason to believe that the ABA-ASL exchange effort has attracted the interest of the current political leadership of the USSR, particularly because Mr. Gorbachev himself is a lawyer.

I call this to your attention now so that if you find it appropriate you may advise the President of these facts. We of course are prepared to take whatever constructive action we can, consistent with our current agreement with the ASL, to support the President's proposal.

Very truly yours,



William W. Falsgraf

WWF:kvm
4136g

THE WHITE HOUSE
WASHINGTON

Date 3.24.86

Suspense Date _____

MEMORANDUM FOR: Central Files

FROM: **DIANNA G. HOLLAND**

ACTION

- Approved
- Please handle/review
- For your information
- For your recommendation
- For the files
- Please see me
- Please prepare response for _____ signature
- As we discussed
- Return to me for filing

COMMENT

Please file w/
Doc. # 561210 CW

February 20, 1986

3:48 pm

MEMORANDUM FOR FRED F. FIELDING

FROM: MERI LARSON

SUBJECT: Phone Call from Marcia Silaff,
Phoenix Gazette

Marcia Silaff called re: an exchange of letters between you and William Falsgraf, ABA President. (See attached).

The Washington Times wrote an article on 2/11/86 that quoted Falsgraf stating that he has been in touch with you on the ABA/Soviet Lawyers Agreement and you responded favorably to it.

The Phoenix Gazette wants to know if it is true that you are endorsing the agreement (not just the exchange program). Please call 602/271-8461.

The Washington Times article and Falsgraf letter of 11/15/85 are on their way.

Lawyers want ABA to rescind Soviet pact

By David Sellers
THE WASHINGTON TIMES

BALTIMORE — Two Arizona lawyers yesterday blasted an agreement signed last year between the American Bar Association and a group of Soviet lawyers for bringing false legitimacy to the Russian legal system and shame to the ABA.

"For the ABA to persist in this formal relationship is to misjudge the Soviet system and its threat to freedom," Patience Huntwork, a staff attorney for the Arizona Supreme Court, claimed yesterday.

Mrs. Huntwork and Orest Jenja, a criminal defense lawyer, said they will ask the ABA to vote at the group's annual meeting in August in New York to dissolve its pact with the Association of Soviet Lawyers.

The two Phoenix lawyers said eliminating the agreement would demonstrate the ABA's "commitment to the cause of human rights." They charged that the ASL fosters propaganda and is linked to Soviet human rights violations.

But ABA president William Falsgraf defended the agreement yester-

day, telling the group's policy-making body, the house of delegates, that he has "been in contact with the White House [on the issue] and it has responded favorably."

"The [ABA] board has reaffirmed its view that dialogue and contact are useful," said Mr. Falsgraf.

Mrs. Huntwork claims that the ASL and the Soviet Anti-Zionism Committee are joint authors of the "White Book," which she termed a collection of "anti-Jewish and anti-American material."

According to Mrs. Huntwork, one ASL official, Samuil Zivs, is first vice chairman of the Anti-Zionism Committee and is the author of a book that attacks human rights organizations and Soviet dissidents.

Mrs. Huntwork released a summary of a Dec. 9, 1985, news conference held in Moscow to mark Human Rights Day. The summary reports that, in responding to a reporter's question about Andrei Sakharov, the exiled Soviet dissident, Mr. Zivs claimed that the dissident's residence in Gorki has "nothing to do with the notion of exile."

Mr. Zivs also said that Mr. Sakha-

rov is carrying out his research and having his works regularly published in scientific journals.

Under the May 1985 agreement, the two groups expressed their desire to establish cooperative programs between Soviet and American lawyers to foster better overall relations between the two countries. In May the first lawyer exchange is scheduled to take place when ABA lawyers visit the Soviet Union.

The groups also plan to exchange publications and films and to sponsor symposia and other joint undertakings.

The agreement, signed by ABA executive director Thomas Gonser and ASL vice president Rafael Saakov, said "The two associations believe that such cooperation may contribute to the development of relations between the two nations and can make an important contribution toward world peace and mutual understanding between nations."

The pact may be terminated by either association by giving three months' written notice. The ABA has signed a similar agreement with the China Law Society.

Mrs. Huntwork claims that while the ABA has not supported her proposal, some members have pressed for modification of the agreement to make human rights one of the key issues discussed when the lawyers meet.

However, because the ABA leadership seems unwilling to take up the dispute, Mrs. Huntwork said she and Mr. Jenja will present a resolution calling for termination of the agreement to all lawyers present at the August meeting.

In June 1985, just over a month after the ABA and ASL reached their agreement, Sen. Dennis DeConcini, an Arizona Democrat and a lawyer, took to the Senate floor to call for its dissolution.

"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," he said.

"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."

JW
SP3E
3/6/86 JWC

THE WHITE HOUSE

WASHINGTON

December 27, 1985

Dear Bill:

Thank you for your recent letter concerning the American Bar Association's exchange program with the Association of Soviet Lawyers. I appreciate your bringing the program to our attention, in light of the Geneva Summit and the President's personal interest in increased contacts between American and Soviet citizens from all walks of life.

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With best regards,

Sincerely,

Orig. signed by FFF

Fred F. Fielding
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12/27/85

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Chron.