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**Folder Title:** Wallenberg, Raoul  
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United States Department of State

Washington, D.C. 20520

January 13, 1984

Mr. John G. Roberts  
Associate Counsel to the President  
The White House

Dear Mr. Roberts:

I am pleased to have had the opportunity to study Professor Wolff's letter to the President concerning Raoul Wallenberg. It seems to me that there are three subjects raised by the letter. The first involves the pertinence of 22 USC 1732; the second, whether the enactment of Public Law 97-54 would give the United States a basis under international law to extend diplomatic protection to Mr. Wallenberg; the third, what steps the United States has taken under Section 2 of that law.

Section 1732 of Title 22 of the United States Code represents a codification of section 3 of the Act of July 27, 1868, 15 Stat. 224. The Act, which contains three sections, is entitled "An Act concerning the Rights of American Citizens in foreign States". Section 1 establishes the right of expatriation. Section 2 provides that naturalized citizens in foreign countries shall be entitled to the same protection as native born citizens. Section 3, which has been codified as 22 USC 1732, appears to have been intended to insure that naturalized and native born citizens receive equal protection when imprisoned abroad. Although section 1732 has been the law of the United States for more than a century, it has seldom been invoked. The President has not made regular reports under the section. Indeed, one of the few instances of its invocation was to buttress several of the Executive orders issued by President Carter under the International Emergency Economic Powers Act during the Iranian hostage crisis.

In any event, inasmuch as the United States did not have honorary citizens in 1868, section 1732 is not pertinent to the case of Raoul Wallenberg.


The question of whether enactment of Public Law 97-54, 95 Stat. 971, conferring honorary citizenship on Wallenberg would afford a basis under international law for the United States to seek his diplomatic protection was addressed in

hearings held by the Subcommittee on Immigration, Refugees, and International Law of the House Committee on the Judiciary on June 23, 1981. Acting Assistant Secretary of State for European Affairs H. Allen Holmes, who testified on behalf of the Department of State, noted that the granting of honorary American citizenship to Wallenberg would not confer on the United States any new international legal right to confront the Soviets on their incarceration of Wallenberg. He noted that under international law conferral of honorary citizenship does not entitle an individual to diplomatic protection from the country honoring him. Mr. Holmes cited the Nottebohm case (Liechtenstein v. Guatemala), [1955] I.C.J. Rep. 4, as authority for the proposition that under international law the Swedish Government would retain the right to demand that the Soviet Union account to it for the treatment of Wallenberg and that no such right would enure to the United States. In briefs filed in a number of cases before the United States-Iran Claims Tribunal within the last year the United States has urged that the Tribunal follow the underlying rationale of the Nottebohm case.

Since President Reagan approved Public Law 97-54 on October 5, 1981, the Department of State has raised the matter with representatives of the Soviet Union on a number of occasions. Pursuant to section 2 of that law the Department of State has also raised the Wallenberg case at the Conference on Security and Cooperation in Europe and before the United Nations Human Rights Commission. It intends to continue to raise the matter whenever it considers that such an initiative would be useful.

I hope that the information set out above will assist you in responding to Professor Wolff's letter to the President. If you would like additional information, I would be glad to have Robert Dalton, one of our lawyers who is familiar with the Wallenberg case, give you an oral briefing.

Sincerely,

  
Daniel W. McGovern  
Deputy Legal Adviser

THE WHITE HOUSE

WASHINGTON

January 25, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Raoul Wallenberg and the  
"Hostage Act"

Morris H. Wolff, a Professor at the Delaware Law School of Widener University, has written the President concerning Raoul Wallenberg, the Swedish diplomat whose courageous efforts saved many Hungarian Jews during World War II. Many believe that Wallenberg is still alive, held captive in a Soviet prison. Wolff, who states that he has been retained by the Wallenberg family to help secure Raoul's release, suggests that the President take action to that end under 22 U.S.C. § 1732. This provision directs the President to demand and take steps to secure the release of American citizens unjustly imprisoned abroad. The Act provides:

Whenever it is made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government the reasons of such imprisonment; and if it appears to be wrongful and in violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused, the President shall use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate the release; and all the facts and proceedings relative thereto shall as soon as practicable be communicated by the President to Congress.

On October 5, 1981, President Reagan signed a law conferring honorary U.S. citizenship on Wallenberg (an honor Wallenberg shares only with Winston Churchill). Pub. L. No. 97-54, 95 Stat. 971. Wolff now contends that Wallenberg, as a citizen, is entitled to action under 22 U.S.C. § 1732.

This statute was enacted in 1868, in response to the practice of several European countries of refusing to recognize the citizenship of naturalized Americans traveling abroad, repatriating them against their will. The statute was largely dormant until the Iranian hostage crisis, when it suddenly surfaced as the "Hostage Act," a convenient if inaccurate sobriquet coined by the government lawyers seeking to rely upon the law as support for action taken to secure the release of the hostages. See Dames & Moore v. Regan, 453 U.S. 654 (1981). The Supreme Court ruled that the "Hostage Act" did not by itself provide authority for the suspension of private claims against Iran, although it was pertinent in assessing, under Justice Jackson's famous criteria in Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 637-38 (1952) (concurring opinion), whether Congress may be considered to have acquiesced in such an exercise of executive authority. What little case law exists indicates that exercise of authority under 22 U.S.C. § 1732 is committed to the discretion of the Chief Executive (despite the "shall" language) and is not subject to mandamus. See Worthy v. Herder, 270 F.2d 905 (D.C. Cir.), cert. denied, 361 U.S. 918 (1959); Redpath v. Kissinger, 415 F. Supp. 566 (D.C. Tex.), aff'd, 545 F.2d 167 (5 Cir. 1976) (American held prisoner in Mexican jail).

The President has frequently demanded an accounting concerning Wallenberg from the Soviets. See, e.g., 19 Weekly Compilation of Presidential Documents 177 (Feb. 2, 1983); id. 533 (April 11, 1983). While the President has never asserted a belief that Wallenberg is still alive, he has recognized the possibility. At the Holocaust ceremony at the White House on April 20, 1982, the President said of Wallenberg:

But the one man who I think must be remembered above all was Raoul Wallenberg. One such man, at incredible risk, saved tens of thousands. And on this day of remembrance let us especially recall this man, and if he's alive, as some suggest, let his captors know they'll be forgotten long before Raoul Wallenberg is forgotten.

However unenforceable in court and however committed to unreviewable discretion, 22 U.S.C. § 1732 does, by its terms, impose a duty on the President. The nature of the duty is admittedly very vague. The duty to demand the release of a citizen and to take action to secure his release is triggered if he is being held by the foreign power "in violation of the rights of American citizenship," a peculiarly difficult concept. If Wallenberg is alive and

imprisoned in the Soviet Union, is his imprisonment "in violation of the rights of American citizenship?" The Supreme Court doubted that the imprisonment of the Iranian hostages satisfied this prerequisite for action under 22 U.S.C. § 1732, see Dames & Moore v. Regan, supra, and the Soviets, if they are holding Wallenberg, are probably not doing so because they fail to recognize his newly-conferred American citizenship.

Of course, we can contend that we have already done what the statute envisions. The President has demanded an accounting from the Soviets, and has done so repeatedly. In this regard it is also worth noting that the law conferring honorary citizenship on Wallenberg itself requested the President "to take all possible steps to ascertain from the Soviet Union the whereabouts of Raoul Wallenberg and to secure his return to freedom."

I called Dan McGovern, Deputy Legal Adviser at State, to obtain his views on Wolff's request. McGovern asked for a copy of Wolff's incoming, which I provided. McGovern has now responded, rather facilely dismissing Wolff's 22 U.S.C. § 1732 theory on the ground that since there were no honorary citizens when that statute was passed, it cannot apply to honorary citizens. McGovern presumably also thinks that the Commerce Clause does not apply to air travel, that the First Amendment is irrelevant with respect to television and radio, and that the President has no authority to send ambassadors to countries that did not exist in 1787. On a more substantive ground, McGovern noted that during hearings on Public Law 97-54 the State Department took the position that the law would not give the United States any new rights under international law with respect to Wallenberg.

I recommend a reply to Wolff over your signature, essentially dodging the question of the applicability of 22 U.S.C § 1732. Not only am I not convinced that the statute does not apply to Wallenberg, but I am institutionally disposed against adopting a limited reading of a statute conferring power on the President. We can provide Wolff with a copy of the State and Justice testimony at the hearings on Public Law 97-54, note that the law was intended to be symbolic, and stress all that has been done by the President to promote the cause of Wallenberg. We can also note that we have referred his letter to the State Department, which has raised the Wallenberg issue in the past and will continue to do so.

A draft reply is attached. I have also attached a cover memorandum transmitting a copy of the reply to Faith Whittlesey. Wolff wrote Whittlesey asking for her assistance in bringing the matter to the appropriate office, and Whittlesey referred it to us. Wolff has received a telephonic interim reply from Whittlesey's office, advising him that his letter was being considered.

Attachment

THE WHITE HOUSE

WASHINGTON

January 25, 1984

MEMORANDUM FOR FAITH R. WHITTLESEY  
ASSISTANT TO THE PRESIDENT  
FOR PUBLIC LIAISON

FROM: FRED F. FIELDING *Orig. signed by JFF*  
COUNSEL TO THE PRESIDENT

SUBJECT: Correspondence from Professor Wolff  
Concerning Raoul Wallenberg

You asked for our guidance concerning a response to a letter to the President from Professor Morris H. Wolff of the Delaware Law School. Professor Wolff's letter discussed the case of Raoul Wallenberg, and raised questions concerning the applicability of a particular statute to Wallenberg. After consulting with the Department of State, we prepared and sent the attached reply.

Attachment

FFF:JGR:aea 1/25/84  
cc: FFFielding/JGRoberts/Subj/Chron



THE WHITE HOUSE

WASHINGTON

January 25, 1984

MEMORANDUM FOR DANIEL W. MCGOVERN  
DEPUTY LEGAL ADVISER  
U.S. DEPARTMENT OF STATE

FROM: FRED F. FIELDING *orig. signed by FFF*  
COUNSEL TO THE PRESIDENT

SUBJECT: Correspondence from Professor Wolff  
Concerning Raoul Wallenberg

As you know, Professor Wolff of Delaware Law School has written the President concerning Raoul Wallenberg. Attached for your information is a copy of my reply to Professor Wolff. You will notice that I have advised Professor Wolff that I would refer his correspondence to the State Department for appropriate review and consideration.

Attachment

FFF;JGR:aea 1/25/84

cc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

January 25, 1984

Dear Professor Wolff:

This is written in response to your letter to the President concerning Raoul Wallenberg. In that letter you referred to Public Law 97-54, 95 Stat. 971, signed on October 5, 1981 by the President, which conferred honorary citizenship on Wallenberg. You suggested that now that Wallenberg was an honorary citizen, the President could take action under 22 U.S.C. § 1732 to secure his release.

At the hearings on the bill to confer honorary citizenship on Wallenberg, Deputy Assistant Secretary of State Allen Holmes testified that the bill:

would serve to underscore the seriousness with which the American Government and people view Soviet behavior in the Wallenberg case. Conferral of honorary U.S. citizenship on Wallenberg would also serve to reaffirm to the Government of Sweden that the United States firmly supports the quest to resolve Wallenberg's fate.

Assistant Attorney General Theodore Olson testified that the bill "is essentially symbolic in nature." The testimony at the hearings suggests that the bill was not intended to affect legal rights but rather to serve the important purpose of reaffirming our national commitment not only to the values epitomized by Wallenberg but to a clarification of his fate as well. I have enclosed for your information a copy of the hearings.

Quite apart from any question of the applicability of 22 U.S.C. § 1732, section 2 of Public Law 97-54 requests the President "to take all possible steps to ascertain from the Soviet Union the whereabouts of Raoul Wallenberg and to secure his return to freedom." Not only the State Department but the President personally have spared no effort to obtain information about Wallenberg and, if he is alive, secure his release. The President has repeatedly referred to Wallenberg and demanded an accounting of his fate from the Soviets. To cite just a few instances, on February 2, 1983, the President remarked that if the Soviets truly want better relations with the West "they could give us an accounting of one of mankind's true heroes, Raoul Wallenberg." On April 11, 1983, the President again stated: "I would affirm, as President of the United States and, if

you would permit me, in the names of the survivors [of the Holocaust], that if those who took him from Budapest would win our trust, let them start by giving us an accounting of Raoul Wallenberg."

The Department of State has raised the matter with representatives of the Soviet Union on several occasions, including at the Conference on Security and Cooperation in Europe and before the United Nations Human Rights Commission. That Department will continue to raise the Wallenberg issue whenever such an initiative would be useful. I have taken the liberty of referring your correspondence to the State Department for their appropriate review and consideration.

This Administration shares your concern for Wallenberg and your commitment not only to help him if he is alive but to preserve his memory whatever his fate. As the President noted in 1982, on the Day of Remembrance:

But the one man who I think must be remembered above all was Raoul Wallenberg. One such man, at incredible risk, saved tens of thousands. And on this day of remembrance let us especially recall this man, and if he's alive, as some suggest, let his captors know they'll be forgotten long before Raoul Wallenberg is forgotten.

Thank you for sharing your views on this important question with us.

With best wishes,

Sincerely,

Orig. signed by FFF

Fred F. Fielding  
Counsel to the President

Professor Morris H. Wolff  
The Delaware Law School  
Widener University  
Post Office Box 7474  
Concord Pike  
Wilmington, Delaware 19803

Enclosure

FFF:JGR:aea 1/25/84

bcc: FFFielding/JGRoberts/Subj/Chron

~~CONFIDENTIAL~~ CU

# WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

*(John has  
prior corresp.)*

O - OUTGOING

H - INTERNAL

I - INCOMING

Date Correspondence Received (YY/MM/DD) 1 1

Name of Correspondent: Morris H. Wolff

MI Mail Report

User Codes: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

Subject: Writes President asking for him to release  
Raoul Wallenberg from the Soviet Union

ROUTE TO:	ACTION	Tracking Date	Type of Response	Disposition
Office/Agency (Staff Name)	Action Code	YY/MM/DD	Code	Completion Date YY/MM/DD
<u>CUHOLL</u>	<u>ORIGINATOR</u>	<u>8312106</u>		<u>1 1</u>
<u>CUAT/B</u>	<u>D</u>	<u>8312106</u>		<u>S 8312116</u>
	Referral Note:	<u>1 1</u>		<u>1 1</u>
	Referral Note:	<u>1 1</u>		<u>1 1</u>
	Referral Note:	<u>1 1</u>		<u>1 1</u>
	Referral Note:	<u>1 1</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
- S - Suspended

**FOR OUTGOING CORRESPONDENCE:**

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

Comments: See ID 188754CW

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

188754

ID # \_\_\_\_\_

C0165

# WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

O - OUTGOING

H - INTERNAL

I - INCOMING

Date Correspondence  
Received (YY/MM/DD) 1 1

Name of Correspondent: Morris H. Wolff

MI Mail Report

User Codes: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

Subject: Request to discuss with President in staff meeting  
actions to be taken to implement law which will secure  
release of Raoul Wallenberg (Mr Wolff has been  
retained by Wallenberg family as their legal counsel)

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>AC/ R Hall</u>	ORIGINATOR	<u>8312102</u>	<u>WAN</u>	<u>C</u>	<u>8312102</u>
<u>✓ cu Filling</u>	<u>A</u>	<u>8312103</u>			<u>1 1</u>
<u>cu Hall</u>	<u>A</u>	<u>8312106</u>			<u>1 1</u>
<u>cu HT 18</u>	<u>D</u>	<u>8312106</u>		<u>S</u>	<u>8312116</u>
		<u>1 1</u>			<u>1 1</u>

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- C - Comment/Recommendation
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- I - Info Copy Only/No Action Necessary
- R - Direct Reply w/Copy
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**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: See ID 188754 cu

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



THE DELAWARE LAW SCHOOL  
WIDENER UNIVERSITY

188751

P. O. BOX 7474 · CONCORD PIKE  
WILMINGTON, DELAWARE 19803  
(302) 478-5280

November 7, 1983

President Ronald Reagan  
The White House  
1600 Pennsylvania Avenue  
Washington, DC 20004

RECEIVED IN SCHEDULING

OFFICE 11-20-83

Dear Mr. President:

On October 5, 1981, you took the initiative to sign a law granting honorary citizenship to Raoul Wallenberg, the Swedish diplomat whose heroic and humanitarian efforts in Budapest, Hungary during World War II were responsible for the rescue and protection from death of approximately 100,000 Hungarian Jews. At the time of the signing, at a ceremony at the White House, you expressed your hopes and prayer that this new law would help in the effort to achieve the release of Raoul Wallenberg. You further expressed the hope that someday diplomat Wallenberg would have the opportunity to leave the Soviet Union and sit "under the shade of the tree planted in his honor at Yad Vashem in Israel." Your signing the law followed the joint action of the House of Representatives and the Senate in voting to approve a resolution granting citizenship to Wallenberg.

Many people throughout the United States and the world share the deep interest which you have in achieving freedom from Soviet imprisonment for this great hero. It would appear to be a good time now for new action to be taken. Under Title 22, United States Code 1732, the President has the power to take action to secure the release of "any citizen of the United States" who "has been unjustly deprived of his liberty by or under the authority of any foreign government." The statute states that:

"It shall be the duty of the President forthwith to demand of that government the reasons of such imprisonment; and if it appears to be wrongful and in violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused, the President shall use such means, not amounting to acts of war, as he may think necessary and proper to obtain of effectuate the release."

*Handwritten notes:*  
57  
~~Reagan~~  
Reagan with 9 on  
11/10/83

President Reagan  
November 7, 1983  
Page Two

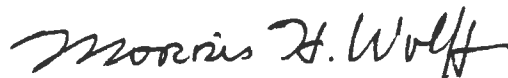
This law gives you the power to seek the release of Wallenberg. Wallenberg today enjoys dual nationality (Sweden and United States). The law makes no distinction between honorary and other citizens, and absent this distinction it would apply to the needs and rights of Raoul Wallenberg.

I would like to have an opportunity to discuss with you or a member of your staff, in advance, the actions which you might take to implement this law on behalf of Raoul Wallenberg. His family has retained me as their legal counsel to take appropriate steps to help to achieve their brother's release. I was pleased to discover this law as part of your presidential powers. Will you please let me know when I might visit with you to discuss the steps which could be taken to accomplish this goal.

Interested people throughout the United States and the world will welcome any initiative you might take under this law to obtain our shared objective.

I am enclosing a transcript of a recent radio interview, in which I discuss my representation of Raoul Wallenberg and steps which might be taken to secure his release. Nothing at this point in time could be better than to have your strong and explicit support.

Very truly yours,



Morris H. Wolff  
Professor of Law

crh/474x  
Enclosure

RADIO PROGRAM INTERVIEW  
of Professor Morris H. Wolff  
September 14, 1983  
Radio Station WKEN

Wednesday afternoon, Bill Satterfield with you. This afternoon we're going to be talking about a Swedish Diplomat, taken captive by the Soviet Union at the end of the Second World War in January of 1945 in Hungary. It's a very interesting topic and it's getting more publicity and if during the course of our conversation you have questions about this man and about what's going on in the effort today to free him or at least find out if he's dead or alive, give us a call at 674-1234, our phone lines will be open throughout the show. Our guest today is Morris Wolff, Professor of Law at The Delaware Law School of Widener University. He is involved in the matter of Raoul Wallenberg. He has been asked by members of the Wallenberg family to file a court suit. We are going to be talking about that and about Wallenberg himself. Professor Wolff, we welcome you to Dover

- W. It's a pleasure to be with you.
- S. You are associated with the Delaware Law School of Widener University, you are a Professor. What is your involvement with Raoul Wallenberg? And then we'll find out a little bit about Wallenberg and what this matter is all about.
- W. Early this summer I was contacted by Professor Anthony D'Amato from Northwestern Law School. He had been contacted by the family of Raoul Wallenberg with regard to their interest in securing the release of Wallenberg. Together with Professor D'Amato, we considered the possibility of filing a law suit against the Soviet Union to seek his release. In my position as a Professor of International Law at The Delaware Law School of Widener University, I also have a great deal of help from my students. Together with the research that my students have done and the interest of the family, we're planning to prosecute this matter as a law suit against the Soviet Union to secure the release of Wallenberg and to seek civil damages as well.
- S. Before we go into the specifics of the law suit, who is Raoul Wallenberg and what is his story?
- W. Raoul Wallenberg was a member of a well-to-do Swedish family. In 1945, he was abducted from his position as a Swedish Diplomat in the Legation at Budapest, Hungary. He got to that post through the request of the U. S. Government. In 1944, the War Refugee Board began to see that a



great deal of needless suffering was occurring in Europe with regard to the extermination of Jews and other minority groups. They sought to use personnel from neutral countries, such as Sweden, to go and observe the extermination efforts. Wallenberg was selected by the Swedish government after an interview with Herschel Johnson, our United States Ambassador to Sweden. In other words, it was our U. S. Government that initiated the program. Wallenberg was chosen. He went to Budapest, simply to observe what was happening. He did more than his assignment. His assignment was merely to observe and report back. He began to create ingenious ways of saving many members of the Jewish population. This included issuing Swedish passports, which then the Jewish people were able to use to get out of Hungary. It included his going on the cattle cars where they had been put for transport to concentration camps and getting them off by claiming these people were Swedish citizens. He was a human being, a humanitarian, a private citizen in Sweden, a businessman who, in effect, was drafted by the Swedish Government to become a diplomat to go and do this mission.

- S. Was what he was doing in Hungary totally within International Law as far as the capabilities of a diplomat, or was he sort of going beyond what the normal diplomatic matters are?
- W. Well, what he was doing was very innovative. Diplomats, by nature, tend to be more conservative in carrying out the instructions of their country. What happened here, was that Wallenberg, when he saw that Eichmann was using Budapest as one of the final chapters of the "Final Solution," as part of an effort to make Europe free of the Jewish population. Some may say he overreacted and he began to issue passports. Now, diplomats don't normally go to their basement, print up passports, and give them out to civilian populations. Technically, one might say that is a violation of International Law and that diplomats could be expelled from the country of location if they did that. But, in this case, all bets were off. It was war time; it was slaughter time; and Wallenberg, in the larger humanitarian context of international human rights, behaved quite properly under International Law.
- S. So, from his arrival in Budapest in 1944, until his capture in January 1945, he was involved in these activities.
- W. That's right. Much of it self-created; but everybody knew what he was doing. By everybody, I mean the Swedish government knew what he was doing, the U. S. government knew what he was doing and they gave him high marks for his behavior.

- S. If my history serves me right, the Soviets were allies of America in 1945, in January. Why then would the Soviets have taken Raoul Wallenberg, the Swedish Diplomat, into custody?
- W. There are several explanations offered. John Bierman, in his book called "The Righteous Gentile," which is a story of Wallenberg's work and Lenore Lester in her book, "Wallenberg, The Man in the Iron Mask," have a number of theories as to why the Russians found it necessary to take Wallenberg into custody. First, they had their own game plan coming into Hungary. Their plan was not merely to overcome the Hungarian government, but was to begin the Iron Curtain strategy of clearing Europe, or as much of Europe as possible, for Russian control. They had already accomplished this in Poland. Hungary was part of the next stage. They wanted Wallenberg out of there. Wallenberg had ideas of helping Hungary remain independent. The Russians didn't need any observers of foreign element to be there while they were going to do their project.
- S. So he was trouble for the Russians.
- W. He represented trouble. He was perceived as trouble and also the Russians thought whoever should be swept into the net as, those who opposed the Russian effort, should be removed from the scene. Apparently, Wallenberg was removed in this way. An anecdote, in which your listeners may be interested, Wallenberg was abducted when he went from Budapest to a small town called Debrecen. He was going there, he thought, to discuss ways in which the city of Budapest could be rehabilitated and the population put back to work. That was a rather naive and innocent assumption. The Russians took him then into what they call "protective custody." They took him by train through Rumania, to Moscow where he ended up in Lubianka prison. The effort to save the Jews was only part of Wallenberg's interest. He had an interest beyond that to help Budapest get back on its feet.
- S. We're talking about Raoul Wallenberg. Our guest is Morris Wolff, Professor of International Law at The Delaware Law School of Widener University -- 674-1234 is our telephone number if you have questions about our topic for the day. So, in 1945, Wallenberg goes out to the small town and is taken into protective custody by the Soviets and then is transported to Moscow in Lubianka Prison. In 1957, twelve years later, the Russians finally admitted he was a prisoner there. Right?

- W. That's correct. And it's interesting to note that the person who wrote that letter of admission was none other than Andrei Gromyko, who now is one of the top three persons in the Russian government. Gromyko, in his letter, said that an investigation of the records in the prisons revealed that a man named Wallenberg had been in custody from 1945 through 1947, then alleged in the letter that he had died of a heart attack. Well, that was hard to believe even at that time because Wallenberg would have been only 36 at the time of his alleged heart attack, was in excellent health when last seen in Hungary, and the letter was disbelieved. Prisoners later coming out of Soviet prisons lent credibility to the fact that the letter was false, because they had sighted Wallenberg. They had spoken to him either directly or through the tapping system, which is installed in Russian prisons by the prisoners themselves, where they tap on walls or the pipes to make communication in their own language. So, the original letter of Vischinsky in '47, saying that Wallenberg had never been seen in Russia, and the subsequent letter of Gromyko in '57 saying that he had been, in fact, in custody but had died in custody are both rejected by most historians as being false.
- S. Why then is there interest in the man? For you it's an attorney-client relationship as you have been requested by the family to file the lawsuit. But for a lot of people there are committees to Free Raoul Wallenberg Committees, to Find Raoul Wallenberg and all this other sort of thing. What is the motivating force for these people who are involved with this committee type of work?
- W. Well, there are two bases. First of all, I consider it an honor to be retained by the family to represent Wallenberg, I consider it a high honor. The family is providing the expenses so that we can file the suit and litigate the matter. It is the International Law aspect which is of interest to me and also the humanitarian aspect. Number one, I want to try to develop new International Law if we can, that is to have a U.S. Federal Court find that the Soviet Union is subject to our jurisdiction in this litigation. There are two laws which help us. The Alien Tort Statute, which is a Federal Statute in the United States which says that anyone who violates the Law of Nations will be subject to the jurisdiction of the U.S. Federal Courts. The recent case, Filartiga, in which officials in Paraguay tortured a young 16 year old boy and killed him. Later the Chief of Police, who had been responsible for that torture, came to New York City. He was there arrested and the U.S. Courts took jurisdiction. He came to New York City peacefully, not knowing that he would be arrested. It is interesting to note that the U.S. Courts have begun to expand their sense of jurisdiction

over these matters of violation of human rights. I want to see the U.S. Courts expand that jurisdiction to include a scrutiny of the kidnapping and abduction of this international diplomat. To answer the second part of your question, other people, including myself as well, are interested in the humanitarian aspect. Here was a man, living comfortably in Sweden, who took this courageous and humanitarian step to save hundreds of thousands of people whom he never knew. History should balance the story of World War II. That while there were stories of great evil, the evil of Adolph Eichmann and his methodical Final Solution; the evil of Adolph Hitler and his efforts to annihilate certain populations. While there are these stories of terror and evil, history needs to be balanced by these stories of greatness and individual courage. Not enough is known about Raoul Wallenberg. Also, I harbor the great hope that Wallenberg is still alive. He is 71 years old today. Other persons have been buried alive in the Gulag prison system and have emerged, even as old as 71. If there is the slightest chance that he is still alive, and if there are people in your listening audience who have any information about the case, or know about anyone who has information, I would welcome it at my location at The Delaware Law School, Box 7474, Wilmington Delaware, where I work as a Professor of International Law. I want to gather information, I want to file the law suit, I want all the help I can get and my greatest moment would be one day bringing this man home.

- S. Is there any evidence, Mr. Wolff, that Raoul Wallenberg is alive?
- W. Well, there are conflicting reports. We have reports as recently as 1981 that he is still alive, that he is still a prisoner in the prison system. And that's just two years ago. And I think that if someone as evil as Rudolph Hess can still be alive in Spandau Prison at 95, then maybe somebody as good as Raoul Wallenberg is still alive at 71.
- S. Raoul Wallenberg has been made an honorary citizen of America, has he not?
- W. Yes he is. By act of Congress and by signature of President Reagan on October 5, 1981, Raoul Wallenberg became a citizen of the United States. He is the only person, other than Winston Churchill, accorded this high honor.
- W. We're talking about Raoul Wallenberg. Our guest is Delaware Law School Professor Morris Wolff, and we will be to the telephones in just a moment for a message on "Speak

Your Piece" on WKEN, Dover.

- S. We're talking with Delaware Law School Professor Morris Wolff. We're talking about Raoul Wallenberg and let's go to the phones. We thank you for calling and you're on the air on WKEN.
- C. I saw this program on TV once and I kind of like it what they are doing, but I don't know how much, how far they are going to accomplish with that, 'cause I'm from there.
- W. Where are you from? Were you there during the war?
- C. Yes.
- W. Do you know the factual background ....
- C. I didn't at the time. I was about 13 years old...12.
- W. Is the account that we know about his heroic work correct?
- C. Yes. What I've read about him, yes. So that's about all I can tell you about him. He went to Debrecen, and that's right next to the Russian border.
- W. Next to the Russian border.
- C. Pretty close to the Russian border.
- W. Was it a transport center from which railroads went?
- C. Yes. There's another little town close by there that Russian railroad tracks are changing sizes, you know, for Russians are wider than ours.
- W. Why do you think they bothered to take him into custody?
- C. Oh, well, I haven't got any idea on that because it was chaos. There was a hell of a chaos there and I suppose it as just like you said, it was threat.
- W. How big is it?
- C. Almost half the size of Budapest.
- W. Thank you for your help and if you have anything further, I would be happy to hear from you.
- C. Alright, thank you very much.
- S. Thank you for calling. Bye-bye. Hi, you're on "Speak Your Piece" on WKEN.

- C. Hi Ben! I have a question for him. I am curious to know if there is any difference in interpretation of law between Russian and the United States.
- W. On what particular law?
- C. Well, in any aspect.
- W. Well, there is a difference in their interpretation of International Law, but most nations agree that where a diplomat has been kidnapped and abducted from his initial position, that is a clear violation of International Law. I don't think they have ever challenged that aspect of the law. They have just given us different stories as to whether they have him in custody. The violation of International Law is clearly recognized by all civilized countries, and also by the Treaty of Vienna of 1961 which provides for the protection of diplomats, and also there was a 1927 Treaty between Sweden and Russia at that time, still in existence in 1944, in which both countries pledged the protection of diplomats from each of their countries.
- C. Sounds very interesting. Thank you.
- S. Thanks for calling. Bye-bye. Before we go back to the phones, and let me ask our callers to be just a little bit patient. As we say, it took twelve years for the Soviets to acknowledge that Wallenberg was still alive back in 1957, and now efforts to receive any official word on his status are just ignored. What's the big deal with the Soviets? Why will they not say one way or the other that Wallenberg is alive or dead or in a prison or somewhere else?
- W. I think that by this time they are deeply embarrassed because they are aware that they have given two or three conflicting stories and they have someone of the high importance of Gromyko now involved in what clearly has been a misstatement of fact. This is not a simple case where the record is clean as to their behavior. The Russians normally are very sensitive to Federal litigation in the U.S. Courts. For example, recently in Chicago there was the Frolova case in which a U.S. citizen filed an action against the Soviet Union seeking to be rejoined by her husband, who was a Russian National. Russians had held him and refused rights of immigration for six months. Three days after the law suit was filed, they freed him. That's one of our bases of optimism, that they will be sensitive to Federal Court litigation. They do not like to be sued in our Federal Courts.
- S. Why? I mean, what penalties can they pay?

- W. Well, the interesting penalty which was sought in the Frolova case was the suspension of all activity on the Chicago Board of Trade. Had the Judge reached this issue, the Judge would have been obliged to determine whether the wheat deals with Russia would go through, or be enjoined. The Russians wanted to avoid that possible confrontation. As soon as they got word that Mrs. Frolova was suing to get the release of her husband, they put this man on a plane and he was in the United States within three days. Thus, ending the case because you can't argue the case when you get the relief that you're seeking.
- S. We go back to the phones. We're talking about Raoul Wallenberg. Morris Wolff is our guest and you're on "Speak Your Piece" on WKEN.
- C. Yes, I don't know as much about Wallenberg as I should. Why was he not released in the general amnesty after Stalin's death about '56, '57 like Trepper and the others were. Did you every bother to quiz Trepper or Bianca at the same time as to whether he knew of Wallenberg or not?
- W. What's the full name of the person you're talking about?
- C. Leopold Trepper.
- W. How do you spell his last name?
- C. Trepper.
- W. What is that again?
- C. Trepper. He was the chief agent of the Red Orchestra.
- W. That's an excellent lead. We are pursuing all leads possible as to people .....
- C. Trepper is dead. He died in Israel some years ago. He was a Communist agent under Berezin and then, of course, because he was under Berezin he engaged in a very interesting double game when he was finally caught by the Gestapo. He eventually escaped and was imprisoned by the Soviets at Lubianka and released at about '56, '57 and went to Israel, went to went to Poland after that and then went to Israel.
- W. Any books you can recommend that we can read about him?
- C. Well, I looked up in the book that I have as to whether he mentioned Wallenberg. He did, according to the Index. Let me check the title for you one second, it's within reach.
- W. Thank you.

- S. We're talking about Raoul Wallenberg on "Speak Your Piece" on WKEN, and as the man checks his book....
- C. The book is called "The Great Game" by Leopold Trepper and it's available at a reduction and I got this in Walden Books. The thing that's intriguing about this was he was in Lubianka at the same time, he met a lot of these people who had been in prison for 20 years, 30 years, 40 years, passing through. And he was held in Moscow and moved in the prisons around Moscow. He was not shipped to one of the outside camps. Why are they holding him? What's his importance? I mean, now why?
- W. That's an excellent question and I cannot give you a definitive answer. We can only speculate that ....
- C. What does he know that would embarrass them?
- W. I don't think it's so much what he knows, I think it's the fact that his release would now contradict their previous allegations that he's dead.
- C. No, that's not sufficient. The Wallenberg's are the most prominent banking family in Sweden, that I do know.
- W. That's correct.
- C. One characteristic that's very interesting that was remarked by one of the individuals who was serving with Baneash, I forget his name, he's an officer who went into a ..... during the war he was cooperating with the Soviets and he was in an intelligence category. He went to one of the departments of the Intelligence Services where they had pictures of all the people who had crossed them in the past which were mounted on the wall, and a couple of them were turned to the wall and he was interested to find his picture, but, of course, he was working with them at the time. They have a long memory and they have habits of doing this. Do they have something against the Wallenbergs?
- W. Well, there is an interesting background. That is, that one member of the Wallenberg family was Ambassador to Germany during World War II.
- C. I know that. The Wallenbergs, well I won't go into all the rest of the stuff on the air, but the point was that the Wallenberg's, of course, were connected with the steel combines and the Bofore Works which were engaged in supplying the Germans with iron during the war. Out of necessity, not out of choice, the Germans had them by the throat. The Swedes were in a very difficult position, just like the Swiss during World War II.



W. I agree with that.

C. A very, very difficult position.

W. It was a complex situation, but the thing that interests me at this point is, can you, through your reading or other knowledge help us possibly to identify any persons. I'm not asking you to do it on the air, possibly to call me at the Law School, any persons who might be in the United States, who would be willing to serve or to help us. That is people who were former KGB Agents or officials in Russian prisons. A jailer in a Russian prison. This would help us in terms of the jurisdiction in our case.

C. This would be exceedingly difficult, because most ex-KGB are given other identities in the United States. You'd have to operate and ask the FBI about that or the CIA. The problem is the CIA, or any one of the other cover agencies. You might be able to get some people who were refugees at that particular time. The book that I mention has a number of people who were--that he mentions in the vicinity--but most of these are very old, as I said, and he died about five or six years ago.

W. You say the book is generally available?

C. It's an overprint that I got, as I said, locally at Walden Books.

W. Locally, you mean where?

S. In the new Dover Mall.

W. We'll stop by there on our way home.

C. If they still have a copy of it. I don't know whether this will give you any information about Wallenberg. He was in Lubyanka at the same time. The thing that I don't understand, as I said, is why, if they released Trepper, okay, and they released a lot of other people. They released Hauckman, they released a number of other people, they even released about 7,000 left-over prisoners from the Stalingrad imprisonment. Why are they holding Wallenberg?

W. What would your theory be?

C. He knows something. There are two theories. I have two theories about this. One of them, that he knows something that's so exceeding sensitive about possibly, I would say, I'll throw out a very, very long shot. He knows something about German Nazi, no, Nazi-Soviet negotiations during the

War. '42, '43, in Liddell Hart's book there was a story circulating around British Intelligence, which he accepts at face value that Molotov meant Ribbentrop in '42 to discuss an armistice and Stalin demanded to roll the borders back and Hitler refused to give in. Whether he was using the Swede for that I don't know. The other possibility is that he knows something through his banking family about negotiations that were going on before the war say, '39, '40. The other possibility is that he knows something very sensitive for someone who's still alive in the hierarchy, conceivably in relation to a Swiss bank or operations abroad. Another possibility is that if they regarded him as an intelligence agent, I don't know why they kept him alive this long and they haven't released him. That's why I kind of leave that out. And then the third possibility - another possibility is just they feud, that they have something against the Wallenbergs and are using this to punish them.

- S. OK, well, we thank you very much for calling. Appreciate it. We move on, we're talking about Raoul Wallenberg. Delaware Law School Professor Morris Wolff is our guest on "Speak Your Piece" and you're on the air, we thank you for calling.
- C. I knew about Raoul Wallenberg many, many years ago. Then I came to America and I never hear nobody knew anything about Raoul Wallenberg at this time. Then one day about three, four years ago I have a meeting with a man who was a help at this time. I think he is a Representative from California, his name was Tom Lantos. I wonder if the name says something to the gentleman who is with you.
- W. Yes, it does. Congressman Lantos invited me to Washington on August 3, and I had the privilege of testifying before the House Foreign Affairs Committee Subcommittee on International Organizations and Human Rights with regards to my plans to file this law suit. Tom Lantos was a refugee from Hungary, and was saved by Wallenberg. Mr. Lantos and I are working together on the development of this case.
- C. I was almost sure that you must know something because I talked to Senator Lantos very long time, and his wife I think she initiated everything, all the interest in the United States about Raoul Wallenberg.
- W. That's correct. Annette Lantos.
- W. Do you know anything from your own first-hand experience which could help us?

- C. No. I wouldn't think about anything that Mr. and Mrs. Lantos doesn't know already. But I know only one thing, that reading newspapers in different languages from time to time I read that somebody, a prisoner from some kind of Gulag in Siberia say that she saw Mr. Lantos and talked to him, and the last time I was in Israel and I read that in the Israeli paper that a Soviet Jew who came to Israel, he saw I would say that that was in '81 or '82 maybe, I don't remember when it was, but it was three years ago or one year ago.
- W. Yes, '81. You're quite right. There was someone who was out of a Russian prison temporarily, who wrote to his daughter in Israel saying that he had met Wallenberg while in prison. This is why we continue to be optimistic about the chances that he may still be alive.
- C. Yes. I read in different papers from time to time that there is hope that he is still alive, because he was a big hero.
- W. Were you from Hungary?
- C. No. I am from Poland.
- W. From Poland. I thank you very much for your help and, of course, your mention of Congressman Lantos is quite accurate. Were it not for Tom Lantos and Annette Lantos, his wife, I probably would never have learned about this and we need to develop the educational importance of this case.
- C. ....nobody knew before. I asked the people, you know, I am quite active in different organizations. Nobody ever hear, then Mr. Lantos you know ask the audience if somebody who hear about Raoul Wallenberg. I knew about Raoul Wallenberg and his aristocratic family very much.
- S. We thank you very much for calling. Bye-bye. Professor Wolff, what have the United States governments and the Swedish governments done to find out about Raoul Wallenberg and to secure his freedom?
- W. The effort to get citizenship, the effort that Congressman Lantos initiated very soon after he became a member of Congress, led to the interest of the Congress in the case. As I mentioned to the caller, the grant of citizenship was made on October 5, 1981. At that time, President Reagan, in very eloquent fashion said, "We will work for the day when Raoul Wallenberg will have a chance to sit and enjoy the shade of the tree planted on his behalf in the Avenue of the Righteous Gentiles in Israel." Let me take a moment to tell you about that. In Israel, there is a special section, as you may know, set aside for those who did

humanitarian and heroic work on behalf of the Jews in World War II. Those people lent their effort to save Jewish lives. Wallenberg has a tree planted there, a living tree, of course. It's not a living memorial, it's a symbol that he lives just as the tree lives. And that one day, hopefully he will have this option to travel to Israel, or to travel to his new nation of citizenship, the United States, and enjoy the rights and privileges of the United States. Now, to directly answer your question, as to what the U. S. government has done and the Swedish government has done. I would have thought that a good lawyer, long before this time, on behalf of the Swedish government would have filed a law suit for the release of Wallenberg on the basis of nationality. It's the injury directly to Sweden that is most felt. I will use the same nationality theory, that he is now a citizen of the United States, as part of my law suit, but there was a time when the Swedish government had trapped a Soviet sub and they could have sought the swap of the sub for Wallenberg and regretably they did not. So that perhaps it can be said that the Swedish government has not done as much as it might have done.

S. Why do you think that's the case?

W. Well, they're very close to Russia. The proximity of Sweden to Russia, the fact that Sweden doesn't have the military protection that we would have, the problem that even Finland has in its close proximity to Russia. So I am sympathetic with the foreign policy aspects of their problem. Nonetheless, they put this son of Sweden, now son of the United States into the fray of the saving of lives in Budapest and I would have thought they would have done more. The U. S. government can do more also. The U. S. government can come in and file an Amicus Curiae Brief, that means a friend of the court. When I file my brief in Federal Court and say that they stand a full 100% behind this effort to secure his release. The U.S. government is directly responsible for Wallenberg's trip to Hungary. The U. S. or War Refugee Board put up the money and instigated the trip. They went to the Swedish government and said, "find for us a good human being to do this work." Had the U. S. government not acted, Wallenberg would be alive and at home living as a Swedish citizen today. I think the U.S. government has a deep moral and legal obligation to lend its full support. The U.S. government can do a lot more than the Swedish government. The U.S. is a major power. This was part of their own war strategy. It is unfinished business of the U.S. government to go and to help secure the release of this diplomat.

S. We will be back with some concluding thoughts about Raoul Wallenberg on "Speak Your Piece" in just a moment.

Let's go back to the law suit, Professor Wolff. What is it exactly, without going into too much legal mumbo jumbo, that you all are filing suit and what are you hoping to do and what's the process.

- W. One of the reasons to file suit is to determine whether a Federal Court will hold a sovereign nation accountable for criminal behavior. Up until this time under International Law, only human individuals could be brought into court and charged with violations of International Law on a criminal basis. We are seeking to extend the international criminal jurisdiction of the U.S. courts in this matter. We are alleging that the Soviet Union is directly involved in the abduction and kidnapping and the confinement of Wallenberg and consequently should be brought to the bar of justice.
- S. And the remedy you seek is Raoul Wallenberg's freedom, obviously.
- W. We want two things. We want a full accounting of each and every day of his life in custody. Whether he was ever given any drugs, like amminozine to alter his mind. Whether he was given dental care, medical care, why he was moved from prison to prison. The family is entitled to this information. The writing of history is entitled to know just what happened to this hero from the date of his abduction either until the date of his freedom, which we hope to accomplish or until the date of a verifiable death. The Russians keep very careful records. When they want to be honest with us on this point, they can tell us in exhaustive fashion just what happened. Secondly, we want to receive monetary damages. The family is not interested in the money, but we want to use that money to set up a Wallenberg Foundation to give scholarships to worthy people who engage in projects which demonstrate humanitarian concern.
- S. Almost anybody can file suit in Federal Court. What are your chances of success?
- W. We are carefully preparing the case with regard to every basis of Federal Statutory Law, International Treaty Law and basic customary International Law possible. People of goodwill, with discretion, such as Federal Judges can read the facts and read the law in the manner most favorable to a just, fair and decent outcome. We have a very tough case, but we are very hopeful that it will come out successfully. It's tough because we have jurisdictional problems of getting the U.S. court to accept jurisdiction. I am hopeful that the Federal Courts will look with favor on our plea.
- S. Suppose the Soviet Union chooses not to respond to the briefs or to the papers or anything. What impact will that

have on the case?

- W. Well, there is a very good chance they will not respond as we see even during this week with the Korean Airline incident. Their tendency has been to ignore claims for compensation, but then the possibility exists that if we establish jurisdiction that the court may enter a default judgement against the Soviet Union which would be a success. If they don't show up on the day of the game and we win, it is still our victory.
- S. There are international tribunals. Are you going through any of those to seek Wallenberg's release?
- W. We would like to go to the International Court of Justice at the Hague, but regrettably under International Law we can only do that if the Soviet government agrees to the jurisdiction of the International Court. We would also like to go to the International Court for Human Rights at Strasbourg in France, but again we have jurisdictional problems. Our best shot is the U.S. Federal Courts. Otherwise we wouldn't be going there.
- S. Professor Wolff, you are working for the Wallenberg family. You are also working with a number of the Wallenberg committees in America. Is there anything that our listeners can do? Can they join these Committees, or learn more about the cause, and if so, how can they do that?
- W. Yes, we have an active Wallenberg Committee here in the Philadelphia, Wilmington and Dover area. It is called the Wallenberg Committee of Greater Philadelphia. The Chairperson is Leona Feldman. She is the President at 251 South 18th Street, Philadelphia, PA 19103. Her phone number is 215 area code, and then the number, 472-0989. In Philadelphia, on September 27th, in Room 202 at City Hall there will be a reception and a ceremony held by the Mayor of Philadelphia to honor Raoul Wallenberg. This is the second anniversary of the grant of citizenship by the United States. Technically, the grant of citizenship day is October 5th, but we are going to celebrate on September 27, 1983. The event is open to the public. There is no charge. This year's annual observance celebrates the second anniversary of the conferral of honorary U.S. citizenship on diplomat Raoul Wallenberg.
- S. I suppose if our listeners have information for you or perhaps want more information, they can contact you at the Delaware Law School at Widener University in Wilmington.
- W. That's correct. I would deeply appreciate any information in writing that could be supplied that would lead to infor-

mation about this case. We are still in the process of writing the history of the case. Any Hungarian citizens who have come to the United States or any other persons can write to me at the Law School, or call me, I would welcome your call.

- S. We are out of time. Professor Morris Wolff from The Delaware Law School, thanks for being with us. An interesting program. Maybe we have spread the word a little bit about Raoul Wallenberg.
- W. Thank you for inviting me. I've enjoyed my visit.
- S. Good. We're glad to have had you here.

WHITE HOUSE  
CORRESPONDENCE TRACKING WORKSHEET

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

Name of Correspondent: Morris H. Wolfe

MI Mail Report User Codes: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

Subject: letter to President requesting release of Raoul Wallenberg from Soviet Union

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>WHOLL</u>	<u>ORIGINATOR</u>	<u>831123</u>			<u>1 1</u>
<u>CVAT 18</u>	<u>D</u>	<u>831123</u>			<u>5831203</u>
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- 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"  
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Comments: Nov 18 83 Faith Whittlesey memo to Fred Fielding attached

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MEMORANDUM

THE WHITE HOUSE

WASHINGTON

November 18, 1983

MEMORANDUM FOR FRED FIELDING

FROM: FAITH RYAN WHITTLESEY *FRW*

I have received the attached correspondence, concerning Raoul Wallenberg, from Morris H. Wolff, Professor of Law at the Delaware Law School. To whom should this matter be referred?



THE DELAWARE LAW SCHOOL  
WIDENER UNIVERSITY

P. O. BOX 7474 · CONCORD PIKE  
WILMINGTON, DELAWARE 19803  
(302) 478-5280

November 7, 1983

NOV 9  
1983

Faith Whittlesey  
Special Assistant  
to the President  
The White House  
1600 Pennsylvania Avenue  
Washington, DC 20004

Dear Faith:

Can you help me in bringing this matter to the attention of  
the President?

Very truly yours,

A handwritten signature in cursive script, appearing to read "Morris H. Wolff".

Morris H. Wolff  
Professor of Law

crh/492x



THE DELAWARE LAW SCHOOL  
WIDENER UNIVERSITY

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November 7, 1983

President Ronald Reagan  
The White House  
1600 Pennsylvania Avenue  
Washington, DC 20004

198754 *CW*

Dear Mr. President:

On October 5, 1981, you took the initiative to sign a law granting honorary citizenship to Raoul Wallenberg, the Swedish diplomat whose heroic and humanitarian efforts in Budapest, Hungary during World War II were responsible for the rescue and protection from death of approximately 100,000 Hungarian Jews. At the time of the signing, at a ceremony at the White House, you expressed your hopes and prayer that this new law would help in the effort to achieve the release of Raoul Wallenberg. You further expressed the hope that someday diplomat Wallenberg would have the opportunity to leave the Soviet Union and sit "under the shade of the tree planted in his honor at Yad Vashem in Israel." Your signing the law followed the joint action of the House of Representatives and the Senate in voting to approve a resolution granting citizenship to Wallenberg.

Many people throughout the United States and the world share the deep interest which you have in achieving freedom from Soviet imprisonment for this great hero. It would appear to be a good time now for new action to be taken. Under Title 22, United States Code 1732, the President has the power to take action to secure the release of "any citizen of the United States" who "has been unjustly deprived of his liberty by or under the authority of any foreign government." The statute states that:

"It shall be the duty of the President forthwith to demand of that government the reasons of such imprisonment; and if it appears to be wrongful and in violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused, the President shall use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate the release."

President Reagan  
November 7, 1983  
Page Two

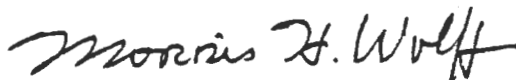
This law gives you the power to seek the release of Wallenberg. Wallenberg today enjoys dual nationality (Sweden and United States). The law makes no distinction between honorary and other citizens, and absent this distinction it would apply to the needs and rights of Raoul Wallenberg.

I would like to have an opportunity to discuss with you or a member of your staff, in advance, the actions which you might take to implement this law on behalf of Raoul Wallenberg. His family has retained me as their legal counsel to take appropriate steps to help to achieve their brother's release. I was pleased to discover this law as part of your presidential powers. Will you please let me know when I might visit with you to discuss the steps which could be taken to accomplish this goal.

Interested people throughout the United States and the world will welcome any initiative you might take under this law to obtain our shared objective.

I am enclosing a transcript of a recent radio interview, in which I discuss my representation of Raoul Wallenberg and steps which might be taken to secure his release. Nothing at this point in time could be better than to have your strong and explicit support.

Very truly yours,



Morris H. Wolff  
Professor of Law

crh/474x  
Enclosure