

# Phila. lawyer seeks justice in the Wallenberg case

INQUIRY

PHILADELPHIA

P.A.

Feb. 2, 1984

By Mary Jane Fine  
Special Staff Writer

This morning, Chestnut Hill lawyer and law professor Morris Wolff buoyed by his mission and confidence of its timing, plans to sue the Soviet Union.

At 10 a.m., he will enter U.S. District Court in Washington to file the suit on behalf of the family of Raoul Wallenberg, the Swedish diplomat credited with saving thousands of Hungarians from extermination by the Nazis during World War II.

The suit seeks either Wallenberg's release from the Soviet Union — where he was taken under "protective custody" in 1945 and where the Soviets say he died that same year — or the return of his remains for a hero's burial. The suit also asks for a declaration of illegal action on the part of the Soviets, all pertinent information concerning Wallenberg's detention and a judgment of \$39,000,000 — \$1,000,000 for each year since his captivity.

"If possible, I want his freedom; if not, an honest accounting of his life," Wolff said last week, peering from the floor of the sun porch that serves as his office. "It's time now for the truth."

Having said that, Wolff and his colleagues — lawyers drawn from two prestigious law firms and three universities — are well aware that the attorneys agree that the thorniest legal problem they face is jurisdiction — whether the court has the authority to adjudicate a case against a foreign government. At issue, Wolff explained, is the Act of State Doctrine, which holds that an U.S. court cannot examine the merits of a case when it is alleged that a foreign government acted illegally within its own borders and under its own laws.

Wolff and his colleagues say they think their case falls outside the definition of the doctrine, because they believe that the Soviet action violated international law. Not only was Wallenberg protected by his diplomatic status, they contend, but at least part of the money that funded his humanitarian work came from the United States.

Two recent developments also have encouraged them to seize the moment: the honorary U.S. citizenship bestowed upon Wallenberg by President Reagan in 1981 and the emergence of a letter written in 1957 by then-Soviet Deputy Foreign Minister Andrei A. Gromyko, acknowledging that Wallenberg's detention amounted to "criminal activity."

"This is a dramatic brief," Wolff said, slipping his palm with a copy of the rough draft. "We're saying to Gromyko, 'You wrote this letter, you acknowledged you committed a crime.... Well, we'd like to ask you a few questions.'"

Until May Wolff had not heard of Raoul Wallenberg.

That was barely surprising because he was barely surprising before he was until 1979, when Wallenberg's sister visited the United States to organize a Wallenberg Committee. Few Americans knew of the events that had long before become a cause celebre in Sweden.

The Raoul Wallenberg Committee of the United States, headed by Sen. Frank Church, Claiborne Pell, Daniel Patrick Moynihan and Rudy Boschwitz, soon embarked on a massive educational campaign designed, according to its literature, "to make the name of Raoul Wallenberg a household name."

Through documentaries, news programs and brochures, the story began to circulate.

Wallenberg was 32, the son of an influential Swedish family, when he was dispatched by the Swedish government to Budapest. By the time he arrived, on July 9, 1944, all the Jews outside the capital — 437,000 men, women and children — already had been deported to concentration camps. Wallenberg's mission was to save as many of the Jews of Budapest as he could.

The impetus for his assignment came from the War Refugee Board, established by President Franklin D. Roosevelt in the hope of saving Jews and others targeted by the Nazis. After the partial Nazi occupation of Hungary in June 1944, the board made Hungary its primary focus.

It approached Sweden, a neutral country with an embassy in Budapest, asking for someone to undertake the mission. That someone was Wallenberg.

Once in Budapest, he redesigned the Swedish protective passport, the "Schutzpass," into a more impressive and readily identifiable document; he established shelters, hospitals and soup kitchens; all flying the Swedish flag, and he and other volunteers even distributed blankets, food and clothing to Jews already marching toward death camps.

According to the lawsuit on his behalf, "From July 1944 until January 1945, Wallenberg is credited with having saved up to 100,000 lives."

In January 1945, the Soviet army liberated Budapest. On or about the 17th of that month, Wallenberg was taken into "protective custody" by Soviet secret police, transported to Moscow and placed in Lubyanka prison. The Soviet ambassador to Sweden notified Wallenberg's family of his arrival in Russia and assured them of his safe return.

In February 1957, the Soviet government informed the Swedish government that Wallenberg had died "in his cell... probably as a result of a heart attack." In July 1947 at the age of 35, his remains, the communique said, had been cremated.

Wolff says he has "an intuitive belief" that Wallenberg is alive. His father, he says, goes beyond the family history of longevity, beyond the fact that "the man had a tremendous perseverance in life."

"One of my favorite poems is Emily Dickinson's," he said, "the one that goes, 'I never spoke with God, nor visited in Heaven, yet certain am I of the spot, as if the Cheeks were given.'"

Wolff's introduction to Raoul Wallenberg came via a colleague, North-western University law professor Thomas D'Amato, who had been contacted by Wallenberg's half-brother, Guy von Dardel.

Von Dardel had learned about D'Amato's success in suing the Soviet Union on behalf of a Chicago woman who, while on a student visa in 1981, married a Russian citizen, but the Soviets refused to let him leave the country and join her in the United States.

The case, *Prolova vs. U.S.S.R.*, was resolved when the Soviets, presumably to avoid the publicity and hassle, released Lois Prolova's husband in June 1982, only two months after D'Amato filed suit.

Von Dardel asked D'Amato's advice regarding his half-brother, and D'Amato recommended Morris Wolff, a former assistant district attorney in Philadelphia and a teacher of international law at the Delaware Law School of Widener University.

Wolff immediately bought and read *Rightsous Gentle*, a book by John Bierman, which includes recollections by Jews whom Wallenberg rescued and eyewitness accounts by others who say they met him in prison in the Soviet Union years after the time when the Soviets say he died.

D'Amato and Wolff discussed the

case, talked strategy and decided to file suit, using *Prolova vs. U.S.S.R.* for a model.

"The family is very realistic," Wolff said last week. "They realize Wallenberg may be dead, but they want the final chapter of his life written with dignity. They feel it is a political case in part, but they feel it must be heard in a court with a tradition of freedom."

As for the Soviets' response, Wolff mentions the possibility of a grand gesture, a pretense to peace talks, by the Soviets. If that does not happen, he said, he offers "two face-saving ways in which they can release him: they can say that their hospital system is so vast, he apparently was listed under another name, a bureaucratic oversight. Second, they can say that the man has been in such a condition... that he has been unable to communicate with them."

"They may even see it as a diplomatic accomplishment to locate and free him."

Murray Levin, of the Philadelphia law firm of Pepper, Hamilton & Schertz, another lawyer attached to the Wallenberg case, also talked about the possibility of a "gesture."

"I think it's fair to say the odds are long," he said, "and, in the long run, an American court can't force the Russians to release him, but it can do things that are damaging."

The attorneys say they may ask the court for injunctions — perhaps more restrictions on Soviet air travel here and embassy bank accounts — aimed at forcing the Soviets' hand.

The timing of the injunctions has not been determined, they say.

A State Department spokeswoman said she was not aware of the pending lawsuit and would be reluctant to comment even if she were familiar with it "for fear of prejudicing the case." She did say that it would be unlikely for a suit filed by an individual to affect U.S.-Soviet relations because the Soviets would not view it as an official action.

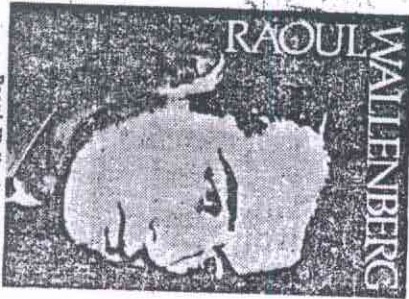
A spokesman for the Soviet Embassy in Washington declined to comment, saying he was not familiar with the case.

Wolff talked about the one clear moment years ago when he knew what his future would be. He was 17, working on a high school project sitting in a magistrate's court in Philadelphia absorbing the history of complaints and miseries that would be a lawyer.

"The law was to be for me an instrument of the accomplishment of social justice," he said, brandishing the papers from the Wallenberg lawsuit, "and this is the most wonderful privilege, to be the custodian of this man's human rights."

OVER

Report on  
a legal effort



Raoul Wallenberg  
Disappeared in 1945



Wolf holds a copy of the complaint to be filed against the Soviet Union; Soviet officials have declined to comment on the lawsuit

Photo by Howard / GERALD S. WILLIAMS

ACKSONVILLE, FLA.  
APRIL 6, 1984

# Wallenberg Family Sues Soviets For \$39 Million; Seeks Information

VALERIE STRAUSS

WASHINGTON — The family of a Raoul Wallenberg has filed a \$39 million suit against the Soviet Union and demanded the Kremlin reveal what happened to the Swedish diplomat who saved the lives of at least 100,000 Jews during World War II.

The suit was filed in U.S. District Court by lawyers for Guy von Dardel, half brother of Wallenberg, who was imprisoned by the Soviets in 1945 after carrying out his life saving mission in Nazi-occupied Hungary.

It demands that the Soviets either release Wallenberg, supply definitive proof that he is dead, and in either case, pay \$39 million in damages.

The Soviets say Wallenberg died in prison in 1947, but the diplomat's family claims he still is alive. "I know my brother is still alive today," von Dardel said as his suit was being filed. "I have evidence even after 1979 that he is still alive but I can't release it. We must get him out."

The U.S. and Swedish governments sent Wallenberg to Budapest, Hungary in 1944 to help save the lives of Jews still under Nazi occupation.

He carried with him a large but unspecified amount of money supplied by the United States to carry out the mission. Officials from both governments credit Wallenberg with saving the lives of more than 100,000 Hungarian Jews by supplying false identity papers to some and smuggling food to others. On Jan. 17, 1945, Soviet forces who had moved

into Hungary took Wallenberg into custody, allegedly to protect him. For years the Soviets denied holding Wallenberg.

Andrei Gromyko, then Soviet Deputy Foreign Minister, told the Swedish government in 1957 that Wallenberg died in prison of a heart attack 10 years earlier.

The U.S. and Swedish governments have been unsuccessfully demanding information on Wallenberg's fate ever since.

The suit against the Soviets was filed under the 1977 Foreign Sovereign Immunities Act, which makes foreign governments liable to lawsuits in U.S. courts for wrongful acts, said von Dardel's lawyer, Morris Wolf.

"I think it (the suit) could well affect the case positively," von Dardel said. "It opens a new channel of information because all other channels have been exhausted."

"Since there's no precedent, we cannot say for sure it will lead up to success," said von Dardel. "But since there are no precedents, we can't say for sure it won't work. At least we can try."

Taking part in a news conference with von Dardel after the suit was filed was Rep. Tom Lantos (D-Calif.) who along with his wife was saved from the Nazi death camps through Wallenberg's efforts.

Mrs. Lantos said she had word that Wallenberg was alive as late as February of 1980, when the Swedish diplomat reportedly was seen in a Soviet prison.