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TEXT
TAGS: AORC' PREL, CVIS. AU, US (WALDHEIM, KURT)
SUBJECT: DISSUADING GOA FROM FURTHER EFFORTS TO OBTAIN A
UN INVITATION FOR WALDHEIM

REFS: A. USUN 4134 B. VIENNA 8706 C. VIENNA 8653
C. VIENNA 8884 D. VIENNA 8886

1. CONFIDENTIAL--ENTIRE TEXT. THIS IS AN ACTION CABLE
FOR AMEMBASSY VIENNA.

SUMMARY

2. REF A REPORTS THAT A WIDE VARIETY OF CONTACTS IN THE
UN SECRETARIAT HAVE INDICATED THAT SYG BOUTROS
BOUTROS-GHALI MAY BE PLANNING TO INVITE FORMER SYG KURT
WALDHEIM TO AN EVENT IN NEW YORK TO COMMEMORATE THE
FIFTIETH ANNIVERSARY OF THE UN. REF C REPORTS THAT
AUSTRIAN FOREIGN MINISTER MOCK HAS SPOKEN TO BOUTROS-GHALI
IN AN EFFORT TO STIMULATE SUCH AN INVITATION. WE

STATE DEPT. DECLASSIFICATION REVIEW

☒ Retain class'n
☒ Declassify
Change/classify to _____
with concurrence of _____
after _____
EO 12958, 25X _____
IPS/CR/IR by _____ Date: 8/30/01

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APPRECIATE AMBASSADOR HUNT'S RECENT REPORTS AND ONGOING EFFORTS ON THIS ISSUE (REFS E AND F). IN LIGHT OF THE

CONTRADICTORY INDICATIONS ABOUT AUSTRIAN INTENTIONS ON THIS ISSUE, WE FEEL THAT ANOTHER HIGH-LEVEL APPROACH WOULD BE USEFUL. ACCORDINGLY, EMBASSY VIENNA IS REQUESTED TO DRAW ON THE TALKING POINTS IN PARA 3 TO APPROACH THE GOVERNMENT OF AUSTRIA (GOA) SO THAT THERE IS NO MISUNDERSTANDING BETWEEN OUR GOVERNMENTS ON THIS MATTER. SEPTTEL CONTAINS PARALLEL INSTRUCTIONS FOR USUN. END SUMMARY.

APPROACH TO THE GOA

3. TALKING POINTS FOLLOW:

-- AUSTRIA'S EFFORTS TO ENCOURAGE THE UN TO INVITE FORMER SYG **KURT WALDHEIM** TO ACTIVITIES IN THE U.S.

COMMEMORATING THE 50TH ANNIVERSARY OF THE UN ARE A SERIOUS MISTAKE.

-- THESE EFFORTS RISK RESURRECTING A CONTROVERSY BETWEEN THE U.S. AND AUSTRIA WHICH COULD DAMAGE OUR BILATERAL RELATIONS.

-- THEY ALSO RISK INVOLVING THE UN IN THIS CONTROVERSY, WHICH MIGHT DETRACT FROM, OR EVEN OVERSHADOW, THE GLOBAL SUMMIT AND OTHER ASPECTS OF THE FIFTIETH ANNIVERSARY CELEBRATIONS.

-- WALDHEIM'S ACTIONS DURING WORLD WAR II AND U.S. IMMIGRATION LAW MAKE IT IMPOSSIBLE FOR HIM TO BE ADMITTED TO THE U.S.

-- THE USG STANDS STEADFASTLY BEHIND ITS 1987 FINDING, BASED ON CAREFUL RESEARCH AND THE EXAMINATION OF A GREAT DEAL OF EVIDENCE INCLUDING SUBMISSIONS ON WALDHEIM'S BEHALF BY HIS SON AND OTHERS, THAT BETWEEN 1942 AND 1945, AS A LIEUTENANT IN THE ARMY OF NAZI GERMANY. **KURT WALDHEIM** "ASSISTED, OR OTHERWISE PARTICIPATED IN THE PERSECUTION OF . . . PERSON(S) BECAUSE OF RACE, RELIGION, NATIONAL ORIGIN OR POLITICAL OPINION."

-- UNDER U.S. LAW (I.E. SECTION 212 (A) (3) (E) OF THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED), INDIVIDUALS WHO ASSISTED OR PARTICIPATED IN NAZI PERSECUTIONS OF THIS TYPE ARE INELIGIBLE TO RECEIVE U.S. VISAS AND THERE IS NO PROVISION FOR A WAIVER OF THIS INELIGIBILITY.

-- HENCE, IT IS IMPOSSIBLE TO GRANT WALDHEIM A U.S. VISA.

-- THE SAME IS TRUE WHETHER WALDHEIM IS PART OF AN AUSTRIAN DELEGATION OR A UN INVITEE.

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-- IN LIGHT OF THE FOREGOING, IT IS CLEAR THAT FURTHER EFFORTS ON A UN INVITATION FOR WALDHEIM WILL SERVE NO POSITIVE PURPOSE BUT COULD DAMAGE OUR BILATERAL RELATIONS, DETRACT FROM THE UN'S 50TH ANNIVERSARY CELEBRATIONS, AND CAUSE WALDHEIM HIMSELF FURTHER ANGUISH.

END OF TALKING POINTS.

PAROLE ADMISSION A NON-STARTER

4. IT IS POSSIBLE THAT YOUR INTERLOCUTOR(S) MAY PRESS YOU BY ARGUING THAT THERE IS A WAY AROUND WALDHEIM'S INELIGIBILITY AND/OR BY RAISING THE USE OF PAROLE TO ADMIT HIM TO THE U.S. IN THE EVENT THIS OCCURS AND YOU FEEL A RESPONSE IS NEEDED, YOU MAY RESPOND BY DRAWING ON THE FOLLOWING CONTINGENCY TALKING POINTS. IF YOUR INTERLOCUTORS DO NOT TAKE THE INITIATIVE IN RAISING THIS, YOU SHOULD NOT/NOT DO SO. WE WANT TO AVOID LEADING THE AUSTRIANS INTO BELIEVING THAT WE WOULD CONSIDER USING PAROLE FOR WALDHEIM; WE CERTAINLY WOULD NOT/NOT BE WILLING TO DO SO.

-- AS YOU POINT OUT, EVEN IF THE FINDING ON WALDHEIM REMAINS IN FORCE AND, HENCE, IT CONTINUES TO BE IMPOSSIBLE TO GIVE HIM A VISA, IT MIGHT STILL BE POSSIBLE TO ADMIT WALDHEIM TO THE U.S. USING THE PAROLE PROVISION OF U.S. IMMIGRATION LAW.

-- WHILE THIS IS A THEORETICAL POSSIBILITY, IT IS NOT A VIABLE OPTION.

-- ANY REQUEST FOR PAROLE FOR WALDHEIM WOULD HAVE TO GO TO U.S. ATTORNEY GENERAL JANET RENO FOR DECISION.

-- IT IS EXTREMELY UNLIKELY THAT SHE COULD BE PERSUADED TO TAKE THIS EXTRAORDINARY STEP IN WALDHEIM'S CASE.

END OF CONTINGENCY TALKING POINTS ON PAROLE.

HOST COUNTRY OBLIGATIONS

5. IT IS ALSO CONCEIVABLE THAT YOUR INTERLOCUTOR(S) MAY PRESS YOU ON THE ISSUE OF WHETHER A U.S. REFUSAL TO ADMIT WALDHEIM, IF HE WERE TO RECEIVE AN INVITATION FROM THE UN TO AN EVENT IN NEW YORK, WOULD BE A VIOLATION OF OUR OBLIGATIONS UNDER THE HEADQUARTERS AGREEMENT. IF THIS OCCURS, YOU MAY ANSWER WITH THE FOLLOWING CONTINGENCY TALKING POINTS. OTHERWISE, YOU SHOULD NOT RAISE THIS ISSUE OR USE THESE TALKING POINTS.

-- REFUSING ADMISSION TO WALDHEIM, IF HE WERE TO RECEIVE

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A UN INVITATION TO AN EVENT IN NEW YORK, WOULD RAISE A
SERIOUS QUESTION UNDER THE HEADQUARTERS AGREEMENT.

-- IF THIS WERE TO HAPPEN, THE U.S. WOULD. NEVERTHELESS,
NOT BE IN A POLITICAL POSITION TO PERMIT SOMEONE WITH
A RECORD SUCH AS WALDHEIM'S TO ENTER THE U.S.

-- IT IS FOR THIS REASON WE DO NOT WANT THIS TO BE RAISED.

END OF CONTINGENCY TALKING POINTS ON HOST COUNTRY
OBLIGATIONS. TALBOTT

ADMIN

END OF MESSAGE

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