

OCA FILE

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OHC

14 April 1988  
OCA 88-1179

MEMORANDUM FOR THE RECORD

SUBJECT: Second Hearing on Diplomatic Immunity, H.R. 3036

1. On 13 April 1988, the Subcommittee on International Operations, House Committee on Foreign Affairs, held a second hearing on a bill to limit diplomatic immunity in certain instances (H.R. 3036). Members attending were Representatives Mica, Snowe and Smith. Copies of the available prepared testimony are attached.

2. Representative Solarz, the sponsor of the bill, testified first. He said the bill was designed to "square the circle" protecting rights of U.S. diplomats abroad and citizens in the U.S. against the wrongs of foreign diplomats. The consensus is that more legislation is needed here. Between 1982 and 1988, foreign diplomats in the U.S. committed 147 crimes. Forty-four were committed in New York City. These include rape, murder and assault.

3. Solarz refuted several arguments made by the Department of State against various provisions in the bill. With respect to the need to leave the names of diplomats out of reports on crimes, these crimes have generally been given much publicity in the press anyway. There is no reason to protect a rapist or murderer from public exposure.

4. Regarding the section 3(c) objection prohibiting interference with prosecution, Solarz said he can craft language to allow State to communicate information to law enforcement officials while precluding interference.

5. Concerning State's argument about the reentry provision, there is no guarantee now that a PNG'd person cannot return in the future. State cannot keep track of non-immigrant visas once issued. Better coordination is needed, as is required by the study.

6. Section 8 pertains to victim compensation and Solarz stated that he has learned that 99 percent of all auto claims fall within the required insurance amount. He agreed that additional insurance would be unduly burdensome. He expressed the same views with respect to section 9, which concerns catastrophic insurance.

7. Section 10 mandates a review of the treatment of pouches with a view towards ways to prevent the use of items fostering terrorism. Solarz assumes the U.S. does not use the pouch to ship explosives, weapons and the like, so that the U.S. need not fear embarrassment from disclosure. He does believe other countries use the pouch to transport such items. It may be that the study will show no way to improve this situation, but Solarz finds this hard to believe. The second part of the section does not require the President to impose procedures unilaterally, but to seek changes in the Vienna Convention consistent with what is learned from the review. State's argument that the U.S. uses the pouch more than anyone, so it should ignore the problem, is no good.

8. Snowe suggested using the word "impede" to replace "interfere" with regards to the interference with prosecution issue. Solarz said this is similar to what he has in mind.

9. Gillian Sorensen, New York City Commissioner for the United Nations and Consular Corps, testified next. She was accompanied by Barry Koch, legal counsel. She said that to her knowledge no murder has been committed by a diplomat within the last 15 years. It may be that manslaughter has been committed. Of the 44 crimes committed in New York, a good many were domestic incidents and several others were misdemeanors. Only a handful of diplomats have taken advantage of the system, but the bill provides an opportunity to remedy the problems with that handful.

10. With respect to the accuracy of the State reports, she said that there are numerous occasions when the initial report is wrong and is corrected, but the press story containing the inaccurate information persists. She also said that the pouch should not be used to transport weapons or contraband and suggested that the section 10 review continue.

11. Snowe asked what the Commission's relationship with State is in these matters. Sorensen said there is discussion between the two. The Commission is a mediator on a person-to-person basis, but the police and State handle infractions of the law. Koch said the Commission plays a secondary role to State regarding who is entitled to immunity and so forth, and that the

Commission has some role in liaison with the police. The relationship has generally worked well. Sorensen said that the one persistent problem is debt collection from certain countries, although the debts are usually paid within a reasonable time.

12. Snowe asked if efforts to educate law enforcement officials are successful. Sorensen said they are helpful and extremely important. The police in the outer areas (boroughs and counties of New York) are not as aware as those with closer ties.

13. Mica asked if the Commission has ever intervened before a driving under the influence charge has been filed. Koch answered no; the police almost always send them home. Sorensen said that speeding tickets come to her office. To be dismissed, certain criteria must be met. If there are a large number of moving violations, the issue is taken up with State. The Commission has never been told by State not to pursue a matter, but State may move slowly on a matter because of political concerns.

14. Steven Stein, chairman of the New York Bar Committee on International Law testified next, accompanied by David van Hoogstratten, a member of the same committee. Stein first pointed out that the broad and unqualified grant of immunity according to customary international law has been narrowed greatly by the Vienna Convention. The problem is serious, but not as large as the press portrays. State's statistics on this are not accurate, however.

15. Stein went on to say that H.R. 3036 is a partial legislative solution to a difficult problem. Section 2 has the potential to be the most significant change. States have the primary role in compensating victims, but it is really a Federal job. Stein suggested establishing a Federal fund to take care of victims in the 13 states having no victim compensation program.

16. Stein also suggested that the language of the bill be broadened to include diplomats with immunity per bilateral and multilateral agreements beyond the Vienna Convention, especially the Soviet Union, China and bloc countries. He, too, is concerned with the interference with prosecution provision.

17. Stein is also concerned with the second part of section 10. The Vienna Convention states that the diplomatic pouch cannot be opened or detained. On balance, national security interests outweigh any interest in searching pouches.

18. Snowe asked if Stein has any cost estimates on the Federal victim compensation system. Stein said he will work with Congress on this. He anticipates there must be some savings if the 37 programs now operating were condensed into one.

19. Smith asked if a nonintrusive, noninvasive examination of the pouch is illegal, using for example dog-sniffing for drugs and explosives. Stein thinks dog-sniffing is sensible and suitable. Van Hoogstratten pointed out the problem of reciprocity. Smith asked if it would be useful for State to publish the names of perpetrators of crimes. Stein said there is no harm in exposing wrongdoers. Mica noted that the U.S. is about to build a new Moscow embassy by sending it through the diplomatic pouch. Everyone has abused the pouch, but the abuse has suddenly reached a new level.

20. Dennis Martin, President of the American Federation of Police, then testified, followed by Perry Shankle, President of the American Foreign Service Association and Susan Donnelly, President of the Association of American Foreign Service Women.

21. Mica asked Shankle if he understands the subcommittee's balancing problem vis-a-vis the pouch. Shankle said there is no problem with the diplomatic pouch for the Foreign Service. Martin said they know that drugs are coming through the pouches and cannot do anything about this. Snowe asked if the U.S. can refuse entry of the pouch. Martin said no.

22. Snowe asked if anything in the legislation is violative of the Vienna Convention or would invite reciprocity. Shankle said no, except for the insurance provisions. The interference with prosecution provision is a bit of a problem, but he understands it is being dealt with. Donnelly said nothing in the bill takes away immunity. The problem is that if the U.S. takes unilateral action, this may prompt other countries to say they are just protecting their citizens. One cannot believe that justice will prevail under other countries' legal systems. Some interpretations of section 6 may allow reciprocity. Snowe asked Shankle if he would recommend that the U.S. waive immunity when similar legal systems are involved, such as in Canada and Europe. Shankle said no and does not think the U.S. has ever waived immunity.

23. Snowe asked what the U.S. does to ensure that its citizens obey foreign laws. Shankle said people are sent home if they have problems with drinking or misbehaving. He does not know if State has reports on this. He does not think the U.S. receives regular complaints, for Americans generally comply with

the law. It is not so much the specifics of the language that pose a problem, but the perception that the U.S. is weakening the system of immunity that creates the reciprocity problem.

24. Because of the number of witnesses questioned in a short period of time, Mica indicated there may be more questions submitted for the record.



Legislation Division  
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Attachments (4)

OCA/LEG  (14 April 1988)

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Statement of  
The Association of American Foreign Service Women  
For the  
Subcommittee on International Operations  
Committee on Foreign Affairs  
On  
H.R. 3036  
Presented by  
Susan Donnelly, President of AAFSW  
April 13, 1988

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Mr. Chairman and members of the Subcommittee, I am Susan Donnelly, President of the Association of American Foreign Service Women (AAFSW). For almost thirty years AAFSW has served as an advocate for the concerns of Foreign Service women, and families either here or abroad, who are on the front lines of the American diplomatic mission. We appreciate this opportunity to testify on H.R. 3036. (Revision of Diplomatic Privileges and Immunities Act)"

We applaud the concern expressed by members of this subcommittee to address the issue of diplomatic rights and privileges which the United States extends to members of foreign missions resident in the United States. We support the testimony of the Chief of Protocol, Selwa Roosevelt and John Condayan, of the Office of Foreign Missions previously given before this committee. We also support the testimony given by Evangeline Monroe of the American Foreign Service Association. While they

are more able to address the issues of the total bill, our concern lies primarily with the possible impact some of the proposed changes in H. R. 3036 might have upon the lives of Foreign Service family members, and the consequences of deviating from the present agreements of the Vienna Convention on Diplomatic Relations and the Diplomatic Relations Act of 1978. In addition, we wish to present a realistic view of the nature of our lives overseas, and the importance of being provided not only the physical security but another type of security which is harder to define. And that security is the protection guaranteed by the current laws governing diplomatic rights and privileges. It is our hope that in your effort to enact laws which protect American citizens, one groups' rights are not jeopardized to compensate another.

We realize that abuses do occur among those persons holding diplomatic immunity. We do not condone such abuses. We support the measures outlined in the study and report concerning the status of individuals with diplomatic immunity in the United States compiled by the Department of State pursuant to the Foreign Relations Authorization Act (FY 1988-89).

The Association of American Foreign Service Women views the role of family representation abroad as vital to the interests of the United States. Despite the fact that family members of the five foreign affairs agencies are not paid employees of the United States Government, we see ourselves as unofficial representatives of the diversity of Americans lifestyles and values. In an increasingly hostile world, we accompany our employed spouses to nearly 300 American missions overseas. We sacrifice long term

career goals, endure prolonged absence from family members, subject ourselves to often inadequate health care, and expose ourselves to the security risks which have become all too common in our overseas missions during the 1980's.

There are a great many myths which circulate about the nature of our lifestyles abroad. The realities, while not as romantic, are lived each day by members of our communities. The realities of our lives at post are often conditioned by circumstances beyond our control. Three areas which have a direct effect upon our lives are the nature of the political systems in which we find ourselves, the cultural differences between members of the mission and host country nationals, and the legal systems in which we must operate in order to function.

The political environment found in many of our posts is often volatile. Participatory democracies are functioning rarities--most often we find ourselves in posts where mob violence, strikes, anti-American rhetoric and demonstrations are the norm. Add to this the threat of terrorism and the psychological impact of dealing with long term stress. Do we also have to deal with the uncertainties decreased diplomatic immunity would bring?

Many countries operate within a system of values, which is defined by the framework of their particular culture. Often these values indirectly affect the quality of life of Americans posted abroad in an official capacity. Sometimes cultural rules are broken because of inadequate knowledge or insensitivity. In some instances, there are legal ramifications due to these offenses. If there were reciprocal actions taken against Americans abroad



due to a change in the status of diplomatic immunity, what type of security would diplomats and their families have to protect themselves against culturally defined lawbreaking?

Finally, consideration should be given to the fact that members of American diplomatic missions function within a variety of legal systems which do not operate under a "system of laws" as we know it. In many parts of the world, jails do not have facilities to adequately house lawbreakers. They do not serve food, have running water and other sanitary amenities, and they afford limited access for communication with detainees or prisoners.

While we recognize that diplomatic immunity was designed to protect the Foreign Service employee, the extension of immunity to family members was brought about by a realization that effective employee job performance relied heavily upon the protection of the employee's family members. This extension of immunity has allowed family members to accompany employed spouses to post. This has resulted in the establishment of overseas American schools, and for the interaction between American families and host country families in religious, sport, and social/cultural settings. This interaction increases understanding and furthers the interests of the U.S. government. If this interaction were put in jeopardy by changing the nature of immunity, the quality of life for the family living overseas would be changed, and the barriers erected for security would grow to include barriers of cultural interaction. Our lives overseas would be restricted to living in walled compounds, to traveling only in groups, and finally to little personal contact between family members and host country

nationals except on the Embassy/Consulate compound. This style of interaction would not mirror our American values or support our interests. In fact, many families would choose not to accompany the employee to post, thus creating a whole new set of problems and a skewed representation of American life.

We are aware that this legislation does not specifically take away diplomatic immunity from U. S. government employees and their families. Our concern lies in the area of reciprocity or even malicious abuse by a host country unsympathetic to American policy. We therefore ask you to consider carefully the reciprocal nature of this proposed legislation upon the lives of our official American diplomatic family serving abroad.

We, as members of our official American family abroad, take great pride in representing the United States. We hope that we can count on your support to make our representation a worthy reflection of our American way of life.

**STATEMENT OF PERRY SHANKLE**

**PRESIDENT**

**AMERICAN FOREIGN SERVICE ASSOCIATION**

before the

Subcommittee on International Operations

Committee on Foreign Affairs

on H.R. 3036

The Revision of Diplomatic Privileges and Immunities Act

April 13, 1988

Mr. Chairman and members of the Committee, I am Perry Shankle, President of the American Foreign Service Association. I appreciate the opportunity to appear before the Committee to present AFSA's views on H.R. 3036, the Revision of Diplomatic Privileges and Immunities Act.

AFSA is the professional association of members of the Foreign Service and the exclusive representative of Foreign Service employees in the Department of State and the Agency for International Development. Most of these employees serve abroad as representatives of the United States under the protection of traditionally accepted standards of diplomatic immunity as codified in international law and the Vienna Convention.

AFSA supports the intent of this legislation to compensate victims of crimes committed by foreign diplomats in the United

States. However, we are concerned about the effect of this proposed legislation on the environment in which our own Foreign Service personnel and their dependents work and live overseas.

While no one could argue that diplomatic immunity should be used as a shield for criminal actions, AFSA is concerned that altering our country's obligations under the Vienna Convention on Diplomatic Relations could seriously jeopardize the freedom and effectiveness of Americans who represent the United States at foreign posts. Experience has shown that the system of diplomatic immunity, imperfect as it is, is in our national interest. Immunity is built on a system of reciprocity. What we deny to foreign diplomats here will in turn be denied to our colleagues and their families overseas. Our members serve in countries with legal and political systems that are often sharply at variance with ours where it is not uncommon that attempts are made to harass and intimidate Americans stationed or visiting there in an official capacity. In many situations, a healthy respect for the concept of diplomatic immunity is all we have.

It is bad enough out there even with diplomatic immunity. All of us have our own horror stories collected over the years, but new ones continue to occur. For example, some recent incidents: This fall, our economic counselor was arrested and detained in Panama and held incommunicado for eight hours. He had been observing, but not taking part, in a demonstration in which someone was killed. Late into the night, our Ambassador

was finally able to find the jail in which he was being held. Even where they are not taking action to deny our members their rights, local law enforcement officials are often extremely unhelpful, passive at best. In this case, two of our colleagues were recently roughed up by Sandinista mobs in Nicaragua. The police were aware of their diplomatic status, but did nothing to assist them.

Some in the Foreign Service, because of the nature of their duties and assignments, are excluded from the diplomatic list, and are already particularly vulnerable to the vagaries of local laws and the local political systems. We fear that any action the Congress might take to alter our obligations under the Vienna Convention will invite more harmful reciprocal action by unfriendly nations and will subject these individuals to even greater risk.

Americans serving overseas are representative of our country. They are typical Americans and as such they are basically law abiding, respectful of the customs, culture, and laws of the countries in which they are serving. They try to stay out of trouble, to avoid potentially trouble-making situations whenever they can, but, as typical Americans, sometimes some of us do get in trouble. Laws are broken; customs violated; people do stupid things. Individuals on occasion drive under the influence of alcohol, or take drugs, or get in fights, or commit even more serious crimes. Of course, AFSA does not

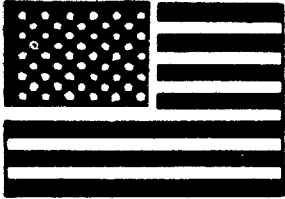
condone the commission of unlawful acts by persons having immunity, but neither do we want to turn them over to local justice, particularly in some countries we could all think of. Unlawful acts by our members do not often go unpunished, and they should not. Our foreign affairs agencies act against employees or their dependents who violate host country laws. Depending upon the seriousness of the incident, they may be brought back to the United States, to face sanctions by the United States Government. More often than not, they are subject to disciplinary or legal action, including separation from the Foreign Service.

We also remain aware that there may be political motivation for charging individuals with crimes that they have not committed. A dependent teen age son or daughter of a senior embassy official in a country where relations are tense, for instance, could be picked up on some trumped up driving or drugs charges as a way for that country to put pressure on us. Without the strongest form of diplomatic immunity, such a situation could turn into something horrible. And we do not feel that even those official Americans who are legitimately charged with criminal offenses should be at the mercy of the local justice system in countries which do not share our fundamental concepts of the presumption of innocence or the requirements of due process or the prohibition of cruel and unusual punishments.

AFSA is also concerned about the possible consequences of

that provision of the proposed legislation which requires \$1,000,000 per incident insurance coverage for injuries resulting from the operation of any motor vehicle, vessel, or aircraft. We support the requirement of minimum insurance coverage, but we do not want the costs of such insurance to be borne by individual diplomats. We believe that such coverage would probably be too costly for our members to afford, even if it were available in foreign countries. It is also possible that some countries may set unreasonably high premiums either as a revenue measure or to retaliate against diplomats. We propose that section 8 be amended by adding the words "by a Diplomatic Mission" after the word "carried", to clarify that it is the diplomatic mission itself which is required to carry such insurance.

I would be pleased to answer any questions the Committee may have.



# AMERICAN FEDERATION OF POLICE

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 (305) 891-1700

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 (202) 293-9088

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Inspector U.S. Marshal Bill Scott  
 New York, NY

**STATEMENT BY DEPUTY DENNIS RAY MARTIN  
 PRESIDENT OF THE AMERICAN FEDERATION OF POLICE  
 BEFORE THE HOUSE OF REPRESENTATIVES ON APRIL 13TH, 1988  
 SUBJECT: Diplomatic Immunity Problems and Training for Police**

Mr. Chairman, Members of the Committee, Ladies and Gentlemen:

My name is *Dennis Ray Martin*, National President of the *68,000* member **American Federation of Police**, a nationwide non-profit federation of law enforcement officers, which emphasizes excellence within the law enforcement community by holding seminars and workshops throughout the country.

I am the Director of Training for the Saginaw County Sheriff's Department, and assist with training programs for eight other local law enforcement agencies in Michigan. I represent and serve on over sixty national boards and commissions promoting police professionalism at federal, state and local levels, with a special concern for our national defense program.

I am here to represent law enforcement officers' concerns on diplomatic crime, crimes committed by individuals who are presently exempt from prosecution by reason of diplomatic immunity. We believe that no one is above the law, yet a duality does exist. Our adversary in this situation is not the traditional criminal, but the unique criminal with the broad coverage of diplomatic immunity.

Justice, the lack of it, sends shivers down the back of our nation's law enforcement community. No one, not even the president of the United States, can commit a crime and then not face the consequences of that act.

Yet, we must deny our citizens access to our courts and the protections of our laws, both criminal and civil, when it involves privileged immunized individuals in the name of advancement of good relations with foreign governments.

Granting special privileges or concessions to individuals who break the law creates particular problems for the police. These privileges and concessions are contrary to the oath and training that police officers are sworn to uphold. These special protections afforded all employees of foreign governments, who are present here as official representatives of their home governments, are questionable. How can a multi-rapist identified in New York City by victims not only walk out of the police station laughing, but thwart justice on an international scale?

We are concerned that terrorists could, and we have every reason to believe, have shipped under the protection of diplomatic immunity Pouches

(over)



and such items as small armed weapons and explosives to be used against law enforcement officers.

Our own committee chairman on intelligence and narcotics matters has advised me that diplomatic credentials are sold by some nations for the purpose of preventing custom agents from discovering drugs being brought in and money being shipped out under diplomatic immunity or other criminal enterprises. Although we are bringing attention to the problems diplomatic immunity may present, there has been relatively little written to assist the line police officer in dealing with individuals with immunity.

A.F.P. polled several major departments in the Washington, D.C., New York area who confess they lack adequate training in this area, finding the departments want to be kept abreast of this very important legislation you are addressing today. The A.F.P. took on the task of preparing and training police regarding the privileges and immunities that foreign diplomats and consular personnel possess. A.F.P. has distributed hundreds of law enforcement training pocket manuals which were developed to assist officers who must confront foreign diplomats and consular personnel on a daily basis. We believe foreign diplomats who violate traffic laws should be cited. Allegations of serious crimes should be fully investigated, promptly reported to the Department of State and procedurally developed to the maximum permissible extent.

Both the staff and membership of the A.F.P. would like to commend Mrs. Roosevelt, Chief of Protocol, and her staff for assisting us with developing our non-traditional training workshops and pocket manual on the legal issues of immunity. I would like to point out that the Department of State enthusiastically received, endorsed and assisted A.F.P. with development of training and education efforts, as it applies to diplomatic immunity. In our great Nation legislators frame and construct our laws, attorneys study, interpret and present the law, our judges make the final interpretations and applications of the law and impose sanctions. But, we the law enforcement officers must apply the law immediately, give it its effectiveness, and execute the law in a direct personal fashion.

The passage of this bill will send a clear message to those lawbreakers who know our hands have been tied by the present laws, that they will no longer be able to wave a paper called diplomatic immunity and walk away scott free.

Let me conclude by saying thank you for allowing me to speak before you today. I feel that I represent the general response of our nation's 600,000 full time police officers and the millions of Americans we serve.

Thank you!



Dennis Ray Martin  
National President  
American Federation of Police

# DIPLOMATIC IMMUNITY

## A TRAINING GUIDE FOR LAW ENFORCEMENT OFFICERS



*Plates as shown here are issued by the U.S. State Department and indicate immunity from parking violations. While tickets can and should be issued to document serious breach of conduct, there is no way to collect fines. Citizens often feel the immunity is a violation when they are towed or fined and others are "immune."*

### I. BACKGROUND

As a result of custom, international treaty, and federal legislation, diplomats from around the world are granted immunity to both the criminal and civil laws. The type and amount of immunity depends upon the nature of the diplomat's official position, and the type of activity engaged in.

Accordingly, a diplomat who has full diplomatic immunity may not be arrested or held for any crime or civil wrong he commits. While this might at first glance seem unfair, it must be remembered that our diplomats in other countries are accorded the same privileges and immunities.

Your role as a police officer will depend upon the nature of the immunity given to the individual, and the nature of the reason for your contact with that individual. You should use this training guide as a guide only, and use the telephone numbers supplied in Section IV in case there is any doubt as to the appropriate action or response.

### II CLASSES OF DIPLOMATS

All persons who claim diplomatic privileges or immunities should be able to produce a valid identification card issued by the federal government. This card will in most cases verify the nature and extent of immunity. If for some reason the I.D. cannot be produced, the telephone numbers listed in Section IV of this bulletin can be used to verify the existence or absence of such immunity.

**A. Diplomatic Missions:** These are the people who comprise the diplomatic corps of their country to the United States. They are divided in to three classes depending on the type of functions performed.

**1. Diplomatic officers** are the persons sent by a foreign nation to deal directly with our nation over concerns of state. These people, and members of their immediate family, enjoy **full and absolute immunity to all criminal and civil laws.** They may not be arrested or held for a period longer than necessary to determine their status. Neither they or their belonging can be searched, detained in any way, or otherwise subjected to any legal process.

**2. Members of administrative and technical staff** perform tasks considered to be crucial for the proper functioning of an embassy. Accordingly they have **immunity to all criminal proceedings. And may not be compelled to testify in any proceeding.** They may however, be liable to civil suits for actions that are not official acts.

**3. Members of service staff** are the persons who perform mostly menial tasks, or tasks of a non-diplomatic nature such as house cleaning, gardening or driving embassy vehicles. These persons enjoy only **official acts immunity** for both criminal and civil acts. These people are subject to arrest.

**B. Members of International Organizations:** These are the official representatives of foreign governments to international organizations located in the United States such as the

United Nations or the Organization of American States. These are also divided into three classes, and the privileges and immunities parallel their function as does those members of embassies.

Use the accompanying chart, and the telephone numbers provided in Section IV to resolve any questions as to the appropriate actions.

**C. Consular Officers:** Besides their embassies, foreign government may maintain other offices in this country to carry out various business matters, or to provide services to their nationals in this country. While they do have some forms of immunity, this is usually less than that afforded to diplomatic agents. Use the accompanying chart, or call the numbers provided for further clarification.

**D. Automobiles:** All automobiles and drivers licences are issued by the Department of State, and both registration plates and licenses should indicate that some form of immunity is possessed by the bearer. License plates are usually coded with prefix or suffix matching the type of immunity. Therefore a "D" would indicate the car belonged to a diplo-

Office of Foreign Missions  
U.S. Department of State

# DIPLOMATIC MOTOR VEHICLE PROGRAM

The U.S. Department of State issues drivers' licenses, motor vehicle registrations and license plates to qualified, accredited foreign mission personnel and their family members. Department licenses, registrations and license plates replace those issued to foreign mission personnel and their family members by state or local jurisdictions. Samples appear below.

**TEMPORARY LICENSE**

102474

United States Department of State  
Office of Foreign Missions  
Washington, D.C. 20520

*John S. Doe*

**MOTOR VEHICLE DRIVER'S LICENSE**

ISSUED 06/24/86  
EYES: BROWN  
HEIGHT: 365  
RESTRICTIONS:

I. D. NO. RR-81-0001  
EXP. DATE 08/24/86

DOB: WILIAM SAMPLE  
101 ANY STREET  
WASHINGTON, DC 20005

SEX: F  
WEIGHT: 120 LBS.  
FEE PAID: \$0.00

*John S. Doe*  
SIGNATURE

### DRIVERS' LICENSES

The Diplomatic Motor Vehicle Office (DMVO) of the Office of Foreign Missions, U.S. Department of State, issues drivers' licenses to qualified, accredited foreign mission personnel and their family members in the United States. Once DMVO licenses have replaced existing licenses issued by state and local jurisdictions, the Department will exercise exclusive authority to license foreign mission personnel and their family members. Drivers of vehicles with diplomatic license plates will be required to carry DMVO licenses. Foreign licenses are valid only for thirty days after the holder's date of arrival in the United States. The temporary DMVO license is valid for up to six months; the permanent DMVO license is valid for five years and does not bear the holder's signature. The Department should be notified of all violations written against diplomatic licenses.

**PERMANENT LICENSE**

U.S. DEPARTMENT OF STATE  
OFFICE OF FOREIGN MISSIONS  
WASHINGTON, D.C. 20520

RR-81-0100

DOB: WILLIAM SAMPLE  
100 ANY STREET  
APT. A-3  
WASHINGTON, DC 20008

0102002

165 511 N. SEE OVER

### VEHICLE REGISTRATION

All vehicles owned and/or operated by accredited foreign mission personnel and their family members must be registered with the U.S. Department of State. The registration card indicates the name(s) of the registered owner(s). Titles are not issued upon registration and may be obtained only at time of sale or export.

0119988

United States Department of State  
Office of Foreign Missions  
Washington, D.C. 20520

**MOTOR VEHICLE REGISTRATION**

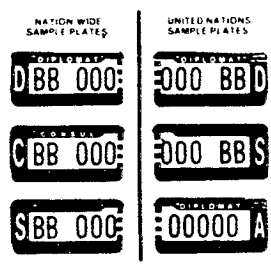
PLATE NO. DBB000  
VEHICLE IDENTIFICATION NO. 8880001000001100  
YEAR 84  
REG. DATE 08/14/86  
EXP. DATE 08/14/89

DOB: JOSEPH SAMPLE  
444 THOMAS STREET  
WASHINGTON, DC 22005  
CO-OWNER(S)

REG. FEE 000000

### LICENSE PLATES

Vehicles registered with the U.S. Department of State must display these license plates which replace those issued by state or local jurisdictions. Foreign license plates are valid only for thirty days after the vehicle's date of arrival in the United States. Dealer's temporary tags may be displayed on newly purchased vehicles for up to thirty days. Department diplomatic plates are property of the Federal Government and must be returned to the Department upon demand or termination of employment with a mission. Lost or stolen plates must be reported immediately to the number below.



The Office of Foreign Missions, through the Diplomatic Motor Vehicle Office, is responsible for assuring that diplomats operating vehicles are treated uniformly and in accordance with local and federal regulations, and international law. Diplomatic license plates indicate that the operator of a vehicle may be 1) unfamiliar with American customs and the English language, 2) unfamiliar with local driving practices and/or 3) entitled to diplomatic immunity.

- General information on vehicles with diplomatic license plates:
- They must carry a minimum of \$300,000 liability insurance.
  - They are subject to issuance of traffic citations.
  - They may not be towed (unless posing a danger to public safety), impounded, or subjected to search.
  - May not be subject to inspection in some states. Consult state police.
  - May not be sold or exported without State Department approval.
  - Law enforcement agencies may verify diplomatic registrations through NLETS (state code is "US").

Inquiries should be directed to:  
U.S. Department of State  
Office of Foreign Missions  
Diplomatic Motor Vehicle Office  
M/OFM/DMVO SA-20  
Washington, D.C. 20520  
The Phone Number is: (202) 673-5312

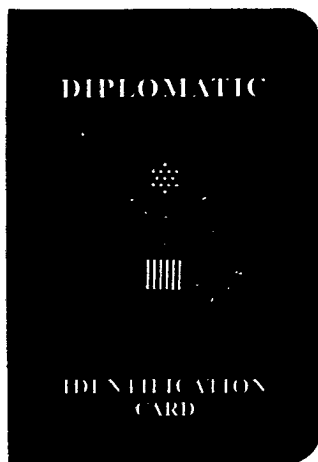
United States Department of State  
Office of Protocol

# IDENTIFICATION CARDS



The United States Department of State, Office of Protocol, has begun issuing new identification documents to embassy personnel. It is estimated that issuance of these credentials will be completed by mid-1988. Subsequently, new identity documents will be issued to consular personnel. During this change, there will be two types of diplomatic identification cards in circulation; some persons will still have the old ID cards while other persons will have the new cards. Samples of both types of ID's are provided here. Because there are different degrees of immunity, law enforcement officers should read carefully identification cards presented to them. Questions regarding an individual's status or immunity should be referred during work hours to the Office of Protocol, 202/647-4294; after hours to the Bureau of Diplomatic Security, 202/647-2412.

## CURRENT



## NEW

DIPLOMATIC IDENTIFICATION CARD	
UNITED STATES DEPARTMENT OF STATE	
(Photo)	
NUMBER	RU-85-4571-51
EXPIRES	04/30/90
DATE OF BIRTH	03/09/42
NAME	JEAN D. HARRIS - SAMPL.F. -
TITLE	COUNSEIOR
MISSION	RURITANIA
LOCATION	WASHINGTON, DC
SEE REVERSE SIDE FOR STATEMENT OF IMMUNITY.	

This person has been duly notified to the Department of State and under international law enjoys immunity from criminal jurisdiction. The bearer shall not be liable to any form of arrest or detention, but may be given a notice of violation.

The bearer shall be treated with due respect and all appropriate steps shall be taken to prevent any attack on the bearer's person, freedom or dignity.

Chief of Protocol

LAW ENFORCEMENT INQUIRIES SHOULD BE DIRECTED TO (202) 647-1985 FROM 8AM TO 5PM EASTERN TIME AND (202) 647-2412 AT ALL OTHER TIMES

IF FOUND, RETURN TO Office of Protocol, Department of State, Washington, DC 20520

Return postage guaranteed

SIGNATURE (NOT VALID UNLESS SIGNED)

**BLUE** bordered cards are issued to diplomatic officers and their families. They are entitled to full criminal immunity and may not be arrested or detained.

matic officer, a "C" for a consular officer, and a "S" for a staff or technical officer.

**E. Drivers Licences:** The Department of State also issues drivers licenses to diplomats and their staffs. These are issued for a period of six months in the case of temporary ones, and for five years for permanent ones. In the absence of official I.D. cards, the drivers license may help substantiate the claim to immunity, but the officer should check with the government by calling the appropriate telephone number supplied in Section IV.

## II POLICE GUIDELINES

**A. Violent and Life-Threatening Situations:** In circumstances where the public safety is endangered, or it is apparent that a serious crime is about to be committed, the police may intervene to the extent necessary to halt the activity, to protect the citizens, or to protect themselves.

**B. Waiver and P.N.G. Procedure:** Even though a diplomat is entitled to immunity, all incidents, including traffic offenses, should be reported to the Department of State. The department can ask the government of the diplomat to waive immunity which would subject the individual to our courts. If the waiver is refused, the diplomat can be declared **persona non grata**. This would force the foreign government to call the diplomat home, and make him or her ineligible for diplomatic status in this country.

**C. Traffic Offenses:** Stopping a diplomatic officer and issuing a citation does **not** constitute an arrest, and is therefore allowed. You may not require a signature. You should always follow your normal procedure in stopping a traffic violation. Issue a citation, and report the incident even though it may later be determined that the individual does not have to appear in court.

**1. Drunk Driving:** Sobriety tests may be offered, but not compelled. The officer may prevent the individual from

driving if he determines that the person is intoxicated. Depending on the circumstances, the officer may:

- With his permission, take the individual to the station or other location until sober enough to drive;
- summon a friend, relative or employee to drive;
- call a taxi for the individual; and
- if appropriate, the police could provide transportation home.

**2. Motor Vehicles:** In the normal course of events, the motor vehicle of a person enjoying full immunity may not be searched, impounded, or "booted." They may however, be moved far enough to prevent them from being a hazard. Should the vehicle prove to be stolen, or to have been used by an unauthorized person the commission of a crime, it may be searched and impounded.

**D. Make Reports and File Investigations:** The U.S. State Department depends on **thorough** and complete investigations that may involve someone with diplomatic status. Even with the knowledge that whatever you may do **may not** result in either an arrest, fine or action, the State Department **depends on you** in the field. A report on **every** incident should be made. A copy sent to the U.S. State Department by your agency. Indeed the incident may be isolated. It could be however something more serious.

For an example, it is possible that a diplomat or agent of a foreign government is in an accident in your community. It might be of interest to the State Department as well as other agencies that a particular nation or individual was in your area which might be "restricted" for some reason. Or possibly the person has had a series of accidents or problems that are far too frequent.

Because of your report and others, that individual may be asked to leave the United States. Few foreign governments want to be represented by people that give their country a bad

name. They may be advised by the State Department of a "problem" that they were not aware about. Concerning a person in their service. So, these reports both good and bad are very helpful. They are only of value if copies are sent to the State Department or called in if urgent by phone.

Remember too that we must protect the diplomats. Thus your concern and assistance to a foreign diplomat is just as important as it is to any citizen of our own nation. If you have such contact where you have aided in an accident, illness or incident these too should be filed.

These men, women and children are strangers in this nation. Our customs and dress may be new or not the same in their homeland. As a police officer you may indeed be the person who makes the first and lasting impression! Fairness, cooperation and kindness are what you would expect when traveling abroad. That is what we implore of our police to do in every possible case where it is obvious of misunderstandings, etc. However, in no manner should you ignore criminal activity or conduct that is a public danger.

**E. Language Problems:** We seem to expect everyone to speak English. However, it is possible that you may run into a language barrier. Especially in an emergency situation or accident. There is a national company that serves police departments that can (by radio or phone) handle almost every language spoken in the world. Many large police agencies have contracts for this service. The company name is C.A.L.L. (Communication and Language Line), 177 Webster Street, Monterey, California 93940; (408) 646-0979.

You might want to have a state or county-wide contract not only to handle diplomatic problems but for any situation

where language may be a problem. Of course a call the the U.S. State Department would also give you help. Our duty is to help diplomats just as we would help any other person. The few diplomats or employees that are problems must not cloud or prejudice us in our duty to the vast majority who serve with dignity and honor. Also keep in mind that the United States has diplomats, consuls and staff worldwide. What we do here may effect their status and ability to serve our nation overseas.

**I V TELEPHONE INFORMATION/VERIFICATION**

**A. Diplomatic and Consular Personnel and International Organizations Other than United Nations:**

**1. Normal Business Hours:**

- a. Status of drivers licenses, registration, or other motor vehicle information: (202) 322-1095
- b. Diplomatic agents and their family members: (202) 647-1404
- c. Administrative and technical, service staff and families: (202) 647-1405

**2. After Normal Business Hours:**

- a. Command Center: Bureau of Diplomatic Security: (202) 647-2412

**B. United Nations Personnel:**

**1. Normal Business Hours:**

- a. Host Country Section: (212) 415-4131

**2. After Business Hours:**

- a. Communication Section of the U.S. Mission: (212) 415-4444

Category	May Be Arrested or Detained	Residence May Be Entered Subject to Ordinary Procedures	May be Issued Traffic Citation	May be Subpoenaed as Witness	May be Prosecuted	Recognized Family Member
Diplomatic Agent	No <sup>2</sup>	No	Yes	No	No	Same as sponsor (full immunity & inviolability).
Member of Admin. and Tech. Staff	No <sup>2</sup>	No	Yes	No	No	Same as sponsor (full immunity & inviolability).
Service Staff	Yes <sup>1</sup>	Yes	Yes	Yes	No—for official acts. Otherwise. Yes <sup>1</sup>	No immunity or inviolability. <sup>1</sup>
Career Consular Officers	Yes, if for a felony & pursuant to a warrant <sup>1</sup>	Yes <sup>1</sup>	Yes	No—for official acts. Testimony may not be compelled in any case.	No—for official acts. Otherwise. Yes <sup>1</sup>	No immunity or inviolability. <sup>1</sup>
Honorably Consular Officers	Yes	Yes	Yes	No—for official acts. Yes, in all other cases.	No—for official acts. Otherwise. Yes	No immunity or inviolability.
Consular Employees	Yes <sup>1</sup>	Yes	Yes	No—for official acts. Yes, in all other cases.	No—for official acts. Otherwise. Yes <sup>1</sup>	No immunity or inviolability. <sup>1</sup>
International Organization Staff <sup>2</sup>	Yes <sup>2</sup>	Yes <sup>2</sup>	Yes	Yes <sup>2</sup>	No—for official acts. Otherwise. Yes <sup>2</sup>	No immunity or inviolability.
Diplomatic-Level Staff of Missions to Int'l Orgs.	No <sup>2</sup>	No	Yes	No	No	Same as sponsor (full immunity & inviolability).
Support Staff of Missions to International Organizations	Yes	Yes	Yes	Yes	No—for official acts. Otherwise. Yes	No immunity or inviolability.

STATEMENT OF GILLIAN SORENSEN

NEW YORK CITY COMMISSIONER FOR THE  
UNITED NATIONS AND CONSULAR CORPS

BEFORE THE COMMITTEE ON FOREIGN AFFAIRS  
SUBCOMMITTEE  
ON INTERNATIONAL OPERATIONS

HOUSE OF REPRESENTATIVES

H.R. 3036

April 13, 1988

Mr. Chairman, members of the Committee, I am Gillian Sorensen, New York City's Commissioner for the United Nations and Consular Corps. I appear here today with my Deputy Commissioner and Legal Counsel, Barry Koch, pursuant to Chairman Mica's invitation to provide the Commission's views on H.R. 3036, a bill "To provide redress for crimes committed by diplomats in the United States, and for other purposes."

I would like to thank the Committee for inviting my participation. The City of New York is host to the largest diplomatic and consular communities in the world, and has a keen interest in discharging its "Host City" obligations effectively and in accordance with domestic and international legal obligations. We have, together with the City's police department, the Criminal Justice Coordinator and the Mayor, analyzed H.R. 3036 and are prepared to address certain specific areas of the bill. I would like first, however, to make some general remarks.

The Commission has, since 1962, represented the Mayor as official liaison between the City of New York and the diplomatic community. The Commission is principally a service and problem-solving agency that responds to the needs of some 35,000 foreign diplomats, consular officers, United Nations officials, their staffs and families. We respond as well to the needs of New York City agencies and citizens who deal with diplomatic offices and personnel. We try to reduce the burdens and problems presented by the presence of the diplomatic community by serving as an information source, complaint bureau, and discreet and impartial mediator. The Commission is an apolitical agency that deals with every country represented at the U.N., including those that have no diplomatic relations with Washington. We are accountable to the Mayor, and not to the United States Department of State, although we do work periodically with the State Department on various matters.

I would state formally at the outset that we believe that immunity is indeed essential to the conduct of diplomatic relations. It protects almost 30,000 Americans and their families posted overseas. Congressman Solarz, in an earlier statement concerning this bill, stated wisely that

Everyone in this room today accepts the proposition that U.S. diplomats stationed abroad need the protection offered by the Vienna Convention. Indeed, because of the inadequate nature of many judicial systems overseas, our diplomats rely on the protection offered by diplomatic immunity far more than foreign diplomats serving in the United States.

Diplomatic immunity was never intended, however, to serve as a shield from justice or a license to violate our laws.

This Committee has been considering what Congressman Solarz referred to as "a truly troubling situation--the abuse of the system of diplomatic immunity, and the almost total inability of the victims of crimes committed by persons protected by diplomatic immunity to seek redress." Certainly we have an obligation to respond appropriately to abuses of this system. Likewise, we have a responsibility to address the perception--sensationalized by the media--that diplomats are literally "getting away with murder" and that our government is insensitive to the problem, due to its pursuit of larger foreign policy objectives.

At the same time, however, we must look to the facts if we are to make a responsible assessment of the problem.

In examining the precise nature of the crime problem, we direct attention to the "Study and Report Concerning the Status of Individuals with Diplomatic Immunity in the United States", prepared by the U.S. Department of State, March 18, 1988. Exhibits B-2(a), (b) and (c) list 44 cases in New York where diplomats were alleged to have committed a crime, during the 5-1/2 year period, 8/1/82 through 2/29/88. Thirteen of these cases involved assault allegations, but 6 of the 13 were family disputes or quarrels between diplomats; and at least 10 of these cases involved non-violent misdemeanors. We would point also to Exhibit A-2 of the Study and Report, "Special Cases--Unpaid Debts" (Missions to the United Nations). A careful analysis of these statistics must lead, we believe, to the following conclusions:

--The incidence of abuse of immunity from jurisdiction--both criminal and civil--is extremely low;

--The majority of diplomats and their family members are honorable and law-abiding people;

--Only a relative handful of irresponsible persons and Missions have taken advantage of the system.

Nevertheless, there is certainly a need to pursue this relative handful, and we believe the bill offers several valuable improvements to the ability to do so. We wish to express our support for and agreement with much of what the bill seeks to address. We will indicate where we foresee certain practical problems or adverse reciprocity consequences. We will now address the specific sections of the bill.

### Victims Compensation

We do not oppose section 2, which would amend the federal Victims of Crime Act of 1984. We note, however, that the amendment would not affect the Victim's Compensation program currently in place in New York State. Other than creating uniform eligibility requirements among the states which currently have Victims Compensation programs, the amendment would not increase federal funds available for such state programs and would not provide any federal funds for victims injured in states without such programs. To that extent, it does not really "provide [additional] redress for crimes committed by diplomats." We would, therefore, urge continued efforts be made toward exploring other possible sources of relief. These might include a federal indemnification fund or some other type of Treasury appropriation. We, too, believe, as stated by Ambassador Roosevelt, the U.S. Chief of Protocol, in her March 30, 1988 testimony before this Committee, that

[T]he beneficiary of diplomatic immunity fundamentally is the United States Government because United States diplomatic personnel abroad could not function without immunity. Thus, uncompensated crimes are a necessary cost of the conduct of foreign relations, and it is reasonable for the United States Government to bear this cost.

We note the Department of State's conclusion that "the funding required for such a program would be relatively modest."

We note also Ambassador Roosevelt's statement that the Department of State "makes a great effort to secure compensation [for victims,] and has been involved in securing ex gratia payments by foreign governments to injured parties." Since certain sections of the bill seek to establish reporting requirements, we would suggest that the Committee consider adding to this section a reporting requirement similar to that contained in section 3,



so that there will be a permanent record of the efforts exerted by the Department of State toward this end, and the success or failure of these efforts. We believe an injured party would have a keen interest in the details of such efforts exerted on his behalf.

#### Record-keeping and Reporting

We support the record-keeping and reporting requirements of section 3(a). We would point out, however, that there is no requirement that the record include a description of the disposition of the incident; we recommend that section 3(a) be amended to include such a requirement. We also note that there is no mention whether this report is to be made available to the public. While we believe that public disclosure of the identities of individual diplomats might be unwise, we suggest that the other information should be available to the public. In addition, we recommend that a record be kept of all instances where allegations of criminal conduct by a diplomat are investigated, and it is concluded that the allegations are unfounded. We have noted several instances where the press continues to refer to thinly supported allegations, resulting in the besmirching of an innocent individual's reputation. One notable example involves the 1981 case where a pedestrian was struck and killed by an automobile operated by the son of a diplomat. The press account typically refers to how the driver got away with murder by virtue of his diplomatic immunity. The fact is that diplomatic immunity was not invoked, the diplomat's son and the sending government cooperated fully with the police in their investigation, and after a full investigation the police ruled the incident an accident or suicide and declined to prosecute.

We note that the term "serious criminal offense" is not defined. We recommend that the term be defined to include all felonies under the law of the jurisdiction where the act occurred, all incidents of reckless driving or driving while intoxicated, and such other offenses as the Secretary may deem to be serious criminal offenses.

We strongly support Ambassador Roosevelt's proposal to include information concerning "delinquency in the payment of debts owed by foreign missions and members of such missions and their families", which remain outstanding for six months or more. We recommend that section 3(a) be amended to add such a formal record-keeping and reporting requirement. In this connection, we would support language establishing a minimum set of procedures to be followed by the State Department when pursuing such debts. We have witnessed in New York, although it is clearly the rare case, debt matters that were not pursued as aggressively as they might have been, due to various political considerations.

We believe this type of report should be publicly available and that the public has a right to know who the delinquent governments are.

Finally, we would like to address a point raised by the State Department in its Study and Report and in its testimony to this Committee concerning the availability of the Foreign Sovereign Immunities Act of 1976 as an avenue of possible recourse to creditors and other individuals with tort claims (such as persons injured in automobile accidents) against a foreign mission. Although such citizens do have a legal right to pursue such claims in U.S. courts, we have observed that it is the rare instance where an aggrieved New Yorker can, from a practical standpoint, seek recourse pursuant to this Act. Commencing a lawsuit under the FSIA can be extremely expensive and logistically difficult, and executing a judgment can often be impossible. We believe that the State Department should continue to take the lead in pursuing such matters.

We support section 3(b), which addresses efforts directed at "Education and Encouragement of Local Law Enforcement Individuals", and wish to acknowledge the positive impact such efforts by the State Department have already had in New York City.

We do not support section 3(c) as currently worded. First, the term "interference" is vague, and we do not think such a blanket prohibition would assist the efforts of local law enforcement personnel. Clearly, the State Department would and should have a degree of involvement when a diplomat is alleged to have been involved in the commission of a crime. In fact, the New York City Police Department's Patrol Guide mandates that the U.S. Mission to the U.N. be notified when a diplomat is arrested or alleged to be involved in the commission of a crime. We believe that clarification of this prohibition is necessary so that the Department of State would be permitted to play its proper role when such incidents occur, and the local authorities would be able to request assistance on legal and other matters more typically within the expertise of the Department. Second, the clause "not covered by immunity from criminal jurisdiction of the United States under the Vienna Convention", as currently placed, can be read to modify subsections (A), (B) and (C), rather than just (C) alone. We suspect, but are not certain, that this is an interpretation that the Congress did not intend, and we recommend clarification.

We support the State Department's position, as expressed by Ambassador Roosevelt, on sections 4 and 5(a) and (b). Sections 5(c), 6 and 7 are matters between the State Department and the Congress in which we express no position.

### Minimum Insurance Coverage

We do not support section 8, which would raise the minimum amount of insurance required to be carried for injury resulting from the operation of any motor vehicle, vessel, or aircraft to \$1,000,000 per incident. Our experience in New York leads us to agree with the conclusions expressed by Mr. John Condayan, Acting Director of the Office of Foreign Missions, in his March 30, 1988 testimony to this Committee, namely,

[T]he existing insurance limits can reasonably be expected to afford adequate compensation for injury to persons or property resulting from or arising out of automobile accidents...[and that] an increase in minimum coverage to \$1,000,000 would require a substantial increase in premiums, and would lead to the unavailability of insurance for some foreign mission personnel. If enacted, the section could have serious and harmful reciprocity effects on U.S. personnel abroad.

In connection with the larger picture of the automobile insurance program coordinated by OFM, we wish to add here that we are aware of several instances where underwriters failed to notify OFM of the lapse of an individual insured's policy, despite being required to do so. A subsequent claim can then be "uncovered". We would recommend consideration of additional measures that might be implemented to address these occasional "gaps" in coverage.

### Liability Insurance

We support section 9. We do not dispute the State Department's finding as to the general unavailability of what it refers to as "crime insurance." However, we support the flexible language of this section which requires continued appropriate steps be taken to afford adequate compensation to injured persons. As noted above at page 5, we do not believe that the Foreign Sovereign Immunities Act provides a meaningful avenue of recourse in these cases.

### Diplomatic Pouch

We have reviewed section 10, which speaks about the diplomatic pouch. Clearly, the City has an interest in ensuring that the pouch is not used for transport of weapons and other contraband. We appreciate the State Department's expressed view that "on balance...our interest as a sender requires that we seek, to the maximum extent possible, to preserve the integrity of the pouch", and that use of the diplomatic pouch "is vital to the operations of our missions abroad and the accomplishment of our foreign policy and national security objectives." If, therefore, the Congress

has in mind at this time implementation of specific measures which could result in adverse reciprocity consequences or be deemed to violate our international treaty obligations, we would oppose section 10. However, if section 10 is intended primarily to express Congress' wish for ongoing review, we would support section 10 with a recommendation that the word "will" in line 10 be replaced with the words "seek to." We believe that requiring periodic review of these policies is prudent, and that the language of section 10 as modified, is sufficiently broad so as to leave the President with enough discretion to reject "measures" deemed inappropriate.

Finally, I wish to refer briefly to two points made in the State Department's earlier testimony. First, we agree with the suggestion made by Ambassador Roosevelt to grant the various functions contemplated by the bill generally to the Secretary of State for delegation of responsibilities as he deems necessary and appropriate. Our experience with the Office of Protocol and the Office of Foreign Missions has been positive, and absent some specific finding to the contrary, we do not see the need for legislative reorganization. Second, the bill's reference to the Vienna Convention on Diplomatic Relations as the source of immunity is too narrow to cover the range of persons we suspect that Congress seeks to cover in this legislation. As the State Department correctly points out, "under bilateral and multilateral agreements and customary international law, certain other personnel are entitled to this immunity." We would, therefore, recommend amending the definition in section 3(e) and all related sections to cover this broader category of persons.

In closing, I wish to express my appreciation for this opportunity to present New York City's views on these matters. We welcome the Congressional interest in this area and look forward to working with you in making constructive changes.