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E.O. 12356: DECL: OADR

TEXT
TAGS: PGOV, PREL, ETTTC, US, AU
SUBJECT: GOA DIPLOMATIC NOTES ON WALDHEIM AND BARTESCH
CASES

REF: (A) VIENNA 8911; (B) VIENNA 8913; (C) VIENNA 8914;
(D) VIENNA 8915

1. CONFIDENTIAL-ENTIRE TEXT.
2. CHARGE WAS CALLED TO MFA BY SECRETARY GENERAL THOMAS KLESTIL ON JUNE 17 TO RECEIVE COPIES OF THE NOTES PRESENTED ON JUNE 16 TO ASSISTANT SECRETARY RIDGWAY BY AUSTRIAN CHARGE PROSL. (SINCE WASHINGTON IS IN POSSESSION OF THESE TEXTS, THEY ARE NOT FORWARDED HERewith.) ALSO PRESENT WAS MFA LEGAL AND CONSULAR CHIEF, AMBASSADOR WALTER MAGRUTSCH.
3. KLESTIL SAID HE WISHED TO MAKE THE TEXTS OF SUBJECT NOTES AVAILABLE TO THE EMBASSY; THEY HAD BEEN PRESENTED IN WASHINGTON LATE IN THE DAY ON JUNE 16. KLESTIL INDICATED HE HAD NO REPORT FROM THE AUSTRIAN EMBASSY IN WASHINGTON ON THE US REACTION TO THE NOTES. (AUSTRIAN RADIO REPORTED THE GOA ACTION ON JUNE 16

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AND 17 WITHOUT COMMENT AND WITHOUT ANY REFERENCE TO THE USG REACTION.) CHARGE TOOK THE OPPORTUNITY TO RESTATE THE USG REACTION TO THE WALDHEIM NOTE, AS EARLIER STATED BY AS RIDGWAY, TO WIT:

A. WE ARE SENSITIVE TO THE DIFFICULTY RESULTING FROM THE USG DECISION TO PLACE **KURT WALDHEIM** ON THE "WATCH LIST" AND REGRET THE STRAIN ON OUR RELATIONS WHICH HAS RESULTED;

B. NEVERTHELESS, WE BELIEVE THAT THE DECISION WAS FIRMLY GROUNDED IN LAW AND FACT; THEREFORE, NO REVIEW OF OUR DECISION IS CONTEMPLATED; AND

C. THE QUESTION OF HEAD OF STATE IMMUNITY WAS NOT INVOLVED IN THE DECISION. THE USG HAS NOT ATTEMPTED TO EXERCISE JURISDICTION WITH REGARD TO WALDHEIM, EITHER AS HEAD OF STATE OR AS AN INDIVIDUAL.

4. MAGRUTSCH INTERVENED TO NOTE THE GOA POSITION RESTED ON THE INABILITY TO DRAW A DISTINCTION BETWEEN THE "INDIVIDUAL" AND THE "HEAD OF STATE". HE FURTHER OBSERVED THAT, QUITE APART FROM CIVIL OR CRIMINAL JUDICIAL PROCEEDINGS WHICH, ADMITTEDLY, ARE NOT INVOLVED IN THE WALDHEIM CASE, ALSO ADMINISTRATIVE DECISIONS, SUCH AS THE "WATCH LIST" PROCEDURE, ARE NOT ADMISSIBLE. MAGRUTSCH ASSERTED THIS MATTER HAD BEEN EXTENSIVELY RESEARCHED WITHIN THE GOA AND THAT NUMEROUS PRECEDENTS IN SUPPORT OF THE GOA POSITION COULD BE ADDUCED. CHARGE SAID HE WOULD REPORT MAGRUTSCH'S COMMENTS TO WASHINGTON; HE STATED HIS BELIEF THERE WOULD BE A FORMAL USG RESPONSE TO THE AUSTRIAN NOTE IN DUE COURSE.

5. TURNING TO THE AUSTRIAN NOTE CONCERNING THE BARTESCH CASE, CHARGE (1) AFFIRMED USG COMMITMENT TO HANDLE FURTHER SIMILAR CASES, IF ANY, IN ACCORDANCE WITH EXISTING OBLIGATIONS; (2) STATED USG VIEW THAT AUSTRIAN DECLARATION OF 1954 REMAINS VALID; (3) PROMISED, HOWEVER, GIVEN AUSTRIAN POSITION (AS

PROVIDED IN ITS NOTE), THAT THIS MATTER WILL BE CAREFULLY STUDIED.

6. CHARGE ENDED HIS PRESENTATION BY REITERATING HIGH VALUE WE PLACE ON OUR RELATIONS WITH THE GOA AND THE AUSTRIAN PEOPLE AND OUR DESIRE TO RESTORE THESE TO AN IMPROVED STATE BY PUTTING THE UNPLEASANTNESS OF THE WALDHEIM AND BARTESCH CASES BEHIND US. HE NOTED THIS OBJECTIVE COULD BE ADVANCED BY AVOIDING PUBLIC AIRING OF OUR DIFFERENCES ON THESE CASES, SINCE DOING SO ONLY PROLONGED THE CONTROVERSY WHICH HAS SURROUNDED US-AUSTRIAN RELATIONS FOR SOME TIME NOW.

7. KLESTIL AND MAGRUTSCH CONCURRED VIGOROUSLY THAT IT WAS DESIRABLE THAT WE GET RELATIONS BACK TO A MORE SATISFACTORY STATE. REFERRING TO A JUST-RELEASED PUBLIC OPINION POLL (REPORTED IN DAILY PRESS SUMMARY), KLESTIL NOTED THAT RECENT CONTRETEMPS HAVE SEVERELY

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ERODED AUSTRIAN AFFECTION AND ESTEEM FOR THE US.
CHARGE EXPRESSED OPTIMISM THIS WOULD BE BUT A
TRANSITORY REACTION TO RECENT EVENTS. IN ANY EVENT,
HE ASKED THAT KLESTIL AND OTHERS DO WHAT THEY CAN TO
LIMIT UNFORTUNATE PUBLIC COMMENTS, SUCH AS RECENT
REMARKS OF ANDREAS KHOL REGARDING OUR COMMON TECHNOLOGY
TRANSFER CONCERNS (REF B). KLESTIL, NO ADMIRER OF
C O N F I D E N T I A L SECTION 02 OF 02 VIENNA 09023

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KHOL'S, DISMISSED THE LATTER AS A "POLITICIAN"
SEEKING TO CAPITALIZE ON THE PRESENT DISAFFECTION OF
THE AUSTRIAN POPULATION WITH THE US. HE QUOTED HIS
OWN COMMENTS, CARRIED IN A JUNE 17/18 DIE PRESSE ARTICLE
(SEPTTEL), TO THE EFFECT THAT KHOL DOES NOT SPEAK FOR
THE AUSTRIAN GOVERNMENT. AUSTRIAN GOVERNMENT POSITIONS
ARE BASED ON LONG-TERM OBJECTIVE CRITERIA, DEVOID OF
EMOTION, AND NOT MOTIVATED BY CONSIDERATIONS OF
PRESTIGE OR REVENGE.
BLOCH

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END OF MESSAGE

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