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DOCUMENT\_ID: 39237620  
INQNO: DOC23D 00191931  
DOCNO: TEL 265456 92  
PRODUCER: WASHDC  
SOURCE: STATE  
DOCTYPE: OUT  
DOR: 19920818  
TOR: 013532  
DOCPREC: P  
ORIGDATE: 199208180536  
MHFNO: 92 9318167  
DOCCLASS: C

STATE DEPT. DECLASSIFICATION REVIEW  
 Retain class'n  
 Declassify after \_\_\_\_\_  
Change class'n to \_\_\_\_\_  
with documents of \_\_\_\_\_  
Date: 8/29/07  
EO 12958, 25X  
IPS/CR/IR by: [Signature]

HEADER  
PP RUEAIB  
ZNY CCCCC ZOC STATE ZZH  
MPB5456  
PP RUEHC  
DE RUEHC #5456 2310535  
ZNY CCCCC ZZH  
P 180536Z AUG 92  
FM SECSTATE WASHDC  
TO AMEMBASSY VIENNA PRIORITY 0000  
BT

CONTROLS  
CONFIDENTIAL STATE 265456

E.O. 12356: DECL: OADR

TEXT  
TAGS: PREL, AU  
SUBJECT: AIDE MEMOIRE -- WALDHEIM

DECLASSIFIED AND RELEASED BY  
CENTRAL INTELLIGENCE AGENCY  
SOURCES METHODS EXEMPTION 3B2B  
NAZI WAR CRIMES DISCLOSURE ACT  
DATE 2001 2007

1. EMBASSY IS REQUESTED TO DELIVER FOLLOWING AIDE MEMOIRE AT AN APPROPRIATELY HIGH LEVEL PRIOR TO THE DEPARTURE FROM VIENNA OF AMBASSADOR TUERK. THIS PAPER IS A RESPONSE TO THE AUSTRIAN AIDE MEMOIRE DELIVERED BY AMBASSADOR HOESS TO EUR PDAS RALPH JOHNSON ON JULY 6. (FOR TEXT, SEE PARAGRAPH 3.)

2. BEGIN TEXT:

AIDE MEMOIRE

THE AUSTRIAN EMBASSY IN WASHINGTON RECENTLY ASKED THAT THE "WATCHLIST" DECISION CONCERNING FORMER PRESIDENT WALDHEIM BE RECONSIDERED.

MR. WALDHEIM'S PLACEMENT UPON A "WATCHLIST" BARRING HIM ENTRY INTO THE UNITED STATES WAS THE RESULT OF A CAREFUL DETERMINATION BY THE DEPARTMENT OF JUSTICE THAT MR. WALDHEIM FALLS UNDER SECTION 212 (A) (33) OF THE

IMMIGRATION AND NATIONALITY ACT, THE SO-CALLED "HOLTZMAN AMENDMENT". IN REACHING THIS DETERMINATION, THE

NAZI WAR CRIMES DISCLOSURE ACT  
2000

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DEPARTMENT OF JUSTICE FOUND THAT AMPLE EVIDENCE EXISTS THAT MR. WALDHEIM HIMSELF, AND THE UNITS IN WHICH HE SERVED IN POSITIONS OF RESPONSIBILITY DURING WORLD WAR II, WERE ENGAGED IN PERSECUTORY ACTIVITIES COVERED BY THE HOLTZMAN AMENDMENT.

U. S. COURTS HAVE UPHELD THE VALIDITY OF THIS LAW BARRING PEOPLE WHO PARTICIPATED IN NAZI-SPONSORED PERSECUTION. THERE IS NO PROVISION IN U. S. LAW ALLOWING AN EXCEPTION TO THESE RULES. THE FACT THAT MR. WALDHEIM HAS LEFT PUBLIC OFFICE HAS NO BEARING ON THE CASE, AND THE U.S. GOVERNMENT DOES NOT INTEND TO RECONSIDER THIS DECISION.

IT SHOULD BE EMPHASIZED THAT THE U. S. GOVERNMENT'S DECISION TO PLACE MR. WALDHEIM ON A "WATCHLIST" WAS IN NO WAY DIRECTED AT THE OFFICE OF THE AUSTRIAN PRESIDENT, THE AUSTRIAN PEOPLE OR THE REPUBLIC OF AUSTRIA. WE COUNT AUSTRIA AS A GOOD FRIEND WITH WHOM WE WILL WORK CLOSELY AS FURTHER CHANGES DEVELOP IN WESTERN, CENTRAL AND EASTERN EUROPE.

END TEXT.

3. TEXT OF AUSTRIAN AIDE MEMOIRE:

AIDE MEMOIRE

ON APRIL 27, 1987, THE DECISION OF THE U.S. DEPARTMENT OF JUSTICE TO PLACE THE NAME OF THE FEDERAL PRESIDENT OF AUSTRIA, DR. **KURT WALDHEIM**, ON THE SO-CALLED WATCHLIST AND THEREBY EXCLUDING HIM FROM ENTERING THE UNITED STATES AS A PRIVATE PERSON, WAS MADE PUBLIC.

THE AUSTRIAN FEDERAL GOVERNMENT, IN ITS DECLARATION OF APRIL 28, EXPRESSED ITS DISMAY AT THAT DECISION AND STATED THAT THE ALLEGATION MADE AGAINST PRESIDENT WALDHEIM ARE UNPROVEN AND THEREFORE REJECTED. A RESOLUTION TO THIS EFFECT, SUPPORTING THE DECISION OF THE GOVERNMENT, WAS ALSO ADOPTED BY THE AUSTRIAN PARLIAMENT ON MAY 14, 1987.

SUBSEQUENTLY AUSTRIA HAS REPEATEDLY POINTED OUT IN WRITTEN AND ORAL FORM TO THE U.S. GOVERNMENT THE REASON, WHY THE SO-CALLED WATCH LIST DECISION IS UNACCEPTABLE AND HAS ASKED FOR IT REVIEW.

IN THIS CONTEXT I WAS STRESSED THAT THE DECISION OF THE U.S. DEPARTMENT OF JUSTICE AND THE PROCEDURE LEADING UP TO IT, IS IN VIEW OF DR. WALDHEIM'S POSITION AS HEAD OF STATE INCOMPATIBLE WITH INTERNATIONAL LAW AND AT VARIANCE WITH FUNDAMENTAL, INTERNATIONALLY RECOGNIZED HUMAN RIGHTS STANDARDS.

SINCE THEN DETAILED OFFICIAL AND UNOFFICIAL INVESTIGATIONS OF PRESIDENT WALDHEIM'S WARTIME RECORD CONDUCTED UNDER CLOSE INTERNATIONAL SCRUTINY HAVE COME TO THE CONCLUSION THAT THE ALLEGATIONS LEVELLED AGAINST HIM ARE COMPLETELY UNFOUNDED. IN HIS CONTEXT IT IS WORTH NOTING THAT SOME

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OF THESE INVESTIGATIONS HAVE BEEN INITIATED BY PRESIDENT WALDHEIM HIMSELF.

IN VIEW OF THE AUSTRIAN GOVERNMENT THIS UNPRECEDENTED AND COMPREHENSIVE EXAMINATION OF DR. WALDHEIM'S WARTIME PAST HAS ESTABLISHED BEYOND ANY REASONABLE DOUBT, THAT THE ALLEGATIONS UPON WHICH THE SO-CALLED WATCH LIST DECISION IS BASED, ARE NOT VALID.

IN ORDER TO AVOID ANY FUTURE SHADOW OF DOUBT AS REGARDS THE TRADITIONALLY CLOSE AND FRIENDLY RELATIONS BETWEEN AUSTRIA AND THE UNITED STATES THE AUSTRIAN GOVERNMENT ONCE MORE ASKS THAT THE SO-CALLED WATCH LIST DECISION BE RECONSIDERED IN THE LIGHT OF THE FOREGOING ARGUMENTS.

WASHINGTON, D.C.  
JULY 6TH, 1992

END TEXT OF AUSTRIAN AIDE MEMOIRE.  
EAGLEBURGER

ADMIN  
END OF MESSAGE

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