

## Author's Note

When I was first retained in March of 1983 by the Wallenberg family to sue the Soviet Union in an effort to rescue Holocaust hero Raoul Wallenberg from Lubyanka Prison in Moscow I was filled with dreams, hope and optimism. I felt certain I would win the case and that the doors of the prison in Moscow, where Raoul had languished for 39 years under brutal conditions, would open and Wallenberg would be set free---an innocent man whose only "crime" was rescuing 100,000 Budapest Jews that headed towards the Nazi gas chambers at Auschwitz.

I nurtured dreams that one day Raoul and I, as "brothers in arms," would sit on the back of an open Lincoln Continental convertible and share a ticker tape parade down 5<sup>th</sup> Avenue in New York with grateful survivors and other Americans cheering him "Home." That was my dream. I held on to it through the long years of litigation and rescue efforts. I served pro-bono. I never accepted money for this privilege and responsibility of walking through the corridors of 20<sup>th</sup> Century History as legal council for this great man. I became his voice in courtroom and his quiet conscience in this world. My work led to the NBC TV series on Wallenberg starring Richard Chamberlain. From there a new awareness of Wallenberg developed.

Wallenberg was made an American citizen on August 5, 1981 at age sixty nine by President Ronald Reagan who said: "I hope the granting of citizenship to Raoul Wallenberg will hasten the day of his release, and that one day soon he will sit beneath the trees planted in his honor at Yad Vashem on the Avenue of the Righteous Gentiles in Jerusalem." The President went on to say to Wallenberg's brother, Guy Von Dardel, "Mister Von Dardel, we're going to do everything in our power so that your brother can sit beneath the shade of those trees and enjoy the respect and love that so many hold for him." **(See Reagan letter at the back of this book).**

I used Wallenberg's status as an American citizen, and other valid US laws, to win a precedent setting lawsuit in federal court in Washington DC on October 18, 1985. Judge Barrington Parker, outraged by the Soviet misbehavior in kidnapping Wallenberg from Debrecen, Hungary on January 17, 1945, and holding him for 39 brutal years, ordered the Soviets to immediately release Wallenberg and to pay damages of 39 million dollars—the one million for each year of lonely captivity that I requested. It was a courtroom triumph. I was making plans to go to Moscow to bring Wallenberg home. **(See Judge Parker's opinion at the back of this book).**

You, as the reader of this book will learn first-hand how governments often work at odds with their best intentions. Sometimes work done in secret is ill advised. Men working at the highest levels for President Reagan, including Fred Fielding his White House Counsel and John G. Roberts his White House Assistant Counsel (now Chief Justice of The United States Supreme Court) have done our nation a great disservice. They covered up their own effort to sabotage my effort to rescue Wallenberg by failing to answer my letter to the president. I had asked the President, by hand delivered letter on November 11, 1983, to use his executive powers and his commitment to Wallenberg to demand his release. President Reagan carefully read my letter as hand delivered by Faith R. Whittlesey, Assistant to the President for Public Liaison, and my personal friend from Philadelphia. The President wanted to follow my advice---and demand the release of Wallenberg—but his aides countermanded the President's directive.

President Reagan had the moral power and the legal duty, under the US Hostages Act (22 US Code 1732) to issue an ultimatum and demand that the Soviet Union release Wallenberg. Supreme Court Chief Justice Roberts, then a White House lawyer when specifically asked by the President for his candid legal advice, told Reagan:

“Mr. President you have not only the power but the duty under this law, as Morris Wolff has suggested, to demand the release of prisoner Wallenberg, now a US citizen.”

Roberts, as White House lawyer acknowledged this awesome power and the correctness of my legal position. He should have used his courage to tell the president to do the right thing. In his memo to the President he states: “The federal law, Title 22 USC. 1732 by its terms, impose an explicit duty on the President. The duty to demand the release of a citizen and to take action is triggered, if he is being held by the foreign power (USSR) in violation of the rights of American citizenship.”

Roberts was obliged to follow the courage of his convictions. But he failed. Wallenberg could have been brought forward from solitary confinement of thirty-seven years and become a free man in November of 1983.

Raoul Wallenberg was only 73, in good health and alive, as you will learn in this book. But a small group of people in the White House and the State Department pressured Roberts and turned his courage to cowardice. It included Legal Adviser Dan McGovern who wanted to refrigerate Wallenberg. Thus, in a curious 180 degree turn, Roberts contradicts his memo to President Reagan and curiously states:

“I nonetheless recommend a reply to Wallenberg family lawyer Morris Wolff essentially dodging the question of the applicability of 22 USC. 1732.”

This critical White House memo was buried in the White House archives and later at the Reagan Library. It did not surface until John Roberts’ confirmation hearing for appointment as Chief Justice of the Supreme Court. I never even received a courtesy letter answering my letter to the President. It was too hot to handle. Some very sensitive negotiations with the Russians were taking place in November of 1985, at the time of my letter to Reagan. This was during the height of the Cold War. Reliable sources at the State Department kept me informed that my effort to rescue Wallenberg was being stymied by the US Department of State, which unfortunately had a record of insensitivity regarding matters involving the Holocaust. My 1983 letter to the President, and the internal secret White House staff reply, suggesting a “dodging of the issue” were not uncovered until the hearings of Justice Roberts in June of 2005. Mr. Roberts was being interviewed and questioned by the Senate on his qualifications as Chief Justice of the US Supreme Court. The Roberts/Fielding memo was discovered in the basement of the Reagan Library in California by an astute and professional journalist, E.J. Kessler, an investigative reporter with the *Jewish Forward*, a highly respect weekly newspaper.

Kessler called me long distance in Zurich, Switzerland in June of 2005. He asked, “Do you know that your letter regarding the demand you made of President Reagan for Wallenberg’s release was buried and now has curiously surfaced, after being hidden for twenty years in papers at the Reagan Library? I was digging through them looking for evidence of courage and good character prior to the Roberts confirmation hearings. Can you confirm the contents of your letter and the Justice Roberts memo to Reagan on

Wallenberg? Are you the Mr. Morris Wolff who wrote to the President? Do you plan to come back and testify at the Roberts' confirmation hearing? I hope you will!"

I was on assignment on an international law matter in Zurich. I often traveled in my international law practice. He asked me for my comment.

I was in a state of shock about this discovery. Yet, as I sat there having a coffee at an outdoor café in Zurich, I gathered my thoughts and replied.

"I never knew what happened to my letter to President Reagan. I simply went on with my pursuit of Wallenberg's freedom and wrote and filed my lawsuit suing the Soviets for his release. That lawsuit would not have been necessary had the President done the right thing in November of 1985 when he read my letter. He should have taken action to demand the immediate release of Wallenberg under the existing law which I carefully quoted in my letter." I paused and drank some coffee and thought about his question on testifying. I then replied, "I will come back to testify. I will return. I plan to come back to my law office in Washington, and will now advance my schedule to return tomorrow. I want to know why Roberts did what he did."

I was amazed. Until that moment I had not been able to connect the dots. Roberts had endorsed and then jettisoned my November 11, 1983 letter to the President. He had countermanded Reagan's directive to answer me and write a letter to the Soviets demanding the release of Wallenberg. Roberts through inaction and indifference had unwittingly signed Wallenberg's "death warrant".

This was Wallenberg's chance for liberation and freedom. Had Roberts and Fielding given the President encouragement and a strong and well deserved green light--- a 'do what you can do Mr. President to gain release' plea--- Wallenberg would have been freed. The Russians at that moment were very sensitive to demands coming from the United States. They would have released Wallenberg, I am certain. Instead, the President's key advisers kept the President in the dark and thus guaranteed Wallenberg's continuing in custody. For inexplicable reasons they countermanded the President's first impulse and his directive to seek freedom for Raoul Wallenberg. They were insubordinate. They went against his instruction. Pressured by the State Department Legal Counsel Dan McGovern they developed a plan of do nothing inaction. They effectively destroyed my letter. But they did not destroy Roberts' self-damaging letter of advice. I never knew why I did not receive a reply until some twenty years later. And now I knew.

I called Senator Arlen Specter, who was then Chairman of the Senate Judiciary Committee. I asked to testify at the Roberts' confirmation hearing, and to find out why the Wallenberg scandal took place. Arlen Specter remains a close personal friend. He was a powerful United States Senator who grilled and destroyed Robert Bork as a Supreme Court candidate in the Senate confirmation hearings a few years earlier. I was hoping he would give Roberts a similar open and honest grilling. I had the fodder for his efforts but this was a new Specter. He and his clever associate David Brog knew I would be a hostile, but candid and honest witness. By now, thanks to Republican politics, Arlen owed his Senate Judiciary leadership position to Senator Orrin Hatch of Utah, a strong supporter of Roberts' candidacy. Hatch had stepped aside as Chairman of the Judiciary Committee and allowed Arlen to take his place. Arlen did not want me to testify. He knew I would expose Roberts and his peculiar White House behavior concerning Raoul

Wallenberg. This would have a profound effect on the Jewish voters in Pennsylvania who were a mainstay of Arlen's coalition of support. He was not about to sully his image in the Jewish community. He knew in advance what I would ask Roberts and what Roberts would be obliged to say. It was already in the *Jewish Forward* article that I had publicly labeled Robert's actions as "cowardly."

Arlen knows my nature and my ideals. He swore me in as Chief Assistant District Attorney of Philadelphia when he was District Attorney. He had always been very supportive and respectful, including his full endorsement when I ran for the State Senate of Pennsylvania in 1970. He campaigned for me. He and his wife Joan attended my engagement party in March of 1965 and my wedding on May 15, 1965. I served him and the people of Philadelphia with honor and distinction. I told Arlen, "I want to question Roberts on matters of courage, integrity and character. I want him to tell the public what he knew about the Wallenberg matter and why he did not encourage President Reagan to use the law I placed in front of him to rescue Wallenberg." I also wanted to ask Roberts whether as Chief Justice he would be willing to hear the Wallenberg case directly in the Supreme Court since the court has original jurisdiction in matters concerning Ambassadors. I was never given that opportunity. His assistant David Brog blocked my access to the panel, by delay after delay, claiming in phone call after phone call: "We are looking for the perfect spot on a panel for you to testify." That spot never materialized. David and Arlen called back a few days later:

"Morris, I'd like to invite you to testify on a panel. We have searched for the right panel, but we could not find one."

"That is just nonsense," I replied. "I believe you can find a five minute spot. Where there's a will, there's a way! Politics puts pressure on us all. It depends on how you respond."

I believed that my country would do everything possible to help achieve justice and to rescue Wallenberg. He was our *de facto* American diplomat---financed by the US Treasury, asked to act for our government in a time of tragic need. He was our diplomat in everything but his clothing. Our United States War Refugee Board went to find and enlisted him into serving. They wined and dined him in a series of fancy dinners at the Bellsmanor restaurant in Stockholm, Sweden. We drafted him. We promised to cover for him and not leave him hanging out to dry. And yet for thirty-nine years---the number of years in Soviet custody when I answered the call---it is exactly what we did. Our State Department abandoned him in January of 1945 and allowed him to waste away in a Soviet jail. It was our duty to bring him home, and we failed. He is not merely a hero of Sweden and the United States but of the whole world --- a man whose deeds speak volumes for his suffering silent voice. He answered the call to end the suffering of others, and ironically was forced to suffer himself.

I hope this book will open the eyes of many people around the world, and be read especially by young people—our future leaders and decision makers. These will be men and women who never knew the Holocaust or World War II. It will be picked up and perused by good people who love to read of heroes. "It is better to light a candle than to curse the darkness," and that is what I have done as his torch bearer in the 27 years of effort I have put pro bono into the law case and my subsequent international efforts to rescue Wallenberg. I sued in US federal court and I won the lawsuit. I met with Presidents. I went to Israel and enlisted the Mossad Intelligence agency to implement a

daring mission behind enemy lines in Russia to rescue Wallenberg. They almost succeeded. Israel is the only nation to ever make a true effort to rescue him.

Only Tom Lantos and a few good lawyers and courageous members of Congress, not the State Department, and not the White House have worked with me for his release. And of course Judge Parker, who wrote a great and historic human rights opinion which should have been taken by the President and presented to Premier Andropov and the Soviets in Reykavik at his summit meeting in the winter meeting of 1985 where President Reagan first identified and excoriated the USSR as “the evil empire.”

I write this book for the next generation of volunteers and political activists. I encourage you to step forward. Our young people need to rattle our government to do the right thing. Do something heroic with your life. Emulate the “can do”, altruistic and courageous approach of Wallenberg. Give up your headsets, your video games, your material life, and your BlackBerries. Go into schools, go into neighborhoods, go to the Peace Corps, and go to Africa and micro-finance women to start their own businesses. Serve and care about people the way Wallenberg cared. Give up cynicism and nihilism. Be pro-active. You can make a difference in the World.

And remember Dante’s admonition in *The Inferno*: ... “that the hottest rim of Hell is reserved for those who in a moment of Moral Crisis suspended Judgment.”