

March 5, 1983

Philadelphia

The telephone rang in the darkness of a Saturday morning at my country home in Chestnut Hill, Philadelphia well before sunrise. After several rings, I woke up; clients would sometimes call at odd hours, when crises arose. It was four a.m. Who could be calling at this hour?

"May I speak with Professor Morris Wolff, please?"

"This is Professor Wolff speaking."

Who is calling at this ungodly hour? I thought to myself.

It was a rude interruption of a good night's sleep. My wife rolled over and muttered "who can that be calling?" She yawned and went back to sleep. I turned on the beam light which focused only on my side of the bed and quickly grabbed a pen and a yellow pad of paper. I knew it must be a new client, or a client in trouble. At first the voice seemed gruff and arrogant, as if anyone had the right to call at four in the morning. But, as we spoke the man calmed down. It was a warm and soothing voice despite the early hour. There was music to it and a feeling of respect. It was a cultured and distinctive voice, reminding me of my dear friend in Germany, Ernst Voigt, who had been my "Boss" during the summer of 1959, when I worked as an exchange student in Cologne at the Chamber of Commerce. It was also a bit imperious and condescending, especially calling at this early hour.

"Morris Wolff, this is Guy Von Dardel. I am the brother of Raoul Wallenberg."

"I know who you are. I was expecting your call at my office earlier this week. Professor D'Amato warned me that you would call."

I had been expecting this call, but was surprised that it hadn't come to my office during normal hours of the week, instead of interrupting a peaceful Saturday morning at home.

"Professor D'Amato, of The Northwestern Law School, called and briefed me on your complex legal matter. Your brother is the famous diplomat Raoul Wallenberg, and you have located him alive somewhere in the Soviet Gulag? I understand he has been salted away alive like the Count of Monte Cristo and has miraculously survived for thirty-nine years. Is that right?"

"Yes, thirty-nine miserable years, and now proof that he is alive has been brought to us."

"By whom?"

"By a prisoner recently set free by the Russians who shared a jail cell. He is known as the "Swede from Budapest." It is for sure my brother. I am certain from the details and things these men have told me. He may not have long to live. Will you help us?"

Those were the magic words, the hook – "Will you help us?"

I put the phone back close to my mouth, "Of course, I will try to help you. I will do anything I can to get your brave brother released. But how can I assist? What can I do from here in the USA? This matter is between Sweden and the USSR. Your parents should have bribed the Russians years ago and brought him home. Why haven't Swedish lawyers helped you? Why me all the way over here in Philadelphia 39 years after the crime? And why did your wealthy family leave him to rot?" I was getting angry at the inaction of the family. I tend to be blunt where injustice is involved.

There was silence on the other end. “Some of my relatives never wanted him out. They did not want him released. They realized he would rat on them; tell of their complicity with the Nazis in selling Swedish steel for German tanks and pocketing the huge profits.”

“The matter is quite complicated, Mr. Von Dardel, yes?”

“Yes, it is very complicated. But he is alive. And we want him home. Will you help us? A lawsuit demanding his release. We want you to sue the Russians. We are told you are smart, gutsy and Jewish – the man for this assignment.”

“We will see,” I responded. “My colleague Tony D’Amato has briefed me about your tragic situation. I will do what I can, and if I can help you, I will”

Professor D’Amato and I were colleagues and friends. I used his textbook on International law in my class. We both had been searching for a major human rights case to bring in our US federal court to test the limits of US jurisdiction, that is, to see how far a US Court would go to grant monetary relief and hold a foreign nation liable for violating the rights of its citizens or foreigners. I met Tony the year before at a piano playing of Cole Porter’s “Night and Day,” while playing hooky from a law lecture at the International Law Society meetings in DC.

He listened to my keynote address, and then Tony got up and left, walked down the hall to the grand ballroom and started playing the piano. I did not yet know him in person, only his famous and worthwhile book on international law. But I left the lecture a few minutes later, as fate would have it, heard the music, entered the starlit ballroom, sat down next to him and started singing. Our friendship started in song and ended up as partners in mounting the famous and historic Wallenberg lawsuit in federal court.

“So you were the famous keynote speaker, invited to address a crowd of smart lawyers and scholars from around the World.” Tony chided as he riffed some notes. “I like your topic of going after rogue nations like Chile in a US Court. Maybe we can find a case and do it together, make some good legal noise, and walk together as famous jurists in the corridors of history, a team like Justices Holmes and Brandeis. Wolff and D’Amato. I can see our names in lights!” Tony could poke fun at himself and others.

I had just returned from an American Bar Association assignment in Chile. I had been sent to investigate and report back on the torture and killings in the Santiago soccer stadium where hundreds of Chileans had been shot and mangled by Pinochet and his henchmen. It was a dangerous assignment. Chilean police followed me at every stage. My report went first to the ABA and with its unanimous endorsement forwarded to Congress. It led to Senate hearings and the passage of punitive new trade laws prohibiting the import of Chilean grapes to the United States. This was the first time the Congress asserted new laws and economic punishment for the violation of basic human rights.

My topic for the ABA and the American Society of International Lawyers---a crowd of about 200-- was “What US laws can we creatively use to bring human rights violators in foreign countries in front of a US federal court in order to punish them severely?” I advocated bringing Pinochet, who like Eichmann was drugged and brought to Israel to stand trial and be executed for the genocide of the Jews —to stand trial in a US federal court and receive severe punishment for his barbaric acts of sending Chilean children to Buenos Aires —”los desparacidos” and then killing their parents in front of cheering crowds at the football stadium.

My audience of corporate and international lawyers was visibly shocked. This would be a major new reach of jurisdiction—a grab for judicial power to solve and eliminate human rights violations occurring anywhere in the World.

Some were intrigued by my novel and radical ideas for poking our noses into human rights violations occurring in other nations. Others were concerned that foreign governments might do the same if one of our Presidents or Vice Presidents were traveling abroad---a complex issue in light of the US government's later behavior at Guantanamo, Al Gharib and earlier in Vietnam.

Pinochet's brutal and murderous treatment of innocent Chilean mothers and children went unpunished. He as dictator decided there would be no freedom of the press or any other human rights in Chile. The courts were officially closed. I actually saw the huge black chain and large padlock on the front door of the Supreme Court building in Santiago.

I wanted to sue Pinochet, extradite him to the United States and put him away in a US jail. A radical idea at the time. But something like it had been done a few years earlier in the US federal court in *Pena Irala*. In that case a sadistic police chief, Pena Irala, killed the fifteen year old son of a popular newspaper publisher in Asuncion, Paraguay in an effort to stifle government criticism. The body of the boy, Jose Filartiga, was thrown on the front lawn of his home. Pena Irala fled to New York, thinking he would be safe from retaliation. The parents caught up with him and had him detained by INS immigration in New York. Pena Irala, the killer of a fifteen year old boy, was tried in New York Federal District Court. Judge Kaufman found him liable for damages to the family, and subject to imprisonment under the US Alien Tort Claims Act of 1790, one of the first laws advocated by Thomas Jefferson. My thoughts were not radical or far-fetched. "We can do this," I told the audience. "It is just a matter of looking at history, and America's early commitment to prosecuting violation of human rights no matter where in the world they occurred. I am waiting for the right case and cause. It will come to me one day."

My talk was entitled "The prospect of suing Foreign Governments for Human Rights Misdeeds". It could have been called "Let's stop the public killings and hangings at the Stadium in Santiago by suing Pinochet and his henchmen in a US Federal Court." My long trip, commissioned by the American Bar Association, had left me shaken. I became devoted to the cause of locking up Pinochet, another Hitler on a slightly smaller scale. One night I had a private dinner in the home of two grieving parents whose three sons were gunned down in the streets of Santiago during a political demonstration against the Pinochet regime. The faces of the three young martyrs were painted on a large mural on the side of a three story building, looming just outside the window of their home, as if to haunt them for the next ten years. After dinner, they showed me photos of eight other "disappeared children." The brutal tyrant in Chile must be stopped by his arrest, drugged and taken on a plane to New York, and then "found" by chance within the US jurisdiction. It was good enough for Eichmann; and it would be good enough for Pinochet.

Pinochet had abolished the Rule of Law. We had to stop him. I went for a dangerous two weeks with my colleague Juan Laredo Esq. of Philadelphia. We slept with the doors double locked and went everywhere with a bodyguard. He served as co-counsel and translator and helped me write the report to the US Congress which led the censure of the Pinochet government and a temporary suspension of grape imports to Philadelphia, a lucrative export trade for Chile. .

Our report was carefully studied. Decisive action by Congress was taken. Laws were passed creating an economic boycott of Chilean imports until such time as corrections in government policy were made. In my speech I suggested a novel, new and different approach altogether - not government trade regulation but a grass roots citizen

initiative: “Let’s get a brave group of bright lawyers together—maybe eight or nine – and sue Mr. Tyrant Pinochet in a US court. We have no jurisdiction to bring legal action in a foreign country, not even if the people of that country are being tortured and killed by the thousands by the devil himself. Why not bring the devil/bastard here and hold him accountable for the torture he inflicted on his countrymen as a violation of international and US law?”

Preposterous, was what some of my colleagues seemed to think of the idea. I am devoted to being provocative. I believe the law can be used courageously and creatively to achieve new precedents. We need not merely rely on the available cases and statutes. New frontiers of legal possibility can be created as I eventually accomplished for Wallenberg. Today it is used on a daily basis to protect human rights of the under privileged and less powerful.

It was 1983, and it would ultimately take years for this creative driving tactic to catch on. But I had planted the seed of a new legal idea. A huge field of positive jurisprudence has arrived in American federal courts over the past 35 years citing my case and following my lead. The Wallenberg victory spawned a whole field of new human rights cases, with injured litigants coming from places of abuse and torture, and then suing their homelands of Argentina, Turkey, Chile and elsewhere to nail “evil torturers” hiding out in American cities thinking they had escaped prosecution by leaving home.

It started with my Wallenberg case victory, with a verdict of 39 million dollars worth of damages and an order from federal court Judge Barrington Parker that Wallenberg be immediately released. Now victims of torture from other countries come to the United States seeking relief. In addition, other countries have now opened their courts for claims involving human rights crimes occurring in other countries. The example of Spanish jurist Baltasar Garzon is instructive. In 1998, his attempt to extradite Pinochet for crimes against Spaniards committed on foreign soil became an international cause célèbre.

Enough thinking ahead! Now back to my speech on Chile to the lawyers at the Shoreham Hotel in 1983. Undaunted, I walked out after my speech and down the red carpet toward an empty ballroom. Someone was playing the piano beneath a pool of white light. The tune was Cole Porter’s *Night and Day*. I sat down beside him and started to sing along; not realizing it would be a fateful moment.

The man wore a black leather jacket covered with silver zippers. I learned later that the biker’s jacket was a memento from his days as producer of the hit Broadway musical, *Grease*. That bonanza gave him enough money to retire and teach international law at Northwestern University. He also wrote a Harley. His bushy black hair was salted with grey, as were his mustache and goatee. To my surprise, he had listened intently to my talk on Pinochet and felt as strongly as I did about the need to set international human rights law precedents in US federal courts. The piano man was Professor Tony D’Amato, whose textbook on public international law I happened to use in the classes I taught at the University of Pennsylvania Law School, and later at the Delaware Law School. We chatted and sang Cole Porter songs together. An instant friendship began to develop through music and laughter.

We went out for a beer that evening, and plotted how we might find the right test case to bring in a US court to challenge and to end human abuse and torture by a major foreign government, like the USSR or even our own government.

A few days before my pre-dawn phone call, Tony had called to alert me that I would be receiving a call from Guy Von Dardel, and why. "This is our chance," he said. In one of life's strange coincidences (many more of which form this story), it turned out that from their family home in Stockholm, Guy Von Dardel and his sister Nina Lagergren had read in the morning *Dagbladet* newspaper about D'Amato's work on what came to be known as the *Frolova* case.

The case of *Frolova v. Union of Soviet Socialist Republics*, 761 F.2d 370 (7th Cir. 1985), had arisen in the US federal courts of Illinois. A young American woman had gone to Moscow as a foreign exchange student and fallen in love with a Russian student named Yuri Frolova. The two married. The new Mrs. Frolova returned to her home campus of Northwestern University, where she awaited the arrival of her newlywed husband. When he failed to arrive as planned, she and her Jewish parents made inquiries. They discovered that he had been arrested as a political dissident, and was on a month-long hunger strike in a jail in Moscow.

The American woman found Tony D'Amato, then on the Northwestern Law School faculty. He helped her file a civil case against the Soviet government, justifying the suit on the basis of a treaty, the Helsinki Accords, which guaranteed the human right to reunification of families. D'Amato in a daring moment of chutzpah, asked the Judge: "Your honor, we are asking you to temporarily suspend all sales of wheat to the USSR now pending before the Chicago Board of Trade until Yuri Frolova is released from Soviet prison and allowed to rejoin his wife here in Chicago."

"The judge," according to D'Amato, "was quite taken aback by the request. He realized the international implications of suspending wheat sales during a winter of famine in Russia. He looked down at me over his horn rimmed glasses like I was vermin, and simply said he would take my request for sanctions 'under advisement'"

Hearing this radical request by counsel, the Russian legal defense quickly collapsed. Much as they wanted to continue to harass Mr. Frolova and others like him, they needed the wheat deals more; their own harvests of 1982 and 1983 had been disastrous. The very next day the Russians put Yuri Frolova on a one-way TWA flight to Chicago's O'Hare Airport where he rejoined his new wife and her family. Lesson learned: never aggravate a Jewish mother and her daughter. It may lead to new international law.

When Von Dardel and his sister read about the *Yuri Frolov* case they wondered if Tony D'Amato could start a legal action in an American court, threaten the disruption of wheat sales, and force the USSR to release their brother. They called Tony, whose response was quick and simple: "I am not the right man for this case. But I know who is. He is a lawyer with criminal trial experience as a Chief Assistant District Attorney in Philadelphia and years of success handling civil litigation. He is the lawyer I would choose if I were in your shoes. He shares my deep interest in human rights litigation. I will call and see if he will take your case. His name is Morris Wolff."

Another reminder that something needed to be done immediately had arrived at the Wallenberg home in Sweden in the form of a mysterious and anonymous phone call to Von Dardel only a few days prior to the article's appearance in the paper.

"Hello," a man's voice said in German, "I want to speak with Guy Von Dardel, the brother of Raoul Wallenberg."

Von Dardel had heard this sort of 'message from prison' call before. Something about the tone, the furtive and muffled nature of the voice, and the humorless urgency gave it away: another message from another ghost from the Gulag. It was the horror that never stopped; it only receded, or seemed to recede, when he turned his back on it.

"This is Von Dardel," he answered in German. "I am his brother. Who is this?"

"I cannot tell you, Doctor Von Dardel. But, I have a message from your brother. He is alive. He wants you to rescue him."

Of course, just another message. They never dared to say who they were. Sometimes it was just a call. Sometimes demands for money were made. Von Dardel later told me that he would typically go to the bus station at midnight to meet yet another stranger, and hand him some money, in exchange for a scrap of information about his brother. He would look in the stranger's eyes, trying to glimpse in them his brother Raoul. Then the stranger would say a few cryptic words of comfort, and then board a bus and disappear back into the shadows.

This latest caller said what all the others had said: "Your brother is alive. I was with him three days ago in a cell at Lubyanka Prison. I promised him I would call you immediately upon my release. I am fulfilling my promise. Goodbye."

"No, wait," said Von Dardel. "Please, tell me about my brother."

The man was silent.

"Otherwise," said Von Dardel, "what am I to make of your phone call?"

"He is alive. He is in decent health. They still move him around inside the Gulag. Everywhere he goes, he is well known. The prisoners marvel that he has survived so long. They believe he has a secret power, and a strong will to live. He has shown great courage and an unusual sense of humor that keeps him alive. He is warmly received by the men in prison and has become an inspiration to live for them. He is known by residents of the Gulag as the Swede from Budapest."

"He says, 'As long as I communicate to the outside world, I am alive.'"

"He had one thing that he would repeat over and over again."

Von Dardel asked "What was that quote?"

"He would say 'turn your head towards God and God will turn his head towards you'"

Then the stranger hung up, after making no demands for money, or anything else.

It was a scintilla of hope, delivered alongside the *Yuri Frolov* case report.

Von Dardel and his sister immediately telephoned D'Amato in Chicago. Tony immediately recommended me for the case, because I of my background in international law with courtroom experience. "Morris Wolff is your man," he said. Three days later Von Dardel called me. I will provide back up for him as Second Chair. That means I will assist him with research but Morris will argue the case in court. Three days later Von Dardell interrupted my sleep with his phone call.

The Wallenberg case struck me immediately as highly unusual. Over the phone that first morning I was not prepared to form an immediate legal opinion as to its viability. I needed to research the international and federal laws involved. I wanted to talk with colleagues in the international law field.

Von Dardel's phone call had stirred up my emotions. Not just the cool tone of his voice, but waking me at home on a weekend. I knew hardly anything about him, just that he was one of the almighty Wallenberg dynasty, industrialists and statesmen, the Rockefellers of Sweden. My first impulse was to turn him down based on his presumptuousness and his arrogance—no matter how I felt about his brother.

Then I thought again about Raoul and his pitiable condition, sitting alone in a jail cell in Russia. I also thought about his historic deeds, as related to me by Tony D'Amato in his phone call a few days earlier, and now briefly recounted by his brother. To me, Wallenberg was the greatest hero of the 20th century. He saved thousands of Jews, all strangers. Now he needed to be rescued after thirty-nine years of unjustified imprisonment that violated every standard of human rights law.

From the beginning of my legal career, I have welcomed the opportunity to help others less fortunate, and to assist victims of injustice. Here was my chance; a chance to become the voice for one of the great men of the 20th century. Despite my reservations, I seized the opportunity. This was a chance to make a difference—to walk in the corridors of history and to force the Soviets to release a great man. I would become Wallenberg's voice and his representative. Von Dardel was merely the messenger and my titular client, while his brother's plight became my true concern.

"I need to research the case," I told him. "We may have a chance." Immediately, I began considering a lawsuit plus other strategies. I thought to myself, what other ways could I pressure the Soviets to release the prisoner? Maybe I will go to Moscow and file a *habeas corpus* petition, best testing the legality of Soviet detention. I mused, that might be a losing effort but it will attract worldwide attention. I was already considering a multiplicity of strategies. I thought to myself he should have been freed years ago.

"Why are you acting so late?" I asked Von Dardel. "Why didn't your rich family offer a generous bribe to the Russians back in 1945? Why hasn't a Swedish lawyer stepped forward to help you with this national hero of Sweden in all these years? And finally, why me? Why have you come all the way over in the United States to find the right attorney?"

Von Dardel hesitated, and then explained with a hint of apology. "We should have acted sooner. I trust Professor D'Amato's advice. He has great respect for you. As to the family bribe, the rich part of my family refused to act. They don't care. As far as they are concerned Raoul can rot in prison."

"I am not a rich man. I work for very modest pay in Geneva as a nuclear physicist at the Center for Nuclear Research. I have no real money. But we want you to do this the right way. We want you to stick to principle, fight the Russians to release Raoul, and allow him to come home. We want you to sue the Soviets for their refusal to release my brother. From what we hear, you are the right man with the right skills to help us."

Although certain Wallenbergs are very wealthy and powerful, those relations wanted nothing to do with Raoul. Indeed, Raoul was considered a lost cause, an embarrassment. He was better dead than alive; a problem none of them were eager to deal with. This distance between members of the family was easily maintained, as it was Raoul's father who had been the Wallenberg, but he had died before Raoul was born. Guy and Nina shared the same mother as Raoul, but had a different father. Guy had only his modest scientist's income while Nina was the wife of Gunnar Lagergren, one of the eleven judges on the World Court in The Hague. In addition to not being wealthy, Gunnar Lagergren too, it seemed, was embarrassed by the continued search for Raoul and wanted Guy and Nina to accept the manufactured idea that

Raoul was dead. Gunnar could have maneuvered the case in front of the World Court many years earlier had he had any guts to do so. He could have used his prestige to signal the Swedish government to initiate the case against the USSR

"In truth," Guy Von Dardel told me, "I am under pressure from all sides of the family and the government of Sweden to stop searching, but I refuse to give up. I have looked everywhere for help but no one in the family will assist me. I even solicited Kofi Annan, The Secretary General of The United Nations. He is married to my nice Nane Wallenberg and neither one will lift a finger of assistance. As long as there is a one in a million chance I will go on. Will you please help us? Professor D' Amato says that you are the right man for this job. He has persuaded us that you have the backbone and carriage to go forward as our lawyer. He suggests that you even have a better brain than his. He told us of your work on Civil Rights with Bobby Kennedy in the Justice Department and that you reported to President Kennedy as well."

Von Dardel argued his own case for my coming on board pretty well. I was impressed by his sincerity. I was also impressed by his loyalty to his brother and his refusal to quit. Later he flew over from Stockholm and I met him in person in Washington, D.C. We walked up the steps of the federal courthouse together on February 2, 1984 to file the lawsuit. We spent many hours together that snowy weekend in Washington walking to the Lincoln and Jefferson Memorials from the Hay Adams Hotel where we stayed. We walked at night, just the two of us. I learned all about his brother Raoul

I began to imagine, during our first phone conference, the weight of his repeated disappointments - the blind alleys, the dishonest people, and the cowardice of Swedish Foreign Minister Unden. He met with Stalin and was intimidated in 1945—just weeks after Raoul's capture by the Soviets. Unden caved in, and refused to demand Wallenberg's release, thus sealing his fate to a barren jail cell, incommunicado for many years. I shared Guy's frustration with the run around and policy of craven abandonment by the Swedish and American governments, the excuses and lies and obfuscation of indifferent bureaucrats, and the money spent on promises. Now, the coincidence of the anonymous phone call from the released prisoner and the newspaper report of the *Frolova* case had offered Guy another glimmer of hope.

I spoke with Von Dardel for nearly two hours. I was spellbound by the human details of his story and his passion. By the end of our chat, faint rays of dawn had begun to filter through the window, lighting up the pink mimosa trees coming in to bloom, and yellow forsythia bushes at my Devonshire country manor house in Chestnut Hill. My children were stirring looking for Saturday morning breakfast, always prepared by Daddy. It was 6 A.M. Von Dardel had talked for two hours. We bonded as friends and as attorney-client. I respected him as much as he respected me. After my initial burst of irritation with his voice, I began to find something familiar and trustworthy in it. At last it hit me. His voice was uncannily similar to that of an old friend of mine, Ernst Voigt. This pleasant association was one of the factors in my deciding to accept and prosecute the case.

Although Von Dardel's accent was Swedish, it was near enough to German that it had initially set off alarms bells in me. These alarms bells had been ringing for my family for at least two generations. Had my father as a bar mitzvah boy not left Germany in 1912, shepherded by his mother to start life over in America, he and our entire family might have ended as cinders in the Nazi crematoria. We might have been trapped, shipped off to a death camp, and obliged to hope against hope for a Wallenberg - someone brave enough to save our lives.

Fortunately, my grandmother could see into the future. She already felt the cold chill of anti-semitism and the gibes and humiliation in her little hometown of Niedermarsberg. She had a severe limp from a birth defect leaving one leg shorter than the other, and the people teased her, called her “Gimpel Lena” to her face. At times they spit on her. Finally she had enough. She closed her successful millinery shop---the best one in town I was later told in 1959 when I visited my Dad’s birthplace---and said “We’re Going to America.” Thank God!

My father held two passionate beliefs. They were the sun and the moon of my childhood. The first was his deep love and passion for America, his adopted country. He built a flagpole in the front yard and every Sunday morning and every holiday---my father would raise the American flag. The second passion was his deep loathing for Hitler and the Nazis, and the evil creators of the Holocaust. During World War Two he traveled on a weekly basis from Philadelphia to Baltimore. He would stop at *Hausners* German restaurant in Baltimore. German sympathizers gathered there: they drank beer and spoke German. It was a well-known American gathering place of the *Bund*, German American sympathizers. My Dad, having been raised in Germany until age 13 spoke perfect German. He simply pretended to be what he was--a salesman stopping to sell dresses in Baltimore. He picked up loose talk about the German naval war effort and the night time movement and surfacing of German U-boats off the Atlantic coast near Baltimore. He overheard conversations in German about the U-Boats and their suspected movement. One night he listened in on a conversation focused on a Nazi plan to land sailors by rowboat from a surfaced German U Boat submarine. The plan, which was actually accomplished, was to land somewhere on a desolate stretch of beach near Montauk, Long Island in New York. He took this information the next day to the War Department in Washington. The landing of that rowboat was carefully monitored and the Nazi “invasion of Long Island” was thwarted. The four sailors of the U Boat were captured and later tried in an American court of law. My Dad became an unsung hero. He was given a Citation for Outstanding Citizen Service by President Harry Truman for his quiet, patriotic and unsung work. “It was my duty.” These were his only words when asked.

Even after the war, *Hausners* restaurant remained a favorite place for Americans of German descent—loyal and otherwise. In the 1950s I traveled there with my Dad during vacations on some of his business trips to Baltimore and Washington. He would go there to sell his Form-Fit Dresses, designed, cut and manufactured in his own New York based factory. I remember the rows and rows of material, the women at their sewing machines, and the button sewers. Being a dress salesman on the road was his “cover” and also his actual business. It made it easy for him to be a spy since he also sold his dresses to the top department stores—Hechts, Woodward and Lothrop, Garfinckel’s and others high-posh stores in Baltimore and Washington. He hated Hitler and the abuse of the Jews. He and my Mom knew exactly what was going on, as did President Franklin Delano Roosevelt who failed to take prompt action to save the Jews.

In the spring of 1959 I saw a sign on the Law School bulletin board at Yale: “Work Abroad-All Expenses Paid.” That’s all it said but it went right to my heart. I was looking for adventure and I didn’t have the money to travel. This was my introduction to the AIESEC (Association Internationale des Etudiants en Sciences Economique et Commerciales) student exchange program. I signed the green forms and applied to go to Israel. God has strange plans for all of us. I was hoping and signed up to go to Israel, Italy or Ireland. When I was offered instead a place in Cologne, Germany, my father absolutely refused to allow me to go.

"No son of mine will ever step foot in Germany," he announced.

As we argued about it, my mother interceded:

"This has nothing to do with you Leo, or your past. It is our son's choice not yours. I believe he has a mission. It is his time. The turn of the wheel now is towards Peace. He is destined to be a peacemaker between young people in America and Germany, and perhaps the whole world. He will go to a country still hostile toward Jews and he will make new friends. He will help to heal the wounds and become a man of peace." My mother was right. She was broad-minded and spiritual. She placed her love and confidence in me. I thanked her for her courage and for standing up to my father. That is the only time I saw my Dad speechless and at a loss for words. The only time he actually said, "Yes dear!"

In that memorable and life changing summer of 1959, just fourteen years after the end of World War II my idealism, and my ability to face a challenge, and make new friends in a hostile place was confirmed. Despite my father's strongly held and understandable beliefs, not only did I go to the land of my family's birthplace and enemies, but to the bustling cathedral city of Cologne on the beautiful Rhine River. It was just 40 miles from my father's country village of Niedermarsberg, where sadly no Jews lived anymore. I visited there on a forgiveness and healing trip. The Mayor gave me a volume about the small village where my Dad was born and spent his first fourteen years. I heard tales about my Dad in his younger years from some of his friends who remembered him vividly as high energy, (the German word is "ausgelossener") full of life and a hell raiser who broke into the local sauerkraut factory one Saturday afternoon with his friend Percy Thorner. I learned my Dad was also a rule breaker who set up his own code of conduct and his own rules, regardless of what society might have to say. As a result of my warm and positive welcome, my Dad ultimately did return to his little village for a process of healing and reconciliation of his own. I treasure the postcard he sent to me: "This is from your mother and me. Here we are again standing and visiting old friends in Niedermarsberg."

During that summer of 1959 I immersed myself in the German language and became fluent in just two months. I also developed lifelong friendships, which continue up until now—some fifty good years later.

Ernst Voigt, head of the Cologne Chamber of Commerce, was my sponsor. His voice sounded just like Von Dardel's—one of the reasons I accepted the case. I remember approaching Herr Voigt's office door for the first time - with all my fears and prejudices aglow, my mind braced for images of Nazi brutality and fanatical regimentation. And there were the words, on the white closed door to Ernst Voigt's office. It was an intimidating and, his scary title: "Geschaftsführer." It only meant managing director or chief executive, but my imagination ran wild.

I thought, "Well, here comes another führer!" I was prepared to meet a control freak and a monster.

Instead I opened the heavy door and met a kind, joyful puckish man with a large smile. Our friendship remained dear to me for 50 years. I traveled to Germany often to visit with him. My final visit was just before he passed away in 2009.

On the first day I arrived at his office he said, "Come in Herr Wolff. I have a great assignment for you." I sat on the edge of my chair as he went to his coat closet and emerged with a black English derby on his head, and a rust colored Burberry tweed sport jacket, with brown felt elbow patches--the perfect gentleman---and a long black closed umbrella draping from his arm. "I am the Duke of Bedford," he announced, in a moment of high parody. "And

your assignment Herr Wolff during your traineeship with us this summer, will be to change my accent and to teach me the King's English". Needless to say, he already spoke a perfect English and French --- and he announced my 'assignment' with a perfect Oxford English accent."

"But Herr Voigt," I replied. "I am just an American. I can not teach you the King's English." He laughed and replied, "Then you will just have to teach me American, I suppose." He broke the ice by making fun of himself. He put me at ease. He also broke the stereotype of what I expected a serious "Fuehrer" to be.

Herr Voigt loved classical music and opera. I learned that summer about his deep regard for Jewish culture and Jewish people. "You are God's people, a very good and bright people. Hitler had it all wrong. I was held during the war in prison and was among a group of conscientious objectors numbered to be killed. Just before the end I was set free in the nick of time." During the war Herr Voigt, as general manager of the Cologne Chamber of Commerce, tried to save his Jewish employees from deportation to the camps. Before the war he had collected priceless phonograph records of Jewish singers, some murdered in the Holocaust. He somehow kept his collection intact throughout the Nazi reign. Like Wallenberg he stood up to the Gestapo and was almost killed. He had tried to locate and rescue missing Jews who worked for the chamber of commerce by visiting Gestapo headquarters in person and asking for them by name. Later, he worked underground in the German resistance confronting the policies of the Nazis. Getting to know Ernst Voigt as my boss- friend melted my fears of being in a strange enemy land and dissolved my pre-conceived prejudices. One day on the way home from our regular Saturday afternoon visit to the sauna, the only afternoon we did not work, I confided to him:

"Ernst, I must tell you something so that you are not later embarrassed to find out."

"What is it?"

"I want you to know that I am Jewish."

"I did not know that until now."

He put his arms around me there in the street in front of his home on Sulzgurtel Ring. "It is good that you are here to see what we are trying to do in the new Germany. And it is good that young people and older people see that you are normal, not wearing horns," His lessons of tolerance and acceptance, and his ability to listen to other human beings and their stories, helped to make me a better person and a better lawyer.

Von Dardel and Voigt were cut from the same cloth—honorable European men of principle and devoted to justice. I agreed after my first conversation to take the case *pro bono*. I knew at the outset that it would be an important and historic case. I prayed that I might win.

I would make the victory and vindication a tribute to Raoul Wallenberg's great work; my way to shine a bright light, and the steady glare of good publicity on his dark and lonely prison cell. I did not harbor high hopes of victory, but I knew the international attention on Wallenberg might pressure the Russians to spit him out towards freedom. I gathered a team of bright and gutsy lawyers; they committed themselves to *pro bono* service and to follow my lead. They proved worthy of the task. The case was prosecuted with dignity, with knowledge of the law, and with no money involved.

In 1981, in the *Letelier* case, a US court held the government of Chile liable and responsible for the car bombing of former Chilean diplomat Letelier near DuPont Circle in Washington DC. Pinochet's death squad went to Washington and planted the bomb. When the car started it exploded, sending debris spewing and falling among mothers and children playing

near the fountain. Two Pinochet gangsters were identified as directly involved in killing the outspoken former Chilean Ambassador who remained in Washington after Pinochet accomplished his military coup. The federal court award for the murder by car bomb was \$11.4 million; This case became my model for Wallenberg in court.

The federal district court in Washington DC enforced its judgment by confiscating two fully equipped and operative LACSA Chilean passenger planes at Dulles airport. Per court order, the US Marshal and the local sheriff simply went up to the fuselage and slapped a writ of attachment on each plane and ordered the planes sold, which they were, and the proceeds paid to the Letelier family. *Letelier* was admittedly an easier case, as the tort or injury had occurred in Washington, inside the borders of the US. Wallenberg was kidnapped from a point outside the USA and never brought here, thus making my case to free Raoul Wallenberg much tougher. Could I stretch this Alien Tort statute to include a tortuous wrong happening outside the borders and beyond territorial jurisdiction? We had nothing to lose by trying.

Four inspirational quotes drove me forward.

The first, from my father: "The only sin in life is low aim."

The second: "It Can Be Done," a motto framed above my grandfather's desk.

Third, "It is Better to Light a Candle than to Curse the Darkness,"

Fourth: "Know the Truth and it shall set you free."

These last two mottos I learned from the Quakers at Germantown Friends School where I studied. I adopted many of their values as my own.

Fifth: a quote attributed to British writer Edmund Burke, "The only thing necessary for the triumph of evil is for good men to do nothing."

I knew instinctively this would be a long shot case, but the legal challenges were only a small part of what we needed to overcome. The first line of attack was to get the public's attention and to shine a light on the brutal injustices in the Wallenberg case. This might force a political settlement and obviate the need for a confrontational legal action.

Von Dardel and I agreed to speak the following Saturday, once I'd done some research. We would re-engage our conversation and discuss our plans at a later, more reasonable, hour; Von Dardel was embarrassed and apologized profusely when he finally realized midway through our two hour conversation that he had miscalculated the time difference and had woken me in the wee hours of a weekend morning.

After I hung up I began thinking, Could I win a lawsuit against the Soviet Union, against the nation itself, for a thirty-nine year old crime of kidnapping and assaulting a diplomat? Could the case survive an attack by Russian lawyers on the absence of power of the US federal courts to even hear the merits of my argument? As far as I knew, no United States court had ever taken jurisdiction over a case that happened beyond the territorial limit - that is, beyond the American shoreline. I would need some novel arguments and a miracle would also help. The right judge would make all the difference, one willing to hear our argument and not just dismiss the suit out right as "a political question." Political questions can not be addressed by a Court, only legal ones. So I had to create or locate a relevant "legal question" or very relevant law. How do I do that I wondered softly as I turned the light out and put the pad of yellow paper on the night table. And certainly I would need a judge with a fresh outlook. And even if I won the case, would that actually force the Soviet Union to free Wallenberg?

I sat there in the morning light looking through my pages of notes. *Sightings of Wallenberg: Lubyanka Prison, Lefortovo, Vladimir, Mordvinia, Gorky, Wrangel Island*

-- thirty miles from Alaska. Von Dardel gave information to the Swedish ministry. Nothing done. Don't care. USA. - don't care.

I realized our conversation had not begun to address the most maddening questions about this case. On the next page I wrote some of them: *Why are the Russians holding Wallenberg alive all these years? Why did they arrest him in the first place? Why won't they let him go? What do they get out of keeping Wallenberg? Is he still alive? Is this a wild goose chase, a quixotic notion of continued life? Even if I win, will this just be a pyrrhic victory?*" What did the Russians get out of burying a living man and then keeping him alive for four decades? If I took the case, my work would uncover some of the answers.

Even though it was Saturday, I decided to start my research that morning. I called my buddy Ted Heisler from the Germantown Cricket club:

"Ted, I need to cancel our tennis date for this morning. I have a hot new law case involving a Swedish diplomat named Wallenberg. It needs my immediate attention,"

"Go to it. That's important. My wife Elisabet, a loyal Swede is interested in the plight of Wallenberg. She has been following his disappearance with interest. We will re-schedule for next week."

That Saturday morning I made breakfast for my two daughters. It was a weekly ritual and gave me a chance to assert my "fantastic gourmet cooking skills." I prepared my famous "a la Maurice shipwrecked egg special," as they called it adapting my first name to its French equivalent. This was a tradition I could not break even for Wallenberg. Then I would seek out Elizabeth Arnold, the "walking encyclopedia" at the Penn Law School Library, where I was a Professor of International Law and Ethics. I would tell Elizabeth, a fellow William Faulkner expert, that I needed a miracle—a law that protects international diplomats on assignment to a foreign country who are kidnapped. Would I be allowed to sue in an American court? Wallenberg was sitting alone in prison five thousand miles away. What about territorial jurisdiction? Would that concept not preempt my chance to sue and be heard?

The Penn Law Library held a vast collection of international law materials. My case needed a miracle. My daughters Michelle and Lesley, fourteen and eleven at that time, teased me about working on a Saturday. "Come play with us. It is our day to play with you."

Feeling somewhat guilty about leaving my children on a Saturday, I went upstairs to get dressed and say goodbye to my wife Debby. She is a practicing lawyer, specializing in tax, estates and family law. The daughter of a salesman, she has natural street sense. She was always the realist to my idealist. I shared the details of the phone call with her.

"Be careful," she said. "You're setting a lot of things in motion that have been dormant for many years."

"I have to do it," I said.

She said, "Make it quite clear. Get it in writing that the Wallenberg family is coming to you and they are selecting you as the one and only lawyer for this case. Let them know that once aboard you will be totally in charge, and that you will take complete charge as captain of the ship, like a chief doctor in the operating room – what you say goes, with no interference. There will be a following of your orders and insubordination will not be tolerated."

Debbie was tough but correct. I promised to obtain the "captain of the ship" agreement in writing and that all would be in place before I proceeded with the assignment.

"This could become dangerous," she said. Taking on the Russians as Mister Nice Guy with no police protection may create harm for you. The Russians play hardball. They may try to muffle your voice and even kill you."

We cherished our privacy, safety and security. I knew I might be threatened by taking on a politically explosive lawsuit. As a family, we did not want to lose these qualities of our privacy and our private life. The possibility of KGB surveillance was known to me as a serious risk. I was told that at the outset. But surveillance was only one of several possible invasions that this morning's phone call had invited into my home. We could have stopped to consider them all. But of course we did not.

Little did I know how much this cause and this case would personally cost me in terms of my family life and professional career?