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**THE PLO OBSERVER MISSION
AT UNITED NATIONS HEADQUARTERS IN NEW YORK
DOES NOT HAVE DIPLOMATIC IMMUNITY
FROM CRIMINAL PROSECUTION**

Permanent observer missions at the United Nations Headquarters in New York are not granted diplomatic immunity by any of the major agreements the United States has signed. This was conceded by an authoritative and explicit legal opinion on the status of permanent observer missions issued by the United Nation's Office of Legal Affairs in 1962: "Permanent observers are not entitled to diplomatic privileges or immunities under the Headquarters Agreement or under other statutory provisions of the host state...If they are not listed in the United States diplomatic list, whatever facilities they may be given in the United States are merely gestures of courtesy by the United States authorities."¹ In an October 1982 statement, the United Nations Legal Counsel, Erik Suy, noted that "there are no specific provisions relating to permanent observer missions in the Charter, the Headquarters Agreement or the Convention on the Privileges and Immunities of the United Nations..."² Thus, the PLO observer mission does not have diplomatic immunity from criminal prosecution in U.S. courts.

...NOR WOULD YASSER ARAFAT IF HE CAME TO NEW YORK

Invitees to the United Nations are also not among those granted diplomatic immunity by the host nation. In a 1963 opinion paper of the Secretariat, the United Nations Office of Legal Affairs described the intent of the Headquarter's Agreement: "The Headquarters Agreement does not confer diplomatic status upon an individual invitee because of his status as such. He therefore cannot be said to be immune from suit or legal process during his sojourn in the United States and outside the Headquarter's District."³

CASES

There are several cases which provide precedent on the issue of United Nations non-member missions and diplomatic immunity. In *Pappas v. Francisci* (1953), the Supreme Court of New York ruled that permanent observer missions did not have diplomatic immunity. The decision quoted from a 1952 opinion of the Acting Chief of Protocol of the United Nations: "The Headquarters Agreement does not mention the observers category and up until now the agreement has not been interpreted to confer diplomatic immunity on such persons and/or members of their staff."⁴

The question of immunity of an invitee to the United Nations arose in the 1963 case of Enrique Galvao, a Portuguese national living in Brazil who sought to come to New York to testify before a United Nations committee. Portugal was seeking extradition of Galvao on charges of piracy and hijacking under a U.S.-Portugal extradition agreement. The United States Representative to the United Nations, Sidney Yates, clarified the U.S. position on immunity of invitees: "Section 11 [of the Headquarters Agreement]... does not grant them [invited persons] immunity from legal process" and noted that "the General Convention [on Privileges and Immunities of the United Nations] does not confer any immunities on invitees."⁵ The United Nations Office of Legal Affairs supported Yates' conclusion in an opinion paper on the case: "It is thus clear that the United Nations would be in no position to offer general assurances to Mr. Galvao concerning immunity from legal process."⁶

"FUNCTIONAL IMMUNITY"

While the PLO mission and PLO invitees in New York do not enjoy diplomatic immunity, they are conferred certain functional immunities. Functional immunity was explained by the Deputy U.S. Representative to the United Nations and summarized in the 1983 Report of the Committee on Relations with the Host Country: "...Permanent observer missions enjoy only functional immunity, namely, immunity from arrest resulting directly from the discharging of those specific functions for which the mission had been permitted into the United States."⁷ The 1983 Report also summarized the opinion of the Office of Legal Affairs: "Such functional privileges and immunities were to be extended to permanent observer missions, which had developed de facto, including the immunity from legal process in respect of words spoken or written and all acts performed by members of the mission in their official capacity before United Nations organs, as well as inviolability for official papers and documents relating to an observer's relation with the United Nations and inviolability of the premises of the mission and of the residences of its diplomatic staff."⁸ These immunities, which do not include immunity from criminal prosecution for acts committed outside the performance of United Nations functions, are the maximum claim of members of the PLO mission or Yasser Arafat if he were to come to the United Nations.

LEGAL EXPOSURE

Because they lack diplomatic immunity, the PLO mission and Yasser Arafat, if he were to come to the United Nations, could be subject to various legal actions:

- * Criminal justice procedures in Federal or New York State courts
- * Extradition proceedings on actions involving other nations
- * Civil suits by victims of the PLO

Insofar as jurisdiction exists in state or federal courts, civil actions could be brought by victims of PLO terror and crime seeking indemnification for damages. In such cases, the plaintiffs have the right of discovery into facts relevant to allegations in the complaint. Further, if the plaintiff wins a money judgment and the judgment is not paid by the PLO voluntarily, the plaintiff may have the right of discovery into the PLO's assets in the United States. If these assets are insufficient to satisfy the judgment, it may be possible to discover and make claims against assets in other countries.

Even if the U.S. government did not bring legal action against the PLO mission or Arafat in New York, such actions could be brought by others. A U.S. representative to the United Nations, Sidney Yates, noted during the 1963 Galvao case that "the United States Secretary of State had no power to prevent the arrest of a person whose extradition was sought by a Government with which the United States had an extradition convention, unless such a person was covered by immunities or other facts not present in the instant case..."⁹ In its opinion on the Galvao case, the United Nations Office of Legal Affairs noted that "Even if it should prove possible that the executive branch could, in the exercise of its authority over foreign affairs, certify and allow to the judicial branch that the freedom of Mr. Galvao to depart without impediment should override the authority of the courts to detain him, it is not clear on what basis an advance assurance could be given him."¹⁰

NOTES

1. United Nations Juridical Yearbook, 1962, ST/LEG/8 (Provisional mimeo), p. 237.
2. Statement by Erik Suy, United Nations Legal Counsel, October 1982.
3. Marjorie M. Whiteman, Digest of International Law, vol. 13 (Washington: U.S. Department of State, 1969) p. 94.
4. Pappas v. Francisci, 119 N.Y.S. 2d, 69 (Sup. Ct. Kings County 1953).
5. Whiteman, pp. 92-93.
6. Whiteman, p. 94.
7. Report of the Committee on Relations with the Host Country, General Assembly Official Records: 37th Session, Supplement no. 26 (A/37/26) p. 12.
8. Ibid, p. 13.
9. Whiteman, p. 96.
10. Whiteman, p. 95.

A United Nations Assessment Project Study

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THE PLO'S VALUABLE ALLY: THE UNITED NATIONS

INTRODUCTION

Only the threat that Ronald Reagan would boycott the United Nation's 40th anniversary General Assembly session this fall finally persuaded supporters of the Palestine Liberation Organization to drop their demands that PLO chief Yassir Arafat be invited to address the U.N. Yet General Assembly President Jaime de Pinies of Spain made it clear that the PLO is welcome to speak to the General Assembly at any time.¹ Indeed, the history of the past decade reveals that the PLO may be more welcome at the General Assembly podium than is the U.S.

Almost the entire United Nations system, in fact, has become a valuable PLO ally. It has official observer status throughout the system, including the specialized agencies. And just as if it were a member state, the PLO maintains an official mission at 115 East 65th Street in Manhattan and participates in Security Council debates. The U.N. Department of Public Information distributes pro-PLO papers and booklets reaching journalists, academics, and nongovernmental organizations (NGOs) throughout the world. Pro-PLO displays and posters grace the lobbies and libraries of U.N. buildings in New York and across the globe. This material is coordinated and sometimes written by the pro-PLO members of the U.N. Secretariat in the Division of Palestinian Rights.

Inside the U.N. Secretariat, the PLO has significant impact on personnel matters and on critical policy decisions. And from its U.N.

1. The New York Times, October 15, 1985.

base of operations, the PLO enjoys access to the American press and espionage opportunities within the U.S.

The U.S. Congress long has chafed at and opposed the PLO's prominence at the U.N. A 1979 U.S. law attempted to cut off American funding for PLO activities. It requires the State Department to withhold the U.S. contribution to the U.N. budget (25 percent) for all U.N. activities that benefit the PLO.² The trouble is that the State Department has been reluctant to enforce this law. It reads its mandate very narrowly and finds every possible loophole to permit continued U.S. funding of U.N.-related PLO activities.³ The State Department does not even conduct vigorous research to determine the extent of such activities. And according to telephone calls to the State Department, in the absence of written documents, the State Department has thus far withheld funding from only three of the many U.N. agencies and committees that support PLO activities.

This lapse of responsibility has come to the attention of Congress. Senator Arlen Specter (R-PA) has asked for a General Accounting Office investigation of PLO activities in the U.N., and Congressman Jack Kemp (R-NY) is looking into how much the State Department has been withholding from the U.N. and why the sum is not higher. Senator Frank Lautenberg (D-NJ) has recently offered an amendment to the Commerce, Justice, and State Department appropriations bill requiring the U.S. to withhold its portion of every U.N. activity that benefits the PLO in any way.

It is not enough, however, to withhold pro-PLO funds from the U.N. budget. The State Department also should enforce the 1947 U.N. Headquarters Agreement, codified in U.S. law as P.L. 357, which allows the U.S., as host to the U.N., to expel the foreign PLO representatives in this country. And the U.S. should look into the possibility of closing down the PLO mission in New York as well as the PLO's Washington bureau, the Palestine Information Office with its two separate D.C. locations.

Today the PLO is a divided, crippled movement. It is kept alive by heavy Soviet subsidies, terrorist activities, and to a great extent, the legitimacy conferred on it by its privileged role at the U.N. This despite its open vow and campaign to destroy Israel, a U.N.

2. Updated as Public Law 98-164, November 22, 1983.

3. See Juliana Geran Pilon, "Blinking at the Law, the State Department Helps the PLO," Heritage Foundation Executive Memorandum No. 20, April 19, 1983. The present counsel to the International Organizations Bureau, Ted Borek, has failed to return phone calls from The Heritage Foundation to question him about his reasons for reportedly advising in favor of a narrow reading of the congressional mandate.

member. For the U.N. to shield and promote the PLO violates the U.N. Charter.

The U.S. should not be an accomplice to this. The President and Congress should instruct the State Department to begin enforcing rigorously the law banning U.S. funding of PLO activities. The President and Congress should call for a thorough U.S. investigation of the PLO role at the U.N. and of its advantageous uses of the U.N. With the findings of such an inquiry, the President and Congress should devise new policies to limit PLO exploitation of the U.N.

THE PLO IN THE U.N.

The U.N.'s endorsement of national liberation movements (NLMs), the blanket under which the PLO claims legitimacy, dates at least as far back as December 20, 1965, when the Soviet-backed General Assembly Resolution 2105(XX) recognized "the legitimacy of the struggle by the peoples under colonial rule to exercise their right of self-determination and independence, and invite(d) all states to provide material and moral assistance to the NLMs in colonial territories." This was followed on December 15, 1970, by Resolution 2708(XXV), an endorsement of using "all the necessary means at their disposal" to achieve their ends. These resolutions provide official encouragement to extremists and terrorists, in particular the PLO, to read the U.N. Charter as legitimizing their use of force. The culmination was the glaring double standard Resolution 3103 of December 13, 1973, which declared that "armed conflicts involving the struggle of peoples against colonial and racist regimes are to be regarded as international armed conflicts" while the use of mercenaries by legitimate governments against NLMs is "considered to be a criminal act." This is in effect an endorsement of the "armed struggle" perpetrated by NLMs--even if it should involve terrorism--while resistance organized against them is condemned as illegitimate.

The cause of the PLO and NLMs in general was further enhanced by the U.N.'s definition of aggression contained in Resolution 3314 of December 14, 1974.⁴ This effectively exculpates terror-violence from any liability when employed on behalf of self-determination movements or against colonial and racist regimes.⁵ The resolution was adopted

4. For an analysis of the negotiations leading to the definition, see Julius Stone, Aggression and World Order: A Critique of U.N. Theories of Aggression (Westport, Connecticut: Greenwood Press, 1976).

5. See Robert A. Friedlander, "Dialogue: The Legal Status of the PLO," Journal of International Law and Policy, Vol. 10, 1981, p. 228.

less than one month after Arafat addressed the General Assembly. There he boasted of the PLO's determination to establish a Palestinian state in the place of Israel,⁶ in line with the Palestinian National Charter Article 19 which states: "the partition of Palestine in 1947 and the establishment of the state of Israel are entirely illegal, regardless of the passage of time."⁷ In his speech, Arafat attacked Zionist "barbarism," Zionist "racism," and its "terrorism." He accused the U.N. of partitioning "what it had no right to divide--an indivisible homeland," the homeland that should be ruled by the PLO.

On November 22, 1974, the PLO was awarded "permanent observer" status at the U.N. by Resolution 3237. Britain's representative emphasized that his government considered the U.N.'s move to be "a fundamental departure from [previous] practice," that brings into question "the nature of the U.N. as it has hitherto been accepted."⁸

Resolution 3236 (XXIX), meanwhile, asked the U.N. Secretary General "to establish contacts with the PLO," and instructed the Secretariat to promote the PLO goals adopted by the General Assembly. It is this resolution to which the Secretariat's Department of Public Information and other agencies point to justify their overtly pro-PLO activities.

The U.N. promotion of the PLO accelerated with the creation of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (Palestine Committee for short) by Resolution 3376 on November 13, 1975. Though allegedly impartial, the Committee in practice is a platform for pro-PLO statements. Committee Rapporteur Victor J. Gauci, the Permanent Representative of Malta to the U.N., admitted to The Heritage Foundation that the Committee is "fully supportive of the PLO and its goals." The U.N. Secretariat services the Committee through the Division of Palestinian Rights established on December 7, 1977, which produces "reports" and coordinates nongovernmental organization activities sympathetic to the PLO. These activities are enhanced by the U.N. Department of Public Information. On December 7, 1978, General Assembly Resolution 33/28 C requested the Secretary General to "ensure" that the U.N.'s DPI provide "full cooperation with the [Division]."

6. U.N. Document A/PV.2282.

7. The complete text of the Charter is reprinted in J. N. Moore, ed., The Arab-Israeli Conflict: Readings and Documents (Princeton, New Jersey: Princeton University Press, 1974).

8. U.N. Document A/PV.2296, pp. 23-25.

Involving the U.N. Secretariat in the promotion of the PLO seriously compromises the ideal of an international civil service. Says Charles William Maynes, Assistant Secretary of State in the Carter Administration: "The U.S. should...be prepared to suspend its membership in bodies where the membership succeeds in diverting the institutional mechanism to favor one cause over the other."⁹

In the past decade, the PLO has reaped increasing support from the U.N. and its specialized agencies through conferences, publications, and a barrage of anti-Israeli General Assembly resolutions. Thomas Franck, Director of the Center for International Studies at New York University School of Law, notes that this violates the U.N. Charter. He writes: "The Assembly thus gave its imprimatur to a movement that seeks the destruction of a member state."¹⁰

Perhaps the U.N.'s most valuable boost to the PLO occurred December 4, 1975, when the PLO was invited to participate in Security Council debates relating to Israeli attacks directed at Palestinian camps suspected of being terrorist bases. The invitation referred to Rule 37, rather than Rule 39. This was very significant for it conferred upon the PLO the aura of being a legitimate state. The reason: Rule 37 covers U.N. member states, while Rule 39 applies to "other persons." The President of the Security Council, at that time the British Ambassador, warned that this would "constitute an undesirable and unnecessary departure from the established practice of the Security Council."¹¹

On January 12, 1976, the PLO once again was invited to participate in Security Council debates as a member state. Professor Leon Gross of Tufts University explains that these invitations directly violated Article 27 of the U.N. Charter. This Article, writes Gross, is "an essential condition of U.S. and Soviet membership in the U.N. If that condition is eroded, the continued membership of the U.S., at any rate, may well become doubtful."¹²

9. Charles W. Maynes, "U.S. Power and Influence in the U.N. in the 80s," in Toby T. Gati, The U.S., the U.N., and the Management of Global Change (New York: New York University Press, 1983), p. 338.

10. Thomas M. Franck, Nation Against Nation: What Happened to the U.N. Dream and What the U.S. Can Do About It (Oxford: Oxford University Press, 1985), p. 219.

11. U.N. Document S/PV.1859, December 4, 1975.

12. Leon Gross, "Voting in the Security Council and the PLO," American Journal of International Law, Vol. 70, 1976, pp. 470-491.

U.N. BUDGETARY SUPPORT OF THE PLO

U.N. budgetary support of the PLO pervades much of the U.N. system. It involves overall policy making, human rights investigations, conferences, films, and a host of other activities that create a kind of "megaphone" for PLO arguments. Among the most important U.N. activities helping the PLO are:

Palestine Committee: Budget for Biennium 1984-1985: \$78,300.

Currently composed of 23 member states and chaired by Senegalese Ambassador Massamba Sarre, the Palestine Committee publishes reports on "The Question of Palestine," organizes conferences throughout the world, and meets with foreign ministers. The PLO is much more than a permanent observer in the Committee's work; it makes proposals and writes drafts of resolutions, which become General Assembly resolutions on the Middle East. The most active Committee participants are its two Vice Chairmen, Cuba's Oscar Oramas Oliva and Afghanistan's Mohammed Farid Zarif. Committee Rapporteur Victor J. Gauci of Malta told The Heritage Foundation that the Committee considers the PLO the legitimate representative of the Palestinian people no matter what changes may take place within the PLO itself. Gauci revealed that Western Europe is a main target of his Committee's efforts. His reason: "The Europeans will then persuade the U.S. The Americans cannot remain isolated, they will have to give in." Since 1983, the Committee has been concentrating on gathering support for an international conference on the Middle East which would involve the PLO. The U.S. withholds from the U.N. budget the equivalent of 25 percent of the amount spent by the Committee.

The Division for Palestinian Rights: Budget for Biennium 1984-1985: \$2,290,800.

The Palestine Committee's logistical support within the Secretariat is provided by the Division for Palestinian Rights. Its pamphlets on the Middle East all support the PLO. Chief of the Division Yogaraj Yogasundram of Sri Lanka says that his staff merely follows the guidance of the General Assembly resolutions that declare the PLO the legitimate representative of the Palestinian people. As such, says Yogasundram, the Division is mandated to promote PLO aims. The Division publishes a monthly bulletin and widely disseminates Arafat's speeches. The U.S. withholds the equivalent of 25 percent of the amount spent by the Division.

Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories: Budget for Biennium 1984-1985: \$283,300.

The General Assembly established this Special Committee in 1968 through Resolution 2443(XXIII), which already had concluded that

Israel was violating Palestinians' rights. The "investigation," therefore, hardly has been impartial. Arguing that the resolution had been motivated exclusively by political and propaganda considerations, Israel has refused to cooperate with this Committee. The results therefore are based on interviews in neighboring states and newspaper reports--all of limited investigative value.

Yet the U.S. has failed to withhold its funding of the Special Committee.

Permanent Sovereignty Over National Resources in Judea, Samaria, and Gaza: Budget for Biennium 1984-1985: \$83,800.

In 1972, the General Assembly requested the Secretary General to look at "the resources exploited by the Israeli colonies and the Israeli-imposed regulations and policies hampering the economic development of occupied Palestinian and other Arab territories." For this purpose, the U.N. Second Committee recommended that "field experts" be hired to prove the foregone conclusion of the investigation. This now is an annual exercise, which relies heavily on PLO sources of information. Complains Israel Eliashiv, the Israeli representative to the U.N. Fifth Committee, an economic issue thus is turned into a political one. The report, for example, ignores significant developments in agriculture in the Israeli-occupied territories and the relatively high living standard of Arabs there. The resolution calling for this report, 39/442, takes an extremely negative approach toward Israel's activities in the territories prior to examination of the facts.

The U.S. has failed to withhold any funds provided to the consultants involved in the report.

Living Conditions of the Palestinian People: Budget for Biennium 1984-1985: \$70,300.

The most recent Secretary General's Report on this topic, A/40/373 of June 14, 1985, was in response to Resolution 39/169 of 1984 calling for an examination of "the deterioration of the economic and social conditions of the Palestinian people." The report, according to impartial experts, is biased and distorts data and statistics to indict Israel. Serious examination of the statistics reveals, moreover, that conditions of Palestinians in the occupied territories not only have not deteriorated but have improved since Israel took control in 1967. Yet this unbalanced report continues to aid the PLO's campaign at the U.N.

The U.S. has not withheld any of the report's funding.

Department of Public Information ("Question of Palestine"-related activities): Budget for Biennium 1984-1985: \$513,900.

The DPI has conducted many programs and media-related activities on the question of Palestine through articles, press releases, newsletters, and pamphlets, particularly since 1982. Then in 1983, Resolution 38/58E, and in 1984, Resolution 39/49C instructed the DPI to cooperate and coordinate its activities with the Palestine Committee.

Resolution 38/58E requested the DPI to disseminate all information on the activities of the U.N. relating to Palestine, expand publications and audio-visual coverage of those activities, and publish newsletters and articles on what the resolution called "Israeli violations of the human rights of the Arab inhabitants of the occupied territories, and organize fact-finding missions to the area for journalists."

DPI also was told to disseminate information on the results of the International Conference on the Question of Palestine. DPI published a newsletter on the Conference in Arabic, English, French, and Spanish. A pamphlet containing the Geneva Declaration on Palestine and resolutions subsequently adopted by the General Assembly was issued in all the official U.N. languages. This year, DPI has published a booklet on the work of the Special Committee to Investigate Israeli Practices and plans also to publish a booklet entitled "Highlights of U.N. Activities on the Question of Palestine." It also intends to produce a short film on Palestine. DPI radio news broadcasts on the question of Palestine, meanwhile, were expanded in 1984 and 1985.¹³ The U.S. withholds the equivalent of 25 percent spent by the DPI on the "Question of Palestine"-related activities.

U.N. Information Centers: Budget for Biennium 1984-1985: \$24.5 million.

The PLO's message is broadcast throughout the world by the DPI via its U.N. Information Centers in 67 countries. These centers publicize each November 29 as the International Day of Solidarity with the Palestinian People. Under instructions from the General Assembly, DPI gives this day "the highest priority." The DPI's Mahmoud El-Said refuses to disclose the contents of the official reports on the DPI November 29 activities.

In Washington, D.C., the U.N. Information Center disseminates Palestine Committee films. The Palestine Information Office in

13. U.N. Document A/AC. 198/85.

Washington may also use the services of the U.N. Information Center, particularly the films, for its own propaganda purposes.¹⁴ Other probable Washington users of DPI films are the Palestine Congress of North America, established in 1979 to serve as an umbrella group for more than 50 North American-based, pro-PLO organizations, the American Friends Service Committee (well known as pro-PLO), and various pro-PLO campus groups, especially at George Washington University. When Congressman Jack Kemp (R-NY) requested information on the use of DPI films on the Middle East, he was refused.

The U.S. does not withhold any funding of U.N. Information Centers. It is not clear how much of the Centers' funding is spent on "The Question of Palestine" activities, given their secrecy.

The Department for Technical Cooperation for Development:
Budget for Biennium 1984-1985: \$132,600.

This Department of the U.N. Secretariat has hired "consultants and general temporary assistance pertaining to the sovereignty over resources of the occupied Arab territories." This funding is a means of channeling aid to pro-PLO activists. It is mandated by the same resolution as the report regarding the permanent sovereignty over national resources in the occupied territories.¹⁵

The U.S. does not withhold funding for this activity.

Covering up U.N. outlays that help the PLO is so widespread that sketching a complete picture of the U.N.'s PLO activities is virtually impossible. Palestine Division Director Yogasundram admits, for example, that the entire Department of Conference Services provides various kinds of help to PLO conferences and seminars. The cost of sending delegates to Palestine Committee conferences, meanwhile, can be easily disguised as an expense not related to PLO activities. This is clear from the March 26, 1985, Summary Record of the Palestine Committee meeting held on March 21. It states that "because of financial constraints, representatives of the German Democratic Republic, Pakistan, Tunisia, and Yugoslavia, could attend the Asian Seminar (on Palestine) as members of the delegations of other U.N. committees, such as the Council for Namibia, the Special Committee on Decolonization, and the Special Committee Against Apartheid." The

14. The PIO, funded by the PLO to the tune of about \$200,000 per year, circulates PLO propaganda materials to U.S. government officials, has sponsored a weekly radio program, and gives frequent interviews to the media, including NBC's "Today Show," Cable News Network, National Public Radio, and others. It has offices at 818 18th Street, N.W., and 1337 22nd Street, N.W.

15. See U.N. Document A/C.5/38147.

documents state that "their costs should be charged against the budgets of those committees"--and not to any cost center linked to the PLO.¹⁶

In sum, with the exception of the Palestine Committee, the Palestine Division, and the Department of Public Information, the U.S. State Department has failed to withhold funding from U.N. agencies that support PLO-related activities--at least as far as can be determined from telephone communications with the State Department in the absence of written documentation.

THE PLO MISSION AT THE U.N. AND THE PLO PRESENCE IN THE U.N.

While the Department of State has stopped short of declaring the PLO to be a terrorist organization, Robert B. Oakley, Acting Ambassador at Large for Counterterrorism, told The Heritage Foundation that the State Department is "on a de facto 'special look-out'" in the case of any PLO member who applies for a visa to come to the U.S., "because so many PLO members turn out to be terrorists." Given the nature of the PLO, which has never renounced terrorism, the U.S. now should consider ordering that the PLO Mission in New York be closed.

The 1947 Headquarters Agreement between the U.S. and the U.N., codified as U.S. law P.L. 357 in 1947, states that "nothing in the Agreement shall be construed as in any way diminishing, abridging, or weakening the right of the U.S. to safeguard its own security." The roles of the PLO and Yassir Arafat in terrorist activities clearly are a threat to the security of the U.S. and its citizens. The murder of Leon Klinghoffer in the Achille Lauro hijacking confirms this--as do many other incidents.

The inherent foreign affairs power of the President under the Constitution, moreover, allows Ronald Reagan to close not only the PLO's observer mission to the U.N. but also the Palestine Information Offices in Washington. Whether any PLO offices' staffers are American citizens has no bearing on this.¹⁷

16. U.N. Document A/AC.1931/SR.115, p. 4.

17. While the Constitution protects freedom of speech and of assembly, there is no unlimited right to work for, or make contracts with, a foreign entity. The right of the federal government to control commercial dealings with foreign parties was established in 1936 by the Supreme Court. See U.S. vs. Curtis-Wright Corporation, 299 U.S. 304 57 S.Ct. 216 81 L.Ed. (1936).

The 1947 Headquarters Agreement also gives the U.S. the right to regulate the activities of PLO members working for the U.N. Secretariat. It is difficult, however, to determine who in the Secretariat is a member of the PLO. Zehdi Terzi, the PLO's representative, told The Heritage Foundation that "members of the PLO fill the quotas of other Arab nations, such as Jordan." This matter merits further inquiry.

THE U.N. AS A MEGAPHONE FOR THE PLO

Media

The Division for Palestinian Rights in the Secretariat organizes meetings of journalists in cooperation with the DPI. A team of ten prominent journalists and media representatives from around the world visited Tunisia, Egypt, Jordan, and Syria from April 23 to May 11, 1984, to be educated on "The Palestine Question." The regional seminars for journalists on the question of Palestine were organized on June 4-7, 1984, in Vienna, Austria, where seventeen European journalists representing the press, radio, and television media participated. Fourteen journalists from various African nations participated in another seminar held at Arusha, Tanzania, August 28-31, 1984.

On February 5-8, 1985, a conference was held for journalists in the North American-Caribbean region at Bridgetown, Barbados, and another for Asian journalists, in Jakarta, Indonesia, from May 7-10, 1985. Latin American journalists met June 10-13 in Georgetown, Guyana.

At the Georgetown media seminar, for example, Yassir Arafat reiterated the PLO's determination to continue its "struggle and resistance to the hostile policies of Israel and the U.S."¹⁸ At the same seminar, Rashleigh Jackson, Guyana's Minister for Foreign Affairs, stated that the seminar was part of a program of action drawn up by the Palestine Committee, thereby assisting "in the overall coordination of the strategies of the supports of the Palestinian cause all over the world." Israel was invited to participate in these media seminars but refused, not wishing to legitimize them.

The impact of all these activities is difficult to assess but cannot be denied. According to Tommy Koh, Singapore's Ambassador to the U.S. and its former U.N. representative, "If you were in Asia or Africa or Latin America 15 years ago and you asked people about the Palestinians, everyone looked puzzled. Today, students,

18. Division for Palestinian Rights, Vol. VIII, Bulletin No. 6, June 1985.

intellectuals, and political activists in every country know about the Palestinian cause and sympathize with it. That's the result largely of the U.N. People are always underestimating the importance of the U.N. in altering perceptions."¹⁹ Ambassador Koh told The Heritage Foundation that the PLO has virtually won the propaganda game in the U.N., which provides one-sided information on the Middle East.

Ambassador Koh also noted that he was appalled by the way the Western media covered the 1982 war in Lebanon. At a State Department conference on December 10, 1984, dealing particularly with the impact of the 1975 "Zionism is racism" Resolution, Ambassador Koh cited the West German press, which actually equated the Israeli's behavior in the 1982 war with the Nazis. This never would have happened, charged Koh,

...had the ground for such a comparison not been carefully prepared years ago by the United Nations when it equated Zionism with Racism. The corrupt arithmetic of the General Assembly has indeed become the "conventional wisdom" of international society--or at least of that part of international society which likes to think of itself as "enlightened" and "progressive." I believe, therefore, that I am justified in concluding that the impact of the Zionism as racism resolution has been enormous, and that, by serving to legitimize anti-Semitism, it continues to pose a major threat to the survival of Israel and the Jewish people.

Nongovernmental Organizations

The mobilization of U.N.-based nongovernmental organizations (NGOs) is one of the most significant recent successes in the PLO's effort to use the U.N. American NGOs seem particularly gullible. The U.N. and NGO Activities on the Question of Palestine, published by the Division for Palestinian Rights, outlines the spectrum of such activities. At the July 10-12, 1985, meeting of NGOs in New York, for example, PLO representative Terzi urged "consciousness raising" techniques such as polls and surveys to promote American identification with the Palestinian cause as defined by the PLO.

In 1983, the International Conference on Palestine held in Geneva extended invitations only to NGOs that were supportive of the PLO. By excluding some NGOs for political reasons, this conference violated Article 71 of the U.N. Charter.²⁰ In the aftermath of the

19. The New York Times Magazine, September 16, 1984, p. 62.

20. For a detailed analysis of this episode, see Harris O. Schoenberg's forthcoming book, A Mandate for Terror: The U.N. and the PLO (New York: Steimatzki Publishing Company).

conference, there has been accelerated NGO activity throughout the world on behalf of the PLO.

A number of Soviet-linked NGOs play an active role in coordinating pro-PLO activities. Among them are the World Peace Council, the Women's International Democratic Federation, the World Federation of Democratic Youth, the International Organization of Journalists, the International Association of Democratic Lawyers, and the Christian Peace Conference. The Afro-Asian People's Solidarity Organization is particularly active.

CONCLUSION

The U.N. provides the PLO with financial support. More important, the U.N. anoints the PLO with legitimacy. Conferences, seminars, and meetings produce countless papers which are translated in many languages, broadcast, and distributed to opinion makers throughout the world. Palestine Committee members lobby inside the U.N. with foreign ministers and other dignitaries on behalf of the PLO. And nongovernmental organizations affiliated with the U.N. further disseminate the PLO's message. The U.N. Secretariat, through the Department of Public Information and the Palestine Division, produce films and pamphlets promoting the PLO. No matter that this violates the Charter's provision that the Secretariat be impartial--as well as the Charter provision that the integrity of member states (in this case, Israel) should not be compromised by actions of the U.N.

The U.S. at last should take strong measures to stop the U.N. from being exploited by the PLO. Specifically:

- o The State Department should enforce vigorously current law requiring that the U.S. withhold its portion of all U.N. funds that support activities benefiting the PLO. This should include, for example, the expenses of the Special Committee to Investigate Israeli Practices, funds for consultants "investigating" the conditions of Palestinians in the territories of the West Bank and Gaza, and other hidden expenses.

- o The U.S. should consider closing the PLO Observer Mission in New York City and the Palestine Information Offices in Washington, D.C.

- o In conformity with Senate Joint Resolution 98 passed on August 15, 1985, which urges the U.S. Representative to the U.N. "to take all appropriate actions necessary to erase" the "Zionism is racism" resolution, the U.S. should seek to rescind the resolution in the General Assembly by requesting another vote to that effect.

o The U.S. Congress should hold hearings to determine the extent of PLO activities in the U.N.

o The State Department should enforce vigorously the amendment to the State Department appropriations bill introduced by Senator Nancy Kassebaum (R-KS) requiring the U.N. to introduce weighted voting on budgetary matters or else reduce the U.S. contribution to the U.N. to 20 percent. This measure also would allow greater U.S. leverage on the U.N. budget.

o The U.S. Congress should require General Accounting Office investigations as a prerequisite of further U.S. funding for the U.N. The U.S. should demand, for example that the DPI disclose information regarding the activities of U.N. Information Centers on issues related to the Middle East.

o The State Department should declare the PLO "a terrorist organization."

Juliana Geran Pilon, Ph.D.
Senior Policy Analyst

It Doesn't Begin or End With Israel PLO

By DAVID BAR - ILLAN

The present world-wide lull in terrorist activities, connoting a reassessment of tactics and strategy in the terrorist camp, clearly indicates they are coordinated, government-sponsored operations. Desperate, fanatic "fighters for a cause" are deterred neither by air strikes nor by diplomatic and economic sanctions. But the myth of an inexorable connection between international or at least Middle Eastern terrorism and the Palestinian Arabs' "struggle for independence" nevertheless persists.

The existence of this myth is the terrorists' greatest success, for it has allowed them to focus the world's attention not on the murder of children, the tossing of a crippled pensioner into the sea, or the rigging of a pregnant woman as a time bomb, but on the bogus issue of the "root causes" of terrorism.

The canard is all too familiar: Refugees living in festering camps, deprived of homeland and nationhood, have turned to terrorism as a last resort to force attention to their plight. Give them the "West Bank" and terrorism will cease.

Nothing could be further from the truth. With few exceptions, terrorist groups, and most emphatically all of the Middle Eastern groups, are the hired guns of aggressive anti-Western regimes, without whose patronage and support organized terrorism could not survive. These regimes may exploit the plight of the Palestinian Arabs, as they do other inflamed local grievances, but as is apparent from recent history, they have no interest in "solving" the Palestinian problem. If Israel were to yield to present Arab demands and withdraw to the

Rationalizations are found when its victims are perceived to be only Jews.

1949 armistice borders, there is no question that terrorist groups sponsored by Syria, Libya, Iraq, South Yemen and Iran would brand any accord a betrayal of the "Palestine revolution." They would launch an intensified campaign of terror, not only against a then-diminished and weakened Israel, but against the Arab partners to the settlement.

Terrorism is endemic to the region regardless of Israel. The destruction of the thousand-year-old Jewish community of Hebron took place 20 years before Israel was founded. But the majority of terrorism's victims are not Jews but Arabs killed by Arabs. Last month, 140 were killed and as many injured in eight terrorist bombings of Syrian city buses. The culprits were first thought to be Lebanese, then Iraqis, then Moslem Brotherhood activists. Meanwhile, the intra-Arab terror in Lebanon continues. To suggest that ceding the 2,000 square miles of the West Bank to Arab domination will end terrorism is an insult to history and common sense.

But even the destruction of Israel is not the terrorists' ultimate goal. Their target is the Western democracies themselves.

Terrorism is their weapon of choice because the West, while prepared for nuclear and conventional military threats, is painfully vulnerable to this type of attack. Our open borders, our freedom of association and movement, our prohibitions against arbitrary search and arrest, and our strictures against covert operations make the work of terrorists laughably easy. Moreover, our ubiquitous television—competitive, news-hungry and melodramatically oriented—lends itself to exploitation as a stage for terrorist theater, thus advancing one of terrorism's main goals: the shaking and corroding of public confidence.

With no little help from the media, the conventional wisdom now has it that the West—the U.S. in particular—is hated by Arab radicals and fundamentalists because it supports Israel. The truth is the exact opposite. Israel is hated because it represents the West. For radicals and fundamentalists, the West—with its secularity, "decadence" and modernity, its democratic institutions, humanistic values and individual freedoms—is the source of all evil. Israel is just closer, a Western tentacle in what they consider Arab domain.

That is why "Zionism," "imperialism" and "racism" are interchangeable epithets. The declared goal of the "Pan Arab Command of Revolutionary Forces," a euphemism for a terrorist structure formed last year by Libya, Syria and Iran, is not only to destroy Israel, but "to confront imperialism . . . and strike at its positions and interests wherever they might exist." It is no wonder that the Soviets have not only looked upon this international network with favor, but have helped it whenever they could.

And, indeed, for all his anti-Israel rhetoric, Col. Gadhafi's main efforts have had nothing to do with the Palestinian Arabs. He has supported terrorist groups in West Germany, France, Italy and Ireland; in Angola, Chad, Egypt, Eritrea, Ethiopia, Gambia, Mali, Mauritania, Morocco, Mozambique, Niger, Nigeria, Senegal, Sudan, Tunisia, Uganda and Zimbabwe. He has helped terrorists in Guadeloupe, Martinique and New Caledonia; in Argentina, Brazil, Chile, Colombia, Nicaragua and Uruguay. A rather circuitous way to get at Israel.

Bitter and Disturbing Truth

Syria's goals are similar. Yet terrorist attacks on Americans in Syrian-dominated Lebanon are invariably interpreted as a consequence of America's closeness to Israel. What is usually forgotten is that as many French nationals as Americans have been abducted and assassinated there, and that on the day 250 Marines were massacred in their barracks, 58 French peace-keeping troops were killed in a similar attack. Now, France has consistently supported the Arab line on the "Palestine problem"; has sold no arms to Israel for 20 years, while generously supplying Arab countries; has given Arab terrorists shelter and safe conduct; has recognized the PLO, allowing it to operate freely on its soil; and has befriended Syria. France's only crime was being part of the Western presence in Lebanon, a crime that outweighed all credits.

Why, then, do we keep hearing of the need to remedy the "root causes" of terrorism? The bitter and disturbing truth is

weighed all credits.

Why, then, do we keep hearing of the need to remedy the "root causes" of terrorism? The bitter and disturbing truth is that the search for such remedy is highly selective. No one seems interested in the "root causes" of European terrorism, despite its toll in American lives, morale and security, nor in the causes of the Sikh, Sri Lankan and Japanese phenomena. As in the 1930s, the world seems impelled to find reasons and rationalizations for political terrorism—a small step away from its justification—only when its victims are perceived to be exclusively Jews.

It is in this context that the raid on Libya, the expulsion of Libyan and Syrian diplomats from European capitals, and the Tokyo declaration must be considered. For they signal for the first time the West's recognition that it is not a bystander but a target of terrorism, and that unless concerted diplomatic, political and economic—and, if necessary, military—measures against terror-sponsoring states are taken, it will remain terrorism's victim.

If this reflects a turning point, if the resolve will be lasting, anti-Western terrorism will disappear by the end of the decade. If, on the other hand, it is merely a fleeting spasm of uncharacteristic courage, terrorism will continue to dominate our lives for the foreseeable future.

Mr. Bar-Illan is director of the Jonathan Institute, a private anti-terrorist foundation named after the Israeli who died commanding the 1976 raid on the air hijackers at Entebbe.

**The Palestine Information Office is in Violation of the Voorhis Act
(Title 18, Section 2386 of the Criminal Code)**

The PLO has an office in Washington, D.C., known as the Palestine Information Office (PIO), which opened in 1978. The office is registered with the Department of Justice under the Foreign Agents Registration Act. However, it has failed to register, as required, under Section 2386 of the U.S. Criminal Code, known as the Voorhis Act.

Section 2386 requires organizations to register separately with the Attorney General if they are subject to "foreign control" and engage in "civilian military activity" An organization is considered to be under "foreign control" if it "solicits or accepts financial contributions... from... an international political organization." The PIO, in its own registration statements under the Foreign Agents Registration Act, admits it is financially supported by the PLO, at a rate of approximately \$250,000 per year. An organization is engaged in "civilian military activity" if it "gives instruction to, or prescribes instruction for, its members in the use of firearms or other weapons..., engages in any military or naval maneuvers or activities..., or engages in any other form of organized activity which in the opinion of the Attorney General constitutes preparation for military action." The Voorhis Act also requires registration of organizations if one of their purposes is the "seizure or overthrow of a government or subdivision thereof by the use of force, violence, military measures, or threats of any one or more of the foregoing." The Palestinian National Covenant (1968), the official PLO charter which has been reaffirmed every year since 1968, states that "the establishment of Israel is null and void, whatever time has elapsed..." and that, "Armed struggle is the only way to liberate Palestine...." (Articles 9 and 19).

Registration under the Voorhis Act would require, among other things, "a detailed statement of the assets of the organization, and of each branch, chapter and affiliate of the organization, the manner in which such assets were acquired...; a detailed description of the activities of the organization, and of each chapter, branch, and affiliate of the organization...; and a description of all firearms or other weapons owned by the organization, or by any chapter, branch, or affiliate of the organization, identified by the manufacturer's number thereon." Organizations that fail to register are subject to criminal penalty: "Whoever violates any of the provisions of this section shall be fined not more than \$10,000 or imprisoned not more than five years, or both."

The legislative intent of the Voorhis Act, is indicated by the Report of the House of Representatives (No. 2582 June 17, 1940): "Democratic government is threatened by the presence of private organizations engaging in military activities or preparing their members for an attempt at a forcible seizure of power and overthrow of constitutional government... At the present time there is no ground established in law whereby a law-enforcing agency of the United States government can effectively curb the activities of these types of organizations."

The PIO has been permitted to operate in Washington, D.C. on the condition that it obeys all U.S. laws. On November 22, 1976 a State Department spokesman said that the U.S. would not bar the PLO from opening an office in Washington, D.C. *provided* that it was registered with the Justice Department and conformed to all U.S. laws. This condition was reaffirmed by the Reagan Administration in February, 1981 when a spokesman said that the PIO could continue to operate as long as it "regularly files reports on its activities as an agent of a foreign organization with the Justice Department [and] complies with all other relevant laws." But in fact the PIO has not complied with the requirements of Title 18, Section 2386.

2386. Registration of certain organizations**(A) For the purposes of this section:**

"Attorney General" means the Attorney General of the United States;

"Organization" means any group, club, league, society, committee, association, political party, or combination of individuals, whether incorporated or otherwise, but such term shall not include any corporation, association, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes;

"Political activity" means any activity the purpose or aim of which, or one of the purposes or aims of which, is the control by force or overthrow of the Government of the United States or a political subdivision thereof, or any State or political subdivision thereof;

An organization is engaged in "civilian military activity" if:

(1) It gives instruction to, or prescribes instruction for, its members in the use of firearms or other weapons or any substitute therefor, or military or naval science; or

(2) It receives from any other organization or from any individual instruction in military or naval science; or

(3) It engages in any military or naval maneuvers or activities; or

(4) It engages, either with or without arms, in drills or parades of a military or naval character; or

(5) It engages in any other form of organized activity which in the opinion of the Attorney General constitutes preparation for military action;

An organization is "subject to foreign control" if:

(a) It solicits or accepts financial contributions, loans, or support of any kind, directly or indirectly, from, or is affiliated directly or indirectly with, a foreign government or a political subdivision thereof, or an agent, agency, or instrumentality of a foreign government or political subdivision thereof, or a political party in a foreign country, or an international political organization; or

(b) Its policies, or any of them, are determined by or at the suggestion of, or in collaboration with, a foreign government or political subdivision thereof, or an agent, agency, or instrumentality of a foreign government or a political subdivision thereof, or a political party in a foreign country, or an international political organization.

(B) (1) The following organizations shall be required to register with the Attorney General:

Every organization subject to foreign control which engages in political activity;

Every organization which engages both in civilian military activity and in political activity;

Every organization subject to foreign control which engages in civilian military activity; and

Every organization, the purpose or aim of which, or one of the purposes or aims of which, is the establishment, control, conduct, seizure, or overthrow of a government or subdivision thereof by the use of force, violence, military measures, or threats of any one or more of the foregoing.

Every such organization shall register by filing with the Attorney General, on such forms and in such detail as the Attorney General may by rules and regulations prescribe, a registration statement containing the information and documents prescribed in subsection (B) (3) and shall within thirty days after the expiration of each period of six months succeeding the filing of such registration statement, file with the Attorney General, on such forms and in such detail as the Attorney General may by rules and regulations prescribe, a supplemental statement containing such information and documents as may be necessary to make the information and documents previously filed under this section accurate and current with respect to such preceding six months' period. Every statement required to be filed by this section shall be subscribed, under oath, by all of the officers of the organization.

(2) This section shall not require registration or the filing of any statement with the Attorney General by:

(a) The armed forces of the United States; or

(b) The organized militia or National Guard of any State, Territory, District, or possession of the United States; or

(c) Any law-enforcement agency of the United States or of any Territory, District or possession thereof, or of any State or political subdivision of a State, or of any agency or instrumentality of one or more States; or

(d) Any duly established diplomatic mission or consular office of a foreign government which is so recognized by the Department of State; or

(e) Any nationally recognized organization of persons who are veterans of the armed forces of the United States, or affiliates of such organizations.

(9) Every registration statement required to be filed by any organization shall contain the following information and documents:

(a) The name and post-office address of the organization in the United States, and the names and addresses of all branches, chapters, and affiliates of such organization;

(b) The name, address, and nationality of each officer, and of each person who performs the functions of an officer, of the organization, and of each branch, chapter, and affiliate of the organization;

(c) The qualifications for membership in the organization;

(d) The existing and proposed aims and purposes of the organization, and all the means by which these aims or purposes are being attained or are to be attained;

(e) The address or addresses of meeting places of the organization, and of each branch, chapter, or affiliate of the organization, and the times of meetings;

(f) The name and address of each person who has contributed any money, dues, property, or other thing of value to the organization or to any branch, chapter, or affiliate of the organization;

(g) A detailed statement of the assets of the organization, and of each branch, chapter, and affiliate of the organization, the manner in which such assets were acquired, and a detailed statement of the liabilities and income of the organization and of each branch, chapter, and affiliate of the organization;

(h) A detailed description of the activities of the organization, and of each chapter, branch, and affiliate of the organization;

(i) A description of the uniforms, badges, insignia, or other means of identification prescribed by the organization, and worn or carried by its officers or members, or any of such officers or members;

(j) A copy of each book, pamphlet, leaflet, or other publication or item of written, printed, or graphic matter issued or distributed directly or indirectly by the organization, or by any chapter, branch, or affiliate of the organization, or by any of the members of the organization under its authority or within

its knowledge, together with the name of its author or authors and the name and address of the publisher;

(k) A description of all firearms or other weapons owned by the organization, or by any chapter, branch, or affiliate of the organization, identified by the manufacturer's number thereon;

(l) In case the organization is subject to foreign control, the manner in which it is so subject;

(m) A copy of the charter, articles of association, constitution, bylaws, rules, regulations, agreements, resolutions, and all other instruments relating to the organization, powers, and purposes of the organization and to the powers of the officers of the organization and of each chapter, branch, and affiliate of the organization; and

(n) Such other information and documents pertinent to the purposes of this section as the Attorney General may from time to time require.

All statements filed under this section shall be public records and open to public examination and inspection at all reasonable hours under such rules and regulations as the Attorney General may prescribe.

(C) The Attorney General is authorized at any time to make, amend, and rescind such rules and regulations as may be necessary to carry out this section, including rules and regulations governing the statements required to be filed.

(D) Whoever violates any of the provisions of this section shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

Whoever in a statement filed pursuant to this section willfully makes any false statement or willfully omits to state any fact which is required to be stated, or which is necessary to make the statements made not misleading, shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

June 25, 1948, c. 645, 62 Stat. 808.

Historical and Revision Notes

Reviser's Note. Based on Title 18, U.S. Code, section 2386, as amended (Oct. 3, 1917, c. 201, § 2-4, 64 Stat. 1201-1204).

Section consolidates sections 14-17 of Title 18, U.S.C., 1940 ed., as subsections (a), (b), (c), and (d), respectively, of this section, with necessary changes of phraseology and translation of section references. Words "upon conviction" which preceded "be subject" were omitted as surplusage, as punishment cannot otherwise be imposed. 80th Congress House Report No. 304.

Library References

Insurrection and Sedition § 1.

C.F.S. Insurrection and Sedition § 2, 2.

PART 10—REGISTRATION OF CERTAIN ORGANIZATIONS CARRYING ON ACTIVITIES WITHIN THE UNITED STATES

REGISTRATION STATEMENT

Sec.

- 10.1 Form of registration statement.
- 10.2 Language of registration statement.
- 10.3 Effect of acceptance of registration statement.
- 10.4 Date of filing.
- 10.5 Incorporation of papers previously filed.
- 10.6 Necessity for further registration.
- 10.7 Cessation of activity.

SUPPLEMENTAL REGISTRATION STATEMENT

- 10.8 Information to be kept current.

Sec.

- 10.9 Requirements for supplemental registration statement.

INSPECTION OF REGISTRATION STATEMENT

- 10.10 Public inspection.

AUTHORITY: Pub. L. 772, 80th Cong.; 18 U.S.C. 2386.

SOURCE: 6 FR 369, Jan. 15, 1941, unless otherwise noted.

CROSS REFERENCES: For regulations under the Foreign Agents Registration Act, see Part 5 of this Chapter.

For Organization Statement, Internal Security Section, see Subpart K of Part 0 of this chapter.

REGISTRATION STATEMENT

§ 10.1 Form of registration statement.

Every organization required to submit a registration statement¹ to the Attorney General for filing in compliance with the terms of section 2 of the act approved October 17, 1940, entitled, "An act to require the registration of certain organizations carrying on activities within the United States, and for other purposes" (Pub. L. 772, 80th Cong.; 18 U.S.C. 2386), and the rules and regulations issued pursuant thereto, shall submit such statement on such forms as are prescribed by the Attorney General. Every statement required to be filed with the Attorney General shall be subscribed under oath by all of the officers of the organization registering.

§ 10.2 Language of registration statement.

Registration statements must be in English if possible. If in a foreign language they must be accompanied by an English translation certified under oath by the translator, before a notary public or other person authorized by law to administer oaths for general purposes as a true and adequate translation. The statements, with the exception of signature, must be typewritten if practicable but will be accepted if written legibly in ink.

¹Filed as a part of the original document. Copies may be obtained from the Department of Justice.

§ 10.3 Effect of acceptance of registration statement.

Acceptance by the Attorney General of a registration statement submitted for filing shall not necessarily signify a full compliance with the said act on the part of the registrant, and such acceptance shall not preclude the Attorney General from seeking such additional information as he deems necessary under the requirements of the said act, and shall not preclude prosecution as provided for in the said act for a false statement of a material fact, or the willful omission of a material fact required to be stated therein, or necessary to make the statements made not misleading.

§ 10.4 Date of filing.

The date on which a registration statement properly executed is accepted by the Attorney General for filing shall be considered the date of the filing of such registration statement pursuant to the said act. All statements must be filed not later than thirty days after January 15, 1941.

§ 10.5 Incorporation of papers previously filed.

Papers and documents already filed with the Attorney General pursuant to the said act and regulations issued pursuant thereto may be incorporated by reference in any registration statement subsequently submitted to the Attorney General for filing, provided such papers and documents are adequately identified in the registration statement in which they are incorporated by reference.

§ 10.6 Necessity for further registration.

The filing of a registration statement with the Attorney General as required by the act shall not operate to remove the necessity for filing a registration statement with the Attorney General as required by the act of June 8, 1938, as amended, entitled "An act to require the registration of certain persons employed by agencies to disseminate propaganda in the United States and for other purposes" (52 Stat. 631, 56 Stat. 248; 22 U.S.C. 611), or for filing a notification statement with the Secretary of State as re-

Department of Justice

quired by the act of June 15, 1917 (40 Stat. 226).

(13 FR 8292, Dec. 24, 1948)

§ 10.7 Cessation of activity.

The chief officer or other officer of the registrant organization must notify the Attorney General promptly upon the cessation of the activity of the organization, its branches, chapters, or affiliates by virtue of which registration has been required pursuant to the act.

SUPPLEMENTAL REGISTRATION STATEMENT

§ 10.8 Information to be kept current.

A supplemental statement must be filed with the Attorney General within thirty days after the expiration of each period of six months succeeding the original filing of a registration statement. Each supplemental statement must contain information and documents as may be necessary to make information and documents previously filed accurate and current with respect to the preceding six months' period.

§ 10.9 Requirements for supplemental registration statement.

The rules and regulations in this part with respect to registration statements submitted to the Attorney General under section 2 of the said act shall apply with equal force and effect to supplemental registration statements required thereunder to be filed with the Attorney General.

INSPECTION OF REGISTRATION STATEMENT

10.10 Public inspection.

Registration statements filed with the Attorney General pursuant to the said act shall be available for public inspection in the Department of Justice, Washington, D.C., from 10 a.m. to 4 p.m. on each official business day.

(13 FR 8292, Dec. 24, 1948)

THE P.L.O. OFFICE IN WASHINGTON

- * The Attorney General has been asked by Sen. Jeremiah Denton (Chairman of the Subcommittee on Terrorism and Security) and by Congressman Jack Kemp to investigate whether the PLO should continue to be permitted to operate an office in Washington. He has also been given material on this matter by Marshall Breger.
- * The Carter Administration permitted the office to open in 1978 on the assertion that it should be permitted to operate "under the protection of the First Amendment." But we are advised by the leading authority on this subject that, while speech in support of the PLO is protected, no one has a constitutional right to accept funds and direction to act as an agent for a foreign principal.
- * The Palestine Information Office has registered under the Foreign Agents Registration Act (FARA), but the statements it has submitted do not meet the minimum requirements of FARA (see attachment on "Violations of FARA by the PIO"). Section 8 of FARA empowers the Attorney General to notify a registrant that there is a deficiency in its registration statement, and, if the deficiency is not corrected within ten days, to order the registrant to cease activity as a foreign agent.
- * The Attorney General also has sweeping powers under Section 2 (a)(10) of FARA to demand of the registrant "such other...information...as the Attorney General, having due regard for the national security and the public interests, may from time to time require."
- * A Justice Department spokesman told the Senate Subcommittee on Security and Terrorism on April 23 the Department is "not in a position to assure that any and all activities [of the PLO office] are legal," because, among other things, there has never been an on-site review of the activities of the PIO.
- * The PIO could also be required to register under the Voorhis Act as an organization under foreign control that engages in "civilian military activity." This would require, among other things, a detailed disclosure of the financial structure and armaments of its foreign principal.

**Violations of the Foreign Agents Registration Act (FARA)
Committed by the Palestine Information Office (PIO)**

1) Section 2(3) of FARA requires "A comprehensive statement of the extent ...to which [the] foreign principal is...financed or subsidized, in whole or in part, by any government of a foreign country ..."

The PIO's registration statement of April 17, 1978, item 8(b) states that the PLO is **not subsidized** by any foreign government. The same registration, item 9, states to the contrary that the PLO is financed in part by "direct financial aid from Arab states."

In none of the original or subsequent statements has the PIO reported the extent to which its foreign principal is financed or subsidized in whole or in part by any government of a foreign country.

2) Section 2(3) of FARA also requires a "comprehensive statement of...the character of the business or other activities" of the foreign principal.

The PIO registration states that the nature of the business activity of its foreign principal, the PLO, is "a representative and democratic organization dealing with the political, social and economic affairs of the Palestinian people" (PIO registration statement April 17, 1978 item 8(a))

Secretary of State George Shultz stated that "The PLO has been involved in recent weeks, as in the past, in acts of terror and violence." Attorney General Edwin Meese stated that "We know that various elements of the PLO and its allies and affiliates are in the thick of international terror." It is clear that the PIO has failed to provide a "comprehensive" description of the PLO's activities.

3) According to Section 2(3), the foreign agent must file a "the name and address of every foreign principal for whom the registrant is acting..."

The PIO describes its foreign principal as "the PLO" and the address as "Tunis, Tunisia." Because the PLO is an umbrella organization, this is an unresponsive answer. Is the PIO, for example, controlled by the PLO's 11 member executive committee, including Abu Abbas? Or is it controlled by the central committee of Fatah, of which Salah Khalaf is a prominent member? The registration fails to provide the required information of who are the controlling parties within the foreign principal. This goes to the heart of the question of whether the Washington office is involved in terror.

4) Section 2(9) of FARA requires "Copies of each written agreement and the terms and conditions of each oral agreement... by reason of which the registrant is performing...any activities which require his registration hereunder."

To determine whether the PIO office in Washington acts in support of the terrorist philosophies of its foreign principal, much more specific information is required about the services it performs for its parent organization.

**The Palestine Information Office is in Violation of the Voorhis Act
(Title 18, Section 2386 of the Criminal Code)**

The PLO has an office in Washington, D.C., known as the Palestine Information Office (PIO), which opened in 1978. The office is registered with the Department of Justice under the Foreign Agents Registration Act. However, it has failed to register, as required, under Section 2386 of the U.S. Criminal Code, known as the Voorhis Act.

Section 2386 requires organizations to register separately with the Attorney General if they are subject to "foreign control" and engage in "civilian military activity." An organization is considered to be under "foreign control" if it "solicits or accepts financial contributions... from... an international political organization." The PIO, in its own registration statements under the Foreign Agents Registration Act, admits it is financially supported by the PLO, at a rate of approximately \$250,000 per year. An organization is engaged in "civilian military activity" if it "gives instruction to, or prescribes instruction for, its members in the use of firearms or other weapons..., engages in any military or naval maneuvers or activities..., or engages in any other form of organized activity which in the opinion of the Attorney General constitutes preparation for military action." The Voorhis Act also requires registration of organizations if one of their purposes is the "seizure or overthrow of a government or subdivision thereof by the use of force, violence, military measures, or threats of any one or more of the foregoing." The Palestinian National Covenant (1968), the official PLO charter which has been reaffirmed every year since 1968, states that "the establishment of Israel is null and void, whatever time has elapsed..." and that, "Armed struggle is the only way to liberate Palestine...." (Articles 9 and 19).

Registration under the Voorhis Act would require, among other things, "a detailed statement of the assets of the organization, and of each branch, chapter and affiliate of the organization, the manner in which such assets were acquired...; a detailed description of the activities of the organization, and of each chapter, branch, and affiliate of the organization...; and a description of all firearms or other weapons owned by the organization, or by any chapter, branch, or affiliate of the organization, identified by the manufacturer's number thereon." Organizations that fail to register are subject to criminal penalty: "Whoever violates any of the provisions of this section shall be fined not more than \$10,000 or imprisoned not more than five years, or both."

The legislative intent of the Voorhis Act, is indicated by the Report of the House of Representatives (No. 2582 June 17, 1940): "Democratic government is threatened by the presence of private organizations engaging in military activities or preparing their members for an attempt at a forcible seizure of power and overthrow of constitutional government... At the present time there is no ground established in law whereby a law-enforcing agency of the United States government can effectively curb the activities of these types of organizations."

In Europe, P.L.O. Comes Under Close Watch

By HENRY KAMM
Special to The New York Times

ATHENS, April 12 — In a

David Kimche, director general of the Israeli Foreign Ministry, said in an interview in Jerusalem that people attached to P.L.O. offices in Europe were preparing a support structure for terrorist operations. He described this activity as recruiting, renting safehouses, providing identity documents, choosing potential targets and collecting operational intelligence.

According to Prof. Paul Wilkinson of Aberdeen University in Scotland, a specialist in Palestinian movements, "there are several kinds of people employed in P.L.O. offices," and "they are all ready to do violence."

European and Israeli officials and scholars who specialize in Palestinian affairs said each P.L.O. mission in Europe had on its staff a specialist in clandestine operations, including terrorism.

In December 1984, Abu Tayeb, who is described as the commander of Force 17, an elite military unit of Al Fatah, reported to a meeting of other senior officials that he had reorganized the unit's representation at P.L.O. offices in Europe in preparation for future actions. Israeli security officials said Force 17 representatives in Europe were stocking weapons.

According to the Project on Terrorism of the Jaffee Center for Strategic Studies at Tel Aviv University, terrorist acts attributed to Palestinians last year more than doubled in number over 1984, from 32 to 67. The center said Al Fatah, the P.L.O. group that Mr. Arafat heads, carried out 13 of these actions.

Questions about the Palestine Information Office (PIO)

1. Last week, the New York Times reported that PLO offices in Europe are supporting terrorist operations by "...recruiting, renting safehouses, providing identity documents, choosing potential targets and collecting operational intelligence." It also asserted that PLO offices have specialists in terrorism who are ready to do violence.
(New York Times 4/13/86)

The United States permits the PLO to maintain an office just a few blocks from here on 818 18th St. N.W. Can you assure this committee that the PLO office in our nation's capitol is not involved in supporting terrorism and will not be used to foment terrorist violence in the U.S.?

2. In 1978, when the Carter Administration allowed the PLO to open an office, there was little opposition. We are now waging a war against terrorism.

In light of continuing PLO atrocities against Americans, has the decision to keep the PLO office open ever been reviewed? How can you justify a PLO office operating in the United States?

Would you have allowed Hitler to open a Nazi party office here in 1943?

Can you tell this committee about any other terrorist organization that has official representation in this country? Why do we permit the PLO office to operate?

4. Recently, the Syrian foreign minister defended his decision to let the Abu-Nidal office operate in Syria by saying "Abu-Nidal has an office in Damascus—a political and information office that has no connection with terrorism. We do not even allow the presence of a knife in this office." The Administration has given a similar explanation of its policy toward the PLO office in Washington: "As long as the office...complies with all...relevant laws...it is entitled to operate under the protection the First Amendment provides."

How can we expect Syria to close the Abu-Nidal office when we won't close Arafat's office right here in Washington?

5. The PIO is registered as a foreign agent with the Justice Department but has not registered as required under the provisions of the Voorhis Act. (Title 18, Section 2386 of the Criminal Code) Isn't this failure to register a violation of U.S. law? If not, why not? If yes, are you planning to prosecute?

(Registration under this act would require the PLO to disclose their funding sources and military activities)

6. Last August, The New York Times reported that the PLO had a world-wide investment portfolio of over 6 billion dollars and that some of that money is invested in the United States in several corporations and in real estate. (New York Times 8/18/85)

PLO

**THE PLO OBSERVER MISSION
AT UNITED NATIONS HEADQUARTERS IN NEW YORK
DOES NOT HAVE DIPLOMATIC IMMUNITY
FROM CRIMINAL PROSECUTION**

Permanent observer missions at the United Nations Headquarters in New York are not granted diplomatic immunity by any of the major agreements the United States has signed. This was conceded by an authoritative and explicit legal opinion on the status of permanent observer missions issued by the United Nation's Office of Legal Affairs in 1962: "Permanent observers are not entitled to diplomatic privileges or immunities under the Headquarters Agreement or under other statutory provisions of the host state...If they are not listed in the United States diplomatic list, whatever facilities they may be given in the United States are merely gestures of courtesy by the United States authorities."¹ In an October 1982 statement, the United Nations Legal Counsel, Erik Suy, noted that "there are no specific provisions relating to permanent observer missions in the Charter, the Headquarters Agreement or the Convention on the Privileges and Immunities of the United Nations..."² Thus, the PLO observer mission does not have diplomatic immunity from criminal prosecution in U.S. courts.

...NOR WOULD YASSER ARAFAT IF HE CAME TO NEW YORK

Invitees to the United Nations are also not among those granted diplomatic immunity by the host nation. In a 1963 opinion paper of the Secretariat, the United Nations Office of Legal Affairs described the intent of the Headquarter's Agreement: "The Headquarters Agreement does not confer diplomatic status upon an individual invitee because of his status as such. He therefore cannot be said to be immune from suit or legal process during his sojourn in the United States and outside the Headquarter's District."³

CASES

There are several cases which provide precedent on the issue of United Nations non-member missions and diplomatic immunity. In *Pappas v. Francisci* (1953), the Supreme Court of New York ruled that permanent observer missions did not have diplomatic immunity. The decision quoted from a 1952 opinion of the Acting Chief of Protocol of the United Nations: "The Headquarters Agreement does not mention the observers category and up until now the agreement has not been interpreted to confer diplomatic immunity on such persons and/or members of their staff."⁴

The question of immunity of an invitee to the United Nations arose in the 1963 case of Enrique Galvao, a Portuguese national living in Brazil who sought to come to New York to testify before a United Nations committee. Portugal was seeking extradition of Galvao on charges of piracy and hijacking under a U.S.-Portugal extradition agreement. The United States Representative to the United Nations, Sidney Yates, clarified the U.S. position on immunity of invitees: "Section 11 [of the Headquarters Agreement]... does not grant them [invited persons] immunity from legal process" and noted that "the General Convention [on Privileges and Immunities of the United Nations] does not confer any immunities on invitees."⁵ The United Nations Office of Legal Affairs supported Yates' conclusion in an opinion paper on the case: "It is thus clear that the United Nations would be in no position to offer general assurances to Mr. Galvao concerning immunity from legal process."⁶

"FUNCTIONAL IMMUNITY"

While the PLO mission and PLO invitees in New York do not enjoy diplomatic immunity, they are conferred certain functional immunities. Functional immunity was explained by the Deputy U.S. Representative to the United Nations and summarized in the 1983 Report of the Committee on Relations with the Host Country: "...Permanent observer missions enjoy only functional immunity, namely, immunity from arrest resulting directly from the discharging of those specific functions for which the mission had been permitted into the United States."⁷ The 1983 Report also summarized the opinion of the Office of Legal Affairs: "Such functional privileges and immunities were to be extended to permanent observer missions, which had developed de facto, including the immunity from legal process in respect of words spoken or written and all acts performed by members of the mission in their official capacity before United Nations organs, as well as inviolability for official papers and documents relating to an observer's relation with the United Nations and inviolability of the premises of the mission and of the residences of its diplomatic staff."⁸ These immunities, which do not include immunity from criminal prosecution for acts committed outside the performance of United Nations functions, are the maximum claim of members of the PLO mission or Yasser Arafat if he were to come to the United Nations.

LEGAL EXPOSURE

Because they lack diplomatic immunity, the PLO mission and Yasser Arafat, if he were to come to the United Nations, could be subject to various legal actions:

- * Criminal justice procedures in Federal or New York State courts
- * Extradition proceedings on actions involving other nations
- * Civil suits by victims of the PLO

Insofar as jurisdiction exists in state or federal courts, civil actions could be brought by victims of PLO terror and crime seeking indemnification for damages. In such cases, the plaintiffs have the right of discovery into facts relevant to allegations in the complaint. Further, if the plaintiff wins a money judgment and the judgment is not paid by the PLO voluntarily, the plaintiff may have the right of discovery into the PLO's assets in the United States. If these assets are insufficient to satisfy the judgment, it may be possible to discover and make claims against assets in other countries.

Even if the U.S. government did not bring legal action against the PLO mission or Arafat in New York, such actions could be brought by others. A U.S. representative to the United Nations, Sidney Yates, noted during the 1963 Galvao case that "the United States Secretary of State had no power to prevent the arrest of a person whose extradition was sought by a Government with which the United States had an extradition convention, unless such a person was covered by immunities or other facts not present in the instant case..."⁹ In its opinion on the Galvao case, the United Nations Office of Legal Affairs noted that "Even if it should prove possible that the executive branch could, in the exercise of its authority over foreign affairs, certify and allow to the judicial branch that the freedom of Mr. Galvao to depart without impediment should override the authority of the courts to detain him, it is not clear on what basis an advance assurance could be given him."¹⁰

NOTES

1. United Nations Juridical Yearbook, 1962, ST/LEG/8 (Provisional mimeo), p. 237.
2. Statement by Erik Suy, United Nations Legal Counsel, October 1982.
3. Marjorie M. Whiteman, Digest of International Law, vol. 13 (Washington: U.S. Department of State, 1969) p. 94.
4. Pappas v. Francisci, 119 N.Y.S. 2d, 69 (Sup. Ct. Kings County 1953).
5. Whiteman, pp. 92-93.
6. Whiteman, p. 94.
7. Report of the Committee on Relations with the Host Country, General Assembly Official Records: 37th Session, Supplement no. 26 (A/37/26) p. 12.
8. Ibid, p. 13.
9. Whiteman, p. 96.
10. Whiteman, p. 95.

TITLE XIII—MISCELLANEOUS PROVISIONS

22 USC 2151-1
note.

SEC. 1301. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act shall take effect on October 1, 1985.

22 USC 2151
note.

SEC. 1302. CODIFICATION OF POLICY PROHIBITING NEGOTIATIONS WITH THE PALESTINE LIBERATION ORGANIZATION.

International
agreements.

(a) UNITED STATES POLICY.—The United States in 1975 declared in a memorandum of agreement with Israel, and has reaffirmed since, that "The United States will continue to adhere to its present policy with respect to the Palestine Liberation Organization, whereby it will not recognize or negotiate with the Palestine Liberation Organization so long as the Palestine Liberation Organization does not recognize Israel's right to exist and does not accept Security Council Resolutions 242 and 338."

(b) REAFFIRMATION AND CODIFICATION OF POLICY.—The United States hereby reaffirms that policy. In accordance with that policy, no officer or employee of the United States Government and no agent or other individual acting on behalf of the United States Government shall negotiate with the Palestine Liberation Organization or any representatives thereof (except in emergency or humanitarian situations) unless and until the Palestine Liberation Organization recognizes Israel's right to exist, accepts United Nations Security Council Resolutions 242 and 338, and renounces the use of terrorism.

16 USC 469j.

SEC. 1303. COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD.

(a) PURPOSE.—Because the fabric of a society is strengthened by visible reminders of the historical roots of the society, it is in the national interest of the United States to encourage the preservation and protection of the cemeteries, monuments, and historic buildings associated with the foreign heritage of United States citizens.

(b) ESTABLISHMENT.—There is established a commission to be known as the Commission for the Preservation of America's Heritage Abroad (hereafter in this section referred to as the "Commission").

(c) DUTIES.—The Commission shall—

(1) identify and publish a list of those cemeteries, monuments, and historic buildings located abroad which are associated with the foreign heritage of United States citizens from eastern and central Europe, particularly those cemeteries, monuments, and buildings which are in danger of deterioration or destruction;

(2) encourage the preservation and protection of such cemeteries, monuments, and historic buildings by obtaining, in cooperation with the Department of State, assurances from foreign governments that the cemeteries, monuments, and buildings will be preserved and protected; and

(3) prepare and disseminate reports on the condition of and the progress toward preserving and protecting such cemeteries, monuments, and historic buildings.

(d) MEMBERSHIP.—(1) The Commission shall consist of 21 members appointed by the President, 7 of whom shall be appointed after consultation with the Speaker of the House of Representatives and 7 of whom shall be appointed after consultation with the President pro tempore of the Senate.

(2)(A) Except as provided in subparagraphs (B) and (C), members of the Commission shall be appointed for terms of 3 years.

(B) Of the members first appointed after consultation with the Speaker of the House of Representatives, 5 shall be appointed for a term of 2 years. Of the members first appointed after consultation with the President pro tempore of the Senate, 5 shall be appointed for 2 years.

(C) A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the member's predecessor was appointed.

(D) A member may retain membership on the Commission until the member's successor has been appointed.

(3) The President shall designate the Chairman of the Commission from among its members.

(e) MEETINGS.—The Commission shall meet at least once every three months.

(f) COMPENSATION AND PER DIEM.—(1) Members of the Commission shall receive no pay on account of their service on the Commission.

(2) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(g) AUTHORITIES.—(1) The Commission or any member it authorizes may, for the purposes of carrying out this section, hold such hearings, sit and act at such times and places, request such attendance, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) The Commission may appoint such personnel (subject to the provisions of title 5 of the United States Code which govern appointments in the competitive service) and may fix the pay of such personnel (subject to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates) as the Commission deems desirable.

(3) The Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay then in effect for grade GS-18 of the General Schedule (5 U.S.C. 5332(a)).

(4) Upon request of the Commission, the head of any Federal department or agency, including the Secretary of State, may detail, on a reimbursable basis, any of the personnel of such department or agency to the Commission to assist it in carrying out its duties under this section.

(5) The Commission may secure directly from any department or agency of the United States, including the Department of State, any information necessary to enable it to carry out this section: Upon the request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(6) The Commission may accept, use, and dispose of gifts or donations of money or property.

(7) The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

5 USC 5101 et
seq., 5331.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

Independent

AUTHORITY: P.L. 99-83, Sec. 1303, August 8, 1985, effective October 1, 1985

METHOD: Appointed by the President

NUMBER: TWENTY-ONE, seven of whom shall be appointed after consultation with the Speaker of the House and seven of whom shall be appointed after consultation with the President pro tempore of the Senate.

TERM: THREE YEARS, except that of the members first appointed after consultation with the Speaker of the House of Representatives, five shall be appointed for a term of two years and of the members first appointed after consultation with the President pro tempore of the Senate, five shall be appointed for two years. A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the member's predecessor was appointed. A member may retain membership until the member's successor has been appointed. (HOLDOVER)

CHAIRMAN: Designated by the President from among the members

SALARY: Members shall receive no pay on account of their service on the Commission. While away from their homes or regular places of business in the performance of services for the Commission, members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under 5 U.S.C. 5703.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE
ABROAD (Cont'd.)

Independent

PURPOSE:

To identify and publish a list of those cemeteries, monuments, and historic buildings located abroad which are associated with the foreign heritage of U.S. citizens from eastern and central Europe, particularly those cemeteries, monuments, and buildings which are in danger of deterioration or destruction; encourage the preservation and protection of such cemeteries, monuments, and historic buildings by obtaining, in cooperation with the Department of State, assurances from foreign governments that the cemeteries, monuments, and buildings will be preserved and protected; and prepare and disseminate reports on the condition of and the progress toward preserving and protecting such cemeteries, monuments, and historic buildings.

ADMINISTRATIVE

SUPPORT:

The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request. The Commission may secure directly from any department or agency of the U.S., including the Department of State, any information necessary to enable it to carry out its purpose. Upon the request of the Chairman, the head of such department or agency shall furnish such information to the Commission.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

June 5, 1987

The Honorable Bill Green
U.S. House of Representatives
Washington, D. C. 20515

Dear Congressman Green:

The International Security and Development Cooperation Act of 1985 (P.L. 99-83) authorized the establishment of the Commission for the Preservation of America's Heritage Abroad. The Commission is charged with identifying cemeteries, monuments, and the historic buildings in eastern and central Europe associated with the heritage of U.S. citizens; with encouraging foreign governments to preserve and protect these entities; and with preparing annual reports to the President and the Congress.

The Administration supports the purposes of this Commission and believes it desirable to proceed with the steps necessary to get the Commission functioning.

Sincerely,

L. Wayne Army, III
Associate Director
National Security and
International Affairs

November 20, 1987

MEMORANDUM FOR BEVERLY THIERWECHTER
BUDGET REVIEW DIVISION

THROUGH: Bruce K. Sasser

FROM: Michael Kasten *sl*

SUBJECT: Commission for the Preservation of America's
Heritage Abroad

As we discussed, the Congress has authorized a new Commission for the Preservation of America's Heritage Abroad and has included \$200,000 in the Senate version of the 1988 Commerce, Justice, State Appropriations bill for the Commission to begin operations. Almost all of the Commissioners have been appointed. In anticipation of a first year appropriation through the continuing resolution, we believe an account should be established and recommend the following specifications:

Commission for the Preservation of America's Heritage
Abroad (P.L. 99-83).

Task of Commission: Encourage the preservation of and protection of cemeteries, monuments, and historic buildings associated with the foreign heritage of U.S. citizens (see attachment for details of account).

Function: 150 International Affairs.

Subfunction: 153 Conduct of Foreign Affairs

Placement in Appendix: Other Independent Agencies,
Federal Funds, General and Special Funds.

Character Class: 1600-04 Collection of Information;
Direct Federal Program.

Availability: Annual appropriation.

Possible Receipts: Gifts and donations (P.L. 99-83, Sec.
1303(g)(6)).

If you have any questions, please call Michael Kasten (x4580).

Attachment

cc: *sl* Mr. DuSault
Mr. Bame

c: State/USIA Branch Official File (Yellow)
MKasten

January 15, 1988

Ms. Dalia Devenis Bobelis
4925 60th Avenue South
St. Petersburg, Florida 33715

Dear Ms. Bobelis:

As Chairman of the President's Commission for the Preservation of America's Heritage Abroad, I would like to bring you up to date on the current status of the Commission.

The members were all appointed and publicly announced by the latter part of 1987. When we began investigating the scope of the anticipated activities we discovered no funds had been appropriated for the operation of the Commission.

I met with Wayne Army, Associate Director, National Security and International Affairs, Office of Management and Budget, for guidance on securing funding. I was told the funds would have to be added to one of the pending appropriation bills. Mr. Army also wrote the enclosed letter indicating Administration support for the Commission.

We began a concerted lobbying effort, and while we were not successful in the House of Representatives, we did secure \$200,000 in the proposed budget from the Senate.

When the budget went to the Conference Committee the \$200,000 was taken out of the budget before it was sent to the President for his signature. This happened in spite of commitment of interest and support from a number of members of the House and Senate.

I am told our only recourse now is to gain support for a transfer of funds from some other agency, possibly in a technical corrections bill for the 1988 Continuing Resolution or from discretionary funds. This will not be easily done.

When you view the overall budget, \$200,000 seems an insignificant amount. I am at a loss trying to understand why it was taken out of the budget. In fact, OMB was certain we

January 15, 1988

Page 2

would receive funding and in an effort to be supportive took the initiative to secure an account number for us with the Department of the Treasury. However, without these "start-up" funds, there is no money to fund even an organizational meeting as we are required by the authorizing legislation to pay travel and per diem.

As your Chairman, I will continue to seek avenues to secure funds both from the government and private sources for the important mission of the Commission and will keep you updated on any progress we make. Any assistance or ideas you can provide will be greatly appreciated.

Sincerely,

Betty Heitman

Enclosures

BH/aw

January 15, 1988

In addition to Dalia Bobelis, the Commission status report letter was sent to the following announced members of the Commission:

Rabbi Zvi Kestenbaum
Executive Director
Opportunity Development Association
12 Heyward Street
Brooklyn, New York 11211

Morgan Mason
President
The Mason Organization
1900 Avenue of the Stars, Suite 2270
Los Angeles, California 90067

Mary Lou O'Brien
Ponte-Vecchio Apartment 306
1250 South Washington Street
Alexandria, Virginia 22314

Honorable Judy Baar Topinka
Illinois State Senate
8609 West 22nd Street
North Riverside, Illinois 60546

Laurence J. Majewski
Professor of Conservation Emeritus
Institute of Fine Arts
New York University
New York, New York 10021

Edward Howell Sims
Publisher/Author
Editor's Copy Syndicate
P.O. Box 532
Orangeburg, South Carolina 29115

Gerald Rosen
Miller, Canfield, Paddock & Stone
2500 Comercia Building
Detroit, Michigan 48226

Arthur L. Berney
Professor
Boston College Law School
885 Centre Street
Newton, Massachusetts 02159

Rabbi Chaskel Besser
Congregation Bnai Israel
353 West 84th Street
New York, New York 10024

List (continued)
July 21, 1987
Page 2

Abraham Friedlander
Editor
Boro Park Voice
4616 13th Avenue
Brooklyn, New York 11219

Asher J. Scharf
President
33rd Street Development Corporation
1421 52nd Street
Brooklyn, New York 11219

Norman H. Stahl
Senior Officer
Devine, Millimet, Stahl & Branch
111 Amherst Street
Manchester, New Hampshire 03105

Edgar Gluck
Special Assistant to Superintendent for Community Affairs
New York State Police
2 World Trade Center, Room 5802
New York, New York 10047

Levi Goldberger
Field Underwriter
Mutual of New York (MONY)
1 Harmon Place
Secaucus, New Jersey 07094

Israel Rubin
10709 Great Arbor Drive
Potomac, Maryland 20854

Rabbi Morris Schmidman
Executive Director
Council of Jewish Organizations of Boro Park
4616 13th Avenue
Brooklyn, New York 11219

January 19, 1988

Honorable Ernest F. Hollings
125 Senate Russell Office Building
Washington, D. C. 20510

Dear Senator Hollings:

Last year I was appointed as Chairman of the President's Commission for the Preservation of America's Heritage Abroad. After being appointed, I discovered that because of the newness of the Commission, no funds had been requested for the FY88 budget.

Senators Kennedy and D'Amato took the lead in trying to secure a very modest amount (\$200,000) for start-up funds for the Commission. They contacted you and I received a letter from you stating your support and requesting an indication of Administration support. I had previously secured a letter from OMB (enclosed) which was sent to the House Appropriations Committee.

Through your combined efforts, the Senate did include the \$200,000 in their budget. However, at the last minute, the Conference Committee removed the funding from the budget which they sent to the President for signature.

Senator Hollings, the Commission was authorized by the Congress and members have been appointed. There is important work to be done and significant and broad interest in preserving areas of importance to our American heritage.

I have been told our only opportunity now for beginning the work of this Commission is through a transfer of funds already budgeted, possibly through a technical corrections bill, if one is planned.

The members of the Commission will appreciate any advice or assistance which you can offer us.

Sincerely,

Betty Heitman

Enclosure
BH/aw