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WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name DOBRIANSKY, PAULA: FILES

Withdrawer

RBW 1/31/2017

File Folder ROMANIA - EE [EASTERN EUROPE] MFN [MOST FAVORED NATION] (3)

FOIA

F1640/3

Box Number 6

HERSHBERG

68

ID	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
188910	LETTER	RR TO NICOLAE CEAUSESCU	2	12/1/1982	B1
188917	LETTER	RR TO NICOLAE CEAUSESCU [DRAFT]	4	ND	B1
188919	LETTER	RR TO NICOLAE CEAUSESCU [DRAFT]	3	ND	B1
188921	LETTER	RR TO NICOLAE CEAUSESCU [W/MARK, COPY OF DOC. 188910]	2	12/1/1982	B1
188929	MEMO	WILLIAM CLARK TO RR RE. ROMANIAN TAX ON EMIGRATION [W/NOTATION]	1	ND	B1
188936	MEMO	GEORGE SHULTZ TO RR RE. ROMANIAN TAX ON EMIGRATION	2	1/14/1983	B1

The above documents were not referred for declassification review at time of processing

Freedom of Information Act - [5 U.S.C. 552(b)]

- B-1 National security classified information [(b)(1) of the FOIA]
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- B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

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ID	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
188952	MEMO	PAULA DOBRIANSKY TO CLARK RE. ROMANIAN TAX ON EMIGRATION [W/NOTATIONS]	1	1/18/1983	B1
188953	MEMO	WILLIAM CLARK TO RR RE. ROMANIAN TAX ON EMIGRATION [COPY OF DOC. 188929]	1	ND	B1
188955	MEMO	GEORGE SHULTZ TO RR RE. ROMANIAN TAX ON EMIGRATION [COPY OF DOC. 188936]	2	1/14/1983	B1
188958	MEMO	WILLIAM CLARK TO RR RE. ROMANIAN TAX ON EMIGRATION [COPY OF DOC. 188929]	1	ND	B1
188959	MEMO	GEORGE SHULTZ TO RR RE. ROMANIAN TAX ON EMIGRATION [COPY OF DOC. 188936]	2	1/14/1983	B1
188960	CABLE	BUCHAREST 1242	4	2/9/1983	B1

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1

Sept.23, 1982

Dear Mr Abrams,

We look forward to the forthcoming U.S.-Romanian discussions on emigration and other human rights problems in Romania, in the spirit of President Reagan's statement of June 2, 1982. We noted that his vigorous language included calls both for the simplification of Romanian emigration procedures and for a significant increase in emigration for Israel. We appreciate the fact that both Senate and House have followed with the public articulation of emigration guidelines to which the Romanians would be expected to adhere in the coming year.

In regard to the general nature and objectives of the discussions, we believe that

1. the talks should be ongoing and intensive, over a period of as many months as it will take to develop adequate arrangements
2. effective, continuous monitoring should be established on a year round basis, to include emigration to Israel
3. credible assurances must be received on performance, both in terms of A) procedures B) rate of outflow .
In view of the experience of the past decade, some forms of believable guarantees are important, whether in writing or, at least, by means of high level official Romanian-U.S. announcements, publicly made.
4. Regarding the simplification and shortening of procedures, we particularly hope for results in the following areas:
 - a) removal of the pre-application procedures spread through Romania after MPN was obtained and the Helsinki Final Act was promulgated
 - b) shortening the process
 - i) from initial application to approval - 6 months
 - ii) from approval to exit - 2 months
5. More intensive reduction of emigration backlogs to U.S. and Israel, particularly long waiting 'refuseniks' (a category similar to that of prisoners of conscience).
6. 'Significant increase' in the rate of Jewish emigration

as called for by the President on June 2. His statement was preceded and followed by congressional petitions (1981 and 1982) requesting that the number of Romanian approvals for Israel should be 'more than doubled' (see Armstrong-Moynihan letter, signed by 51 of 100 signatures senators and the Solars-Derman letter signed by 121 Representatives, both of June/July 1982).

In view of the gross underestimates of the Romanian Jewish emigration potential still current in some quarters in Washington, I should like to add to my previous extensive discussion on this matter. An analysis of the number of this years emigration registrations for Israel makes it clear that the pool of applicants will remain considerable for the rest of the decade, provided that there is a genuine diminution of Romanian harassment and the above cited obstacles. Though we know some Romanian Jews who are not planning to leave, our experience, frequently renewed, is that the vast majority would like to do so - unlike the Jews of Hungary.

Here are some figures resulting from recent studies of Rabbi Rosen's lists. The total number of waiting applicants, including approvals, at the end of August was between 1,300 and 1,400, a similar number to that of May 28, 1982

The number of approvals granted during June/July 1982 showed that almost half of these (279 of 590) had not registered for emigration for Israel at the Jewish Community offices. This has been a consistent trend since such registrations began.

These figures suggest that

- a) the total number of Jews registered ^{for emigration} with the Romanian authorities is far more substantial than has been so far conceded. We do not speak here of the much larger number who have failed to have their application efforts heeded and of the many who fear to apply.
- b) the number of Jews still remaining in Romania is considerably in excess of Rabbi Rosen's census of 32,000. It is known that many unregistered Jews are scattered throughout East Europe. We prefer to accept the Romanian figures of 60,000 Jews appearing in an official U.N. document of 1979 and repeated by a Romanian diplomat to the Jewish Week of New York (May 9, 1979).

TAKING INTO ACCOUNT, THE SENTIMENTS EXPRESSED BY THE PRESIDENT AND CONGRESS AND THE EVIDENCE OF A LARGE POOL OF APPLICANTS FOR EMIGRATION TO ISRAEL AND A MUCH LARGER POOL OF POTENTIAL APPLICANTS, WE SHOULD BE MAKING IT CLEAR TO THE ROMANIAN AUTHORITIES THAT THE CURRENT RATE OF JEWISH APPROVALS (CIRCA ~~200~~ 200 to 300 A MONTH) MUST BE REGARDED AS THE MINIMUM RATE ACCEPTABLE FOR THE NEXT FEW YEARS.

We are well aware of the reluctance to set up a numbers goal but unless we, at least, establish a ball park range of what is acceptable, we are not going to achieve our objective. During 1979, the Romanians suddenly doubled the flow of emigrants to the U.S. - approx. 200 a month- and have kept it that way since. The Romanians have an unofficial arrangement with the West Germans (Schmidt-Ceausescu meeting, Jan. 1978 -see Frankfurter Allgemeine, Jan. 10 and Washington West German Embassy Press Service, Jan. 8, 1978).

I would like to take the opportunity to take up a matter which has concerned us for a long time. Over the years we have admired the conscientious efforts of U.S. officials in Bucharest to assist would-be emigrants to the U.S. Unfortunately, they do not have a similar mandate in regard to applicants desiring to reach Israel, despite # 402 of the 1974 Trade Act. Several years ago, I discussed this matter with (former) Assistant Secretary of State George Vest and suggested that the U.S. should intervene on behalf of persons, particularly difficult humanitarian cases, whose names were supplied by U.S. relatives and friends. His response was positive but, for a number of reasons, nothing further happened.

Whenever a U.S. legislator requests our Embassy in Bucharest for help in regard to an individual desiring to reach Israel, the following standard wording is used. 'In cases other those involving emigration to the U.S., we believe it is not appropriate for us to intervene with the Romanian authorities. In cases involving emigration to Israel, only the Israeli authorities are able to judge whether and under what circumstances, Romanians should be admitted and if intervention with the Romanian authorities is warranted'. This last sentence is unfortunate. The competence of the Israeli authorities to 'judge' of the admissibility of individuals to Israel is not relevant here. The real question is the effectiveness of Israeli interventions. Despite the fact that Romanian-Israeli diplomatic relations exist, Israelix cannot be considered a true 'third country' in the Romanian context. The embattled Israeli embassy is in Bucharest on sufferance, with minimal influence on the Romanian authorities.

May we therefore suggest that in accordance with the spirit of #402 of the 1974 Trade Act and our humanitarian concerns embodied in the Helsinki Final Act, Embassy personnel be empowered to intervene on behalf of difficult cases and that the Embassy or Administration in Washington present to the Romanian authorities on a regular basis a humanitarian list derived from requests submitted by Americans to their Congressional Representatives. Our experience indicates that it would be a mistake to delegate this task to the Helsinki Commission alone, as the Commission carries insufficient weight with the Romanians on its own.

One further point: We have found that some people desperate to leave have changed their emigration objective from Israel to the U.S. because, despite all the obstacles, they sometimes find it less difficult to reach the U.S. If Embassy personnel were empowered to be more directly helpful to these people, the pressure on U.S. Immigration services would be that much lessened.

During the summer, Washington was engulfed in a effusive Romanian assurances. Unfortunately, information continues to reach us of the same kind of troubles we've been so concerned about in the past and attached is a short list of persons harassed and penalized.

I shall be happy to make myself available for further discussion or clarification of issues and facts.

Jacob Birnbaum
National Director

Assistant Secretary of State Elliott Abrams

WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name

DOBRIANSKY, PAULA: FILES

Withdrawer

RB 1/31/2017
W

File Folder

ROMANIA - EE [EASTERN EUROPE] MFN [MOST FAVORED
NATION] (3)

FOIA

F1640/3
HERSHBERG

Box Number

6

68

<i>ID</i>	<i>Document Type</i> <i>Document Description</i>	<i>No of</i> <i>pages</i>	<i>Doc Date</i>	<i>Restric-</i> <i>tions</i>
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REFERRAL

DATE: 02 DEC 82

MEMORANDUM FOR: STATE SECRETARIAT

DEPARTMENT OF STATE

DOCUMENT DESCRIPTION:

TO: CEAUSESCU, NICOLAE

SOURCE: PRESIDENT

DATE: 01 DEC 82

KEYWORDS: ROMANIA

HS

HUMAN RIGHTS

EMIGRATION

SUBJ: PRES LTR TO CEAUSESCU

REQUIRED ACTION: FOR DISPATCH

DUE DATE:

COMMENTS:

Cathy Morrison
FOR MICHAEL O WHEELER

STAFF SECRETARY

**National Security Council
The White House**

Package # 8143

NOV 26 AIO: 21

	SEQUENCE TO	HAS SEEN	ACTION
John Poindexter	<u>1</u>	<u>X</u>	<u>A</u>
Bud McFarlane	<u> </u>	<u>m</u>	<u> </u>
Jacque Hill	<u>2</u>	<u> </u>	<u> </u>
Judge Clark	<u>3</u>	<u>✓</u>	<u> </u>
John Poindexter	<u> </u>	<u> </u>	<u>11/30</u>
Staff Secretary	<u>4</u>	<u>ORIG. LEFT WITH</u>	
Sit Room	<u> </u>	<u>PRESIDENT.</u>	
<u> </u>	<u> </u>	<u> </u>	<u> </u>

☒ Information
 ☐ A-Action
 ☐ R-Retain
 ☐ D-Dispatch
 ☐ N-No further Action

DISTRIBUTION

cc: VP Meese Baker Deaver Other

COMMENTS

[Handwritten signature]

AW 1/31/17 UNCL OFCL

~~CONFIDENTIAL~~

CLASSIFICATION

CIRCLE ONE BELOW

MODE

PAGES 3

IMMEDIATE

82 DEC 1 P 2: @ACOM # 33

RELEASER _____

PRIORITY

DEX # _____

DTG 011825Z DEC

ROUTINE:

WHITE HOUSE
SITUATION ROOM TTY # _____

FROM/LOCATION/

1. JACQUE HILL BRASILIA SIGNED _____

TO/LOCATION/TIME OF RECEIPT:

1. NSC - FLO GRANT TOB: 011850Z NOV 82

2. _____

3. _____

4. _____

INFORMATION ADDRESSEES/LOCATION/TIME OF RECEIPT

1. _____

2. _____

SPECIAL INSTRUCTIONS/REMARKS:

CONFIDENTIAL

CLASSIFICATION

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

~~CONFIDENTIAL~~

DECLASSIFIED
Authority NSC Waiver 8/6/10
BY RW DATE 1/31/17

ACTION

SIGNED

MEMORANDUM FOR THE PRESIDENT

FROM: WILLIAM F. CLARK *WFC*
SUBJECT: Letter to Romanian President Ceausescu

Issue: Letter to Romanian President Ceausescu urging the suspension of Romania's proposed education repayment decree.

Facts: Last month, Romania enacted an education repayment decree which would require all emigrants to reimburse the state in convertible currency for the cost of their educations. This decree violates section 402 (Jackson-Vanik Amendment) of the 1974 Trade Act which states that Most Favored Nation status should not be extended or should be withdrawn from any non-market economy country which "imposes more than a nominal tax, levy, fine, fee or other charge on any citizen as a consequence of the desire of such citizen to emigrate to the country of his choice."

Discussion: The attached draft letter (Tab A) from you to President Ceausescu urges the suspension of the education repayment decree, and states unequivocally that its implementation will unavoidably result in the loss of Romania's MFN status. The imposition of an education tax would violate U.S. law and leave you with no choice but to suspend MFN treatment to Romania.

State and Commerce concur.

RECOMMENDATION

OK No

OK — That you sign the letter to President Ceausescu at Tab A.

Attachment:

Tab A Proposed letter to President Ceausescu

Prepared by:
Paula Dobriansky/
Richard Pipes

~~CONFIDENTIAL~~

Declassify on: OADR

MEMORANDUM

NATIONAL SECURITY COUNCIL

~~CONFIDENTIAL~~

November 24, 1982

ACTION

MEMORANDUM FOR WILLIAM P. CLARK

SIGNED

FROM: PAULA DOBRIANSKY/RICHARD PIPES

SUBJECT: Proposed Presidential Letter to Romanian President Ceausescu

State has forwarded you a proposed letter from President Reagan to Romanian President Ceausescu (Tab II). The draft letter requests that Ceausescu postpone implementation of an education repayment tax which would require all emigrants to reimburse the state in convertible currency for the cost of their educations. This decree violates section 402 of the Trade Act of 1974 which states that Most Favored Nation status should not be extended or should be withdrawn from any non-market economy country which "imposes more than a nominal tax, levy, fine, fee or other charge on any citizen as a consequence of the desire of such citizen to emigrate to the country of his choice."

The attached NSC re-draft of the letter from President Reagan to President Ceausescu (Tab A) urges the suspension of the education repayment decree, but clearly states that its implementation will result in the loss of Romania's MFN status. State and Commerce concur. Speechwriters have cleared the text. At Tab I is a forwarding memorandum to the President.

Guhin, Lord, McMinn and Robinson concur.

RECOMMENDATION

That you forward the memorandum at Tab I to the President.

Approve ✓ Disapprove

Attachments:

Tab I	Memorandum to the President
Tab A	Proposed Letter to President Ceausescu
Tab II	State's memorandum and draft

~~CONFIDENTIAL~~

Declassify on: OADR

DECLASSIFIED

Authority NSC Waiver 8/6/10
 BY RW NARA DATE 1/31/17



~~CONFIDENTIAL~~

- EXDIS

November 23, 1982

Attachment

MEMORANDUM FOR MR. WILLIAM P. CLARK
THE WHITE HOUSE

SUBJECT: Proposed letter from the President to
President Ceausescu of Romania

Romania enacted an education repayment decree late last month (TAB 1) which, when implemented, will place that country in clear violation of Section 402 of the 1974 Trade Act (Jackson-Vanik Amendment). The decree requires, inter alia, that emigrants reimburse the state in convertible currency for the cost of their free public education at the secondary and higher levels. It also provides for the confiscation without compensation of emigrants' homes and land and requires additional hard-currency payments once they receive their passports. The Romanian Government has justified these harsh measures as necessary to help stem the "brain drain."

Section 402 of the Trade Act of 1974 says, in part, that Most-Favored-Nation tariff treatment (MFN) shall not be extended to any non-market economy country which "imposes more than a nominal tax, levy, fine, fee or other charge on any citizen as a consequence of the desire of such citizen to emigrate to the country of his choice."

The attached draft letter (TAB 2) from the President to President Ceausescu calls on Ceausescu to suspend implementation of the decree, explicitly states that full implementation will result in the loss of MFN treatment for Romanian exports to the U.S., and offers a Presidential emissary to discuss the issue privately with the Romanians. It leaves President Ceausescu under no illusion that Romania can retain MFN and other trade and investment benefits if the decree is implemented. It is believed that a prompt Administration response in the form of a private letter from the President offers a better chance than further public statements of persuading President Ceausescu to back down and permits him to do so with a minimum loss of face.

~~CONFIDENTIAL~~

DECL:OADR

DECLASSIFIED
Authority: State Waiver 11/6/15
BY: *FW* NARA DATE 11/31/17

~~CONFIDENTIAL~~ - EXDIS

12

- 2 -

The Department of Commerce has cleared this proposed letter subject to the proviso that "the decision to send this letter does not in itself constitute a decision on Romania's MFN or suspension thereof, and that there would be some interagency consideration prior to any specific decision."


L. Paul Bremer, III
Executive Secretary

Attachments:
As stated.

~~CONFIDENTIAL~~

ACTION
COPY

Department of State

TELEGRAM

PAGE 01 BUCHAR 05553 01 OF 02 051459Z 3607 EUR3403

ACTION EUR-00

BUCHAR 05553 01 OF 02 051459Z 3607 EUR3403

AS FOR THE OTHER SERVICES FROM WHICH THEY BENEFIT UNTIL
ABANDONING THE TERRITORY OF THE STATE.

ACTION OFFICE 30-02

INFO RMP-01 EUR-03 PMA-01 PHD-01 RPE-01 EWEA-01 EEC-01 COEX-01
COV-01 SOML-01 SOBI-01 PA-01 WE-02 CP-01 PMS-01 PM-01
EEY-02 PP-01 /025 A3

IN THIS SCOPE, THE COUNCIL OF STATE OF THE SOCIALIST
REPUBLIC OF ROMANIA DECREES:

INFO OCT-00 COPY-01 ADS-00 INR-10 CIAE-00 DODE-00 10-15
NSAE-00 SCO-00 HA-00 L-03 PA-01 VO-05 INRE-00
BIB-01 CA-01 RP-10 USIE-00 SP-02 SPRS-01 /070 W

ART. 1: PERSONS WHO REQUEST TO BE PERMITTED TO
TAKE UP RESIDENCE PERMANENTLY ABROAD ARE OBLIGED
TO PAY FULLY THE DEBTS WHICH THEY OWE THE
SOCIALIST UNITS, AND OTHER ORGANIZATIONS.

0 081342Z NOV 6Z ZFF4
FM AMEMBASSY BUCHAREST
TO SECSTATE WASHDC NIACI IMMEDIATE 7124
INFO AMEMBASSY BELGRADE
AMEMBASSY BERLIN
AMEMBASSY BUDAPEST
AMEMBASSY MADRID
AMCONSUL MUNICH
AMEMBASSY MOSCOW
AMEMBASSY PRAGUE
AMEMBASSY SOFIA
AMEMBASSY WARSAW
USCINCEUR VAININGEN GE
USDOCO SOUTH NAPLES IT
CINCUSAFE RAMSTEIN AB GE
CINCUSAREUR HEIDELBERG GE

SIMILARLY, THEY HAVE THE OBLIGATION TO PAY IN ENTIRETY
ALLOWANCES FOR SUPPORT (ALIMONY) AND EVERY OTHER
DEBT TO PHYSICAL PERSONS.

ART. 2: PERSONS WHO DESIRE TO BE PERMITTED TO
RESIDE PERMANENTLY ABROAD ARE OBLIGED TO REPAY THE
ROMANIAN STATE IN HARD CURRENCY (VALUTA) THE
EXPENDITURES MADE FOR SCHOOLING, SPECIALIZATION,
AND TRAINING, INCLUDING SCHOLARSHIPS, WITH REGARD
TO HIGH SCHOOL (LICEAL), UNIVERSITY (SUPERIOR), POST-
GRADUATE SCHOOL, AND DOCTORAL EDUCATION.

THE AMOUNTS OWED ARE ESTABLISHED THROUGH THE APPLICATION
OF THE RATES PROVIDED BY LAW FOR FOREIGNERS WHO STUDY
AT THEIR OWN EXPENSES IN THE SOCIALIST REPUBLIC OF ROMANIA.

~~LIMITED OFFICIAL USE SECTION 01 OF 02 BUCHAREST 8553~~

MADRID FOR CSCE DELEGATION
CINCEUR, USDOCO, USAF, USAREUR FOR POLADS

E.O. 12356: NA
TAGS: CVIS, SHUP, ETRD, CSCE, PGOV, RO
SUBJECT: ROMANIAN EDUCATION REPAYMENT DECREE

JF: BUCHAREST 8150 (NOTAL)

1. ON NOV 6 ROMANIAN NEWSPAPERS CARRIED THE TEXT
OF THE COUNCIL OF STATE DECREE (SEE REFTEL) CONCERNING
THE REQUIREMENT THAT INTENDING EMIGRANTS REPAY THE
GOVERNMENT FOR THEIR EDUCATION AND FOR OTHER SERVICES.
THE TEXT OF THAT DECREE FOLLOWS:
BEGIN TEXT.

COUNCIL OF STATE OF THE SOCIALIST REPUBLIC OF ROMANIA

DECREE

REGARD THE OBLIGATIONS OF PERSONS WHO REQUEST TO BE
PERMITTED TO TAKE UP RESIDENCE PERMANENTLY ABROAD
OF PAYING IN ENTIRETY THE DEBTS WHICH THEY OWE THE
STATE, SOCIALIST ORGANIZATIONS, AND PHYSICAL PERSONS, O
AS WELL AS OF REPAYING SOME EXPENDITURES MADE BY THE
STATE FOR THEIR SCHOOLING.

IN THE GENERAL POLITICAL CONTEXT OF THE PARTY AND THE
STATE OF CONTINUOUSLY RAISING THE STANDARD OF LIVING
OF THE ENTIRE POPULATION, IMPORTANT FUNDS ARE
ALLOCATED TO ASSURE THE CITIZENS OF THE FATHERLAND
A FREE EDUCATION AT ALL GRADES, FREE MEDICAL CARE,
AND A LARGE SYSTEM OF SOCIAL SECURITY AND ASSISTANCE.

FOR THE COMPENSATION OF THESE EXPENDITURES, IN CONFORMITY
WITH ETHICAL AND EQUITABLE SOCIALIST PRINCIPLES, IT
IS NECESSARY THAT PERSONS WHO LEAVE THE COUNTRY
PERMANENTLY INDEMNIFY SOCIETY FOR THE MATERIAL EFFORTS
DEVOTED TO THEIR SCHOOLING AND SPECIALIZATION, AS WELL

LIMITED OFFICIAL USE

AW
11/3/11

COPY

Department of State

TELEGRAM

BUCHAR 06553 02 OF 02 061550Z 0652 EUR417
ON EUP-00

BUCHAR 06553 02 OF 02 061550Z 0652 EUR417

ACTION OFFICE 00-02

INFO PMP-01 EUR-05 PMA-01 PMO-01 RPE-01 EWEA-01 SEC-01 SOEX-01
SOV-01 SOML-01 SOBI-01 PA-01 WE-02 SP-01 PMS-01 PM-01
EEY-02 PP-01 /025 A3

INFO OCT-08 COPY-01 ADS-08 INR-10 CIAE-08 OODE-08 IO-15
NSAE-08 CSO-08 HA-08 L-03 PA-01 VO-05 INRE-08
BIB-01 CA-01 RP-18 USIE-00 SP-02 SPRS-01 /078 W
-----351443 081554Z /41

O 081342Z NOV 82 ZFF4
FM AMEMBASSY BUCHAREST
TO SECSTATE WASHDC NIACI IMMEDIATE 7125
INFO AMEMBASSY BELGRADE
AMEMBASSY BERLIN
AMEMBASSY BUDAPEST
AMEMBASSY MADRID
AMCONSUL MUNICH
AMEMBASSY MOSCOW
AMEMBASSY PRAGUE
AMEMBASSY SOFIA
AMEMBASSY WARSAW
USCINCEUR VAININGEN GE
USDOCO SOUTH NAPLES IT
CINCUSAFE RAMSTEIN AB GE
CINCUSAREUR HEIDELBERG GE

ALREADY ABROAD, DID NOT RETURN AT THE EXPIRATION OF
THE TERM ESTABLISHED FOR THEIR RETURN TO THE COUNTRY,
THE RESTITUTION OF THE EXPENDITURES FOR SCHOOLING,
SPECIALIZATION AND IMPROVEMENT IS ACCURED THROUGH
THE PURSUIT UNDER LEGAL CONDITIONS, OF THE GOODS AND
OTHER RIGHTS WHICH THEY HAVE IN THE COUNTRY OR ABROAD
UNTIL THE FULL SATISFACTION OF THE DEBT.

ART. 3: THE REPAYMENT OF THE EXPENDITURES, INCLUDING
SCHOLARSHIPS, AS WELL AS THE PAYMENT OF
CHARGES AND FEES PROVIDED IN ARTICLES 2 AND 4 ARE TO
BE MADE IN FREELY EXCHANGEABLE FOREIGN CURRENCY, THROUGH
BANK TRANSFERS OR DIRECTLY, IN EFFECTIVE HARD CURRENCY
AND CHECKS.

NICOLAE CEAUDESCU
PRESIDENT OF THE
SOCIALIST REPUBLIC OF ROMANIA

FUNDERBURN

~~LIMITED OFFICIAL USE SECTION 02 OF 02 BUCHAREST 8553~~

MADRID FOR CSCE DELEGATION
CINCEUR, USDOCO, USAF, USAREUR FOR POLADS

THE PROVISION OF THE PRESENT ARTICLE IS NOT
APPLIED TO PERSONS WHO AT THE DATE OF THE APPROVAL
OF THEIR REQUEST TO EMIGRATE FROM THE COUNTRY FULFILL
THE CONDITIONS OF AGE PROVIDED BY LAW IN REGARD TO
THE GRANTING OF PENSION FOR WORK CONTRIBUTED
AND LIMITED BY AGE.

ART. 3: THE PAYMENT OF DEBTS OWED TO THE STATE,
SOCIALIST UNITS, AND OTHER ORGANIZATIONS AND OF
PAYMENTS FOR MAINTENANCE (ALIMONY) AND OF THE OTHER
DEBTS OWED TO PHYSICAL PERSONS, AS WELL AS THE RE-
PAYMENT OF EXPENDITURES FOR SCHOOLING, SPECIALIZATION,
AND TRAINING ARE MADE AFTER THE APPROVAL OF THE REQUEST
TO EMIGRATE AND BEFORE THE RELEASE OF THE PASSPORT.

ART. 4: FROM THE DATE OF THE APPROVAL OF EMIGRA-
TION UNTIL THE DATE OF EFFECTIVE DEPARTURE FROM THE
COUNTRY, PERSONS PROVIDED FOR IN ARTICLE 1 WILL SUPPORT,
IN HARD CURRENCY, EXPENSES FOR MEDICAL CARE CHARGES
AND FEES FOR TOURIST SERVICES AS WELL AS WHATEVER
OTHER CHARGES AND FEES OWED ACCORDING TO THE LAW BY
FOREIGNERS WHO DO NOT HAVE DOMICILE IN THE SOCIALIST
REPUBLIC OF ROMANIA.

ART. 5: BUILDINGS AND LAND BELONGING TO PERSONS
WHO EMIGRATE FROM THE COUNTRY BECOME, ACCORDING TO
THE LAW, THE PROPERTY OF THE STATE.

ART. 6: PROPERTY OF THE NATIONAL CULTURAL
PATRIMONY BELONGING TO PERSONS WHO ARE APPROVED
TO EMIGRATE ARE SURRENDERED OBLIGATORILY TO THE
STATE AT THE PRICE ESTABLISHED BY THE STATE CENTRAL
COMMISSION FOR THE NATIONAL CULTURAL PATRIMONY.

ART 7: IN THE CASE OF PERSONS WHO HAVE DEPARTED
IN A FRAUDULENT MANNER FROM THE COUNTRY OR WHO, BEING

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188917	LETTER RR TO NICOLAE CEAUSESCU [DRAFT]	4	ND	B1

Freedom of Information Act - [5 U.S.C. 552(b)]

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	Document Description			
188919	LETTER RR TO NICOLAE CEAUSESCU [DRAFT]	3	ND	B1

Freedom of Information Act - [5 U.S.C. 552(b)]

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NATIONAL SECURITY COUNCIL

December 2, 1982

Jan

~~Brian~~ --

Could you get the letter at Tab A resigned. As you can see from Donna's note at Tab B, there were several mistakes.

Carol Cleveland

December 1, 1982

This letter needs to be redone for two reasons:

1. Last line page one, needs a period at the end, not a coma.
2. The address block needs to have "His Excellency" on a separate line then his name etc....

Same with the envelope

Thanks and sorry.

D. Moore

*9/1 in the one who's
sorry + embarrassed.*

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188921	LETTER RR TO NICOLAE CEAUSESCU [W/MARK, COPY OF DOC. 188910]	2	12/1/1982	B1

Freedom of Information Act - [5 U.S.C. 552(b)]

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8143

NATIONAL SECURITY COUNCIL

New page 2 of
Causescu letter —
please make substitution.

June
FMM

NOV 26 1964

NOTES FOR THE JANUARY 1983 CONGRESSIONAL VISIT TO BUCHAREST

1 - Education Tax, "Ransom Money", Hard Currency

Latest information suggests that the tax will now be imposed early in the new year.

Even if we manage to avoid its implementation, many potential emigrants will be pressured to request substantial sums from relatives abroad as unofficial ransom money.

2 - Other Taxes

In the furor about the education tax, there is a tendency to forget the hardship of a) the increased luggage and other smaller taxes b) the fact that all taxes must be paid in hard Western currency.

3 - Emigration Procedures

We should seek their radical simplification:

- a) Immediate availability of the major application forms.
- b) Not more than six months from application to "approval".
- c) Not more than two months from approval to exit.
- d) Cessation of harassment of emigration applicants.

4 - Emigration Rates

- a) Accelerated rates of approvals and exits for those waiting more than six months for US and Israel visas.
- b) Maintenance of the rate of approvals to Israel and the recent monthly rate of over 200.

5 - Israel Emigration

- a) Rates: 1982 has seen an increase from c1000 to c1500. This increase should, however, be viewed in the light of Romanian Jewish emigration needs; the current flow could easily be doubled. The daily calls for help we receive from relatives of Romanian Jews (we receive none from the much larger Jewish community in neighboring Hungary) gives a lie to Romanian claims that the need declines progressively every year. It is no accident that annual Jewish emigration dropped suddenly from c4000 in 1973 and 1974 to 2000 in 1975 and 1976, immediately after Romania received MFN, and then dropped sharply again to c1000 thereafter. Despite the assertions of the Romanian authorities, we are confident that Romanian Jewish emigration could comfortably reach 2500 - 4000 a year for the rest of decade.
- b) List of Registrations for Emigration to Israel
In 1979, Romanian officials committed themselves to the regular dispatch of the list of registrations for Israel to the US ambassador in Bucharest and to the US Conference of Presidents of Major American Jewish Organizations. The implementation of this commitment has been quite irregular. For example, in the summer of 1982, Administration and Congress had to base their

**The Center for Russian Jewry
with
Student Struggle for Soviet Jewry**

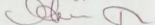
210 West 91st Street • New York, N.Y. 10024
(212) 799-8900

Jan. 3, '83

Dear Mr. Fortier and Ms. Dobriansky:

Enclosed is a copy of the memo which Mr.
Jacob Birnbaum has sent to the members of
the Congressional delegation to Romania.

Sincerely,



Glenn Richter

considerations of Most-Favored-Nation trading status renewal on lists not reaching beyond October 12, 1981 -- a gap of almost nine months! -- though Romanian lists of "approvals" were plentiful.

If you request MONTHLY LISTS of Israel emigration registrants, approvals and exit to the US embassy in Bucharest and to Rabbi J. Berman, chairman of the Conference of Presidents of Major American Jewish Organizations, c/o Kaye, Scholer, etc., 425 Park Avenue, New York, NY 10022, we may, at least, get them quarterly.

6 - Rumanian Amnesty for Vatra-Dornei Four

These men were accused of a minor offense in the SovRom (Soviet-Romanian) Wood Factory 30 years ago, and are still being penalized with enormous fines for "causing damage to the state". Though now released from prison, they still have to pay 1/3 of meager incomes as punishment, despite the fact that the original sums, involving only hundreds of dollars per individual and some thousands for the whole group, have been long paid.

These men and their wives, almost all over 70, are desperate to join their children and grandchildren abroad. They need an amnesty decree to emigrate.

The Romanian authorities' claim that they are "criminals" should be refuted with the fact that in 1980 the same authorities granted an amnesty to 18 Jewish "criminals" accused of much more serious offenses 20 years previously under Decree 199. During the 1980 Congressional MFN hearings, however, the Romanians no longer referred to them as "criminals".

During the 1982 hearings, a number of Christian prisoners were amnestied by Decree 200.

After three decades, it is time that these elderly people be permitted to join their families. They are: Isaac Bleichman, Str. Dornelor 16, Vatra-Dornei; Samuil Feiden, Str. Vioenti 37, Vatra-Dornei; Natan Fleischer, Str. Castanilor 6, Bacau; and Herman Rubinger, Str. N. Beloianis 9, Bucharest.

Prepared by Jacob Birnbaum, National Director, Center for Russian and East European Jewry. Tel. to January 12th: (416) 636-5958 or (416) 636-0277. Regular phones (212) 928-7451 or (212) 795-8867.

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188929	MEMO WILLIAM CLARK TO RR RE. ROMANIAN TAX ON EMIGRATION [W/NOTATION]	1	ND	B1

Freedom of Information Act - [5 U.S.C. 552(b)]

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188936	MEMO GEORGE SHULTZ TO RR RE. ROMANIAN TAX ON EMIGRATION	2	1/14/1983	B1

Freedom of Information Act - [5 U.S.C. 552(b)]

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MEMORANDUM

NATIONAL SECURITY COUNCIL

~~SECRET~~

January 18, 1983

ACTION

MEMORANDUM FOR WILLIAM P. CLARK

FROM: PAULA DOBRIANSKY RD

SUBJECT: Romanian Tax on Emigration

At Tab A is a memorandum from Secretary Shultz to the President which provides the results of Under Secretary Eagleburger's recent trip to Romania and Yugoslavia, with emphasis on the issue of Romania's emigration tax. It reports that in Eagleburger's January 11 discussions with President Ceausescu, the Romanian President gave no indication that the government's decision on the emigration tax would be changed or reversed. The memorandum also proposes that an interagency group be organized to examine this issue, to develop an interim policy strategy and to make recommendations on how to manage the political/economic consequences of non-renewal of Romania's MFN status.

At Tab I is a memorandum for your signature to the President summarizing and forwarding Secretary Shultz's memorandum of January 14.

Mike Guhin and Henry Nau concur.

RECOMMENDATION

That you sign and forward the memorandum to the President at Tab I.

Approve ✓ Disapprove

Attachments:

Tab I Memorandum to the President

Tab A Secretary Shultz's memorandum of January 14

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MFN

ID 8300364

RECEIVED 15 JAN 83 11

TO PRESIDENT

FROM SHULTZ, G

DOCDATE 14 JAN 83

34

KEYWORDS: ROMANIA

EMIGRATION

MFN

HUMAN RIGHTS

CM

SUBJECT: PROBLEMS W/ THE ROMANIAN TAX ON EMIGRATION ISSUE

ACTION: PREPARE MEMO FOR CLARK

DUE: 18 JAN 83 STATUS S FILES

FOR ACTION

FOR CONCURRENCE

FOR INFO

DOBRIANSKY

ROBINSON

GUHIN

MYER

NAU

LORD

WHEELER

COMMENTS

REF# 8301337

LOG

NSCIFIED

(M /)

Paula, I know the issue is human rights & I concur completely in our position. But a consequence of denying MFN will be to make it still more difficult for Romania to pay off its debts. Ultimately, we are going to have to reschedule it so we pay for it in the end. I can't we find something else to deny them?

Henry

ACTION OFFICER (S) ASSIGNED ACTION REQUIRED DUE COPIES TO

DISPATCH

W/ATTCH FILE

(C)

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188952	MEMO PAULA DOBRIANSKY TO CLARK RE. ROMANIAN TAX ON EMIGRATION [W/NOTATIONS]	1	1/18/1983	B1

Freedom of Information Act - [5 U.S.C. 552(b)]

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188953	MEMO WILLIAM CLARK TO RR RE. ROMANIAN TAX ON EMIGRATION [COPY OF DOC. 188929]	1	ND	B1

Freedom of Information Act - [5 U.S.C. 552(b)]

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188955	MEMO GEORGE SHULTZ TO RR RE. ROMANIAN TAX ON EMIGRATION [COPY OF DOC. 188936]	2	1/14/1983	B1

Freedom of Information Act - [5 U.S.C. 552(b)]

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MEMORANDUM

NATIONAL SECURITY COUNCIL

~~SECRET~~

January 18, 1983

ACTION

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RECOMMENDATION

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Approve _____ Disapprove _____

Attachments:

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Tab A Secretary Shultz's memorandum of January 14

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Dept. of State, Jan 21, 1997
BY FW DATE 11/31/17

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188958	MEMO WILLIAM CLARK TO RR RE. ROMANIAN TAX ON EMIGRATION [COPY OF DOC. 188929]	1	ND	B1

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188959	MEMO GEORGE SHULTZ TO RR RE. ROMANIAN TAX ON EMIGRATION [COPY OF DOC. 188936]	2	1/14/1983	B1

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*Who is
going to?
simplify &
shorten*

*Also these
third countries
mediated
who know
Ceausescu who
could lobby &
be might*

FILE Romanians
DOUG MFN

Comments
COB
Thurs, Jan. 27

43

ESSENTIAL FACTORS

Under Secretary Eagleburger's January 10-11 trip to Romania helped ensure that President Ceausescu is under no illusions that Romania can retain MFN and associated benefits if it implements the education repayment decree of November 6, 1982. At the same time, the Romanians did not show flexibility in their position on the decree during the Eagleburger visit, and on January 24 our Embassy in Bucharest learned for the first time of a case in which an emigrant apparently is being asked to repay the state for the cost of her education. It is not clear yet whether this is an isolated case or means that full implementation is under way. Deputy Assistant Secretary Mark Palmer called in the Romanian Chargé on January 24 to request urgent clarification and to reiterate that MFN will be removed if implementation of the decree proceeds.

SUGGESTED GAMEPLAN

If the Romanians do proceed with implementation of the decree, the only questions will be when and precisely how to take away MFN. We could act to suspend MFN as soon as full implementation became clear or we could wait and terminate it on June 2nd when the President's annual recommendation to the Congress on the future of MFN is due. The questions of timing and manner can be decided later and should be designed to encourage the Romanians to revert to the status quo ante.

However, if implementation does not now proceed, we need to determine how best to use the next few months. It is in our interest to preserve and maintain our relations with Romania at their present level if this can be done without a "deal" to pay for emigrants. We must continue to be absolutely explicit with the Romanians -- the U.S. cannot and will not make any Israeli or German-type arrangement. And we should recognize the need

*if going to
principles, might
tell them what
Jackson-
Shank means -
no MFN or Exim*

President by

~~CONFIDENTIAL~~
DECL: OADR

*EO may
terminate
at my time*

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BY AW NARA DATE 1/31/17

~~CONFIDENTIAL~~

- 2 -

to begin thinking how to manage a post-MFN relationship. At the same time, we must look for ways to convince the Romanians✓ that it will be more to their advantage not to implement the decree than to do so. MFN is central to our present relationship -- economically, politically, and psychologically -- and its loss would be a serious blow. It also would lead to reduced emigration. Therefore, if there is no immediate implementation, we suggest the following gameplan:

1. January 25: An interagency meeting took place to examine where we stand in our relations with Romania and to explore ways to encourage the Romanians to improve their emigration/human rights performance and persuade them not to implement the education tax decree. We are developing a set of positive and negative inducements, i.e., a trade promotion program, LANDSTAT ground station, linking EXIM credits for their nuclear power plant to non-implementation of the decree, annual bilateral talks on global issues, etc. Much of this would be simply showing movement on prior commitments but doing so in the next few months.

2. Early February: Deputy Foreign Minister Groza should be invited by Larry Eagleburger to visit Washington for a general review of relations with him and for the second stage of discussions to reach agreement on improved emigration procedures with Elliott Abrams and Rick Burt, as suggested in the President's letter to Ceausescu of December 1. Improvement in emigration procedures is one of two preconditions to a Presidential recommendation to extend MFN and to overcoming Congressional opposition to continuing MFN. (N.B.: One major Congressional concern, i.e., speeding up the processing of emigration cases, is particularly tricky and potentially embarrassing, since we currently are unable to take in all the people the Romanians have approved for departure to the U.S. Because of limitations on our refugee numbers, there are now over 1,000 people with exit passports in hand whom we cannot assist to depart Romania. We are helping about 100 refugees to leave each month, while the Romanians are approving about 200 passports for travel to the U.S. per month. Thus the backlog grows.)

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3. Early February: A Canadian/Italian/U.S. technical mission is tentatively scheduled to visit Romania for an on-site inspection and evaluation of the proposed Cernavoda nuclear power plant. EXIM has committed but not disbursed \$120 million to General Electric for its share of the project. U.S. participation in this tripartite visit, which EXIM currently is resisting, would demonstrate our continuing interest in the project without obligating us to any specific course of action. We need to make clear to the Romanians that this deal will only go through if they do not implement the decree and continue to meet their economic obligations, i.e., debt rescheduling.

4. Late March/Early April: During Larry Eagleburger's visit to Bucharest the Romanians proposed that Foreign Minister Andrei visit Washington to continue the discussions. Assuming that they do not implement the decree before then, we should go ahead with this visit and use it to expose Andrei further to Administration and Congressional thinking on the decree and related issues. We should try to obtain a firm commitment from Andrei that the decree will not be implemented.

5. April and May: If the decree has not been implemented and we have reached agreement on improvements in emigration procedures, the Administration will need to lobby with Congress to ensure the continuation of MFN. It is possible the Romanians will be unwilling to give us an explicit commitment not to implement the decree. In this case we would need to tell them and the Congress that we would take away MFN if they do proceed to implement the decree after MFN is extended for one more year. With MFN extended and if our economy improves and Romanian exports to us expand, we will retain a powerful lever for influencing Romanian policy. However, without MFN we would lose much of our capacity to influence Romania and ease considerably the Soviet problem of bringing a recalcitrant Ceausescu back into line with other, more orthodox Warsaw Pact leaders. We also would see a downturn in emigration.

6. Early Summer: There is a possibility that the Vice President might include Romania in a more general visit to Eastern Europe. We need to think how such a visit could be fit into our strategy of penalties and rewards.

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Additional steps to be taken will emerge from the interagency consultation process and as events unfold. While we may succeed in avoiding implementation of the decree, in the end we may fail and have to take away MFN. There inevitably would be much fingerpointing if this occurred, and both emigration and U.S.-Romanian relations would take a sharp drop. But we will be better positioned vis-a-vis the Romanians, Congress and those interested in emigration if we have made a maximum effort over the next few months.

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GENEVA FOR RMA; RGJE FOR INS; MADRID FOR USDEL CSCE
E.O. 12356: DECL: OADR
TAGULC CVIS SHUM ETRD CSCE RO
SUBJECT: ENFORCEMENT OF ROMANIAN EDUCATION REPAYMENT DECREE
ZEFS: A. BUCHAREST 1152 (NOTAL); B. BUCHAREST 1147;
C. BUI AREVBT 1112

1. C - ENTIRE TEXT.

2. THE ENFORCEMENT OF THE ROMANIAN EDUCATION REPAYMENT
DECREE IS EXPANDING. SEVEN COUNTRIES CAN NOW POINT TO EXAMPLES
OF IMPLEMENTATION AFFECTING THEIR IMMIGRANTS. ENFORCEMENT
GUIDELINES ARE EMERGING AS THE NUMBER OF CASES INCREASES.
END SUMMARY.

3. IN A TCP CASE INVOLVING THE EMBASSY, A SURGEON AND HIS
WIFE, WHO IS ALSO A MEDICAL DOCTOR, HAVE BEEN INFORMED BY
THE PASSPORT OFFICE THAT THEY WILL HAVE TO PAY \$1,000 DOLLARS
FOR THEIR PASSPORTS WHEN THEY ARE APPROVED.
INCLUDED IN THIS AMOUNT IS THE PAYMENT OF LICEU
(HIGH SCHOOL) COSTS FOR THEIR TEEN AGE SON. THEY
HAVE SUBMITTED THEIR "LONG FORMS" WHICH IS USUALLY
TANTAMOUNT TO PASSPORT APPROVAL, ALTHOUGH FORMAL
NOTIFICATION OF PERMISSION TO DEPART HAS NOT BEEN
GIVEN. THEY VISITED THE PASSPORT OFFICE IN
CONNECTION WITH THEIR PROCESSING AND WERE ADVISED ORALLY
OF THEIR EDUCATION REPAYMENT REQUIREMENT.

4. THE SWISS EMBASSY ADVISES US THAT A COUPLE APPROVED
FOR EMIGRATION TO SWITZERLAND IN THE CATEGORY OF FAMILY
REUNIFICATION WERE INFORMED ON FEBRUARY 5 AT THE PASSPORT
OFFICE THAT THEY ARE OBLIGATED TO PAY \$39,678 DOLLARS
BEFORE THEY CAN RECEIVE PASSPORTS. THE WIFE IS A
MEDICAL DOCTOR AND WAS GIVEN A WRITTEN STATEMENT AT THE
PASSPORT OFFICE WHICH STATES THAT SHE "HAS TO PAY BACK THE
SUM OF \$23,200 DOLLARS (SPC) TAX EXPENSES FOR SCHOOLING
IN CONFORMANCE WITH DECREE 402/1982." ORALLY SHE WAS
INFORMED THAT THIS SUM WAS ARRIVED AT BY THE GOVERNMENT
CHARGING A LUMP SUM OF \$3,700 DOLLARS FOR HIGH SCHOOL AND
\$3,250 DOLLARS A YEAR FOR SIX YEARS OF MEDICAL SCHOOL OR
\$19,500 DOLLARS. THE HUSBAND IS BEING CHARGED \$3,700 DOLLARS
FOR HIGH SCHOOL AND \$3,000 DOLLARS A YEAR FOR A FOUR YEAR
UNIVERSITY ECONOMICS DEGREE OR \$12,000 DOLLARS. THEY

WILL ALSO BE CHARGED A TWO PERCENT COMMISSION BY THE
ROMANIAN BANK FOR FOREIGN TRADE FOR PROCESSING THE
\$38,900 EDUCATION PAYMENT OR 778 DOLLARS FOR A TOTAL
CHARGE OF \$39,678 DOLLARS. THIS IS THE FIRST WE HAVE
LEARNED OF THE TWO PERCENT BANK CHARGE.

5. A ROMANIAN WOMAN MARRIED ON JANUARY 22, 1983 TO A
DUTCH CITIZEN TOLD THE DUTCH EMBASSY ON FEBRUARY 7 THAT
SHE CANNOT RECEIVE HER PASSPORT UNTIL SHE PAYS \$23,200
DOLLARS. THE DUTCH EMBASSY DOES NOT HAVE THE COST BREAK-
DOWN BUT THE APPLICANT HAD AT LEAST FIVE YEARS OF
MEDICAL SCHOOL. THIS IS A BINATIONAL MARRIAGE CASE AND
THE HUSBAND IS NOW IN HOLLAND.

6. A DUTCH EMBASSY ROMANIAN SOURCE HAS PROVIDED THE
FOLLOWING ANNUAL EDUCATION COSTS IN DOLLARS U.S. WHICH
ARE APPARENTLY BEING USED BY THE PASSPORT OFFICE TO
ENFORCE EDUCATION REPAYMENT DECREE

FACULTY	COST
MEDICINE	\$3,250
BIOLOGY	\$3,000
POLYTECHNIC	ENPPP
ECONOMICS	\$3,000
FINE ARTS	\$4,200
DRAMA AND FILM	\$4,300

7. SEVERAL ROMANIANS STATE THAT INTENDING EMIGRANTS WHOSE
LONG FORMS WERE SUBMITTED PRIOR TO NOVEMBER 6 (THE DATE OF
NEWSPAPER PUBLICATION OF THE DECREE) DO NOT HAVE TO PAY
EDUCATION COSTS. WE DO NOT KNOW YET IF THIS IS ACCURATE.
BT

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