

**Millions for memorials but not a penny for something useful, by *Anthony D'Amato*.**

Many prominent Americans owe their lives or the lives of their loved ones to the incredible heroism of Raoul Wallenberg. In most major cities there is a Wallenberg Committee or a Wallenberg Foundation or a Friends of Wallenberg. These organizations raise money and erect monuments or build schools in the name of this great man. They hold charitable events that typically involve a concert performance, testimonials by people who were in Budapest in 1945 and were saved by Wallenberg, and short talks by human rights activists. These events are uplifting and emotional-and in a profound sense hollow.

About six years ago, Wallenberg's half-brother and his Swedish legal guardian came to Chicago and asked me whether there was any legal action they could take against the Soviet Union to find out if Raoul Wallenberg was alive. They had heard expatriates say they either knew about or actually saw Wallenberg in a hospital in Moscow.

I said that normally an American court would not have jurisdiction over a case involving a former Swedish diplomat who might or might not be alive in the Soviet Union. But further talk, and a lot of research, showed that his mission to Budapest was funded by a secret American committee set up by President Roosevelt. Thus there was a chance that an American court would find it had jurisdiction over the Soviet Union on the basis that Wallenberg was in effect on a U.S. diplomatic mission.

But the major hurdle was funding the lawsuit. It would take a lot of money just for basic costs-all the major evidence had to be translated from Swedish into English and then into Russian in order to be served on the Soviet Union. Two other attorneys and I began asking Wallenberg organizations to fund the lawsuit.

Initially there was great receptivity. "You mean somebody's actually going to do something about Wallenberg instead of all this talk?" they said. But never did any of these organizations donate a nickel.

Perhaps they were skeptical that any such lawsuit could possibly work. Well, they were eventually proved wrong. One major law firm-Davis, Polk in New York-joined in the case on a pro bono basis. I worked with the firm on the briefs, also on a pro bono basis. Although no lawyers were ever paid anything, the costs of the litigation-absorbed by Davis, Polk-exceeded \$300,000.

We sued the Soviet Union in federal court in Washington in 1985, and won. The Soviet Union did not show up, so technically it was a default. But judges will not award a default judgment against a foreign sovereign unless jurisdiction has been clearly proven. Judge Barrington Parker found that the fact that Wallenberg was an American diplomat provided the link between Wallenberg and the United States that was a sufficient basis for federal court jurisdiction in the matter. The court awarded the plaintiffs a default judgment of \$39 million against the Soviet Union. (Recently, the Soviet Union hired a

law firm to try to reopen the case and attack its jurisdictional basis. So, technically, the case may still be pending-it's up to Judge Parker whether to reopen it.)

A couple of years ago I was visited in my office at Northwestern Law School by a delegation from the Chicago Wallenberg organization. Would I be willing to say a few words about the lawsuit at the group's gala fund-raising event? I said I might do it, but there was a far more pressing matter.

I told them that in the last few years a number of people who have come out of the Soviet Union have told their friends that they had spotted Wallenberg. One such account came from a Soviet psychiatrist who said he was actually involved in the treatment of Wallenberg at a "mental hospital." This psychiatrist told his tale to his brother in Detroit, and the story got to me thirdhand. Of course, Raoul Wallenberg may very well have died as the Soviets claim he did, but they have given conflicting stories about his death and never produced the remains. Yet, as I pointed out to the group, this is a man of indomitable spirit. He just might still be alive.

I proposed to the Wallenberg group that a modest sum of money be raised to hire a good investigator with a video camera to visit and interview all the people-in the United States, Europe and Israel-who have reported seeing Wallenberg alive. With that information we could perhaps get a picture of the most likely place Wallenberg might really be. We also might be able to play that tape for Judge Parker.

A lawyer in the group asked me how much it would cost. I estimated \$30,000 to \$50,000. He tried to pin me down-exactly how much? I said I couldn't know; obviously it depended on how many people were interviewed and where. But in my mind, as I answered his question, I was exasperated that the lawyer was being picky about the amount. After all, his group was raising millions in Wallenberg's name, building a school, holding concerts, and the like. What's \$10,000 more or less if it might lead to the finding and freeing of Raoul Wallenberg himself?

You can guess the end of the story. The Chicago Wallenberg group said it would get back to me, but it never did. It goes on holding huge fund-raising concerts and events. Presumably the group will build its new great private Wallenberg school.

In other cities I see monuments to Raoul Wallenberg, streets named after him, and so on. But what have all these people, who owe their lives to this saintly man, ever done for the man himself? Would they contribute less than 1 percent of the money they raise if it might actually help Raoul Wallenberg? Forget it.

Anthony D'Amato is a professor of law at Northwestern University  
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