

Trips: Trips - 42

HS L 179:63



Dag Hammarskjöld's saml.

Trip to Europe 1953

May 22-28

C. Stavropoulos (Principal Director in charge of the Legal Dept.
U.N.)

- to D.H. (in Europe)

Personal and confidential

UNITED NATIONS



NATIONS UNIES

NEW YORK

CABLE ADDRESS · UNATIONS NEWYORK · ADRESSE TELEGRAPHIQUE

FILE NO.:

22 May 1953

Dear Mr. Secretary-General,

Knowing how much you enjoy working at night, I am sending you herewith some material of interest.

I - Ambassador Lodge's Testimony.

I am sure that you will be interested to read Lodge's testimony before the Subcommittee. Would you please return it to me for my files.

II - Mrs. Rebecca West's Article.

You will find attached hereto an article by the well-known British writer Rebecca West, which discusses the situation in America in a very interesting manner.

III - Miss Hitschmannova of the Pakistan Times.

I enclose two alternative drafts for our Note Verbale on the question of the Pakistan Times correspondent (see enclosure (C)). You will recall that the Headquarters Agreement makes the accreditation of a correspondent a decision in the sole discretion of the United Nations, but only after consultation with the United States. In this case, the United States objected to the renewal of her accreditation on the grounds that she is considered "a likely security risk". On the other hand, you found that the reasons submitted in support of the United States objection seemed to be either insubstantial or else provable only by the United States authorities. The Note Verbale was therefore sent as approved by you in the form of the first draft which I attach. Mr. Hall of the United States Mission then came to see me and tentatively returned the note, urging that we make it show that we would review her financial position on our own responsibility. He stated that otherwise the State Department would be inclined to reply protesting. He felt that her income from the Pakistan Times was by her own admission (\$100 a month) too small to live on and that we should therefore re-examine whether she was a bona fide correspondent, on the grounds that she must be living on sources other than her correspondent's pay. Wilder Foote did undertake an informal enquiry, but he believes that we are not in a position to require her to make any showing that goes beyond the standards which any

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Mr. Dag Hammarskjöld,
Secretary-General of the
United Nations,
Palais des Nations,
Geneva, Switzerland.



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other correspondent must meet in order to be accredited. These standards are: representation of a primary press medium (which the Pakistan Times confirms), regular dispatch of news stories or feature articles (confirmed by the appearance of her material in the Pakistan Times), and a "substantial payment" for the services rendered. Mr. Foote explains that substantial income has only meant a sufficient payment to show that the press representation was genuine and not that it was sole income or necessarily sufficient income on which to live in the United States. Numerous correspondents from soft currency countries have insufficient dollar income for that purpose. I am anxious not to seem to rule out all consideration of the United States proposal that we should look into her income; also I recognize the force of Mr. Foote's point that we cannot police the personal finances of correspondents. The second draft therefore attempts to meet Mr. Hall's suggestion, but necessarily answers that, so far as we can establish, she meets accreditation standards. If you agree, please let me know in order that the new note be transmitted to the United States Mission.

IV - Letter regarding Investigations by FBI.

You will remember that it was decided that the letter would be redrafted, bearing in mind the fact that it might become public. The day after your departure, I presented a new draft at a meeting with Cordier and Gjesdal, and the draft was further altered. The new draft was eventually discussed at a meeting with Price, Cordier, Gjesdal and Palthey. This is the draft which is attached hereto (see enclosure (D)). During that meeting, however, the feeling prevailed that such a letter might provoke misunderstanding and severe criticism in the event it should become public. The argument ran as follows:

1. Up to now the only restriction on staff members has been based on Regulation 1.5. Staff members have been told that they should not furnish information which has not been made public and which concerns the activities of the Organization or of its personnel to the extent that such information may be known to them by virtue of their official position. In effect, this has meant no disclosure of confidential information on internal matters. Beyond this the matter was left entirely to the judgment of the staff member. Adding new categories of restricted questions might be construed as interposing barriers to criminal investigations without any basis in the law, in the Staff Regulations or in the Convention and statute relating to immunities.

2. The most publicized type of case is that of possible espionage. In that case the FBI might legitimately be interested in contacts and relationships between a staff member and a foreign government. To say no questions on this point may be answered might be construed by many as serious and unwarranted interference with law enforcement procedures.

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3. Similarly, in regard to questions of politics, a staff member may regard a question as political although the FBI agent deems it highly relevant in the investigation of a crime against security. Again, in this situation, it might appear to the public as though obstacles were being placed in the way of lawful investigations although no immunities in this respect have been conferred by the law upon the United Nations or its staff.

4. It must also be borne in mind that even the most cautiously worded and qualified principles are likely to be misused or misunderstood by some staff members. In one recent case, the staff member stated that he had instructions not to reply to the question of whether he had gone to China although he had no such instructions.

5. The most justifiable course would be to base our policy on the explicit language of Staff Regulation 1.5 (which is in turn supported by the immunity accorded staff members in respect of their official acts). On that basis a staff member would not be prohibited from answering questions which relate to his activities or to the activities of other staff members which fall outside of his or their official activities in the Organization.

The above covered especially the points of view of Price and Palthey, but all the others agreed that if the letter was ever to reach the hands of the American authorities, it might lead to unpleasantness since opposition from the legal point of view was based on very weak grounds. It was, therefore, decided that we would suggest to you that the action might be postponed until your return; alternatively, that a letter including only the paragraphs marked with a red pencil be sent. I can offer a third alternative, which was in fact suggested to me by Gjesdal privately, that you send to me two letters: one including only the points marked in red pencil, and the other marked "Personal and Confidential" including the other points. The first one might be communicated to Lodge also, while you might acquaint him orally only with the points contained in the second letter. In case you do not agree with any of the above alternatives, please sign the letter in its present form with any addition or deletion you may wish to make.

In this connection, I should like to inform you that no staff member has approached me since your departure asking for advice, which might mean that no one has been investigated by the FBI in matters unrelated to the Executive Order.

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V. - Eda Glazer Case.

It appears that Mrs. Glazer went around in the Security Council Department to say goodbye, and explained how she had been terminated. The same afternoon, the Polish and French news agencies disseminated the news. The next day, the New York Times and other newspapers referred to the matter (the New York Times on front page). I saw that nothing was stated regarding the different policy (due process), and I suggested to Price that the DPI be authorized to give more information on this matter, and this was done immediately. However, there was no reaction in the New York press this morning.

Incidentally, two other indiscretions have reached the Press. I am referring to Trygve Lie's compensation and to the question of passports for United States staff members.

Mr. Sanasen, the Secretary of the Administrative Tribunal, has told me that he was approached by the Attorney Mr. Kaplan, who informed him:

- (a) that Mrs. Glazer will appeal; and
- (b) that she would request that her appeal be discussed by the Tribunal at the same time with the other appeals on similar terminations.

I do not know why this suits the case of Mrs. Glazer, but I believe that it suits ours perfectly well.

Although I doubt it, I do hope that you got some rest in Sweden.

Yours very sincerely,

A handwritten signature in cursive script, appearing to read 'C. A. Stavropoulos'.

C. A. Stavropoulos

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28 May 1953

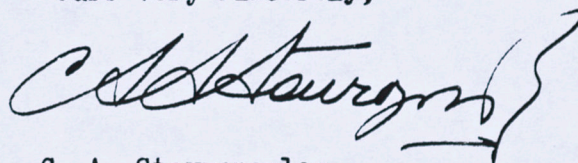
PERSONAL and CONFIDENTIAL

My dear Secretary-General,

I should like to inform you that Ambassador Lodge came this morning to sign a convention on behalf of his Government, and he stated that tomorrow he has a meeting in Washington regarding the Headquarters Agreement, with Brownell, the Attorney General, and other high ranking officials. He seemed to be very hopeful and conscious of the fact that this matter is of the greatest importance both for him and for you.

He was out of his mind regarding Taft's unfortunate statement.

Yours very sincerely,



C. A. Stavropoulos

Mr. Dag Hammarskjöld,
Secretary-General of
the United Nations.



D

CONFIDENTIAL

May 1953

TO: Mr. C. Stavropoulos, Principal Director
in charge of the Legal Department

FROM: D. Hammarskjold, Secretary-General

1. I have been told that there have been cases in which staff members have been approached by agents of the United States Federal Bureau of Investigation in matters which are not related to the investigations of United States citizens under the Executive Order. In some of these cases, the staff members have raised questions regarding their obligations to reply to such questions in the course of personal interviews. As in the past I should like you to be available to advise such staff members with respect both to their obligations towards the United States authorities and toward the Organization in furnishing such advice. You should bear in mind my own views which, in general, are as follows:

2. As I understand it persons questioned by the FBI are not under a specific legal obligation to reply as they would be if they were sub-poenaed in a judicial or similar proceeding. Nevertheless, because of the general principle that everybody should co-operate with the law, it seems to me that staff members should not refuse to answer any proper questions that may be put to them. On the other hand, as international civil servants they have certain obligations in relation to the United Nations and as a result there may be questions to which they have no right to reply because of their status as United Nations officials.

3. A category of questions to which a staff member is prohibited from replying are those which come within the purview of staff regulation 1.5.



That regulation provides that -

"Staff members shall exercise the utmost discretion in regard to all matters of official business. They shall not communicate to any person any information known to them by reason of their official position which has not been made public, except in the course of their duties, or by authorization of the Secretary-General."

It follows from this regulation that the staff member should not, in reply to questions furnish any information which has not been made public and which concerns the activities of the Organization or of its personnel to the extent that such facts may be known to him by virtue of his official position.

4. A second group of questions to which a staff member should not reply are those which might relate to his contacts or those of any other staff members with the authorities of the country of his or their nationality. Although there is no specific provision of the Staff Regulations or the Staff Rules which sets forth this obligation it is implied in the ethical standards laid down in the Charter as well as in the Staff Regulations that it would not be compatible with their special status as international officials for staff members to disclose information to another government regarding their relationships and contacts with their own government, or to favour the government of the host country with information about other governments.

5. A third category of questions with respect to which a staff member should not furnish replies are those which concern his own or another staff member's political or religious views. The reason for this is that both the Charter and the staff regulations recognize that staff members are entitled to maintain their political and religious convictions and it does not seem proper in view of this principle that their views or the views of other staff members in regard to these



questions should be disclosed to investigating officials. However, it should be borne in mind that this exception regarding political or religious views should not extend to questions which pertain to possible criminal activities under the laws of the United States.

6. Apart from these categories of questions to which replies should not be given there may be others which should be treated alike.

7. When answering a question to which a staff member finds that he can reply he shall at all times bear in mind the reserve and tact incumbent upon him by reason of his international status. This is of special importance if questions are put concerning other staff members. If questions relate to facts of importance from an investigation of criminal activities, such facts should be furnished including of course such relevant facts as may be favourable as well as unfavourable to the staff member. However, staff members should perhaps be reminded that serious injustice may be done if replies are based on vague impressions, unfounded rumour or mere gossip.

8. The foregoing views should not be considered as hard and fast rules but as expressing in a preliminary way, my own general attitude as a basis for guidance to the staff members concerned.

9. In my view, and taking into account the special situation of this Organization, a solution for the whole problem should, as soon as possible, be sought preferably along lines analogous to those generally applied when the authorities of a host country have to make inquiries of a member of a diplomatic mission.