P.S. to the NEWS
by PHYLLIS SCHLAFLY

Box 618, Alton, Illinois 62002
Phone: 618-462-5415

RELEASE: NOVEMBER 25, 1980

SUING THE SOVIETS

A remarkable courtroom victory in Canada after a 13-year legal battle waged by Wallace Edwards has opened a new door to the filing of lawsuits against the Soviet Union which are long overdue. Edwards' unique victory has dispelled the myth that the Soviet Union and other foreign countries have sovereign immunity and therefore cannot be sued for their torts or wrongs committed against private citizens in Western countries.

Wallace Edwards persuaded the Canadian courts to hold that so-called sovereign immunity does not protect foreign governments from paying claims against them by private citizens. Celebrating his victory, he presented his lawyers with pewter mugs inscribed with their names followed by a score: Edwards 1, Soviet Union 0.

In 1967 the Soviet Union, citing sovereign immunity, refused to pay Edwards' $26,000 bill for a printing job it had commissioned in connection with Expo '67 in Montreal. Edwards spent the next 13 years in the Canadian courts fighting this refusal.

Edwards tried to impound the skates of the Russian hockey team, some animals from the Russian circus, and a Soviet airliner. But he didn't get much cooperation from Canadian officials who feared an international incident.

Finally, with the help of a law firm which was not intimidated, he found a choice piece of Russian property he could seize in order to collect his debt: a $13 million Soviet freighter loaded with tractors that tied up at a Toronto pier. After he made the Soviet Union post a cash bond of $100,000 and froze the Soviet Embassy's bank accounts in Ottawa, the Russian bear agreed to settle with Edwards for full payment plus interest and costs.

Edwards took his settlement in 36,000 $1 Canadian bills plus a supply of vodka and caviar. His victory was flamboyant, but even more interesting is the potential of his case as a precedent for the many other claims which can and should be filed against the Russians by serving their Embassy in Washington or their Consulate in San Francisco.

(more)

What might a court or jury award to John Noble, an American citizen, who was seized by the Soviets in Germany at the end of World War II and suffered nine years of imprisonment and slave labor?

A lawsuit could be filed on behalf of Raoul Wallenberg, the Swedish Red Cross official (and graduate of the University of Michigan) who is believed to be still a prisoner of the Soviets on Wrangel Island in the Bering Sea. Although discovered by Americans, Wrangel Island is occupied by the Russians and used as a dreaded prison camp.

Wallenberg helped many Jews escape from Central Europe at the end of World War II and would have a great case against the Soviet Union for seizing and imprisoning him for some 30 years. Such a lawsuit could make use of the broad U.S. court powers under the Federal Rules of Discovery in order to pry loose every detail of the Soviet imprisonment of Wallenberg and others.

It would be interesting to see what response the Soviet Union would make to a suit filed by Simas Kudirka, an American citizen, for his false imprisonment after he was kidnapped by Russian sailors from a U.S. Coast Guard vessel in American waters and then imprisoned in Russia. Kudirka's alleged crime was seeking freedom from a Russian vessel inside the territorial waters of the United States.

Another who would have a good claim against the Soviet Union for false arrest and false imprisonment would be the Nobel-prize-winning author now living in Vermont, Alexander Solzhenitsyn. Such suits against the Soviet Union would tell the world that American courts will fully protect those who seek freedom here.

The suit filed in October in the U.S. District Court in Chicago by the American Civil Liberties Union against the U.S. Immigration and Naturalization Service, seeking $200,000 in damages for granting asylum to the 13-year-old Ukrainian boy, Walter Polovchak, is an example of claims heard by our Federal courts which are much less strong than many of the claims against the Soviet Union which have never gotten into court.

The Soviet Union would no doubt invoke our Statutes of Limitations which bar lawsuits for damages after certain periods of time. However, it could be argued that the time limits have not been reached because the right to sue only began when the courts first held that sovereign immunity does not protect the U.S.S.R. from suits by private citizens.

(end)