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DEPARTMENT OF STATE
WASHINGTON

September 16, 1948

My dear Mr. Minister:

In accordance with our informal discussion of September 9, 1948, I understand that it is the desire of the Austrian Government to place an invaluable collection of paintings owned by the Austrian Government, and presently in the Austrian National Gallery of Art in Vienna, in the custody of the Austrian Minister to the United States, for the purpose of permitting its exhibition in the various galleries and museums in this country. You ask if this arrangement would be secure against attachment on suits which might be brought in the courts of this country by persons with claims against the Austrian Government.

It is my opinion that if such suit were brought in the courts of the United States against the Republic of Austria, the Republic and its property would be entitled to sovereign immunity. In such event the Minister could present the claim of the Republic for sovereign immunity to the Department of State and the Department would be pleased to transmit the same to the Court, and to say that the claim was recognized and allowed by the Department of State. Under the principles of International Law as applied in our Courts the claim would be allowed by the Court, the suit discharged, and the property released from attachment.

Sincerely yours,

/s/ Jack B. Tate

The Honorable
Dr. Ludwig Kleinwaechter
Minister of Austria