

**Statement of Interest of the United States, Doe v. Unocal
reprinted as Exhibit A,
National Coalition Government of the Union of Burma v. Unocal, Inc.,
176 F.R.D. 329, 361-62 (C.D. Cal. 1997)**

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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

NATIONAL COALITION GOVERNMENT OF THE UNION OF BURMA, THE
FEDERATION OF TRADE UNIONS OF BURMA
JOHN DOE I, JOHN DOE II, JOHN DOE III, and JOHN DOE IV,
Plaintiffs,

v.

UNOCAL INC., and the YADANA NATURAL GAS PROJECT, Defendants.
Case No.: CIV. NO. 96-6112-RAP(BQRx)

STATEMENT OF INTEREST OF THE UNITED STATES

On April 24, 1997, this Court invited the Department of State "to express its views concerning the ramifications this litigation may have on the foreign policy of the United States as established by Congress and the Executive." See Letter from the Honorable Richard A. Paez to Michael J. Matheson of April 24, 1997. Pursuant to 28 U.S.C. §§ 516-17, the Attorney General, on behalf of the Department of State, hereby submits the following.

Attached hereto as Exhibit A is a letter, dated July 8, 1997, from Michael J. Matheson, Acting Legal Adviser, U.S. Department of State, to Frank W. Hunger, Assistant Attorney General, which, while noting the limited nature of the Department of State's reply, advises that "at this time adjudication of the claims based on allegations of torture and slavery would not prejudice or impede the conduct of U.S. foreign relations with the current government of Burma." See Exhibit A, at 2.

Respectfully submitted,
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/s/ Jacqueline Becerra

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***362** Dated: July 8, 1997

The Honorable
Frank W. Hunger
Assistant Attorney General
Civil Division
Department of Justice
Washington, D.C. 20530

Dear Mr. Hunger:

By letter dated April 24, 1997, District Judge Richard Paez of the Central District of California invited the Department of State to express its views in National Coalition Government of the Union of Burma v. Unocal (CV 96-6112 RAP) and John Doe I v. Unocal (CV 96-6959 RAP). In these cases, various plaintiffs have filed suit against U.S. and foreign participants in the Yadana gas pipeline project in Burma.

The Court issued its invitation following its March 25, 1997 and April 24, 1997 rulings on defendant Unocal's motion to dismiss in the John Doe case. In these rulings, the Court concluded that, with the exception of plaintiffs' expropriation claims, the act of state doctrine was not a bar to adjudication. The Court specifically concluded that the act of state doctrine would not preclude consideration of claims based on alleged acts of torture and slavery.

The Court has yet to rule on a pending motion to dismiss filed by Unocal in the National Coalition Government of the Union of Burma case, which also presents an act of state objection to the litigation of plaintiffs' claims. In its letter to the State Department, the Court indicated that "before these actions proceed much further," it wished to invite our views "concerning the ramifications this litigation may have on the foreign policy of the United States as established by Congress and the Executive."

It is our understanding that both cases are at a very preliminary procedural stage. Thus, the record upon which the Court has asked for the Department's views is undeveloped, and the Department's ability to provide the Court with meaningful comment is limited. In particular, the Department is not in a position at this time to express a view as to whether the act of state doctrine is necessarily implicated in the cases before the Court, nor would we want this letter to imply that we have reviewed or taken a position on any other legal issues in the litigation.

Nevertheless, in response to Judge Paez's request, the Department can state that at this time

adjudication of the claims based on allegations of torture and slavery would not prejudice or impede the conduct of U.S. foreign relations with the current government of Burma. I would appreciate if you would transmit this foreign policy view to the court in the appropriate form.

Sincerely,

/s/ Michael J. Matheson

Michael J. Matheson Acting Legal Adviser