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*R. Tausch*

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**THE AMERICAN JEWISH COMMITTEE**

Institute of Human Relations  
165 EAST 56 TH STREET NEW YORK 22, N.Y.

**PARIS OFFICE**

30, rue La Boétie  
Paris VIII\*

January 26, 1978.

**Memorandum**

**To: Morris Fine**  
**From: Abraham Karlikow**  
**Subj: Spain**

As I informed you in my December 22nd memo on Spain, our office arranged for Dr. Giorgio Sacerdoti, a leading Italian international jurist, to go to Madrid and meet with the community people there. I understand that this visit was quite useful and successful, Dr. Sacerdoti having discussions not only with the Jewish community people but with the Protestants as well. He tells me that the first meeting between the Jewish and Protestant representatives (a Catholic representative also was present) together with the representatives of the Ministry of Justice was in essence a preliminary encounter of a general nature and that the real formulation of views and suggestions by the two minority religions really still has to be formulated.

Incidentally, a somewhat altered version of the draft constitution has come out since I wrote you last December so that the references in my December 22 memo to particular numbered clauses and paragraphs no longer is valid. Enclosed please find a copy of the first 31 articles of this new draft text (which includes those clauses of interest to us) together with a copy of part of a first position paper drawn up by the Protestant Comision de Defensa Evangelica Espanola. Following the conversation with Dr. Sacerdoti, I understand, the Protestants have decided to alter their position with regard to the "public order" phrase in the clause on religious liberty and now will be coming out against it. There is a possibility that the Jewish and Protestant representatives may work out a common position, at least on certain elements.

What are some of the key problems involved, insofar as I see from looking at the new constitution and after conversations with Dr. Sacerdoti.

/...

General Principles -- Article 2 of the previous constitutional draft declared that the Spanish state was non-confessional. There is no such clause in the general principles of this draft.

There is, moreover, as Dr. Sacerdoti pointed out in his conversations with the communal leaders, no provisions concerning equality, of equal treatment, of religions and religious institutions in the constitution.

Article 9 paragraph declares that "It is incumbent upon the public authorities to promote the conditions for liberty and equality of the individual and of groups and that the development of their personality, shall be real and effective; to remove obstacles that impede or make difficult their plenitude and to facilitate the effective participation of all citizens in the political, economic, cultural and social organization of the country." It will be noted that religion is missing from this listing.

#### Fundamental Rights and Duties

Definition of religious liberty -- Article 16 which deals with religious liberty reads as follows:

- "1) Liberty of religion and cult is guaranteed to individuals and communities as well as philosophical and ideological expression, the only limitation being public order protected by law.
- 2) No one shall be obliged to declare his religious beliefs.
- 3) No confession shall have a state character. The public authorities will take into account the religious beliefs of Spanish society and will maintain cooperative relations taking this into account."

This article poses several problems.

First there is the matter of "public order!" This is a very broad term especially as used in Europe. Dr. Sacerdoti has advised the Jewish community to seek insertion of a substituted limiting term, e.g. "with respect for the constitution and the law," or a formula such as that in the Italian constitution (which I do not have here). Suggestions as to a phrase that indicates reasonable limits yet allows the true, free exercise of religion will be welcome, but should be sent on to us rapidly. (Morris, Sidney and yourself may wish to consult Lou Henkin on this.)

The third paragraph of Article 16 is of course, the incorporation into the constitution of the demand of the Catholic bishops. There probably will be elements in Spain that will fight this -- e.g. the leading Socialist party.

There is a strong desire on the part of the Spanish authorities to keep the constitution short. This, however, means that religious liberties are not spelled out as fully and specifically as they might be. The Jewish and Protestant leadership goes along with this idea -- but then want a new law on religious liberty to replace the very restrictive one of 1967, which has fallen into disuse. The attitude of the authorities, it must be pointed out, is quite good. But, still, specifics will have to be worked out. What is desired is a law that is illustrative and not exclusive dealing with such matters as the right to observe the Shabbath, that appropriate provisions be made for kashrut, that, e.g., Jewish servicemen should be stationed, insofar as possible, near locations where there are Jewish communities, etc.

The new law, further, should get rid of requirements in the 1967 law that Jewish communities must list their members. (The Madrid Jewish community, incidentally, got around this provision simply by stating that all Jews in Madrid are members of the Jewish community, something which seems to be acceptable under Spanish "natural" positive law.)

Article 22 of the new constitution recognizes the right to association. The one requirement, normal enough, is that they register "solely for the purpose of becoming publicly known." The Jewish community feels that religious associations should be differentiated from other associations but are not quite clear yet as to how. One should note in this context that in their conversations with the Ministry of Justice the Jews and the Protestants were asked by the government as to how one could differentiate between major religions as against sects, movements and "confessions." Obviously seeking to distinguish between major religions and what might be nuisance groups. Both Jews and Protestants wish to avoid getting in any such distinction, however.

Dr. Sacerdoti and the community people also discussed the possibility of having implementing agreements for each religion, dealing with that religion's specific problems.

Article 26 deals with taxation and declares "2. Personal or patrimonial taxes can be levied only by means of a law." Several points need to be specified in this regard. First is the desire of the Jewish community that grants, real estate income used for communal services (and some argue other income from real estate and other sources as well) should have a tax exempt status. Second, the community has the problem, as you will recall, of being unable to transfer its property (now owned by a "private" association) to its religious association without having to pay transfer taxes.

Third, as you will remember from a previous memo of mine, various methods have been under discussion in Spain for providing income for religious purposes. One such method discussed was a per capita levy on all Spaniards, with distribution to be by the state in accordance with the size of each religious group. Another suggestion was that income tax forms in Spain include a possibility for those taxed to indicate whether they would want a certain percentage of their tax to go for religious purposes. The Jewish community is against both these methods because it does not wish the state to come between the contributors and the community. What is favored is that contributions made by individuals to religious groups and associations should be tax deductible.

Article 20 deals with marriage and family relations, and declares in its paragraph "2. Civil law will regulate marriage, the rights and duties of the conjoints, causes of separation, and dissolution and its effects." There is today no modern divorce law in Spain nor, it appears from my conversation with Dr. Sacerdoti, was the Jewish community aware of certain possible pitfalls with regard to divorce that the Jewish community in Italy has met; possibly ~~relevant~~ relevant here, too, given the eventual Concordat that Spain, like Italy, will be drawing up with the Vatican.

it

Article 28 on education seems satisfactory in that/guarantees the right to parents that their children will receive religious and moral training in accord with their own convictions and recognizes liberty of creation of schools. Now that Spain is involved with the Council of Europe, decisions of the Strasbourg Court will of course be affecting it; and a couple of jurists discussing here yesterday threw out the idea that recent decisions and agreements in cases where parents or churches were unhappy with regard to education in state schools (a Danish case involving sex education, a Swedish case where churches protested that they were ~~mitigated~~ prevented giving their children appropriate religious instruction in accordance with their own denominations since the children were obliged to attend religious instruction in school) could be significant for the Spanish situation.

Another issue that was discussed by Dr. Sacerdoti and the Jewish leadership was that of formation of a national Jewish communal body linking all the communities in the country. As you know, this does not now exist, each of the eleven communities having a separate status. (It is the Madrid community that is doing the work of consultation with the authorities, though in informal cooperation and discussion with leaders of Jewish communities from other cities.) The idea was that the new draft law on religion might be used to provide the framework for a national body.

/...

You will, finally, recall my mention of the 1967 Social Security law covering Catholic religious functionaries but not those of other religions. The Jews desire such coverage, the Protestant not. In any event both would want laws whereby religious groups would be free to apply or not apply for coverage, status, benefits et.al., and receive equal treatment when they do apply. (Implementation of the Social Security law has been halted, I heard; but the question of principle, naturally, remains.)

Finally, Dr. Sacerdoti informed me, the Italian experience appeared to be useful re the Spanish situation as well. He left with Spanish Jewish leaders the Italian community proposals concerning religious freedom and Jewish Communal organization as well as other material. (In Italy, incidentally, government authorities and the community people are scheduled to meet again in a couple of weeks for discussions on these matters.)

Mr. Daniel Lack of the World Jewish Congress is going to Madrid this week for further discussions with Spanish Jewish leadership concerning the proposed constitution and a new religious law. Both he and Dr. Sacerdoti being in Paris this past week-end for other meetings, we all met together for exchange of views and information.

I shall, naturally, be keeping you informed of further developments.

encl: M. Fine  
H. Bookbinder  
cc: H. Bookbinder  
B. Gold  
M. Tanenbaum  
D. Geller  
S. Rabinove

OCT 15 1984



# The American Jewish Committee

European Office · 4, rue de la Bienfaisance, 75008 Paris · Tel. 522-9243 and 387-3839

NIVES E. FOX, European Representative

October 2, 1984

Dear Marc:

Spoke with Sam Toledano in Madrid today, and among other things we discussed the matter of Spain joining EEC -- wanted to get his appraisal on how things were coming along.

As you know, we had agreed to "monitor" developments, and he is doing this seriously. At present (and there is a meeting going on right now to consider EEC agricultural budget as well as Spain's entry) he calculates that the treaty will be signed some time in January and, on this basis, that diplomatic relations with Israel will be timely between February and April, long before formal ratification of Spanish entry into the community in January, 1986.

Haven't heard any further about AJC's plan to visit Spain. Is it still on? If so, for the time being it should not take place before February.

On the gossip side:

Enclosed is an article from Le Monde -- an interview with Théo Klein, covering a number of subjects. Have marked his references to WJC, ADL and AJC. Very disobliging for the missed connection WJC/CRIF, and I know WJC here was quite angry about his public airing of this question. ADL, on the other hand, was miffed because while Bialkin is mentioned a few times, it is only as the President of the Presidents Conference, never as President of ADL. Finally, the one brief reference to AJC is clear and simple, indicating good relations with CRIF and certainly nothing to cause displeasure.

With very best regards,

Cordially,

Nives Fox

Enclosure

Rabbi Marc Tanenbaum  
AJC-IRD, 165 East 56 St.  
New York, N.Y. 10022

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taken a negative stand on problems affecting Israel in international forums. But Spain was one of three countries that abstained during the vote on the anti-Zionist resolution.

Whilst Spain has been helpful on humanitarian grounds to Jews in distress during the Second World War and later on to persecuted Jews in Middle Eastern countries, its general attitude toward Israel has been consistently pro-Arab. Nevertheless, our delegation felt that we were given a sympathetic hearing, and that the current negotiations between Israel and Spain, with a view to the reestablishment of diplomatic relations, will continue.

As is usual at such meetings, there are a variety of agendas being projected. Ours was fairly obvious (see #1,2,3,4). As far as the Spanish Government is concerned, there are a number of possibilities, the most important of which is the creation of a positive image in the U.S., and their feeling that friendly gestures to the Jews would help create such an image. However, we should not ignore the fact that in the past few years there have been a number of gestures made by members of the intelligentsia in Spain indicating a renewed interest in Jewish tradition and history.

DG:ah





THE AMERICAN JEWISH ARCHIVES

Institute of Human Relations • 165 East 56 Street, New York, N.Y. 10022

AMERICAN JEWISH COMMITTEE

Audience With

THEIR MAJESTIES KING JUAN CARLOS I AND QUEEN SOPHIA

Blair House, Washington, D.C.

Thursday, June 3, 1976

Arthur Goldberg, Honorary President of AJC; former Ambassador to the United Nations; former Justice of the Supreme Court

Richard Maass, Chairman, Board of Governors, AJC

Jerome Shestack, Chairman, Foreign Affairs Commission, AJC; Member, Board of Governors, AJC; former President, International League for the Rights of Man

Carl Freeman, Vice President, AJC

David Lloyd Kreeger, Vice President, AJC

Edgar J. Nathan, III, Vice President, American Sephardi Federation; Member, National Executive Council, AJC; President, Congregation Shearith Israel Spanish-Portuguese Synagogue

Liliane Winn, President, American Sephardi Federation

Rabbi Stanley Rabinowitz, President of Rabbinical Assembly; Rabbi, Congregation Adas Israel, Washington

U.S. Senator Richard Stone

U.S. Representative Sidney Yates

David Geller, Director of European and Latin American Affairs, AJC

Hyman Bookbinder, Washington Representative, AJC

\* \* \* \* \*

Jose Maria de Areilza - Foreign Minister, Spain

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JUN 17 '76

**THE AMERICAN JEWISH COMMITTEE**  
Committee

memorandum

**date** June 7, 1976  
**to** Area Directors (One to Each Office, Please Share)  
**from** David Geller  
**subject** AJC Meeting With Spanish Royal Couple, June 3rd

By this time you may have read about the AJC meeting with King Juan Carlos I and Queen Sofia. The AJC, through its Paris office, has long had a close relationship with the Jewish community in Spain. After the Six-Day War and the Yom Kippur War, the AJC worked closely with Spanish authorities to facilitate the granting of Spanish passports to several hundred Jews who thus escaped the dangerous situation in North African Arab countries.

A few weeks ago, when it was learned that the royal couple announced plans to visit the U.S., conversations between the Spanish Jewish community and their Government resulted in an invitation to the AJC to meet with the royal couple. The meeting was not listed in the official appointment schedule. Richard Maass presented the King and Queen with a two volume set of Geoffrey Wigoder's Jewish Art and Civilization. (The Queen is a student of comparative religions and ideologies in the Department of Contemporary Humanities at the University of Madrid).

The meeting was most warm and friendly, lasting approximately 40 minutes. During that time various members of the delegation expressed:

- 1) our close and ongoing relationship to the Jewish community in Spain.
- 2) our recognition of the efforts the Spanish Government was making toward increased democratization, and our hope that this would continue.
- 3) the great support that Israel enjoys from the Government and people of the U.S.
- 4) our hope that Spain will recognize and establish diplomatic relations with Israel in the very near future.

Spain has never recognized the State of Israel and never established any official relations with it. While Spain maintains a Consulate General in Jerusalem, this Consulate has never been accredited to any Israeli authority. Spain has consistently voted against and  
(over)

Wash. Post

# Jewish Delegation Visits Juan Carlos

Associated Press

6/4/76

Departing from a policy observed by Spanish heads of state for the past five centuries, King Juan Carlos of Spain met yesterday with a delegation of Jewish leaders.

Former Supreme Court Justice Arthur Goldberg, who headed the 11-member American delegation, said it was the first meeting between a Spanish head of state and a Jewish delegation of any nationality since before 1492, when Jews were expelled from Spain.

Goldberg described as "cordial and friendly" the 25-minute meeting at Blair House, the king's residence during his two-day official visit to Washington.

The meeting followed by six days an appearance by the king's wife, Queen Sofia, at a Madrid synagogue for a Jewish religious service, another milestone in the warming relations between the Spanish royalty and the Jewish community.

The delegation presented the king and queen with a two-volume work, "Jewish

Art in Civilization" by Jeffrey Wigoder.

Rabbi Stanley Rabinowitz, president of the Rabbinical Assembly, recited a prayer reserved only for ruling monarchs.

In addition, the royal couple was presented with a copy of what was said to be the first Jewish sermon ever delivered in the United States. Delegation leaders said the sermon was given in Newport, R.I., in 1773.

Of the meeting with Juan Carlos, Goldberg said, "This was a most historic event."

He said the delegation expressed hope that Spain soon would establish diplomatic relations with Israel, but he declined to say how Juan Carlos responded.

Sources close to the king said Spain has started thinking about moving toward establishment of diplomatic relations with Israel, but that no timetable has been set. They said no such step can be contemplated if it would alienate Spain's friends in the Arab world, particularly Saudi Arabia.

It was only about 10 years ago that Spain began to ease its official policy toward

Wash Post  
Jews. Until the middle 1960s, Spanish Jews were forbidden to own property or to worship in formal synagogues.

At a White House dinner in his honor Wednesday night, Juan Carlos said the strength of the U.S. Constitution lies in the "profoundly religious principles" upon which it rests.

"It is often because those principles were not respected that so many political regimes in the Old World, which took their inspiration from your model, did not survive for any length of time," he said.

*Spain*

## Madrid Court Overturns SS Officer's Extradition

5.21.82 Special to The New York Times 5

MADRID, May 20 — An appeals court has overturned a court ruling that granted an extradition request for a 62-year-old former Dutch SS officer.

The former SS officer, Hauke Bert Pattist, was condemned to life imprisonment in absentia by a Dutch court in 1948; he is accused of having sent many Dutch Jews to concentration camps.

The ruling that ordered his extradition on May 11 was believed to be the first in Spain that would have returned someone charged with war crimes to his native country.

Mr. Pattist, who runs a language school in the northwestern town of Oviedo, has lived in Spain 32 years and has obtained Spanish nationality. The court verdict nine days ago found that his Spanish citizenship was not ground for refusing the 1979 extradition request.

The reason for overturning the ruling could not be learned, and court officials were not available for comment this afternoon.

MAASTRICHT, the Netherlands, May 20 (AP) — A Dutch court today acquitted a former resistance fighter and concentration camp inmate of crimes against humanity and ordered his immediate release. It said there was insufficient evidence that Albert Talens, 63, had killed Jewish inmates of the Kaufbeuren-Riederloh concentration camp.

# Spain's Leader Criticizes Allies' Policy on Trade

6.22.73

## Says West's Economic Cooperation Awaited

By Karen DeYoung <sup>16</sup>  
Washington Post Foreign Service

Spanish Prime Minister Felipe Gonzalez indicated yesterday that his government is in no hurry to hold a promised referendum on Spain's withdrawal from NATO, but warned that "Spanish public opinion finds it incomprehensible" that military cooperation with the West has not paid off in increased economic cooperation.

Despite Spain's commitment to western defense, which Gonzalez said was demonstrated by the recent five-year renewal of the agreement authorizing U.S. air and naval bases in his country, its longstanding request for membership in the European Community was again left pending at last weekend's EC summit, and U.S. markets "remain impenetrable and restrictive" for many Spanish products.

"It's the kind of thing that makes propaganda easy for the Communist Party," which counts 4 to 7 percent of the Spanish electorate, Gonzalez said in a meeting with Washington Post editors and reporters. "We haven't felt very much solidarity from the West."

During last year's electoral campaign, Gonzalez's Spanish Socialist Workers' Party opposed NATO membership, sponsored by the previous centrist administration, and promised a nationwide vote on whether to withdraw. Opinion polls have shown the majority of Spaniards would prefer to return to Spain's longstanding tradition of neutrality.

Since their October victory, however, the Socialists have declined to call a referendum because of what

Foreign Minister Fernando Moran has called "existing East-West tensions" and a desire to build more friendly relations with Western Europe and the United States. But Gonzalez has been under growing pressure from the left wing of his own party and the Spanish Communists, who last week led a demonstration in Madrid of about 100,000 people demanding withdrawal from NATO.

"We haven't delayed" the referendum "because no date was set for it," Gonzalez said yesterday. "The pledge was that it would be sometime during the administration, and we've only been here six months."

"Who's in a hurry? Fundamentally, the Communist Party, for obvious reasons. And, paradoxically, the right because they want to catch the government contradicting public opinion."

But Gonzalez went on to add "a couple of nuances" to the question of the referendum. "First, the government and I accept that Spain has a responsibility to be part of western security. We have shown it" by the bases agreement.

"Second, Spain wants to integrate itself into the Western European structure" and improve its trade balance with the United States, which is "worse today than it was in 1975 when [Spanish dictator Francisco] Franco was alive. Said in another way, just the soy and corn that we buy from the United States equals all of our exports to the United States."

Changing this imbalance, Gonzalez said, "is important for the stability of our program."

6-22-83

## 'No Disagreement' in González-Reagan Talks

By BERNARD GWERTZMAN

Special to The New York Times

WASHINGTON, June 21 — President Reagan and Prime Minister Felipe González of Spain discussed the situation in Central America at length today and were reported in agreement on broad goals of peace, democracy and justice for the region.

Although Mr. González, on a recent trip to the area, had criticized United States policy, a senior State Department official told reporters after the talks that there had been "no fundamental disagreement" between the two leaders over Central America.

Mr. Reagan, in opening the discussion on Central America, said that the United States had "historic ties" to the region and that the Administration wanted to promote "three principal goals — peace, democracy and justice," the official said.

Mr. González "said he had no disagreement with these goals and there was, I think, no fundamental disagreement in the discussion about Central America," the official said.

Before his visit here, Mr. González, the leader of Spain's Socialists, had warned of what he perceived to be too much emphasis by the United States on

military solutions to problems in Central America. He had also called for the withdrawal of all foreign troops and a renewed emphasis on regional peace-keeping efforts.

Mr. Reagan, aware of Mr. González's views, said, according to the official, that security assistance was needed for El Salvador and other nations to carry out changes to improve the well-being of their people.

On Monday, Mr. Reagan had warned of a "Soviet-Cuban-Nicaraguan axis" threatening Central America. But today, the official said, he did not use such harsh language. Instead, he prom-

ised that the United States, through its Caribbean Basin initiative and other aid programs, would try to deal seriously with the problems in the region. Mr. Reagan also expressed "disappointment" with "the failed revolution" in Nicaragua, with the Sandinist leadership turning more and more toward repression, the official said.

Mr. González recounted for Mr. Reagan the success of Spain in building a democracy after years of dictatorship and expressed confidence that the Spanish-speaking countries of Central America could do the same.

After their meeting, Mr. Reagan said the talks had been "exceptionally productive and cordial" and Mr. González expressed his "satisfaction."

Mr. González is to leave New York on

Thursday for home. In one of many interviews and appearances he has made during his visit, tonight on the PBS program "The McNeil-Lehrer Report" he chided the United States for not having a clear-cut policy toward Latin America. He also expressed concern that the fighting in Nicaragua or on the Nicaraguan-Honduran border could become a wider war involving the United States.

He repeated his call for all foreign military aid to be stopped in the region, including Cuban aid for Nicaragua.

In remarks after his meeting with Mr. Reagan, Mr. González also reaffirmed Spain's intention to "participate and integrate itself" further in Europe and the West.

The senior American official, referring to the question of whether Spain, a

recent member of the North Atlantic Treaty Organization, would integrate its forces into NATO's military command, said Mr. González had told Mr. Reagan that Spain "is committed to remaining a Western country in the Western Alliance with a security role in it."

Before deciding the military part of the question, Mr. González has promised a national referendum on Spain's membership in NATO, a vote that he has said would probably go against NATO if held now.

A major objective of Mr. González's trip, Spanish officials said, is to gain American help for Spain's weakened economy. The senior American official said Mr. Reagan offered to finance a study on the feasibility of building a natural gas pipeline from North Africa, through Spain, to Western Europe.

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OFFICE OF THE PRESIDENT

FEB 2 1978

American Jewish  
Committee

December 30, 1977

His Majesty  
Juan Carlos  
King of Spain  
Palacio Zarzuela  
Madrid, Spain

His Majesty:

On June 3, at Blair House in Washington, D.C., as President of the American Jewish Committee, I had the honor and privilege of heading a delegation of leaders of the American Jewish community in an audience with Your Majesty and Queen Sofia. We left that meeting grateful for the opportunity of sharing our concerns with Your Majesties, and heartened by the gracious and sympathetic response we received.

We have been most gratified by the positive attitude of the Spanish Government toward the development and strengthening of Jewish religious and cultural institutions, and concomitant with the reintroduction and strengthening of democratic institutions in your country, the positive moves that have been made toward granting the Jewish community as well as other religious groups, a greater measure of equality.

On the other hand, we are sadly disappointed that a strengthening of relations between your country and the State of Israel, which we had hoped would develop as a result of our meeting, has in fact not taken place. Indeed, we have followed with profound consternation the positions which the Spanish Government has taken during this past 32nd General Assembly of the UN, as well as official statements of your Government regarding Israel, on several other occasions. We are perplexed and puzzled over the fact that since the elections in Spain, your Government has tended to align itself with Western Europe on most issues while, at the same time, it has consistently voted against Israel without exception. These votes have included support for blatantly biased, hostile and uncompromising resolutions which have completely ignored Security Council Resolutions 242 and 338, as well as the climate of moderation and hope resulting from the Sadat-Begin meetings and subsequent negotiations.

The Spanish Government's anti-Israel position has been maintained in other international forums as well, even on completely apolitical matters. In Montreal on December 19, 1978 it was reported that for the first time in the history of international civilian aviation, a proposal submitted by Israel to improve standard regulations for the safety of airports, was supported by the Soviet Union and Morocco, along with the U.S., Canada, Great Britain,

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# 1492 Ban on Jews Is Voided by Spain

The American Jewish Archives  
By RICHARD EDER  
DEC 21 1958  
New York Times

MADRID, Dec. 16 — Four hundred and seventy-six years after King Ferdinand and Queen Isabella ordered the Jews expelled from Spain, the Spanish Government declared tonight that the order was void.

The announcement of this symbolic gesture of reparation caused a profound stir when it was read to a congregation of Spanish Jews who met to observe another event of almost equal symbolic significance—the opening of the first synagogue built in Spain in 600 years.

After 19 old men in top hats and prayer shawls had filed into the new synagogue bearing velvet-encased sacred scrolls topped by silver bells, Dr. Solomon Gaon, grand rabbi of the British Sephardic communities, stood up in the

white marble and wood hall. "We witness a historic moment when past and present meet," he said. He recalled the high tradition of Spain's Jews who, in their dispersal, went on to found the world's Sephardic communities.

"The most brilliant history of our people in the Diaspora was written in Spain," he said. "May this mean the beginning of a new time of moral and spiritual progress for all the people of this land."

The synagogue was jammed with more than 700 people, including representatives of the Spanish Foreign and Justice Ministries; the Most Rev. Casimiro Morcillo, Archbishop of Madrid, and the United States Ambassador, Robert F. Wagner.

In law and in practice, the edict of 1492 that banished the Jews and forbade their

return was annulled by the Constitution of 1869, which proclaimed religious tolerance. But the tiny Jewish community, now numbering about 8,000, has long sought an explicit official revocation of the words of the Roman Catholic sovereigns:

"It seems that much harm is done to Christians by the community or conversation they have held and hold with Jews, who pride themselves on always attempting, by whatever means, to subvert our Holy Catholic faith . . . instructing our faithful in the beliefs and ceremonies of their law . . . attempting to circumcise them and their sons . . . giving or taking to them unleavened bread and dead meats . . .

"We order all Jews and

Continued on Page 3, Column 6

Continued From Page 1, Col. 7

Jewesses of whatever age . . . that before the end of this month of July and they depart with their sons and daughters and manservants and maidservants and relatives, big and small . . . and not dare to return."

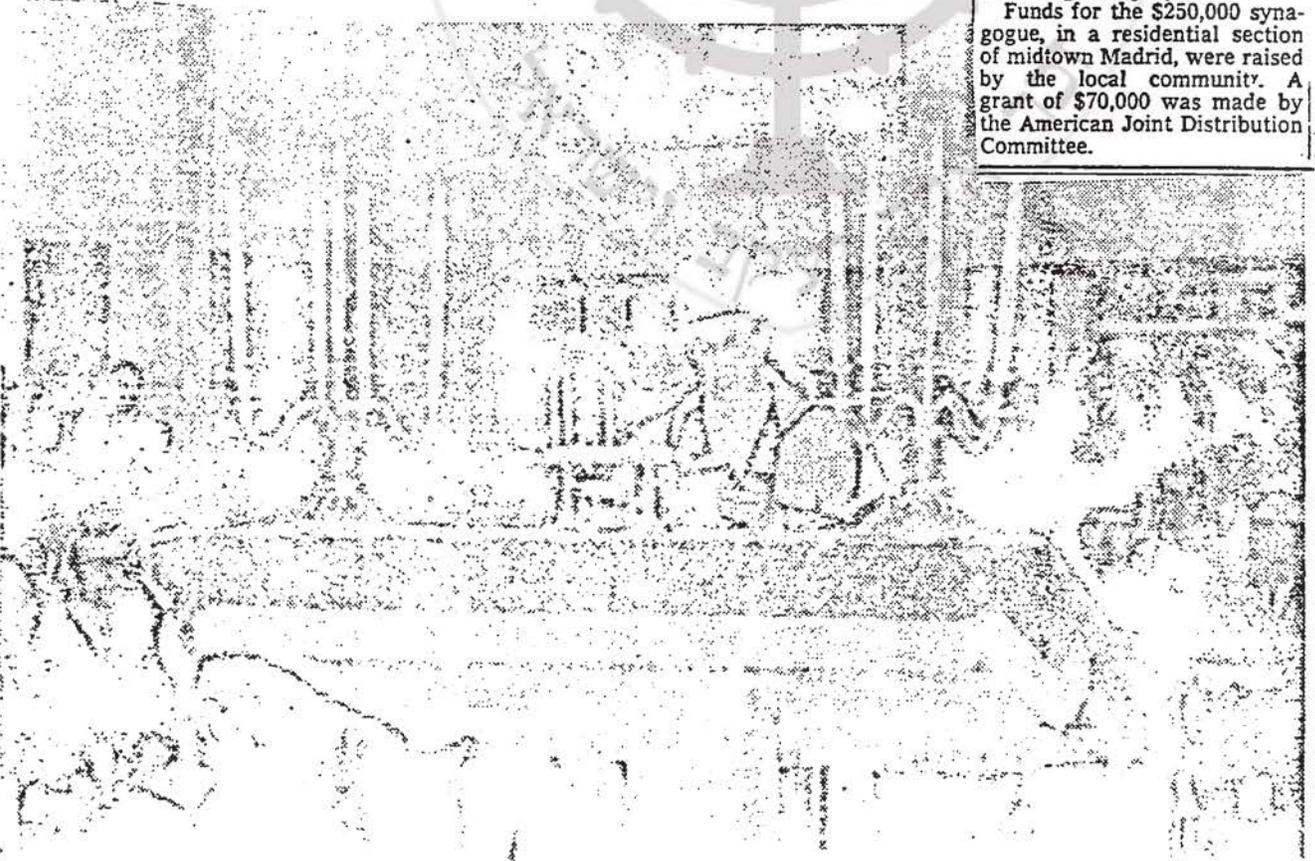
It is estimated that 50,000 to 150,000 of the 600,000 Jews in Spain at that time left. Others converted to Christianity, and some were later persecuted for practicing Judaism in secret after having ostensibly converted.

The explicit recognition that the old edict was null came in a decree, signed by Justice Minister Antonio Oriol, in which the Jewish communities were registered under the provisions of the religious liberty law passed two years ago.

This law allows the public practice of religions other than the Roman Catholic faith. It replaced laws under which other religions were protected but had to be practiced without public display.

Until now the Jewish communities in Madrid and Barcelona used rooms or apartments as synagogues. According to Max Mazin, president of the Madrid community, it was not clear that the construction of a separate building as a synagogue would have been prohibited before, but the new law provided encouragement for undertaking the project.

Funds for the \$250,000 synagogue, in a residential section of midtown Madrid, were raised by the local community. A grant of \$70,000 was made by the American Joint Distribution Committee.



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# A Modern Spain by Evolution

By JOHN DARNTON

MADRID — Prime Minister Felipe González was asked some weeks ago on a late night radio show what he thought of Francisco Franco. He replied that he did not agree with some of his friends who wanted to tear down statues of the late Spanish dictator. After all, he said, "Franco is a part of Spanish history," for better or for worse, and should be respected as such.

The answer caught some of Mr. González's supporters on the left of the Socialist Party off guard. It was typical of his brand of pragmatism and moderation, which seeks to bury the divisive legacy of civil war and dictatorship so as to get on with the business of modernizing Spain. But it struck some as going too far. "If we can't even condemn Franco, what kind of Socialists are we?" complained in private a party official who had spent time in Franco's prisons.

A striking aspect of Spain's transition from dictatorship to democracy has been its evolutionary pace. The old institutions — the civil service, the judiciary, the armed forces — remained in place. New institutions — a free press, parliament, trade unions — have been grafted on to them. Democracy has been achieved in small steps, by improvisation and consensus.

As a practical matter, this has meant that for a time the old order would exert a hidden influence. Many Spaniards sum up this sense of influence, of shadowy forces of reaction whose loyalty to the democratic Constitution is suspect, in the expression "poderes fácticos" — the real powers. They are usually categorized into three groups — the church, the army and the financiers. The reason the transition has been so



Gamma-Liaison/David Sears  
Spaniards paying homage to late Gen. Francisco Franco in Madrid in November.

smooth for the most part, but also the reason there is doubt that it has been totally achieved, is that to some degree these powers remain.

"The political transition came to an end with the Socialists' victory in October 1982," said Angel Viñas, a well-known political theorist. "For the first time in our political history the true antagonists to those in power came to power. Now we are in the period of structural change, the attempt to change the institutions, which is a more prolonged struggle."

Francoism is almost dead as an ideology. But it lives on in the institutional lethargy in the civil service, a sense of autonomy in the conservative military establishment, and an old-boy network of entrepreneurs accustomed to taking shortcuts in financial dealings. There is also a nostalgic longing among some Spaniards for a strong hand to deal with mounting economic problems, rising crime, looser morality, and demands for greater

self-rule by Basques and other groups.

The Socialists have been cautiously making inroads against the attitudinal remnants of one-man rule. The civil service is being reformed despite resistance, including strikes. Rules requiring a full work day and ending dual employment are being applied and a new law is revising standards on everything from salary to retirement. It will affect one in every 10 Spaniards.

The military officer corps is being slowly transformed from what many see as a backward-looking, coup-mongering collection of over-aged generals and admirals to a modern command structure. The army is being reduced, promotions are based on merit as well as seniority, and deployment of key units is being revised so that troops can be used to head off external aggression, not internal subversion.

## Socialists Are Divided

The moneyed class is losing some of its illicit privileges. For the first time, employers are being prosecuted for withholding payments from employees' social welfare programs and bank directors for irregularities in the use of bank funds. A campaign is under way against tax evaders, who are often rich, (wage earners have their taxes withheld automatically). The Ministry of Finance estimates that 3.5 million people do not pay proper taxes. As for the Roman Catholic Church, a weakening of its once formidable power can be seen in Government moves to liberalize the right to abortion and to cut subsidies to church-run schools.

How to deal with the anachronisms of Francoism has split the Socialists. There are those like Mr. González who want to work for change by emphasizing continuity instead of a sharp break with the past. Those on the left wing of the party believe that the time has come for a more direct attack on the old order. They are unhappy with the Government's ambiguous stand on withdrawal from NATO, and its policies of austerity and industrial restructuring, which is leading to layoffs, especially in steel and shipbuilding.

"The working class is losing its gains, the unions are weakening and the bosses are winning," Pablo Castellano, a left-wing Socialist deputy, complained. "There's a general sense of frustration on the left. We feel that these boys have come into government but not into power. The transition has occurred in such a way that much of the Franco system still remains."

N. Y. T.  
6-24-84

WEDNESDAY, SEPTEMBER 5, 1984

THE NEW YORK TIMES

## Spain, Worried by Morocco Pact, Warms to NATO

By EDWARD SCHUMACHER

Special to The New York Times

MADRID, Sept. 4 — The announcement of a treaty of union between Morocco and Libya, including a mutual defense accord, has raised Spanish concerns about the military balance in the Strait of Gibraltar and intensified Government efforts to stay in the North Atlantic Treaty Organization.

Publicly, the Government of Prime Minister Felipe González has sought to play down its concern, but Spanish officials and Western diplomats said privately that it was doing so to calm widespread public fears. Morocco is separated from Spain by the 10-mile-

wide strait and has laid claim to two Spanish-held enclaves, Ceuta and Melilla, on Morocco's Mediterranean coast.

Moroccan officials have said the pact is not directed against Spain. But leaders of the governing Socialist Party here, the armed forces, right-wing political leaders and many of the nation's newspapers have seized on the pact as an argument in favor of Spain's staying in NATO to counterbalance the two North African countries.

Spain is not militarily integrated into NATO under its two-year-old membership, and the country is divided over whether it should become so or pull out altogether. The Government, which ap-

pears to support the status quo, has promised to hold a referendum on the issue sometime next year.

"The announcement of the treaty of union between Morocco and Libya will begin the search for new strategic proposals for the Spanish armed forces," Maj. Fernando Ripoll, an army planner, said in an analysis published last week in the daily *El País* as the military command announced it was revising the country's overall military strategy because of the North African pact.

The major said Morocco and Libya together surpass Spain in military might. The most economic route to equilibrium, he said, lies in "transferring the problem to the Atlantic al-

liance, whose Mediterranean strategy has been based on dominating the strait, which now may be compromised."

The Libyan-Moroccan pact has also startled the other members of the Atlantic alliance. Last week, both President François Mitterrand of France and Gen. Vernon Walters, the American special envoy, paid secret visits to Morocco's ruler, King Hassan II.

The French are concerned over the impact of the treaty on the military situation in Chad, where Libyan forces confront French troops in the civil war that has divided the country. The Americans have considered Libya and its ruler, Col. Muammar el-Qaddafi, international outcasts and have been perplexed why Morocco, a United States ally, has formed the union.

Added factors are the conflicts and

jealousies dividing Libya and Morocco from three other African countries, Algeria, Tunisia and Mauritania, which have a competing alliance. Algeria has backed guerrillas fighting Moroccan troops in the former Spanish Sahara.

Mr. González has been heavily criticized by the country's press and by right-wing political leaders for his lackadaisical public posture over the new treaty. Mr. González dismissed the treaty at a news conference Thursday, saying, "I assure you that it does not affect me."

Lorenzo Contreras, a conservative columnist for the daily ABC, accused the Prime Minister of "frivolity." In an editorial, *El País* said that the Government's lack of action was "insufficient" because increased tensions in North Africa could lead to "the streng-

hening of Moroccan nationalism aided from Tripoli."

And José Mario Armero, the director of a Spanish news agency, wrote in a front-page column in *Cambio 16*, a leftist daily, "An accord to pressure Algeria and Spain, fundamentally, has been formalized, and that has to be taken very much into account."

But the Government's real concern was evident in the maneuvering begun by leaders of its majority faction in the Socialist Party. Pointing to the North African threat, they are pushing for approval of NATO membership in meetings of the party's executive councils this week before going into a party congress scheduled for May. Many Socialist hard-liners oppose NATO membership.

## Spain Leader Wins Party Vote

By EDWARD SCHUMACHER

Special to The New York Times

MADRID, Dec. 16 — Prime Minister Felipe González emerged today with a strengthened party leadership as his Socialists ended their national convention.

Mr. González was overwhelmingly re-elected party secretary general, winning 96 percent of the delegate votes. He also won by similar margins on votes for his team of party leaders for a streamlined executive commission.

After four days of often arduous debate, the Government's proposed platform to guide its actions for the next two years in office survived largely intact. Despite vehement opposition from the party's left wing and union leaders, the convention handily backed Mr. González's policy of keeping Spain in the North Atlantic Treaty Organization and maintaining a reduced American military presence here.

Union leaders early this morning managed to amend the platform's economic planks to call for more union participation in the management of Government-owned companies and more Government intervention to relieve unemployment, which is nearly 20 percent. But Government spokesmen said the amendments did not change the direction of the policy of cutting back Government-owned companies.

Calling the Socialists a "party of iron," Mr. González, in a concluding speech, praised the generally serious and sophisticated level of the debates and the good will shown by winners and losers.

The Socialists hold the Government for the first time in their 105-year history, and, while public carping about the Government's performance has been growing, the 42-year-old Mr. Gonzalez remains the nation's most popular politician.

For your information,  
From the desk of:  
JACOB KOVADLOFF *JK*  
Director, South American Affairs

*To Marc Tanenbaum*

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*DR 861-1910*

*as requested*

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SPAIN

SPAIN

H.E. Sr. Don Jaime de PINIÉS  
Ambassador Extraordinary and Plenipotentiary  
Permanent Representative to the United Nations  
~~Señora de Piniés~~

Sr. Don Emilio ARTACHO  
Minister Plenipotentiary  
Deputy Permanent Representative to the United Nations  
Señora de Artacho

Sr. Don Fermín ZELADA  
Counsellor of Embassy  
Señora de Zelada

Sr. Don Luis SAGNERA  
Counsellor of Embassy

Sr. Don Nicolás MARTÍNEZ FRESNO  
Counsellor of Embassy  
Señora de Martínez Fresno

Sr. Don Jorge FUENTES  
Counsellor of Embassy  
Señora de Fuentes

Sr. Don Eduardo GARRIGUES  
Counsellor of Embassy

Sr. Don Agustín FONT  
Counsellor of Embassy

Sr. Don Arturo LACLAUSTRA  
First Secretary

Sr. Don Antonio VIÑAL  
First Secretary  
Señora de Vifal

Sr. Don Ramón ESLAVA  
Chancellor

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March 22, 1984

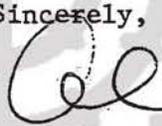
Mr. William S. Trosten, Acting Director  
American Jewish Committee  
165 East 56th Street  
New York, NY 10022

Dear Bill:

I just received the very interesting enclosure from the Cultural Attache of the Spanish Embassy. I do not think it is in broad circulation, so I take the liberty of sending it to you with the request that you pass it on to those persons in the organization who may be interested.

Best regards,

Sincerely,

  
Alvin S. Hochberg

ASH:jd

Enclosure



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MAXIMO G. YAGUPSKY  
LIBERTAD 1559 - TEL. 22-3856  
1010 BUENOS AIRES

April 5th. 1984

APR 12 1984

Dear Jacobo:

As you know, it's easier to me writing to you in Spanish; but in this particular case I prefer doing it in my broken English for just in case You'll consider advisable to have Dr. Mark Tannenbaum reading these lines. But before taking up the matter, let me congratulate you for your excellent intervention at the recent convention of our Kehillah. It was worthwhile your coming.

Now, to the point: Within about a month or six-seven weeks I'm planning to undertake a trip to Barcelona (Spain) for a week or two, and from there to Israel for another couple of weeks. In Barcelona I'll be the guest of the Arias Montano Institute in order to take part in the meeting on which the problem of transliteration of foreign words into Spanish in order to omit "diacritical marks"! My address will be on the point concerning the Hebrew words the way I did it in my translation of the Siddur. As you know I'm a member of that Institute, nominated as such by the late Millas Vallicrosa. In this connection it occurs to me that since I've been the founder of the Christian-Jewish Fraternidad in Spain (I was sent there for that purpose by AJC on the request of Paris Office which was then headed by Zack Shuster. Actually Zack was in charge of all the European Division of AJC. My companion in that mission was Father Deman from France. We got an enormous success and I was honored by the Catholic Seminar with a special reception. We organized the group with the cooperation of the local Jewish Community, being then active both Jewish leaders, Mr. Mazin and Mr. Toledano (the latter is now the President of Madridian community). The meeting was held at the Arias Montano Institute which in Madrid functions in The University, being a branch of the central office existing in Barcelona. Now, I understand that it may be of AJC's interest to refresh relationship of AJC with the Fraternidad, in spite that in last years WJCongress developed good relations with them. But we were the founders and I still stay in correspondence with Father Peral who is active in the Institute as well as in the Fraternidad. In case you find it useful I could make a side-trip and stay with them a few days. Otherwise I go from Barcelona straight to Israel. In case you're interested in that, please provide me with materials about the activities and achievements of Marks former department.

Best wishes to you and to Mark. Affectionately

*Maximo*

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