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THE AMERICAN JEWISH COMMITTEE

date September 14, 1978
to Morris Fine
from David Geller *DG*
subject German Statute of Limitations

As you may recall, in 1969 the West German Bundestag decided to give their Judiciary ten more years for tracking down and prosecuting Nazi criminals. At the same time, a new amendment to the Penal Code was adopted which in effect categorized the so-called "Desk Murderers", those who had signed death certificates or brought about murder without actually committing the murder itself, as "accessories" only. There was vociferous opposition to this measure, but it was unavailing. According to the JTA of Friday, June 27, 1969:

"Only Nazis charged with premeditated murder, who comprise only five percent of all war criminals will be subject to prosecution. The balance are charged with aiding in murder on the orders of superiors. They have already been granted amnesty by virtue of an article in the new West German penal code which grants amnesty to any civil or criminal offender whose offense was unpremeditated and not 'willful.' The article originally applied mainly to traffic violators and other minor offenders against public order. But West Germany's highest court decreed last month that it was also applicable to war criminals."

The ten-year extension to the State of Limitations will be up December 31, 1979. We shall have to decide whether and in what way to raise this issue again.

I spoke to Herbert Strauss, the Director of the American Federation of Jews of Central Europe, who had been quite active in the late 1960's in the effort to have the Statute extended. At this stage, however, he is not sure that it is worth the effort. Indeed, he feels that given the present political climate in West Germany and the spate of articles regarding the unreliability of witnesses 35 years after the event, efforts on behalf of the Jewish community now for a further extension would (a) fail and (b) cause a backlash. On the other hand,

MEMORANDUM

we should take into consideration the renewed attention focused on the Holocaust as well as the concern of the West German government with recent neo-Nazi activities in Germany in terms of the possibility of a more sympathetic attitude by the German government than Strauss would seem to indicate.

In this connection, the Convention on the Non-Applicability of the Statutory Limitations to War Crimes and Crimes Against Humanity, adopted by the General Assembly on November 26, 1968, is significant. The convention already signed by a few Member States is based on the principle that murder, genocide, and other crimes against humanity cannot be subject to a term of limitation.

I've been trying to find out whether the West German government has ratified this Convention. I am assuming that it has not, because if they had, the whole question of extending the Statute of Limitations would be moot.

I've inquired as to whether the Israeli government has adopted a position. I haven't heard yet.

D.G.

cc: Bert Gold
Sidney Liskofsky
Marc Tanenbaum
Mort Yarmon
Hy Bookbinder

THE WEST GERMAN STATUTE OF LIMITATIONS

FAD Position Paper

Existing West German legislation under which nazi war criminals are brought to book expires at the end of 1979. Should the American Jewish Committee press for an extension, and if so in what way?

The original West German law for prosecution of nazi war criminals envisaged a halt to such prosecution in 1965, twenty years after the end of World War II. Protests then--including a meeting of AJC's Morris Abram with the then West German Federal Minister of Justice--resulted in a Bonn decision to start the twenty year count not from 1945 but 1949, when the Federal Republic was established. Further protest in 1969 brought about still another change, i.e., the twenty year period was altered to thirty, making the deadline December 31, 1979.

Inside West Germany, opinion is split. Thus, for example, former Chancellor Willy Brandt has expressed some reservations on any further extension because he sees difficulties, legal and P.R., in continuing prosecution. There are also those inside West Germany and out who, even as they recognize that "the past is always present", believe that to force through any extension may be more counter-productive than beneficial. On the other hand, the President of the Social Democrats in the German Parliament, Herbert Wehner, wants to abolish the statute of limitations not only on war crimes but also on all crimes of murder. His opinion is supported by the Justice Minister, Hans-Jochin Vogel. In addition, there are important personalities in the Church who support the abolition of the Statute.

As might be expected, pressures on Bonn from the western countries to extend the Statute of Limitations is growing. Prominent individuals, while acknowledging that the expiration of the law will have little practical effect since the prosecution of any nazi war criminal already identified will continue, and while acknowledging further that the chances are minimal that some new nazi criminal will be found and successfully prosecuted,

nevertheless feel that as a matter of principle, the books can never really be closed on these crimes except by the eventual death of the murderers and their victims.

As for the Jewish community specifically, the Survivor organizations are bound to carry on an aggressive and public campaign and it will be difficult for other Jewish organizations to remain aloof from the anguish and moral force which the survivors will bring to bear on this issue.

It should be noted that there are some voices in organized Jewry who are counseling a muted campaign... some because of concern of a possible back-lash in Germany against both the Jewish community and the liberal elements and some (Nahum Goldmann) because of concerns regarding the negotiations over the final reparation payments by the West German government. There are voices, however, including Morris Abram, who played a key role in the original extension, who contend that the failure of the West German Government to extend the Statute is "legally indefensible and morally unjustifiable." He suggests, too, that AJC consider a leadership role in pressing for an extension.

DG:rf

November 14, 1978

THE AMERICAN JEWISH COMMITTEE

date November 9, 1978

to Abe Karlikow

from David Geller *DG*

subject Statute of Limitations (German Information Center)

Today I met and had a long discussion with Karl Hans Neukirchen, the director of the German Information Center. He is very sensitive to our concerns...his sensitivity being heightened by the fact that he had just been informed that there was a sit-in by the Generation After group at the West German Consulate. He said that in recent weeks, the West German press has been dealing with this subject, especially in light of the suggestion by Herbert Wehner, Social Democrat Parliamentary whip, and Justice Minister Hans-Jochen Vogel that, rather than extending the statute of limitations for war crimes, the statute of limitations on all crimes of murder should be abolished. Neukirchen wondered whether such a change in the law would be acceptable to the Jewish community. I said, that while I hadn't consulted with other groups, I believed it would.

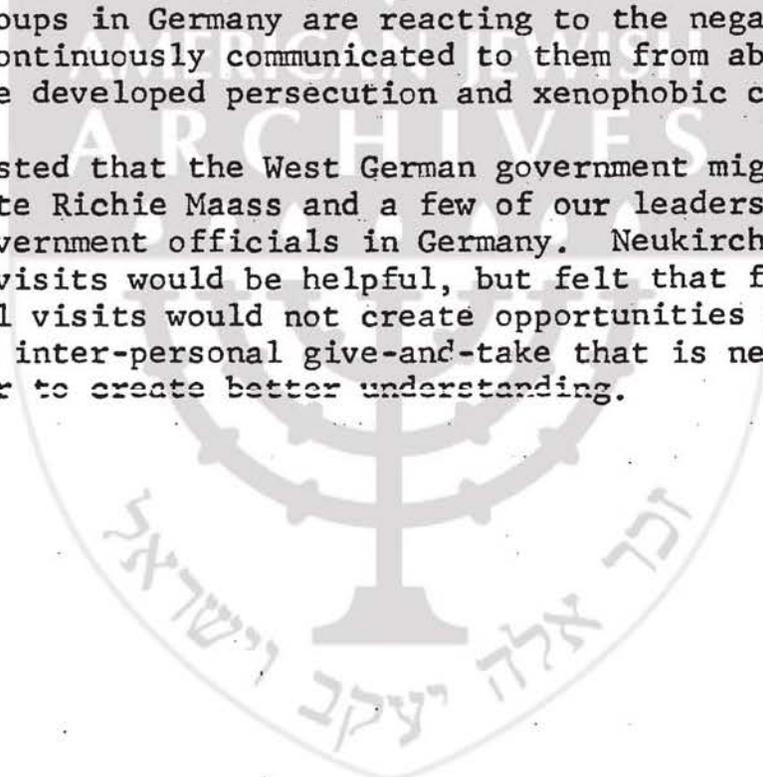
I told Mr. Neukirchen that the AJC was in the process of making a policy decision on this matter and that we were determined that whatever stand we take, it not be represented as an attack on the present West German government. In that regard, I suggested that it would be helpful to have a list of positive gestures made by the West German government toward Jews, Judaism, and Israel in the last two decades. This list would include not only reparation payments, but political support of Israel in the EEC and other international groups as well as the enactment of group liable legislation and strong measures dealing with anti-Semitism.

As you might imagine, Neukirchen seemed very happy with that idea and promised to send me the information as soon as possible. He said that he believed it would be better to have such information prepared on an unofficial basis, and that it go to only one organization. Given AJC's reputation, he would be happy to send it to us.

During our conversation, I mentioned Marc Tanenbaum's impending visit to Oberammergau. He said that this is a very positive development and he hoped that the positive dimensions of this project would be given publicity in the New York Times. He complained that Germany's past nazi image was continually reawakened and reenforced by the newspapers' propensity to play up the neo-nazi manifestations, and play down and/or not report at all the positive steps taken by the West German government. He believes that to a certain extent some of the young people who have joined neo-nazi groups in Germany are reacting to the negative image continuously communicated to them from abroad, and have developed persecution and xenophobic complexes.

I suggested that the West German government might want to invite Richie Maass and a few of our leaders to meet with government officials in Germany. Neukirchen agreed visits would be helpful, but felt that formal, official visits would not create opportunities for the kind of inter-personal give-and-take that is necessary in order to create better understanding.

DG:rf



THE AMERICAN JEWISH COMMITTEE

date November 9, 1978
to Abe Karlikow
from David Geller *dg*
subject German Statute of Limitations (Morris Abram)

I met Morris Abram yesterday to discuss his views re AJC policy regarding the expiration of the German Statute of Limitations in 1979. Morris feels very strongly that we must press for an extension of the Statute. I asked whether during his conversations with Ewald Bucher, West German Minister of Justice, any commitment had been made that were an extension granted from 1965 to 1979, that there would be no requests for any further extension. Mr. Abram did not recall any such commitment.

He maintained further that the words he used in 1965 describing the possible failure of the West German government to extend the Statute as being... "legally indefensible and morally unjustifiable" are the same words that could be used today. In other words, any ex post facto concerns which were raised in 1965 by Germans who opposed the extension, had, by virtue of the extension granted in 1965, been eliminated as a possible hindrance to any future extension.

Morris asked about the position of other organizations. I told him that most organizations are now in the process of formulating their position, but I was certain that most of them would come out for an extension on the basis of principle. This is especially true of the Survivor Organizations. Morris was not persuaded by arguments of a possible back-lash in Germany which have been advanced even by friends such as Willie Brandt nor was he persuaded by Nahum Goldmann's stand. In fact, Morris feels that on this issue we should take the lead in a reasoned but public campaign on grounds of morality and principle. He offered to meet with us to discuss the issue further if we thought that it would be helpful.

DG:rf

THE AMERICAN JEWISH COMMITTEE

date November 13, 1978
to Abe Karlikow
from David Geller *DG*
subject Statute of Limitations (Press Conference)

I was invited to a press conference Friday morning, November 10, which was called on the occasion of the fortieth anniversary of Kristalnacht. The press conference was called by Congresswoman Elizabeth Holzman on the occasion of the signing of the Holzman Bill authorizing deperation of anyone guilty of persecuting others for racial, religious, and other reasons.

On the panel with Congresswoman Holzman was Simon Wiesenthal and Martin Mendelsohn, Chief of the Special Litigation Unit of the United States Immigration and Naturalization Service.

In the beginning, the statements and questions referred to the Holzman Bill and pending trials of alleged war criminals in the United States. Toward the end, however, the emphasis had changed to the necessity of abolishing the Statute of Limitations.

Wiesenthal has begun an international campaign urging that millions of the attached post cards be sent to Germany. The survivor groups, with whom I have been in contact, feel very strongly on this issue. I am sure they will carry on an aggressive and public campaign.

After the conference, I spoke briefly to Wiesenthal about the suggestion of Herbert Wehner that the statute of limitations be abolished on all crimes of murder. Wiesenthal said this would be a very good way to resolve the problem.

DG:rf
enc.

MT

MEMORANDUM

THE AMERICAN JEWISH COMMITTEE

date April 27, 1979
to PARTICIPANTS OF TRIP TO GERMANY
from BERT GOLD
subject

I thought it would be useful to have as part of the record an account of our trip to Germany taken from my very sketchy notes.

You will note there are no notes for the meetings which took place on Thursday, March 29th since I returned to the states on Wednesday, the 28th. I believe Richie Maass covered those meetings very well.

BHG/aw
att.



MEETING WITH DR. JOHANNES HANSELMANN, THE EVANGELICAL LUTHERAN BISHOP IN MUNICH

Friday, March 23, 1979

Dr. Johannes Hanselmann is a gentle appearing person, quiet spoken and yet reflecting a genuine concern for the best way to enhance Jewish-Lutheran relationships. He met us in his study and had prepared refreshments for us. We had arrived in Munich a little after 9:00 a.m. and had not gotten to our hotel and unpacked until 10:15 a.m. It was now 11:00 a.m. and we were all somewhat tired. Dr. Hanselmann greeted us cordially, courteously, and as was already obvious, hospitably.

Marc Tanenbaum opened the formal part of the discussion by offering some background about the American Jewish Committee and our work with Lutherans in America emphasizing the study which he and the executive head of the Lutheran Council had co-edited several years ago. Marc concluded by asking whether the Lutherans in Bavaria were at all involved in any dialogue or cooperative work with Jews.

The Bishop told us of a Lutheran-Jewish dialogue committee which represents the Lutheran Churches and the Jewish community throughout the Federal Republic and West Berlin. This Lutheran-Jewish conference meets annually for several days, usually in a colloquium devoted to a specific area of interest. The Bishop told us with a great deal of pride that in November of 1978 there had been such a meeting and that he had delivered a paper on the treatment of Jews in the media which he later gave us.

According to Dr. Hanselmann there is no major problem of anti-Semitism in Germany. It is true that there were three or four incidents such as synagogue vandalism, and the like, during the course of the year, but these were minor episodes. He went on to praise the Holocaust program which he said helped create a tremendous discussion amongst children and their parents and which he felt had done very much to sensitize the new Germany to what the Holocaust was really about. He used as one example of the occasional anti-Semitic clashes with this new awakening concern about the Jewish condition, an incident in which one of his youth groups which had scheduled a discussion on the Holocaust program had been invaded by three or four neo-Nazi youths who heckled them and who had to be escorted out of their meeting.

The Bishop dwelt a good deal upon the Holocaust. He told us that it had stimulated a tremendous amount of discussion throughout the country and had made it possible in a completely new way for a deeper thinking about German history -- particularly on the part of younger people. It had also stimulated greater attention to the development of appropriate teaching materials on Jews. He, however, did point out that the Lutherans had developed some very good materials that were widely used within Lutheran churches and Lutheran schools around the country before the Holocaust program.

We moved from this general discussion of anti-Semitism, Jewish-Christian relationships and the Holocaust program to a discussion of the motion pending in the German Bundestag to abolish the Statute of Limitations on murder. Dr. Hanselmann was quite forthcoming and clear about his position on this matter. He supported the abolition of the Statute and felt quite

optimistic that it would be abolished when the final vote was taken. However, he was not that anxious to make a major public statement expressing his convictions. He told us that the National Council of Lutherans was preparing a paper on the Statute which he expected would be issued fairly soon. He felt that he did not want to go public on his own views until that paper had been developed. Indeed, he told us that he had been asked by the Council not to do something independently until their statement was ready.

The final subject we discussed with Bishop Hanselmann was the Oberammergau Passion Play. The Bishop told us that one of the 16-member national board of the Lutheran Council had seen the Rosner production and had stated publically that this was a much superior script to the Daisenberger script. It was his feeling that the Oberammergau Passion Play with its current emphasis was theologically unsound and should be discontinued. However, he was also once again quick to point out that this was a problem of the Catholic Church and did not really relate to his responsibilities. He reported that he had already been asked by Cardinal Ratzinger to deliver a sermon in the Lutheran Church in Oberammergau just prior to the opening of the Passion Play at the same time that Ratzinger would be delivering a sermon in the Catholic Church. Bishop Hanselmann told us that he wasn't sure that he was going to be available but that if he were or even if he sent a substitute the tenor of the sermon would be that the death of Christ was not the result of the collective action of Jews nor should there be a collective guilt but that indeed the death of Christ was a problem and the responsibility of all mankind.

The meeting by and large was very pleasant and friendly one and there is no question that Dr. Hanselmann is sympathetic to our causes and needs. How much impact he has and what kind of influence he will bring to bear, and indeed how much he really wants to bring to bear on controversial issues was left unclear. Nonetheless it was a worthwhile meeting with a charming, cultivated man.

LUNCH WITH DR. HEINRICH AND A GROUP OF THE FACULTY OF THE CATHOLIC ACADEMY
IN MUNICH

Friday, March 23, 1979

Our rather sumptuous and protracted lunch, running somewhere between 1:00 and 3:30 p.m. with three choices of wine and elaborate appetizers and desserts, was hosted by Dr. Heinrich in his most charming and affable style. Dr. Heinrich is a very outgoing, infectuous person who projects his personality with great warmth. He had with him four or five of his colleagues so it was a group of about a dozen to fifteen of us that sat down at the table after the cocktail session.

Dr. Heinrich greeted us effusively, welcomed us to the Academy and suggested that we use this opportunity to ask in as direct and frank a fashion as possible any questions we had on our minds. He assured us he would be just as forthcoming in his answers. Richard Maass responded by telling a little bit about the American Jewish Committee, expressing our thanks for the warm hospitality and indicating that we welcomed this opportunity for an exchange of views.

By the time we got to the discussion after the elaborate lunch and with none of us having had any sleep for some thirty hours, I must confess that the yawns, eyeblinking and head dropping on the part of our contingent was becoming a little obvious. Nonetheless, we did cover a number of areas:

1) Statute of Limitations

Even in this rather sympathetic group with everyone expressing their private opinion that there should be an abolition of the Statute of Limitations, the ambivalence that runs through this country became evident. Every one of the Germans who spoke on the subject -- and almost all of them did -- gave one or a different interpretation of why there was interpretation of why there was resistance to the change. There is no question in my mind that this is a difficult decision for the German people. They are torn between a real desire to put the past behind them and a new awakening of the enormity of the Nazi period and its wanton destructiveness. While the Holocaust program undoubtedly triggered much of the current discussion, its roots go much deeper. Germans under forty were either not born or were very young children during World War II. They are psychologically ready to confront Germany's past. And yet they are in a dilemma between wanting to face the Nazi period honestly and yet wanting to dispose of the Statute of Limitations in the least difficult fashion. That's why the move to make Murder One, as a general category, not subject to the Statute of Limitations since it takes the focus away from the Nazi war crimes as such.

The group here, despite its attempt to interpret the opposition to the elimination of the Statute of Limitations all seemed agreed that the Bundestag would pass the current Bill before it.

2) Oberammergau

The discussion about Oberammergau was not as extensive as was the discussion on the Statute of Limitations. Obviously since the Academy had sponsored the symposium on the Passions of Jesus we were with a sympathetic group who wanted to see the Rosner text used rather than the Daisenberger. Nonetheless, even on this score I felt that there had been some subtle shifts in their general attitudes and perceptions.

Dr. Heinrich, who was the most articulate on the subject, stated at one point and I am paraphrasing but I think accurately, "I haven't seen the revisions and I am looking forward to seeing them when they're made public. However, I think you should feel good about the fact that the struggle that went on did result in a number of revisions. Now we will have to see how those revisions are performed and what that does to the nature of the performance. After we see the performance and if we still have problems with it, we then will still have an opportunity before the 1984 anniversary performance of the Passion Play to see whether we need to do more or get a completely different script." In effect, Dr. Heinrich was saying to us "Okay, you've done all you can and what remains is to see what the script looks like. After the 1980 performance is all over you may have to do battle again but that will depend on the perception of the people to the revised script."

3) The Peace Treaty Signing

The Germans present were very, very excited about the Peace Treaty and felt that this was a great step forward for peace in the Middle East generally. Dr. Heinrich declared that Germany particularly, with its long relationship with Israel and its support of Israel felt particularly good about this. The Academy, of course, specializes in Jewish-Christian relationships and the sentiments of the assembled group were representative, I believe, primarily of the more enlightened elements who have had contacts with Israel and with the Jewish people.

4) The American World Leadership

One of our questions was whether they had any feelings about the role that America played in providing leadership to the free world. Everyone who spoke on the subject unanimously expressed a great deal of disappointment in America's leadership performance. While they were polite they sharply criticized President Carter's lack of strong leadership.

We ended the luncheon with a brief discussion about the possibility of a second colloquium to be held under our joint sponsorship. Dr. Heinrich was very open about this and indicated a real willingness to work something out. We talked of one or two possible subjects and Marc agreed to put something in writing on our return for further follow-up.

MEETING WITH HIS EMINENCE DR. JOSEPH CARDINAL RATZINGER, ARCHBISHOP OF
MUNICH AND FREISING

March 23, 1979

The Cardinal met us together with a Monsignor of his staff. He was evidently expecting us and wasted no time in getting right down to business. Throughout our interview this slight, pleasant, grayish-haired man who appeared to be in his middle fifties, was clearly in command of his material and of the meeting itself. He spoke quickly, efficiently, in a logical sequence and with a good deal of quiet force. It was evident that he expected a hostile group and even though that hostility was not displayed he made sure to make all of his points without giving any ground in the course of our arguments.

We started our discussion on the question of the Catholic Church's stand on the Statute of Limitations. The Cardinal pointed out that the Catholic Bishops, after due consideration of the problem, had issued a statement which indicated that they recognized that there was justification on both sides and therefore they felt it appropriate for members of the Catholic Church to vote their conscience and not to be bound by any proclamation from the Church. He felt that this response on the part of the Church was an inevitable result of the kinds of questions that were involved in the abolition of the Statute of Limitations.

The Catholic Bishops felt the question to be essentially political and juridical rather than religious in nature, and the Bishops Conference therefore felt in order to maintain the separation of Church and State there should be no official pronouncement on the part of the Church. He went out of his way to point out that in the Western tradition there is such a complete acceptance of the separation of Church and State that on issues such as this the American Catholic Bishops Conference very often will take official positions but that the German state was not nearly that much wedded to such separation and therefore felt it wiser to bend over backwards to avoid anything which might be interpreted as interference by the church in State matters.

We pushed him a good deal about whether or not this was not also a moral issue. He agreed that this probably had a great moral basis to it and that, indeed, the German Catholic Church really believed that no injustice should go unpunished and that justice must be pursued to this end. However, the juridical problem of how this pursuit should occur is a very technical one and probably could take several equally acceptable forms.

The Cardinal went on to state, in response to a question, that he believed there was a majority in Parliament for the abolition and that it probably reflected the majority point of view of the people at large. He stressed, however, that there is a conflict in people's minds and more than a little ambivalence. On the one hand, there is a general feeling that there has to be some kind of wiping out of the petty stuff. The fact that Scheel and Carstens were once members of the Nazi party cannot be held against them for the rest of their lives since they really were not guilty of doing anything except having been nominal members of the party. On the other hand, he stated, the German people are very much united in thinking that anybody who really committed a major crime should not go unpunished or unscathed.

After some more general discussion along this vein, the Cardinal indicated that he hoped there would be a move on the part of the Bishops which he would support to issue some kind of a moral statement about the problem even though such a statement might not go into the whole juridical problem.

After about twenty minutes on this subject we moved directly into Oberammergau which he had obviously been waiting for. We began very gently by asking the Cardinal what the status of the Oberammergau Passion Play was at the moment. He made the following three points:

1) It is important to understand that the Passion Play in Oberammergau is a matter of local concern -- the activities of a local community and not the doings of the Church itself. In that sense it is really not a church matter or a decision which the church can make about whether a Passion Play should be given by the townspeople or not.

2) There certainly is or could be a moral issue involved in the contents of the Play. That moral issue had to do essentially as to whether any Passion Play met the guidelines of the Deicide Decree and of the Roman Catholic Declaration on the treatment of Jews. Here he felt that the Church had a responsibility to help affect the contents.

3) The Church hierarchy cannot get involved in the choosing of the text itself which in this case, in the fight between the Daisenberger and the Rosner texts, has become highly politicized with the majority, and a clear cut one at that, voting for the Daisenberger script.

After outlining these three points the Cardinal went on to say "Once the townspeople chose the texts they wanted it was my task to see to it that the texts chosen should be accurate historically. I might point out that the Auxiliary Bishop with my endorsement and support came out for the Rosner text but once it was not accepted we had to go with the Daisenberger text, provided it was revised sufficiently to make it acceptable to our standards. The Oberammergau community agreed to do this. The text was revised and has been presented to me."

The Cardinal went on to tell us about how Father Gregor had done all he could to eliminate any anti-Semitic references and to clean the text up. The Swindler suggestions had been accepted; a new prologue had been written. He, himself, had made various suggestions which had been accepted and he believes that the text is now acceptable and that he believes we would think so too when we read the text.

We asked him about when we could see the text and he replied that the text belonged to the Oberammergau community and it would be up to them to release it to us. This statement by the Cardinal caused some problem for us all. We had received a copy of the script several weeks ago and had translated it into English and had brought with us Judy Banki's analysis of the changes with the idea that we would present them to the Cardinal hoping that they would influence him.

As a matter of fact Marc had taken the analysis out and had it on the table right next to the Cardinal. When we were told by the Cardinal that the new script was still confidential and that even he, himself, had not seen the final revisions it became obvious that we could not now present him with our analysis of the so-called "secret" script. All around the room there were suddenly glances of consternation. I poked Marc in the ribs and said in my best tight-lipped fashion, "Get it out of the way." Marc began to cover the document with his hands in case

the Cardinal could spy the heading out of the corner of his eye and surreptitiously, with all of us watching him with baited breath, he managed to slip it under the copy of the Observatory Romano which he also had on the table in front of him.

Marc then went on to make an impassioned plea for an understanding of our position. He pointed out that the Oberammergau Passion Play was in very many ways a litmus test of the attitude of Germany towards anti-Semitism. He stressed that it was not just a matter of the Play being given in a small, little out of the way town in Bavaria but that it had become an international occasion which once every ten years brought people from all over the world who saw the Passion Play as an expression of German attitudes and views about Jews. He expressed appreciation for the attempts to revise the script but emphasized that even though direct anti-Semitic references might be eliminated, the very structure of the Play was such that it placed the killing of Christ at the hands of the Jews as the central core of the message it gave. It made Jews collectively guilty of killing Christ and in that way was completely contrary to the Deocide Decree.

The Cardinal listened quite impassively and then answered listing a number of points in an almost objective, scholarly way in sharp contrast to Marc's more emotional approach. The Cardinal pointed out that we had to understand in the first instance that there was a basic contradiction in the fact that here was a very small village which has had 300 years of tradition in putting on this play. This is a village folk expression which sticks to this expression and the fact that it has drawn international attention is perhaps a contradiction in terms but the fact has to remain that the basic aspect is the peculiarity of this very small village with its ancient tradition.

In the second instance, the Cardinal continued, he does not believe that this new version deals with the collective guilt of Jews at all. Quite contrary, he feels that it deals with the two parts of Israel which are in conflict with each other, the first part being the prophets and the power structure in Israel at that time versus the people who were being persecuted by the power structure. In that sense he sees it in more universal terms than we view the struggle contained in the Passion Play script -- even though the universal is depicted through the Jewish struggle.

Finally, the Cardinal stated that he does not agree that the Play is a litmus test or even a reflection of Hitler-type anti-Semitism. He drew a distinction between the genocidal expression of Hitler's anti-Semitism and this folk culture expression of anti-Semitism and of interpretation of a new Testament. This expression was not grounded in anti-Semitism but was an attempt of a folk group to maintain an old tradition of worship of Jesus.

It was quite obvious, even though the meeting broke up pretty much at this point, with expressions of good will, that the Cardinal had made a major decision to support the Oberammergau text. I believe that this decision has been made for a combination of political and theological reasons, but that it will be expressed in a theological frame of reference. It becomes obvious, too, that we are going to be faced with a need to make a decision on how we proceed in our analysis of the new script and the approach we take to it. After we have spoken to Mayor Zwick and our Reform friends in Oberammergau we will have a better idea as to the direction to take.

A MEETING IN OBERAMMERGAU

A PLAY IN ONE ACT

SETTING:

SUNDAY, MARCH 25, 1978

The Town Council Chamber consisting of a long, very ornate table with chairs around it. Behind the Mayor's seat is a large woodcarving depicting the history of Oberammergau and that of the Passion Play. In the middle of the unwindowed side is a large mural depicting the stage of the Passion Play Theater. The chamber is typically Bavarian, with lots of wood, inlaid carved floors and an antiseptic cleanliness.

CAST OF CHARACTERS:

The American delegation consists of the dramatic personae already described.

The others in the cast include:

The Mayor: a well dressed man of an indeterminate middle age. He is wearing a gray flannel Bavarian suit with short lapels, no collar and gray piping around it. Would he have been wearing a hat in the room it would certainly have been a Bavarian hat with a jaunty feather. He is blonde, courteous, quick-witted and expansive.

The Assistant Mayor: a thin, emaciated man who wears dark glasses because he is blind. He has lost one hand, and the other is deformed. He does not use a cane but is led around by a voiceless, silent elderly woman who guides his hand so that he can shake hands with others, and who, during the course of the meeting, sits quietly taking copious notes.

The Passion Play Director: a rather non-descript, chinless man who is beginning to sprout the beard which all the male actors in Oberammergau will be growing from now until the end of the production. He smiles frequently, nods emphatically, but says very little.

The play opens with the Mayor standing at his chair greeting the American delegation. He shakes hands with each of them, motions them to a chair and as the last one is being seated, the Director and the Assistant Mayor with his guide arrive. Everyone stands while introductions are made, hands are shaken, everybody takes seats and the play begins.

THE MAYOR: May I welcome our guests from the United States. We are very happy to have you here and to resume the discussions on our Passion Play that we have previously had with Herr Rabbi Tanenbaum, with Herr Trosten and with Herr Jaffe. I have brought with me two associates whom you have already met and no more than these two because I believe it is important that we have as small a group here as possible so that we can have a thorough discussion. However, the two people who are with me are both key to the performance of our play. The Assistant Mayor is my strong right arm who is very much involved in all aspects of the production of the play and of course, Herr Maier, the play director is essential for the interpretation of the text.

MARC T: I would like to express on behalf of our delegation our sincerest thanks for this meeting, especially since it is on a Sunday afternoon, the Lord's day. I think you should know, Mr. Mayor, that this delegation will be meeting with Chancellor Schmidt and the leaders of the Bundestag. Before going to Bonn for these meetings we felt it was important to discuss with you the status of the Passion Play. I must, however, before we begin our discussions, tell you that this group of people with whom you are meeting are not only national leaders of the AJC but are very, very active in the general cultural, social and political life of the United States. I know that they will be interested in learning from you the status of the play.

THE MAYOR: For the last several months we have been working on revisions to the play and I must tell you that we have made major ones. This work has been done by members of the Oberammergau Council, the Director of the play, by religious leaders in Bavaria, and by Father Gregor of the monastery at Ettal, all who have worked together to reform the text. We have presented the revised text to Cardinal Ratzinger, who has told us that from the theological point of view he sees no objection whatsoever to the play and has told us further that it is in line with the second Vatican Council. It will now be the task of the Play Director to put it on well so that we can have a good play for 1980.

ASSISTANT MAYOR: Our greatest difficulty was in trying to make the text acceptable and yet not violate the basic meaning and the basic message and the basic tradition of the play. We realize that the play may foster political anti-Semitism. However, for us the play is based on religious tradition and we believe it is most important to maintain its Evangelical basis. We cannot leave this basis and we must at the same time maintain the dramatic quality in the play.

MARC T.: We do not view the play as creating political anti-Semitism. We believe that the play by accusing the Jews collectively of killing Christ has as part and parcel of its structure a very striking religious anti-Semitism which no amount of revision can eliminate.

ASSISTANT MAYOR: A people's play needs to maintain a dramatic continuity. We recognize that at times this may be disturbing to some but I'm afraid that it is unavoidable.

THE MAYOR: (obviously somewhat disconcerted by the turn of the conversation):

Let me assure you that the text is finished and has now been given to the Oberammergau Community Council and the Passion Play Committee of the Council. It will be made public just as soon as the Council makes whatever revisions it deems necessary. However, in my opinion, since Cardinal Ratzinger has worked on it with specialists and has approved it I see no reason why the Council would have any objections. We, ourselves, are under pressure to get going as quickly as possible since we have to get into rehearsals no later than the middle of the summer. It is my guess that somewhere between the middle and end of April we will have all of our work done and the text available. We certainly will want to give it to you as soon as possible. Indeed, Mr. Friedman of the ADL was also here a month or so ago and asked for the text and I promised that I would give it to him also just as soon as it was ready.

MARC T: I hope it will be ready by then and I promise you that we will read it carefully and give you the benefit of our analysis of it. I should tell you that just two weeks ago Mr. Maass and I had an audience with the Pope who went out of his way to tell us that during his Papacy he would resist all attempts at religious anti-Semitism and that he would oppose any ascription of collective guilt to the Jewish people for the death of Christ.

THE MAYOR: There is no collective guilt in the revised script. What the new script does is simply to portray the suffering and the dying of Jesus Christ. It does not attempt, nor are we interested in attempting, to create any kind of religious anti-Semitism.

MARC T: The 1970 play by any kind of objective analysis certainly did blame the Jews collectively for the death of Christ and made them responsible for it and therefore doomed the Jews to eternal suffering.

THE MAYOR: That was the text of 1970 but the 1980 text, I assure you, is quite different. That is to say, not completely different, but certainly it has been shortened and drastically revised.

MARC T: Can you honestly confirm that the 1980 version has completely removed the collective guilt of the Jews?

THE MAYOR: We have tried everything we could but I suppose in the last analysis it depends on individual perception.

ASSISTANT MAYOR: I must tell you that in those main scenes where the Jewish people come together on the stage demanding the conviction of Jesus there will be a difficulty because these are mass scenes in which the dramatic effect must be maintained.

THE MAYOR: The scenes of the masses and when Jesus comes in with them are basic to the play and they cannot be denied historically.

ASSISTANT MAYOR: However, in the prologue it is pointed out that it was the sins of humanity that brought Christ to the cross. I believe it is important to stress that while we keep talking about the Daisenberger text actually the text that we were using was written in 1810 and it was written after the time of the reformation when the difficulties it met had nothing to do with anti-Semitism. The objections were against passion plays altogether and it was only in Oberammergau that they were allowed to be played.

THE DIRECTOR: I am very aware of all of the points in the script for which we have been criticized. We have tried to eliminate them, except that you must remember that basically the script is based upon the Gospels as contained in Matthew, Luke, Mark and John and we must be true to these four gospels.

MARC T: That is true but you must remember that each of these gospels has a different interpretation of the events that occurred. Each of the treatments is different and a lot depends on which of the gospels is used. John, for example was written right after the break with Judaism and is much harsher than the gospels that were written later. So which gospel is used and how

and how it is interpreted makes a great difference. Let me make my point another way. We recently had a colloquium with the Catholic Academy in Munich on the Passion of Jesus. I believe you all know about it and as a matter of fact you were invited but...

THE MAYOR: Yes, we were invited but we decided, all of us collectively, because of the nature of the program, we should not participate.

MARC T: Yes, I understand that. The point I'm trying to make is that at this discussion the famous Italian Director Zifferelli was present. I had the privilege of working with Mr. Zifferelli on the television show he did on the life of Jesus, and the point that Zifferelli made at the colloquium was that after Auschwitz nobody had the right to talk about the collective guilt of Jews. Zifferelli pointed out that he was able to tell the story of Jesus powerfully and universally and yet not make the Jews responsible for the death of Christ.

THE MAYOR: Yes, we know the film. It was shown here but there is quite a difference in technique between film and drama and what Mr. Zifferelli could do in film we cannot do on stage, particularly with amateurs as actors.

MARC T: I understand that there's a difference but if I can quote Zifferelli, he said "I want to make a film of love and not of hate" and certainly that can be true of a play as well as a film.

THE MAYOR: Well, this will have to be a task of the Director Maier and I know he will be able to do as much as he can.

THE DIRECTOR: I certainly will try to do everything I can in this direction.

ASSISTANT MAYOR: We have another problem that you should understand. The people of Oberammergau always viewed this play as their own. They never expected it to become international in scope. They see it as their play. It was always their play and remains with them as a folk play.

MILES JAFFE: We respect and admire the reverence in which Oberammergau holds its tradition, but we, too, have a tradition to which we remain steadfast. In our tradition, we were the victims of religious anti-Semitism. Our tradition is one in which we suffered religious intolerance, and persecution for thousands of years. That explains why, even though you say in your prologue that the play is an explanation of man's inhumanity, we can't accept it when the text makes it clear that it is the Jews who killed Christ. We can't accept that the Jews are the ones that play out humanity's sins. And that also explains why, although we respect and admire your tradition and must continue to oppose that which continues to stress the collective guilt of Jews.

RICHELIE MAASS: It is important that you realize that it isn't only Oberammergau that is affected. Others around the world have adopted the Oberammergau play. In the United States alone there are two major passion plays that advertise themselves as the Oberammergau passion plays and, therefore, what you do here has great significance, not just for the people who see the play here but other places in the world.

THE MAYOR: Unfortunately, our text is not copywritten and I suppose anyone can pick it up and use it.

ASSISTANT MAYOR: Well, perhaps with the changes that we have now made you will not object to its being used in other passion plays.

BERT GOLD: That remains to be seen. I think you should know that we do not hold you or the people of Oberammergau guilty of any kind of anti-Semitism as such. I think you also ought to know that we are very glad that you're revising the play. However, above all, I think it's important that you know that we have a conviction that the play is so structurally put together, its essence is essentially so grounded in the collective guilt of the Jews for the death of Christ and therefore their being doomed to eternal suffering, that no amount of mere language changes can really make the difference. However, we will eagerly await reading the script and studying it when you make it available to us. If it does what you say it does we will publically commend you. If on the other hand it does not achieve what you claim for it and if it still contains the problems that we have seen in the past, we must tell you that we will continue our criticism of your Passion Play.

THE MAYOR: I suggest that it would be important before you make any public statements about the revisions, that you see the play itself. I think that only by really seeing it can you understand it and form your opinions about it.

MARC T: But the text is still the basic text. It gives the content and the substance. And that content and substance depends completely on the kind of interpretation one gives to the gospels. I believe that one can be true to the gospels and still not interpret them in the way in which has been done in the Oberammergau Passion Play up to now. My specialty has been the New Testament and the first century of Palestine. In pursuing my studies on this I've been in close contact with scholars of all faiths, and I can tell you categorically, that in all the writings of these top scholars, people like Father Brown of the Vatican, and Stendahl and Harvard and to many other people, the interpretation of the text of the gospels is much different from what appears in your play. Let me give you one example. In the Passion Play of Oberammergau Pontius Pilate appears as a gentile, weak ruler who is persuaded and almost driven by Jews to crucify Jesus. That's just not so. It's not historically accurate. Pilate was a cruel, mean man who was brought by Caligula to Palestine to tyrannize the Jewish people.

THE DIRECTOR: I will do my best to direct him differently, but again I must tell you that we do have a basic credo. That credo is based on the four gospels and they cannot be changed.

MARC T: But why don't you check with some of the authorities, like Father Raymond Brown?

THE DIRECTOR: I will be glad to look at anything that Father Brown has written.

ASSISTANT MAYOR: I again want to repeat that you really must judge the play visually and not just by the written script.

At this point there is a long silence. Everyone kind of looks at each other and then very quietly:

BERT GOLD: Well, it seems to me that we have had a thorough discussion and nothing much more can be done until we see a copy of the play. We're very grateful that we have had this opportunity for this discussion and we will certainly be in touch with you as soon as we have had a chance to go over the play when you make it public.

THE MAYOR: We will be happy to make it public and send it to you, hopefully within the next several weeks. In the meantime I do hope that you will join me in visiting the theater in which we put on the play. (Everyone rises as the curtain descends.)

AMERICAN JEWISH

The play took about an hour and fifteen minutes to unfold and to come to its rather undramatic climax. It seems as though Mayor Zwink feels very much in the saddle and in control of the situation since he has the Cardinal's approval. There is little doubt that the Oberammergau officials feel that they have made the decision and will carry it out without too much to be feared from the outside world.

MEETING WITH THE REFORM GROUP IN OBERAMMERGAU, SUNDAY, MARCH 25, 1979

Following our meeting with Mayor Zwink and his group we had lunch with Hans Schwaighofer, Helmut Fischer and Monika Lang of the Reform Group.

Schwaighofer is a beautiful person with an inner warmth that spreads out through his eyes and from all of his actions. There's a kind of gentle humility about the man that is apparent from the very first contact with him. Fischer is a younger man who played Christ in the 1970 production. He is a rather handsome person with strong convictions. Monika Lang is an attractive young woman, probably in her early to mid thirties with what would be called an infectious smile and beautiful, flashing eyes. She is a womens-libber and as Bill Trosten said, "Put her in New York and you couldn't tell her apart from the American brand."

Without going into details the following emerged from our discussion:

- 1) There is no doubt that the Reform group feels at a low ebb and somewhat beaten. The Cardinal refused to see them. He has put his okay on the revised text and there is little doubt that it is the Daisenberger text which will be used.

2) They have read the revised text and feel strongly that it is even worse than the original text. They think that it still maintains the basic concepts and has lost much of its literary quality which was minimal to begin with. As a matter of fact, I had the feeling, particularly on the part of Fischer that a good deal of the motivation of the group in choosing the Rosner text was their dissatisfaction with the basic literary and dramatic quality of the Daisenberger text.

3) They believe that the only chance of the play not being produced is if there are not enough players. Schwaighofer pointed out that in the questionnaires sent out to approximately 1500 people who are eligible to perform, over 50% were not interested in playing the Daisenberger text unless there were some basic revisions. They felt that it might be difficult for the town to get the number of people required to put it on. There are 120 performances -- it goes on for five months -- and a double cast is used which means something like between 800 and 900 people. The reason for double cast is that employers will not give time off for people to play the roles for the five-month period. There has to be alternatives. If a double cast is not obtained then Schwaighofer maintains they will either have to discontinue the play, put it on for just two months or so or initiate a conversation with the Reform group to see whether some kind of accommodation can be made.

4) Quite apart from the numbers involved, it seems as though the Reform group has most of the experienced actors and actresses and so the Town Council also has the problem of how to get better trained and more experienced performers for the important roles.

5) On top of all of this Monika Lang and one or two others have sued the Town Council for discriminating against women. The Council rules are that no unmarried women or women over 35 can be in the play or be involved with it. The suit maintains this is discriminatory. The trial was already held and the verdict is expected within the next several weeks. If the Court rules in favor of the women, everything that has been done up to now will be declared null and void and there would have to be new elections for the Oberammergau Committee; there would have to be new processes for securing the players and it would almost be a completely new ballgame. Whether the Court will judge this way remains to be seen.

6) It is obvious that while there is still some clutching at straws and some hope that things may shift, the Reform group is somewhat disappointed and is certainly counting on our help and continued support. We, on our part, did point out to them that just as soon as we "officially" receive the script we would issue a full analysis of it and go public with it as quickly as possible. I felt that the meeting with them was important in that it gave them some courage and sustenance, although how real that is I don't know.

One final comment about Oberammergau may be in order. In a subsequent meeting with Ernst Maria-Lang who is a very well known architect and cartoonist and a prominent figure in the Munich and Oberammergau communities, we got a more optimistic projection. Lang feels that the Town Council is in serious trouble both with the suit and in trying to get sufficient players. He feels there is a chance that the Rosner script might still be used even in 1980. He promised to let us know what the developments are both in the Court case as well as in the changes in the atmosphere in Oberammergau.

VISIT TO DACHAU - MONDAY, MARCH 26, 1979

The Dachau visit is a very impressive and meaningful experience. I found it to be more moving even than a visit to Yad Vashem. I suppose this is because as one walks around both the museum and the grounds and visits the crematorium one senses that this is where it actually happened and this sense of reality presents a different feeling than just being in a museum in Israel. The three chapels -- Protestant, Catholic and Jewish -- add a special sense of reverence, particularly as one stops in the synagogue.

What was most impressive about the visit was the large number of German school children visiting the museum with teachers. There must have been at least 8 to a dozen classes with their teachers in the hour or so that we spent at Dachau. It is evidently becoming an important part of the curriculum of high schools in the area.

AMERICAN JEWISH
VISITS WITH THE JEWISH COMMUNITY
Monday, March 26, 1979

We had in effect two visits: The first was at the headquarters of the Landesrabbiner Israelitischen Kultusgemeinde in Bavaria at which were present the Honorary President, Dr. Simon Snopkowski and several other leaders of the community. Our second visit was a breakfast we had with Hans Lamm.

The headquarters of the Kultusgemeinde in Munich is a redone large apartment which provides a large meeting room, kitchen, an office and one or two smaller meeting rooms. The group was very hospitable to us and we exchanged greetings and told each other a little about ourselves. In both the meeting with the official group and subsequently with Hans Lamm it became obvious that they were a little irked about our coming there without consultation with them. The Los Angeles group which came under the auspices of the Wiesenthal program and the Rabbi Schneer-Jacques Torczyner visitation, followed now by ours was disconcerting to them.

The whole question of how one works with such communities is always a problem but in Germany where the community is very small and its influence somewhat negligible, the question becomes all the more exaggerated

We, of course, made our apologies and our explanations and allayed some of the hurt feelings that our trip had caused. We told them that we had tried very hard to get in touch with Dr. Nachman but had been unable to even though we had left our names several times, we had never gotten a call back from him and our explanation was graciously accepted.

MEETING WITH MR. DAVITT, PARLIAMENTARY SECRETARY

Wednesday, March 28, 1979

Mr. Davitt is a youngish looking, forceful, energetic articulate person who holds an important position in the hierarchy of the SPD party and in the government.

Mr. Davitt made it very clear that he takes great pride in the role that the SPD has played in this legislation and expressed great confidence that the abolition bill would pass.. He gave us figures to indicate that he thought the supporters of the bill were very close to the 249 total majority that would be required if every member of the House were present. Since only a plurality is required and since there are a large number that have as yet not committed themselves but are leaning towards the approval of the bill he was quite confident that it would pass with a comfortable majority.

In the discussion about what had influenced the legislators' vote, Mr. Davitt also emphasized the role the Holocaust program has played not only in this regard but in causing a whole new awakening on the part of German young people to the Nazi period and a desire to know much more about it. He was quite positive about the idea of developing more teaching materials, exchange programs and the like as related to the teaching of the Holocaust and the period of the Nazi socialist party developments in Germany. German textbook study in which he displayed a good deal of interest. He also encouraged us to discuss the matter further with the Ministry of Culture of people whom we were yet to see.

MEETING WITH THE CHAIRMAN OF THE MINISTRY OF CULTURE AND MEMBERS OF HIS STAFF

Wednesday, March 28, 1979

This meeting was perhaps the most formal we had during our stay in Germany. The room setting was rather large with a U-shaped table arrangement. On one side of the table the Minister sat with seven or eight of his staff people. We sat at the opposite side, similarly arranged. The entire meeting was covered by a very efficient translator from the Foreign Office so that it was almost a speech and translation from one side followed by a speech and translation from the other.

It should be noted, however, that the Minister did almost all the talking for his group with the exception of some occasional comments from his First Deputy who was a very articulate and intelligent person. He made every effort to respond to our questions and quickly understood the thrust of what we were about.

During the course of the session the following subjects were covered:

1) The teaching of the history of the Nazi period:

The Minister made it very clear that this was a subject about which the educational authorities have a great deal of concern. They are committed to making this period understood and comprehended in its complete enormity by secondary school students. He pointed out that until recently this had presented a problem because the people who were teachers after the war period were just unable to cope with teaching this material. Having

been so much involved in the period themselves they resisted teaching about it. Now, the Minister stated, since there is a completely new crop of teachers available, most of whom were either not born during that period or were very young then and who had no firsthand recollection of those times, the resistance had vanished. On the contrary there is now a desire to get to the heart of the subject. "It is our desire and obligation" he stated, "to provide the opportunity for all of our young people to directly confront the Nazi history and to view it openly and authentically."

The Minister made quite a point of the need for adequate teacher training over and above the preparation of textbooks and syllabi. He indicated that there was a good deal of concentration on both these aspects.

2) On the Holocaust:

The group from the Ministry of Culture also gave very strong evidence of the impact of the Holocaust Program, particularly on young people. They felt that it had opened up new opportunities for them and they were extremely proud of the kind of educational materials that had been prepared for discussions to follow the program. It was obvious that they whole-heartedly wanted to teach about the Holocaust and let its significance be known to German youth.

3) Textbook Studies:

Bill Trosten read in German the conclusions that came out of the German textbook study which we had just completed. Bill summarized also by indicating that the conclusions seemed to show that a good deal was being done to teach the history of that period although there was some spottiness in the approaches taken. The Minister stated that he was pleased that there was an acknowledgement of the progress made even though as he recognized there was much more to be done. He welcomed us giving him two copies of the study and expressed his desire to take advantage of any further such studies which we might do.

4) The German Educators' Project:

We described the kind of project that we had formerly conducted and indicated that recently there had been some discussions about reviving the project under somewhat different circumstances and with somewhat different objectives. We told the Ministry of Culture that we were working on design and we wondered whether when we were through they would welcome hearing from us. The response was of course in the affirmative. The Minister made it clear that he was assuming that this was an American-German exchange and not a German-Israeli exchange because as he put it, "We have so many exchange programs going on with Israel that we wouldn't know how to handle any additional ones."

5) Jewish Relationships:

In the early part of our meeting the Minister went out of the way to indicate that they were involved in several projects with the Jewish community itself. He told us about the Jewish Theological Seminary that was being opened in Heidelberg and being related to the Heidelberg University. He also told us about the joint work they do and the financing they give to the Leo Breck Institute in Jerusalem.

MEETING WITH THE FEDERAL MINISTRY OF JUSTICE AND WITH A TEAM HEADED BY
Dr. RICHARD STERN, HEAD OF THE DEPARTMENT

March 28, 1979

This meeting was significant only in the sense that it gave a picture of some of the ambivalences that are part of the decision that has to be made with respect to the Statute of Limitations. Dr. Stern began by pointing out to us that the Minister of Justice who, unfortunately, couldn't be with us (He was at a party caucus) had come out forcefully for the abolition of the Statute. This, Dr. Stern continued, was his own personal view and that of all of the leadership within the Ministry of Justice. Having made this introduction, Dr. Stern and his colleagues spent most of the hour and a half we spent with him elaborating on all of the reasons why the opponents of the bill opposed it.

The arguments which they advanced were those we had heard before, including such items as the difficulty in following up cases after 35 years had passed; the objections that people had to meddling with their basic system of jurisprudence; the long tradition of the Statute of Limitations which was first introduced in the criminal code in 1871 and had its antecedents as far back as 1850 in some of the various state constitutions; the problems that might develop as a result of the implications of retroactivity; the questions that are being raised about confidence in the whole legal system which result from this kind of tampering with it.

It was obvious that even these people who are for the bill are sensitive to the problems that are presented from a juridical point of view, particularly with respect to due process. As it was put to us "We realize that this is a moral issue but the question that we face is what is the function of the judicial system. Is it to speak out on moral issues or is it essentially to see to it that there is due process in criminal procedures?" Furthermore, the group went on, there is a strong case to be made that there have to be some limitations on the power of government. The whole idea of a Statute of Limitations was to limit the government's power to prosecute indefinitely. If the government within the period of limitations of time (10 years or 20 years) has not been able to identify the guilty and produce the evidence for trial, their powers for further action should not go unlimited.

It was also obvious that the group was trying to give us an understanding of the opposition to the bill and to help us see that those who oppose the bill are not necessarily pro-Nazi or in any way unsympathetic with prosecuting all of the Nazi war criminals.

We, on our part, responded by pointing out that we certainly understood the problems involved and respected the point of view of those who found it impossible to support the legislation. However, we indicated we were gratified that the Ministry of Justice and what appears to be a majority of legislators do recognize the overriding moral issue and are prepared to act on it.

MEETING WITH H.E. WALTER STOESSEL, JR., U.S. AMBASSADOR TO GERMANY

Wednesday, March 28, 1979

The U.S. Embassy is a huge installation on the outskirts of Bonn with a tremendous staff -- something like 800 people. It's obviously one of the largest American Embassies in the world.

Amb. Stoessel had four or five of his staff with him to help brief us on any subject that we might inquire about. He greeted us all very cordially and was particularly warm to Richie whom he has known over the years and with whom he was on a first name basis. After the usual pleasantries we concentrated on the following:

1) The Statute of Limitations:

The Ambassador assured us that it was his belief that a very comfortable majority would vote for the abolition of the Statute. He felt that almost to a man the SDP would support it and since every party was now allowing freedom of conscience voting that there would be enough votes from each of the other parties to provide a fairly good majority. He did not think there would be any procedural way for the Bundestrat to block whatever happened in the Bundestag and so he looked forward to the legislation going through.

2) The Middle East Treaty:

Stoessel felt that Schmidt had been very positive on the Treaty and he fully expected the Germans to participate in providing some economic support to the Middle East development. He seemed particularly grateful that Schmidt had praised President Carter since there has been, as he put it, some tensions between the two men.

3) Differences:

There are still a number of areas in which there are some differences although he made it very clear and stressed over and over again that these were really very minimal. The most persistent criticism was of the U.S. role in the economic field. The Germans, particularly Schmidt, he said, feel that we've not done enough to control inflation and keep the dollar up to the detriment of the general economic stability of Europe. Another difference was in the field of energy. This had a good deal with our objections to the Germans selling uranium to Brazil. He feels that some of the heat of that difference has disappeared even though the U.S. still, from time to time, enters its protests which Germany receives but since the first flush of the difference, things have quieted down, particularly since it's going to be several years yet before the deliveries can be made.

Stoessel didn't feel that the differences on human rights were tremendously important although he did indicate that on a secondary level there are differences in approach. Schmidt is a pragmatist and is very much concerned with getting the German ethnics out of Russia. Confrontations with the Russians on human rights matters will not help him achieve this objective. However, the Ambassador pointed out that talks have already started on how Germany and the United States can work together more closely on the Madrid conference than they did during the Belgrade conference.

The Embassy staff was very helpful to us. When we arrived we turned over to one of them a three page statement which Richie was to present to Chancellor Schmidt. It was handwritten and we asked them to type it. When we left 45 minutes or so later it was all ready for us. In addition -- and this is the first time this has happened on any of our missions -- a member of the Ambassador's staff accompanied us for all of our meetings for the two days that we were in Bonn. When Phil Hoffman expressed an interest in talking a little more with whomever was involved with the discussions which were taking place between Germany and the U.S. in preparation for the Madrid conference, arrangements were made for him to do so.

