

From Munich to Mogadishu

What surprises us most about recent West German terrorism is its apparent senselessness. We can rationalize away the terrorism of Algerians trying to free their country from foreign rule, of Latin Americans eager to end military dictatorships, and of blacks in South Africa or Rhodesia fighting the racist regimes that rule their lives. But what about the Baader-Meinhof gang and its several successors? Do they really believe that fascism rules the land, that kidnappings and killings will bring the German people to their side and the government to its knees?

No, the chances for such a success are slight. And yet terrorism persists. Threats and manifestoes are intermingled with bombings, armed robberies (thought to have netted at least \$8 million already), and, more recently, murders. The latest major incident was the kidnapping last September of Hanns Martin Schleyer, president of the German Association of Manufacturers. The story is well known by now. For 43 days Germans and the world waited in suspense while the West German government dickered with the Red Army Faction that had seized Schleyer, Palestinian confederates hijacked a Lufthansa flight with 91 persons aboard, a crack unit of the German Border Police stormed the Boeing 737 at Mogadishu, killing three of the four hijackers, several German terrorists evidently committed suicide in their prison cells (leaving evidence, concluded to be spurious by officials, which suggested that state assassins had killed them), and, finally, the RAF "executed" Schleyer.

The Schleyer affair seemed to tie West Germany into knots. It was the main topic on most people's minds. As for the government, while the police conducted an intensive search for Schleyer and his kidnappers, Chancellor Helmut Schmidt formed a non-partisan "crisis staff" of leading officials and opposition leaders which met upon demand, around the clock if necessary, to deal with the ever-changing situation, and played down any governmental activities that seemed to imply that his government was spending less than 24 hours a day trying to secure Schleyer's release. Meanwhile, the political parties worked out legislative proposals designed to ease both the current crisis and the threat of future terrorism.

Although terrorism itself is what most worries Germans, as indicated by a public opinion poll conducted at the year's end, it is the popular and official reaction to terrorism that has concerned thoughtful observers within and without the Federal Republic. Was governmental activity in fact crippled by the crisis? Did it push the German government into the kind of authoritarian reaction that might eventually coalesce liberals and the left into a popular front of resistance? Both were certainly among the terrorists' goals.

The first question can be disposed of quickly. Although the government spent an extraordinary amount of time and money in dealing with the crisis, it by no means exhausted its capacity to govern. Hardest hit, perhaps, was Chancellor Schmidt himself, who was on virtually 24-hour duty throughout the six weeks. For him it was a political risk as well. If he had appeared weak in

dealing with Schleyer's kidnappers, or if the Mogadishu venture had gone awry, his political career might well have ended right then and there. But events did not turn out this way. To be sure, Schleyer was killed, but doubtless most citizens, the overwhelming majority of whom subsequently applauded Schmidt's actions, were resigned to that likelihood anyway. Schmidt's popularity was never greater than after the dramatic success at Mogadishu.

It is nonetheless questionable how many more such crises the Federal Republic, or indeed any government, can survive. The express hope last fall was that a hard line *vis-à-vis* the terrorists would discourage such groups in the future. In the meantime redoubled efforts might put behind bars a few more of the more dangerous individuals. It would be wishful thinking to imagine that things will actually work out this way. To the contrary, the current crop of terrorists appears sufficiently dedicated and, with support from a small but willing circle of sympathizers, even self-confident to strike again in the not-too-distant future. The question becomes one of how well prepared the Federal Republic will be to respond appropriately.

Each new act of terrorism has strengthened the demand for more rigorous controls and even basic changes within West Germany—precisely the sort of response that raises the hackles of civil libertarians at home and abroad. Whether Germans like it or not, they are still carrying the burden of their Nazi past. This is not to say that Nazism itself is a live issue or even a remote prospect. It isn't. More to the point is that responsible politicians and intellectuals approach very cautiously any measure smacking of the arbitrary authoritarianism of the past; and others are quick to jump at perceived encroachments upon personal freedoms, usually in a "here-we-go-again" tone. Voices in the Soviet bloc have harped so long on the supposedly imminent threat of neo-Nazism that few pay attention anymore. What West Germans cannot understand, however, is that their ostensible allies in the West seem just as anxious upon the slightest of occasions to sound a clarion call against the putative neo-Nazi danger.

A case in point is the "decree on radicals" (*Radikalenerlass*) of 1972. German civil servants have long enjoyed special prerogatives, including job security, economic privileges, and substantial pension rights upon retirement. The price has been, *inter alia*, legal provisions requiring them actively to support the state in the fulfillment of its tasks. In principle, at least, those not doing so can be fired. Just cause might be participation in radical movements which, although not illegal themselves, are seen as contrary to the best interests of the state. In January 1972, a conference of minister-presidents of the various states or *Bundesländer* met to develop uniform guidelines for the application of this principle.

The decree explicating these uniform guidelines to prevent radicals from entering public service has caused no end of troubles for the Federal Republic. For one thing, the German civil service includes many who would not be thus classified in other countries—school teachers, locomotive engineers, nurses in public hospitals, and others. While outsiders can understand that a state does not want to employ radicals in sensitive positions, they often find it difficult to see how a nurse in West Berlin who has passed out literature for a legal Communist party is endangering state

Richard L. Merritt, professor of political science and research professor in communications at the University of Illinois in Urbana-Champaign, has spent many years observing the West German political scene.

security. For another thing, it is not easy to define those behaviors which are contrary to the state's best interests. For some review boards, mere membership in a radical group or participation in a protest march is sufficient; others demand concrete evidence of deleterious behavior before they will bar a person from the civil service.

The *Radikalenerlass* has contributed mightily to a political climate that encourages suspicion about the government's intent. Large segments of the intellectual left in Germany and of the press abroad have termed it a prohibition against the exercise of one's profession (*Berufsverbot*) by one whose views diverge from the "official" line. In principle, of course, the teacher who is denied a job in a public school can turn to a private one; in actual fact, however, such a person lost his job at a private school in 1976, when a court ruled that the receipt by the school of some public funds made its employees subject to the same conditions obtaining for public-school teachers. The proliferation of such cases has turned the question of *Berufsverbot* into a major issue—one which cannot be hidden by official denials, retaliation against public servants who dare to use the term, and cries from President Walter Scheel that the phrase is slanderous.

The Schleyer affair elicited a spate of still more questionable proposals for policy. One is a law which, during a period when people's freedom or lives are at stake (e.g., while they are being held by politically-motivated kidnappers or hijackers), prohibits contact between those in prison as suspected or convicted terrorists and their lawyers (*Kontaktsperregesetz*). The Justice Ministry must seek court approval within 14 days after applying this statute, and renewed approval every 30 days. Although some politicians had sought such a law for years, it came only after Schleyer's kidnapping, when Attorney General Rebmann's order prohibiting such contacts came under fire from the courts. It took but five days to move the bill from a first draft to promulgation—a near record in the Federal Republic.

Why was such a law deemed necessary? In the Federal Republic, lawyers have fairly free access to their imprisoned clients. There is no one present in the room where they meet, and no partition separates them. It came as a shock to officials and the German public alike when some of the terrorists' lawyers were charged with violating the trust placed in them by smuggling weapons and explosives into the prisons and by carrying out the imprisoned leaders' messages to their confederates regarding the conduct of further terrorist activities. The new law aimed at preventing such abuses, at least during times of extreme crisis.

Although passed in parliament with only a handful of dissenting votes, the *Kontaktsperregesetz* has had an unsettling effect on many others, not all of them in liberal circles. This is not only because of a suspicion that the circumstances in and haste with which it was enacted were not conducive to legislative wisdom. Lawyers were especially critical. It was enough for many simply to point to the case of Eleonore Pönsgen, arrested in July 1977 for suspected complicity in the murder of Jürgen Ponto, director of one of West Germany's three main banks. Only fast action by her lawyer, after consultation with the suspect, was able to turn up witnesses who had seen her on a bus at the same time that the murder had occurred a substantial distance away. Had a similar situation occurred after Schleyer's kidnapping, the suspect would have had much difficulty establishing his innocence. More generally, lawyers, supported by large segments of the liberal press, argue that the violation of professional ethics by a few of their colleagues does not warrant an abridgment of the traditional right of the rest to speak freely with their imprisoned clients.

Yet from the government's perspective, there were few real alternatives, none of them likely to be as effective in hindering terrorism. The Christian Democratic opposition (and especially its Bavarian partner, the Christian Social Union) has long called for more direct controls over communications between lawyers and clients accused of being terrorists. But could a court-appointed official, even one not directly involved in the case, sit in on such discussions without violating the principle of confidentiality? Even if this were possible, would such a person be able to

understand coded language used by the participants? Having the official act as a go-between would pose similar problems, in addition to overburdening the judicial personnel should there be many visits. The most generally accepted step, the installation of glass partitions, would stop the exchange of forbidden objects but not illegal exchanges of information. The Social Democratic-Liberal coalition under Schmidt has rejected all these ideas as inappropriate—but it has also been sufficiently sensitive to complaints about the *Kontaktsperregesetz* to publish a detailed report comparing the practices of other West European states in similar situations, a report which reveals the Federal Republic to be one of the most liberal among them.

Other proposals of the CDU/CSU opposition have gone even further in proposing controls to limit terrorism. The most far-reaching of these entails a form of preventive detention for convicted terrorists who have already served their term in prison. The principle is well established in German law. A person thrice convicted for serious crimes is not automatically released when the third prison term is over. A judicial body must review the case. If it feels that there is a danger that the individual, if set free, would commit another such act, then it may order the person's detention in prison until a subsequent review, two or three years later.

The CDU/CSU opposition would apply this "notorious criminals" provision to terrorists after their *first* conviction. The reason is simply that many of those associated with terrorist groups have, upon completing their prison sentence, merely raised their clenched fists and returned immediately to the underground. Lengthening prison terms for terrorists, another proposal often heard, would put them out of action for a longer but specified stretch. The CDU/CSU's measure, by contrast, would keep them there for an undetermined length of time—until either the leopards had changed their spots or the threat of terrorism no longer existed. (Catch 22: If we assume that at some future time, say, 1985, the terrorist threat is over, the release of all those in preventive detention might merely lead to their regrouping and starting a new wave of terror; therefore...)

Given the plethora of even more radical proposals—ranging from introducing the death sentence to the creation of a terrorist-hunting commando unit free from bureaucratic controls (a suggestion of Alfred Dregger, chairman of Hesse's CDU), reprisals against imprisoned terrorists should new acts of terrorism occur, and the suggestion (later retracted) by Lower Saxony's minister-president, Ernst Albrecht, that torture be permissible in extreme cases—the overall impression that the outsider gains is that Schmidt's government has not responded hysterically to last fall's crisis. Its suggestions for new legislation are restricted rather to marginal changes aimed at assisting the police in their work. These include increasing the resources, especially manpower, at their disposal, but also permitting spot-checks of automobiles (now allowed only to look for defective equipment or invalid drivers' licenses), introducing nonfalsifiable license plates, permitting search warrants for entire apartment complexes, improving communications procedures among the police of the *Bundesländer*, and requiring that people register when they stay overnight in hotels or even at friends' homes.

The danger lies elsewhere than in the government's intentions. There is the steadily increasing CDU/CSU pressure for more rigorous measures against terrorism—measures which, by placing state security far above personal freedoms, may play directly into the terrorists' hands. The opposition's representatives are wont to point out that, had such ideas been adopted five years ago, there would be no terrorist threat today. What gives these proposals life is the fact that Schmidt's coalition governs by the slim majority of eight seats in the Bundestag. Second, the conservative press, especially that controlled by Axel Caesar Springer, has been conducting its own journalistic terror campaign against left-wing intellectuals, some of whom have on occasion taken stances that make them appear to be sympathizers of the RAF and similar groups. A favorite target has been the Nobel Laureate, Heinrich Böll. For his part, Böll has not been deterred from frequent polemics slashing away at what he sees as authori-

tarian tendencies in present-day West Germany. Third, what its opponents term the *Berufsverbot* is simply not disappearing as an issue that arouses the left—particularly students, who are already facing the prospect of unemployment when their studies are over. One can point out that in West Berlin, where anti-government feelings have run highest, 34 of 12,486 applications for civil service positions were turned down in 1977—a figure that officials consider insignificant but which critics view as dangerously large. Finally, the possibility cannot be ignored that new terrorist outrages would leave the government little alternative but to yield to popular demands for draconic countermeasures.

Although there is at this point little likelihood that the Federal Republic will succumb to any of these dangers—terrorism itself will push West Germany over the brink into reaction just as little as it will engender a leftist revolution—a climate of uncertainty persists. How, people ask themselves, can we stop terrorism once and for all? How seriously should we take charges that nonconformists are being persecuted for their political views? What should one make of the self-censorship exercised during the recent crisis by the media, which cancelled police shows that seemed too provocative and accepted governmental requests not to air videotapes provided by the terrorists? What can we do to make our allies abroad understand and cooperate in resolving the terrorist problems faced by West Germany?

Doubtless the greatest uncertainty concerns the future relationship between intellectuals and the rest of the country. Politicians are for the most part dedicated to the preservation of predictability

in public life and the promotion of an even higher standard of living, values shared by the population at large. In contrast, a certain anti-political bias and idolization of those who break society's rules in the pursuit of some absolute end have always characterized the German intellectual scene. This latter stance was bolstered by the lesson drawn by many from the Nazi experience: that the intellectual above all must be prepared to risk everything to defend the individual and the masses against state encroachments and demands for conformity. The reality is that the masses are not much interested in the kind of defense offered by intellectuals. What is more, they are inclined to see the latter as being largely responsible for kindling student unrest in the first place and then, through their excessive criticism of the Federal Republic, nurturing terrorism while proclaiming their innocence.

In a society in which intellectuals play a major role in setting the tone of political discourse, this conflict is highly significant. Central to it is the difficulty of, first, finding means of political expression that are not destructive of the social and political fabric and, second, learning to see critical views as not necessarily subversive. Historians will not find this a new conflict in German society. The problems of the last decade have nonetheless made it particularly acute; and terrorism has so heated the atmosphere as to render difficult any rational discourse on basic conflicts. The explosiveness of this atmosphere, if not defused, could lead to a serious breakdown of the political consensus that the Federal Republic has worked so hard to obtain. Therein lies the real danger to West Germany of the current wave of terrorism. □

Eleanor Lansing Dulles

The Historian as Gossip

With its misleading assumptions, echoes from past fiction, and unverified anecdotes, Leonard Mosley's *Dulles** fails to qualify as history—even though it has been described as serious biography and “invaluable to an understanding of America in this century.”† The multiple defects of Mosley's book are not unique. They are symptomatic of the recent tendency to publish for the large number of curious people who do not wish to make an effort in reading history but who want sensation and relaxation. The aim is to capture the imagination of thousands and thereby enlarge the market for material which is by nature complex and often obscure.

One way to find out how careful a writer has been in preparing his text is to examine his sources. Mosley's twenty-page appendix, “Source Notes,” is revealing. At first glance it seems comprehensive, but on examination it proves to be unsubstantial and vague. There are frequent references to “sources close to the family,” “confidential sources,” “CIA documents,” “British intelligence sources,” “archives,” and other ill-defined points of origin. There are references to the “Allen Dulles papers” which, I am told by the librarians at Princeton, were not made available to Mosley. Parts of the oral history material at the Dulles Diplomatic Library at Princeton were given to Mosley to read subject to definite restrictions designed to protect the people interviewed and the eventual reader of the material. But because Mosley does not identify exact sources, and does not say what specific transcriptions of oral history he used for any particular fact, it is impossible

for the reader of his book to retrace the steps and judge the applicability of alleged quotations to the context in which they are found.

In order to determine when the quotations in Mosley's book were taken from recordings in face-to-face conversations, and when from oral histories taped by experts and always checked back to the person interviewed, I have made many inquiries. I have discovered that in the majority of cases, old and frozen conversations from the oral histories were used. These sources have the advantage of having been corrected by the speaker according to proper oral history standards. They have the disadvantage of having been made long before Mosley's text with its special thesis was outlined. Many of those whose words sound responsive to the author's questions never in fact met him and did not know of his proposed biography—they spoke in general terms and not in the context of the questions raised by Mosley. Distortion inevitably results.

In *Dulles*, the appearance of authority is accentuated by the author's listing dozens of people as primary sources, but the impression fades when questioning discloses that some of these people were not consulted. Moreover, there is what appears to be an adroit attempt to gain added credence by thanking certain people for assistance who actually did not have any interviews with Mosley.

The “Prologue” is especially interesting in this connection. For those who know the facts, it reveals the fictional approach of the book. But this difficulty is not evident to those who cannot check,

Eleanor Lansing Dulles played a leading role as an economic specialist for the State Department in the reconstruction of Berlin in the 1950s. She retired from government service in 1962, and lives today in Washington.

* *Dulles: A Biography of Eleanor, Allen, and John Foster Dulles and Their Family Network*, The Dial Press/James Wade, \$12.95.

† John K. Hutchens, *New York Times* advertisement.