

December 5, 1957
**Conference with Dr. Oncken of the Foreign Office in
Bonn on November 28, 1957**

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Summary:

AMCOMLIB European Counsel Paul Mueller informs the Deputy to the President, Europe of his discussions with German Foreign Office official Onken about a staff termination with political ramifications and assures him of efforts to avoid publicity about the case.

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INTEROFFICE MEMORANDUMAMERICAN COMMITTEE FOR LIBERATION
MUNICH OFFICE

(13)

TO: The Deputy to the President, Europe
FROM: European Counsel
SUBJECT: Conference with Dr. Oncken of the Foreign
Office in Bonn on November 28, 1957
REF:

DATE: December 5, 1957

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Dr. ONCKEN, you may recall, is the official in the Foreign Office who is in charge of liaison with the American radio stations in the Federal Republic. When he was in Munich last July I acquainted him with the reinstatement suit Peter Moroz had filed against the Institute in the Munich Labor Court; I stated that the complaint had just been dismissed and that an appeal would probably be taken. I also mentioned briefly that Moroz claimed to have been unlawfully detained by American Intelligence allegedly connected with AmComLib. I declared that we had nothing to do with Moroz' absence from work whatever its reasons. Dr. ONCKEN merely remarked that whenever we had problems I should feel free to call and discuss them with him. He also recommended maintenance of good relations with Dr. RIEDMAYR'S office.

Dr. ONCKEN was unable to attend our dinner party in October because he was ill. I inquired about his health on November 11. He said he had just returned from sick leave and asked if I planned a Bonn visit at an early date. If so, it might be a convenient occasion to talk some more about the Moroz case.

I conferred with Dr. ONCKEN on November 28, 1957 (after an informative preparatory talk with Professor Dr. GERHARD VON MENDE; see separate report). We met informally at dinner, but Dr. ONCKEN pointed out that he would prepare a memorandum for the record and present it to Ministerialdirektor Professor GREWE and Ministerialdirigent Dr. CARSTENS. The gist of our conversation follows.

The German authorities have no illusions about the general reliability and background of Peter Moroz. Nevertheless, his allegations about unlawful arrest and detention sound true and, if given publicity in the Federal Republic, might have very serious political repercussions. As a matter of fact, there was great alarm in Bonn last July and August lest Moroz' story about unlawful conduct of Americans in the Federal Republic be used as an anti-Adenauer issue in the election campaign. Apparently a convincing answer why

CFR 42 JOB 77-02927
BOX 5 FOLDER 7

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this issue was not raised has never been found; it is speculated that it was due in a large measure to Dr. HOEGNER'S influence and to the fact that Bavaria had a loyal and responsible SPD coalition government rather than a CSU cabinet. Had the political parties which formed the Bavarian government at the time been in the opposition, it would have been impossible to stop at least the extremists from publicly demanding an investigation of Moroz' charges. Government circles in Bonn are still concerned over the possibility that Moroz' story receives publicity in the press and/or that it should become the subject of motions in parliament. Public opinion would not tolerate the alleged practices of foreigners on German soil. If the Forces Agreement permits the victimization of a non-German, the same could happen to a German national or to anyone including an American. The public would demand an investigation and an end to a situation where German laws can be violated with impunity.

Dr. ONCKEN inquired if I knew whether or not the U.S. Ambassador was acquainted with the Moroz case. I replied that I could not tell, but knew that one of the many letters written by Moroz was sent to the U.S. Consul General in Munich; I would assume that in the course of routine business this matter came to the attention of the Embassy. Dr. ONCKEN said the Federal government had not approached the Embassy because it preferred to deal with the American Committee as a private organization rather than make it the subject of an official step.

I described the Committee's knowledge of the Moroz case and pointed out that in our opinion the case had three aspects:

1. the labor court case;
2. the Christenson case and
3. Moroz' alleged unlawful arrest and detention.

I recited the history of the labor court case in detail. I also explained the status of the Christenson case and how I had learned about it; I stressed the fact that Dick had never had anything to do with Moroz' alleged unlawful arrest and detention and was under no such charge, but was only accused of unlawfully searching Moroz' room, and of unlawfully removing a manuscript and other papers from the premises; I declared that Dick had assured me he never removed anything from the room, that the "unlawful search" was no more than a routine effort, in good faith, to discover, with the landlord's permission and in their presence, clues for Moroz' disappearance. Finally I stated that the Committee had nothing to do whatever with Moroz' alleged unlawful arrest and detention, and was in no position to make statements in that respect since it had no knowledge of what really happened.

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Dr. ONCKEN then suggested that it might help if the Committee went on record with a letter to him which he would use in presenting the matter to GREWE and CARSTENS, and possibly to other officials including Ministerialrat BACHMANN of the Bundeskanzleramt. In this letter the Committee should declare that it had no connection with Moroz's alleged unlawful arrest and detention, and that it was willing to support all attempts to ascertain the true facts.

I said I was grateful for his suggestion whereupon he said he would like to receive the letter by next Tuesday because he was having a meeting the following Wednesday. He repeated several times this letter would be very useful to us because it would help to dispel an erroneous impression apparently prevailing in certain quarters that the Committee was responsible for the unlawful treatment of Moroz.

Dr. ONCKEN in reply to my casual remark about broken china said that china was cheap and could be easily replaced, but that the German authorities were still concerned with two major problems resulting from this case: the continued successful avoidance of all publicity and the prevention of a repetition of the alleged practices. I stated that we fully appreciated the possible consequences of publicity, had done everything in the past - and would continue - to avoid it, and had so far seen no reference in the press except a rather indifferent statement in "Die andere Zeitung" (which ONCKEN had not seen and I promised to send him). As far as a repetition of the alleged unlawful practices was concerned I pointed out that beyond denouncing such illegal conduct as might have occurred the Committee was in no position to comment on facts about which it had no knowledge, or on the prevention of practices with which it had nothing to do.

Dr. ONCKEN repeatedly recommended that we should have close contact and cooperation with RIEDMAYR. He said that the Foreign Office had decided to defer to RIEDMAYR's opinion and decision in all our employees' personnel problems such as issuance and cancellation of residence permits, visas and the like; in these matters the Foreign Office would take action only after consultation of, and in accordance with, Bavarian authorities. However, the political question of the continued operation of the stations would remain the primary responsibility of the Foreign Office.

In this respect Dr. ONCKEN pointed out that in the opinion of the Federal government radio programs which inform the Russian peoples of conditions in the West are indispensable. Therefore, the operation of Radio Liberation, which accomplishes what the Germans would like to do but cannot afford themselves, corresponds to German policy. Thus, it is not an exclusive American interest but is in the interest

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of the Federal Republic as well. The Federal government is willing to assume political responsibility for this decision and is prepared to consider the Moroz case as a political rather than (with reference to Christenson) as a legal problem provided it is fully informed and does not risk embarrassment resulting from confrontation with facts of which it has no advance knowledge (here Dr. ONCKEN was seemingly deliberately vague; his somewhat cryptic remark might be an oblique suggestion that some German officials are under the impression that Moroz is telling the truth in some respects, that he is not an isolated case, and that the radio stations, or some individuals connected with them, do not limit themselves to broadcasting and directly related activities. If the latter were true, extra-curricular activities should be separated or stopped).

In closing Dr. ONCKEN assured me that he personally was whole-heartedly sympathetic to us and that the official attitude was similar. (I had pointed out to him that in the near future certain tax matters will come up which will call for active official support; he assured me that we could expect the same friendly attitude we encountered two years ago.)

Copy and translation of the letter to Dr. Oncken are attached.

PAUL E. MCLELLER

2 Enclosures a/s.

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2. Dezember 1957

Herrn
Votr. Legationsrat Dr. Oncken

B O N N am Rhein
Auswärtiges Amt

Sehr geehrter Herr Legationsrat,

Ich nehme Bezug auf unser Gespräch am 28. November dieses Jahres.

Das American Committee legt großen Wert auf die Feststellung, daß es nicht nur an der behaupteten widerrechtlichen Festnahme und Festhaltung vollständig unbeteiligt war, sondern überhaupt mit diesen angeblichen Vorgängen in keinem Zusammenhang steht.

Das American Committee würde außerordentlich bedauern, sollte es aus Irrtum oder Mißverständnis mit den behaupteten widerrechtlichen Vorgängen in Verbindung gebracht worden, oder sollte auch sonst die irrtümliche Annahme entstanden sein, daß ein Zusammenhang zwischen dem American Committee und den behaupteten widerrechtlichen Vorgängen bestehe.

Das American Committee ist selbstverständlich bereit, alle Bemühungen zu unterstützen, welche der Vorbeugung oder Widerlegung einer solchen Annahme und der Klärung des Sachverhalts, soweit das American Committee dazu Stellung nehmen kann, förderlich sind.

Ich bitte Sie, von dieser Erklärung Kenntnis zu nehmen und zu zeichnen.

Mit vorzüglicher Hochachtung

Dr. Paul E. Moeller
European Counsel

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