

LETTER TO THE EDITOR

The Case of Hans Schafranek

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To the Editor,

On August 29 of 1991, a federal court (*Landgericht*) in Frankfurt am Main found Austrian historian Hans Schafranek guilty of having defamed the character of Emil Carlebach, a longtime leader of the (West) German Communist party. Schafranek's libel, according to the court, consisted in his having adopted and endorsed as "his own" allegations by others of misconduct against Carlebach which Schafranek had quoted from publicly accessible sources. In addition to awarding Carlebach considerable financial damages, the court has also imposed a gag order on Schafranek which forbids him, under penalty of DM 500,000, from quoting these sources in the future. If confirmed by the German equivalent of the Supreme Court, this unsettling development would have far-reaching implications not only for historians, but for anyone researching sensitive topics in contemporary German history. Though this case has received considerable publicity in German-speaking Europe, it remains virtually unknown in the United States. Given its intrinsic importance as well as the possibility that it might set a dangerous precedent, I believe it ought to be brought to the attention of your readers.

Hans Schafranek works as a free-lance historian in Vienna. He is the author of several respected books and articles dealing with the history of Stalinist repression against left-wing opponents, and is a cofounder of the Austrian chapter of Memorial, the organization originally founded in the Soviet Union in 1988 to research and restore the reputations of political victims of Communist party and Soviet state institutions. In December 1990, Schafranek's book, *Zwischen NKWD und Gestapo: Die Auslieferung deutscher und österreichischer Antifaschisten aus der Sowjetunion an Nazi-deutschland 1937–1941* ([Caught] *Between the NKVD and the Gestapo: The Delivery of German and Austrian Antifascists in the Soviet Union to Nazi Germany, 1937–1941*), was published in Germany by ISP-Verlag, a small left-wing publishing house based in Frankfurt. As the title indicates, Schafranek undertook an investigation of Austrians and Germans who had sought and found employment or political refuge in the Soviet Union in the 1930s. This group included, but was not limited to, German Communists who were able to flee Nazi Germany after 1933; Austrian left-wing Socialists, primarily members of the paramilitary

Schutzbund, who had fled Austria for the Soviet Union after the civil war in February 1934, and the Third Reich in the same direction after the “*Anschluss*” in March 1938; and skilled workers who had travelled to the Soviet Union under contract during the Great Depression. Some of these latter had or developed left-wing political views, but others became supporters of National Socialism after 1933. Using as his principal archival source the records of the German Foreign Ministry and employing the thoroughness and meticulousness with which readers of his work are familiar, Schafranek has been able to demonstrate convincingly both the fact and the extent of the cooperation, not to say collaboration, between the Soviet and German secret police authorities in the deliveries of, among others, heretical or merely critically minded Communists and convinced Socialists into the hands of the Gestapo. Thus several German Communists in the Soviet Union, accused of being Nazi spies, were sent back to Germany, whereupon the Nazis interned them as political prisoners in concentration camps.

These “repatriations” of German Socialists and Communists have of course been consistently and vehemently denied by postwar Communist party officials in both the Soviet Union and in Germany. In one of the chapters of his book, Schafranek discusses a court case from the postwar Federal Republic involving Margarethe Buber-Neumann, author of a memoir detailing her own personal experience of such a delivery,¹ and Emil Carlebach, a former inmate and part of the underground Communist leadership in the Buchenwald concentration camp, and after the war a leader of the West German Communist Party (KPD). This particular case ended in the court’s sentencing Carlebach to one month’s imprisonment for libel and defamation of character (*Beleidigung und üble Nachrede*). Carlebach had falsely accused Buber-Neumann of being an “American agent” and had described Buber-Neumann’s allegation that Communists had been delivered up to the Nazis by the GPU (the NKVD’s forerunner) as a “legend.”

The dispute between Buber-Neumann and Carlebach, however, was not limited to those defamatory statements Carlebach had to answer in court. Carlebach and the KPD also carried on concurrently an intensely hostile campaign in the official KPD newspaper *Sozialistische Volkszeitung* against Buber-Neumann and her allegations. As part of this propaganda offensive, Carlebach mounted a vigorous unconditional defense of the purges carried out by the Soviet authorities in the 1930s and 1940s. The scope of the controversy thus became enlarged far beyond the narrow questions of “fact” raised in the libel trial. In an article entitled “Trotskyists and Entrepreneur-Representatives: The USA Propaganda Coalition against the Laborers. Mrs. Faust, alias

1. Hans Schafranek, *Als Gefangene bei Stalin und Hitler*, 3rd revised edition (Stuttgart, 1958; originally published 1949).

'Buber-Neumann' wants to get in the news,"² published in May 1950, for example, Carlebach wrote,

But this lady Buber's worst misfortune was that in her book she openly took the side of the clique around Tukhachevsky, Yakir, etc., who had been tried, convicted and shot for being spies and putschists [in the service of] espionage for Hitler. Mrs. Faust [i.e. Buber-Neumann], who wishes to present herself as an "innocent victim of persecution," makes common cause with the Tukhachevsky clique and defends it to this very day. Thus has she pronounced sentence on herself . . . The Soviet government eliminated this band and all its supporters. The ringleaders and principal criminals were shot, and the others were sent to where they belonged.³

In *Zwischen NKVD und Gestapo*, Schafranek described not only the trial proceedings themselves, but also the wider political and media context in which it had taken place. In addition, he discussed the trial and publicity strategies pursued by the plaintiff Buber-Neumann and the defendant Carlebach. Part of the evidence submitted by Buber-Neumann's attorney on Carlebach's character came from two persons, Benedikt Kautsky, a Socialist, and August Cohn, a former Communist, both of whom had been interned with Carlebach in Buchenwald. Although the court in the Buber-Neumann-Carlebach trial found relevant only those sections of Kautsky's affidavit relating to whether Carlebach would have known that the NKVD had handed over German Communists to the German secret police, other passages in his and Cohn's affidavits contained charges against Carlebach which went far beyond the questions of mere libel. Schafranek paraphrased or quoted from these two documents in his book, and reproduced them, along with the article by Carlebach in the *Sozialistische Volkszeitung* quoted above, in their entirety in an appendix. Carlebach promptly sued Schafranek for libel, accusing Schafranek of having disseminated the unproved "charge of murder" against him. Carlebach has now won a judgment in a Frankfurt court requiring that the passages Carlebach found defamatory—all of which are based on archival sources publicly

2. "Trotzkisten und Unternehmervvertreter—die USA-Propagandakoalition gegen die Werktätigen. Frau Faust, alias 'Buber-Neumann' möchte von sich reden machen," reprinted in Hans Schafranek, *Zwischen NKVD und Gestapo*, (Frankfurt, 1990), 194–96.

3. "Aber das grösse Pech hat die Dame Buber damit, dass sie in ihrem Buch . . . offen für die Clique um Tuchsatschewski, Jakir, usw., Stellung nimmt, die als Spione und Putschisten für die Hitler-Spionage vor Gericht gestellt, verurteilt und erschossen wurden. Frau Faust, die sich als 'unschuldig Verfolgte' hinstellen möchte, begibt sich selbst mit der Tuchsatschewski-Clique auf dieselbe Plattform und verteidigt sie noch heute. Damit spricht sie das Urteil über sich selbst . . . Die Sowjetregierung hat diese Bande und ihren gesamten Anhang unschädlich gemacht. Die Rädelsführer und Hauptverbrecher wurden an die Wand gestellt, der Rest dahin geschickt, wo er hingehörte." *Sozialistische Volkszeitung*, 25 May 1950, quoted in Schafranek, *Zwischen NKVD und Gestapo*, 111 and in Appendix, 195.

accessible to researchers and all of which had been offered as evidence by the plaintiff at her 1951 libel trial against Carlebach—be blacked out in the copies of the book on inventory and expunged from any future editions. Far more ominous, however, is the injunction against Schafranek threatening him with a fine of DM 500,000 (around US \$295,000) should he, as stated in the verdict, “disseminate, in any form whatsoever, either explicitly or by relating the gist of them, the statements about the plaintiff,”⁴ a legal phrase of sufficient elasticity to prevent Schafranek from ever being able to contribute to an (admittedly highly politicized) academic discussion in which he is an acknowledged expert.

In the verdict it issued, the court stated that “it must be possible for an author dealing with historical events to cite even incriminating passages of third parties, for the truth of whose statements he personally cannot provide any evidence.”⁵ However, it stated later,

According to unanimous legal opinion, the legitimate right of an author to cite the statements of third parties, whose statements it is impossible for him to prove, in the framework of a historical portrayal, is limited wherever the person citing has failed to [critically] engage the quotations of the third person, [or] has even directly or indirectly identified himself with the statements of the third parties and thereby made them his own . . . In such cases, in which the author makes use of defamatory quotations in his text in order more or less to underpin his own view, [it is] the author himself [who then] becomes the offending party and cannot appeal to the interest of others or argue that he only quoted passages. In the case before us this is what occurred.⁶

The technical point at issue in Carlebach’s suit against Schafranek thus cannot be whether these affidavits constitute proof that Carlebach, as part of the Communist underground camp leadership known as the

4. “[Die] Behauptungen über den Kläger wörtlich oder sinngemäss in irgendeiner Form zu verbreiten,” Landesgericht Frankfurt am Main, Az.: 2/3 0 44/91, “Teil-Urteil” photocopy of MS (Frankfurt/Main, 1991), 3.

5. “Tatsächlich muss es einem Autor, der sich mit historischen Ereignissen auseinandersetzt, möglich sein, auch inkriminierende Aussagen Dritter zu zitieren, für deren Wahrheitsgehalt er selbst keinen Beweis antreten kann.” Landesgericht Frankfurt am Main, “Teil-Urteil,” 8.

6. “Das legitime Recht eines Autors im Rahmen von geschichtlichen Darlegungen, die Aussage Dritter zu zitieren, für deren Wahrheitsgehalt ihm keine Nachweismöglichkeit zur Verfügung steht, findet jedoch nach einhelliger Auffassung in Rechtsprechung und Literatur seine Einschränkung dort, wo der Zitierende eine Auseinandersetzung mit den Zitaten Dritter vermissen lässt, ja sich direkt oder indirekt mit der Aussage des Dritten identifiziert und sie hierdurch zu seiner eigenen macht . . . In derartigen Fällen, in denen der Autor ehrverletzende Zitate in seinem Text verwertet, um hierdurch quasi seine eigene Auffassung zu untermauern, ist er in der Verfassung des Textes selbst Störer und kann nicht zur Rechtfertigung auf das Informationsinteresse Dritter sowie darauf, dass er ja nur zitiert habe, verweisen. So aber verhält es sich im vorliegenden Fall.” Landesgericht Frankfurt am Main, “Teil-Urteil,” 9.

Lagerfeme,⁷ was personally responsible for the deaths of political opponents in Buchenwald, as the two deponents claimed. To my knowledge Carlebach's culpability on this point has never been adjudicated and I know of no direct evidence—and in his book Schafranek does not adduce any—which would prove it. The contested legal issue in this suit is whether Schafranek, in quoting the allegations of misconduct from the Kautsky and Cohn affidavits in a discussion of the Buber-Neumann-Carlebach trial and its context, in fact adopted as his own the views of Kautsky and Cohn on the murder allegations, i.e., whether he engaged the charges made sufficiently critically to satisfy the court. If one examines in detail the way these passages are presented by Schafranek in his book, it will become obvious that he clearly distinguished between the views of Kautsky and Cohn, on the one hand, and his own, on the other. Nowhere in his book did Schafranek himself concur in the charges made against Carlebach by Kautsky and Cohn. It will also become clear just how prohibitive the German court's judgment potentially is, and how such a precedent could in the future be used to curtail, if not prevent, all such research. When a court decides to sit in judgment as to what is and is not good history, its commitment to freedom of discussion can only be of a perfunctory kind.

The first passage which the court ordered deleted from Schafranek's book stated:

Kautsky had initially had qualms about sharing his knowledge of the activities of a few Stalinist functionaries among the inmates, and especially of Carlebach. In a letter dated 22 March 1951 he explained this hesitation:⁸

It is unclear why this particular sentence was found offensive, apart from the fact that Carlebach is mentioned by name as one of the "Stalinist

7. The term *Lagerfeme*, or "camp *Veme*," an allusion to one of several vigilante-type organizations which administered summary justice in fifteenth-century Germany, is a term which was coined by concentration camp inmates to describe the core of the underground camp Communist organization. In the camps, the SS delegated most administrative functions to the inmates. Those inmates who occupied certain positions of authority (e.g., the so-called *Blockältester*), or who served in specific locations (e.g., in the camp infirmary [*Krankenbau*]), were in charge of compiling lists for work details and prisoner transports. Since the presence or absence of one's name on one of these lists frequently meant the difference between life and death, the power in the hands of this group responsible for the autonomous inmates' administration was enormous. The political prisoners in Buchenwald, particularly those in the Communist underground organization, were able to wrest control over these posts from the common criminal inmates. According to Kautsky, Carlebach was a member of the Buchenwald *Lagerfeme*. In his affidavit, Kautsky went to great lengths to emphasize that some sort of relatively autonomous inmate administration in the camps was indispensable to the survival of the inmate population as a whole, and also argued that no moral censure accrued to those who acted to eliminate inmates whose actions endangered the lives of the others. Thus, in Kautsky's view, normal moral standards could not apply to the camp situation. Some of Carlebach's actions, however, according to Kautsky, went beyond what was necessary to ensure discipline and

functionaries” in Buchenwald. In fact, the court order preventing Schafranek from repeating this sentence or its contents in effect makes Schafranek liable to a DM 500,000 fine if he were to say about Kautsky what Kautsky said about himself. This may be seen more clearly by examining the remaining passages the court ordered deleted. One comes from a letter Kautsky wrote to Buber-Neumann on 22 March 1951. In this letter, Kautsky explained his political and moral reservations about offering evidence against Carlebach. The relevant passage of this letter, which Schafranek *excerpted* at far greater length, reads as follows:

In reality, of course, both are incriminated; the Nazis, for having created the external conditions within which the Communists were able to work; and the Communists, for having utilized these conditions. Naturally, what the Communists did in the German camps counts as very little compared to the monstrosities that the Nazis have on their consciences. **However, if one commences this campaign against the Communists—and I can readily believe that Carlebach personally has seven lives on his conscience; I know of two myself—**⁹ it will be a welcome opportunity to exculpate the Nazis, and I [can] already see before me today the headlines in the American press.¹⁰

The next passages ordered deleted follow directly the one above:

In spite of these qualms, in the end Kautsky was prepared to make available a sworn affidavit (cf. the documents in the Appendix), **in which he** outlined the structure of the inmates’ own self-administration in the Buchenwald concentration camp and **accused Carlebach of having ordered the premeditated murder of two Polish Jews.**¹¹

The first part of this offending passage, which contains Schafranek’s paraphrase and summary description of Kautsky’s ultimate readiness to

“comradely conduct” (*Kameradschaft*) inside the camp. It is this latter role of Carlebach that Kautsky criticized and that is the source of the “allegations of murder.” See Kautsky’s affidavit, Schafranek, *Zwischen NKVD und Gestapo*, 200–208, esp. 205–6.

8. “Kautsky hatte anfänglich Bedenken, sein Wissen über die Tätigkeit einiger stalinistischer Funktionshäftlinge und besonders Carlebachs preiszugeben. In einem Brief vom 22. März 1951 begründete er diese Scheu”: Schafranek, *Zwischen NKVD und Gestapo*, 117.

9. In all of the quotations from Schafranek’s book that follow, the parts ordered deleted by the court are printed in **boldface**.

10. “In Wirklichkeit werden natürlich beide belastet; die Nazis, indem sie die äusseren Verhältnisse schufen, innerhalb deren die Kommunisten arbeiten konnten, und die Kommunisten, indem sie diese Verhältnisse ausnützten. Natürlich verschwindet das, was die Kommunisten in den deutschen Lagern anrichteten, gegenüber dem Ungeheuerlichen, was die Nazis auf dem Gewissen haben. **Aber wenn man heute diesen Feldzug gegen die Kommunisten beginnt—und ich glaube gern [sic], dass Carlebach direkt sieben Menschenleben auf dem Gewissen hat; ich selbst weiss von zwei—**, so wird das ein willkommener Anlass der Entlastung der Nazis, und ich sehe heute schon die Überschriften in der amerikanischen Presse vor mir.” Schafranek, *Zwischen NKVD und Gestapo*, 118 and note 37.

11. “**Trotz dieser Bedenken war Kautsky schliesslich bereit, eine eidesstattliche**

swear the affidavit, is based, among other things, on the following statement from this affidavit, the text of which is reproduced in full on pages 201–8 of Schafranek's book. Kautsky wrote:

I have also decided, [but] only after a long hesitation, to give my statement. [I have hesitated] above all because I have always feared that among a public which is scarcely able to acquaint itself with the problems of the concentration camps, a completely distorted and false impression could arise, namely, that the inmates themselves were primarily responsible for the atrocities committed in the camps.¹²

The second part of the passage on page 118 ordered deleted, in which Schafranek reported that Kautsky had held Carlebach responsible for the deaths of two Polish Jews, also referred to a long section of Kautsky's affidavit where he described Carlebach's role in the deaths of the Schmulewitz brothers. It was Kautsky, not Schafranek, who stated,

Still, I can recall one case in which Emil Carlebach's decisive role is certain. It involved the death of two brothers [named] Schmulewitz, two Polish Jews, who had lived in Hanover and had been arrested in September 1938.¹³

From these examples it is quite clear that Schafranek quoted or accurately paraphrased the accusations and evidence from Kautsky's letters to Buber-Neumann and the affidavit he submitted for her trial against Emil Carlebach, but at no time *endorsed* the accusation relating to the deaths of the Schmulewitz brothers. The same is true of the remaining passage the Frankfurt court ordered removed. After citing a passage from a letter written by August Cohn, a former Communist inmate of Buchenwald who claimed personal knowledge of Carlebach's actions as part of the Communist underground camp leadership, Schafranek stated:

Cohn described Carlebach as an unscrupulous apparatchnik, whose motivation did not derive from [some] ostensible fanatical beliefs, but rather exclusively from [considerations] of political expedience. **As an**

Erklärung (vgl. Dokumentenanhang) **vorzulegen, worin er** die Struktur der Häftlings selbstverwaltung im KZ Buchenwald skizzierte und **Carlebach beschuldigte, die vorsätzliche Tötung von zwei polnischen Juden veranlass zu haben.**" Schafranek, *Zwischen NKVD und Gestapo*, 118.

12. "Auch ich habe mich erst nach langem Zögern dazu entschlossen, diese meine Aussage zu machen, vor allem, weil ich stets befürchtete, dass in dieser Öffentlichkeit, die sich mit den Problemen der KZ nur schwer vertraut machen kann, ein völlig verzerrter und falscher Eindruck entstehen könne, nämlich der, dass in den Lagern die Häftlinge selbst die Hauptschuldigen an den dort verübten Grausamkeiten seien." *Eidesstattliche Erklärung von Dr. Benedikt Kautsky, Graz 4 April 1951*, quoted in Schafranek, *Zwischen NKVD und Gestapo*, 205–6.

13. "Immerhin kann ich mich eines Falles entsinnen, in dem Emil Carlebachs massgebende Rolle einwandfrei feststeht. Es handelt sich um den Tod von zwei Brüdern Schmulewitz, zwei polnischen Juden, die in Hannover ansässig und im September 1938 verhaftet worden waren." Kautsky, *Eidesstattliche Erklärung* . . . , quoted in Schafranek, *Zwischen NKVD und Gestapo*, 206.

example he adduced, among others, Carlebachs attempt to have an Austrian political inmate who had fallen out of his [Carlebach's] favor brought to Block 46 (Typhus experiment station)¹⁴

Schafranek's formulation "unscrupulous apparatchnik" does not appear verbatim in Cohn's 1951 letter to Buber-Neumann's attorney, but may be readily inferred from the internal evidence of the letter. In it, for example, Cohn used the word "unscrupulousness" (*Skrupellosigkeit*) no fewer than three times in connection with Carlebach, while Cohn wrote later that "the methods of the Communist apparatus [include] the calumny of people who have drawn the necessary organizational conclusions from their experience with the moral and political decay of the Communist parties."¹⁵ The latter passage ordered deleted, that referring to the Austrian inmate, was merely a slightly revised unattributed quotation from Cohn's letter. This passage reads: "Carlebach's attempt to have sent to Block 46 an Austrian political inmate who had fallen out of his favor, is also attributable to the same unscrupulousness,"¹⁶ to which Schafranek had prefaced merely "As an example he adduced, among others, Carlebach's attempt . . ."

The charges levelled against Emil Carlebach by Benedikt Kautsky and August Cohn are indeed very serious. However, it was they, not Hans Schafranek, who levelled them. Yet the Frankfurt court has seen no difference between Schafranek's having stated that Kautsky and Cohn had made certain charges and stating what those charges were, and Schafranek himself having made these charges against Carlebach.

The court fared no better with what might be called its "fairness doctrine." Nowhere in the verdict does the court state explicitly what the minimum required "engagement" with the truth of charges of third parties against public personalities might entail: it simply pronounces Schafranek's work wanting and buttresses this with references to his bias against Carlebach and in favor of Buber-Neumann. The polemical tone of this chapter leaves little doubt as to which party to the dispute Schafranek personally favors. In my view, it is difficult to imagine just how a historian who had described the personal tragedies of convinced German and Austrian Communists who had been handed over to the Gestapo by the NKVD could (or should) remain neutral in his moral

14. "Cohn beschrieb Carlebach als einen skrupellosen Apparatschik, dessen Motivierung keinem vorgeblich gläubigen Fanatismus entspringe, sondern ausschliesslich der politischen Zweckmässigkeit. Als Beispiel führte er u.a. Carlebachs Versuch an, einen ihm missliebigen österreichischen politischen Häftling auf Block 46 (Flecktyphus-Versuchsanstalt) zu bringen." Schafranek, *Zwischen NKVD und Gestapo*, 206.

15. ". . . die Verunglimpfung von Menschen, die aus ihren Erfahrungen mit der moralischen und politischen Verrottung der Kommunistischen Parteien die notwendigen organisatorischen Schlüsse gezogen haben." Schafranek, *Zwischen NKVD und Gestapo*, 199.

16. "Derselben Skrupellosigkeit ist Carlebach's Versuch zuzuschreiben, einen ihm missliebigen österreichischen politischen Häftling auf Block 46 (Flecktyphus-Versuchsanstalt) zu bringen." Schafranek, *Zwischen NKVD und Gestapo*, 200.

judgment of someone who had publicly vilified these very victims as—at the very least—dupes and fellow travellers of the Nazis. Be that as it may, the court's arguments about Schafranek's insufficient "engagement" with the allegations of his sources fail to meet the standards it itself would impose on Schafranek and all others dealing with such evidence. It ascribed—*ex cathedra*, of course—to Schafranek a personal political bias against Carlebach that had to lead him to distort evidence, yet it could not explain how this personal bias in fact led Schafranek to present the arguments of others—clearly identified as such—as his own. However one might judge the merits of Schafranek's argument about the policies of the Soviet Union towards German and Austrian antifascist political exiles living there, his polemical discussion of the tangential issue of the political and legal controversies that took place about these policies after the war, or even his brief discussion of the "*Lagerfeme*" phenomenon, Schafranek himself at no point accused Carlebach of murder.

Stripped of its polemical style, Schafranek's argument utilized, among others, the following facts: (1) that Buber-Neumann had sued Carlebach for libel for having accused her of being an American agent; (2) that Buber-Neumann's lawyer entered into evidence the affidavits of Benedikt Kautsky and August Cohn; (3) that these affidavits contained serious allegations (accessory to murder, at the very least) against Carlebach relating to the time he was imprisoned in Buchenwald; (4) that the court in the Buber-Neumann-Carlebach trial considered these allegations irrelevant to the precise alleged libels under examination; (5) that Carlebach had never addressed publicly the charges contained in the Kautsky and Cohn affidavits; (6) that Kautsky's affidavit is to serve as part of the archival material for a further study of the "*Lagerfeme*"; (7) and that Carlebach had been found guilty of libel at the end of the appeals procedure. The most that one could reasonably infer from the above facts, as they affected the charges against Carlebach, was that Schafranek believed that the allegations raised by Kautsky and Cohn deserved to have been and to be more thoroughly investigated, a task which Schafranek had set himself and announced his intention to do in the book. The German court did not "engage" the actual statements of fact made by Schafranek in his book; the citing of what it considered pejorative usages by Schafranek was *ipse dixit* sufficient to establish Schafranek's bias against Carlebach, a bias which in turn led Schafranek (in the court's view) to make the allegations of Kautsky and Cohn his own.

The Frankfurt court has chosen to pronounce on the scholarly merits of a historical work, and this, as we have seen, with some peculiar arguments. If this decision stands, it not only effectively prevents Schafranek from ever conducting serious research on the "*Lagerfeme*," it also directly threatens his very ability to work as an historian. As is frequently the case in Austria, Schafranek has chosen to work free-lance, in effect living from money he receives for research and similar projects. As such,

he has no institutional affiliation which could provide a more secure refuge from judicial persecution because of his research. Despite the financial hardships he has had to endure, however, Schafranek has decided to appeal the decision of the district court to the German supreme court. Thus, though the most serious issue involved in this case is the principle of freedom of debate, it is also important to underline the human costs to Hans Schafranek of waging this fight. For all these reasons, a Schafranek solidarity committee has been set up to call the attention of the widest possible public to this case and to help defray the enormous legal costs which Schafranek has incurred. Three prominent German historians have issued a declaration of support for Schafranek, which has since been endorsed by well over one hundred other scholars and writers. It is essential that all historians and other intellectuals show their moral, journalistic, or scholarly, and as far as possible their monetary solidarity with Schafranek, for he fights a battle which truly does affect us all.

Inquiries may be made and donations may be sent (International Money Order or the equivalent) to the:

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Sincerely,

Richard Mitten