

Pauvre sir,

your last letter really atmét something like despair; if you go in this s
of mind to Germania, obviously nothing can come out, especially as everybody
from the outset have a prejuge defavoralbe. But there is nor reason why you
not succeed to make yourself a successtoy, if you could agree that your way
handling and approaching multitudes must be changed. and if you would lear
take normal commercialised attitudes meaning that any proposed project is loo
at as opening rather than something to be vituperatéd and negatéd. There i
somewhere in the first half of May the political scientist meeting somewhere
in Germany, waht about ^{starting} making your new campaign for office there with a deb
riticising the main speaker in deferential andintelleigible terms? Hildswes!
you think you are not fir for any debut now, why not afte having abgebro
ur Zelte in NY comple ely coming here first for 2 weeks liegenderweise o
egestuhl composing yourself eithout the need of thinking of to morrows bei
whatever it is stop being your own enemy, I think it is an outright Schand
the behavior of yours repels people, if you could hide it atleast for a y
positive you will be a Besätzer of Wohnung, secretary and 2 new female e
ts or sheall Isay you will have neen able to abstossen all of them??
you know that your friend Herbertz is a oberbuergermeister with Amt
erfeld, I think?
worst think is that you have me angesteckt with your state of mind
ble I think now that I an dummer than I probalby am.
ch arge e mich gruen und blau dassich dieses Scheissreferat uabe
ou soo get me th t political trial, it would be good, because ,we
the hell why should I ever write a book, you never do it either
willbe rather more interesting than mine and also you have no
gues poking at you all the time, now you had the time etc....
ll with Foster who invented him anyhow, I think it is Daer t
iter

your affectionately

Apr. 16

Dear AG

Mein Brief an Pachter, obwohl wie bei mir ueblich terse gehalten zielt genau auf dasselbe Moment hin was AG selbst fuehlt, die sogenannt Abeschreibung nach Deutschland - als "roening der paechterschen Kampagne loest keinerlei Probleme.

Meine Bemerkungen ueber die Chancen im Pachterschen Brief bezogen sich deshalb nicht nur auf die akademischen Chancen - ich bin mir klar dass der dort herrschende Handwerksvetternbetrieb dem sehr im Weg stehen wuerde - sondern auf meinen hunch dass die generellen menschlichen Verhaeltnisse die Sie dort antreffen werden sehr viel schwieriger sein werden und irgendeine auch nur beschraenkte Fortsetzung des hiesigen patterns auf noch groessere Schwierigkeiten stossen wuerde Selbstverstaendlich alles das vorausgesetzt dass AG keinen grosszuegigen journalistischen boss findet, der bereit ist to take Gurland at his intrinsic rather than his face value. Falls also kein solches kleines Wunder eintritt, verspreche ich mir eine grundsaeztliche Aenderung nur durch eine Versoehnung von AG mit dem job concept. Wobei ich bemerken moechte dass ein grant by definition kein job ist, sondern lediglich a way to improve future job prospects. Ich persoenlich wuerde meinen dass das was Sie selbst als Schnorren bezeichnen unangenehmer und toedlicher was zeit- nerven und Verzerrung menschlicher Beziehungen anbetrifft, ist, als ein der mittelmaessigste job falls er sich zeitlich nur im Rahmen dessen haelt, was man als normal anbringen kann. I am sure this is no great revelation to you and but I am also sure that falls Sie nur bereit waeren mit einem job anzufangen, auch wenn er nicht gleich alle finanziellen Probleme loest, Sie hier, wo diese Sachen rein geschaeftlich gehandhabt werden mit weniger psychischer Einbuse zu rechnen haetten als in dem "restige-luesternen Deutschland.

Haben Sie je versucht Massing oder Herrn Prof. Maier zu sagen dass Sie bereit sind einen 5,500 starting salary academic job zu unternehmen (der dann binnen eines Jahres den Zugang zum Rochefeller money automatisch oeffnen wuerde) Wollen Sie dass ich an Fleischer, einen Neumann Schueler, der on Long Island einen dicken Finger in einem neuen college hat, schreibe?

I talked to Speier over the phone today, who was very relieved that you had sent the letter.

I am elated that you start processing Political trial. No answer yet from Yale as to East Germany

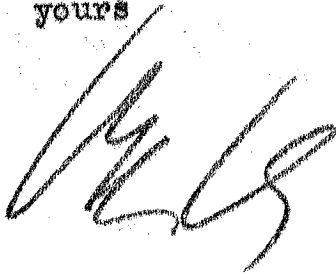
Her colleague

Dec. 8

it is an ungrateful business to try to correspond with you as such correspondence runs on a one way level, but there is reason why you should know what ~~has to say to you~~ so, do not throw it in the wastepaperbasket before glancing at it at least perfunctorily. The Randpeople are a little uneasy that you never wrote them whether you would be able to meet their mid December deadline. The reason lies not in their own house internal distribution, but in the fact that their discussions with the publisher are now taking final form and they agreed that the stuff should be published in advance of the elections, because that may heighten salespossibility, as they, however, have to edit the stuff first according to their own rules and it seems also according to the rules of the publisher, who is not willing to take non-edited MSS they will not be able to include MSS which they will get too late, thus to some extent your chance to see the stuff published in the book rather than have it circulated only mimeographed somehow might depend on the speed of your revision-delivery. I would hate to see so much effort of yours wasted

I hope you won't be mad at me as you probably already did the job anyhow, but doppelt gemacht haelt gut,

let me hear from you
yours

A large, stylized handwritten signature in dark ink, appearing to be the initials 'JG' or similar, written over the typed name 'yours'.

Attorneys and law clerks among CDU/legislators

↳ Only persons engaged in private practice of law as principal occupation

	Number	Percent of Total No. CDU/legislators	Percent Engaged in			
			Party Office	Executive Office	Municipal Office	Bar Association Office
Prussia, 1st term, as elected	9	9.2	100	75	50	38
" " " at expiration	8	9.3	100	75	50	25
" " 2d term	10	7.6	100	80	42	30
NRW, Diet, 1st term	8	9.8	100	50	88	25
" " 2d term	10	12.9	100	60	90	30
" " 3d term	5	8.9	100	80	60	60
Lower Saxony, Diet 1st term	2	16.7	100	50	50	-
" " " 2d term	1	23.1	100	100	-	-
" " " 3d term	2	17.0	100	50	-	-
Barania, Diet 1st term	3	3.8	100	67	-	-
" " 2d term	2	3.1	100	50	100	-
" " 3d term	4	7.2	75	50	25	-
Berlin, City Assembly 1st term	1	3.4	100	100	-	-
" " " 2d term	1	9.5	100	100	-	-
Berlin, House of Reps 1st term, as elected	2	5.9	⊗ +10	⊗ -20	⊗ 000	⊗ 000
" " " 1st term, after resignation & replacement of member	3	11.8	100	67	-	-
" " " 2d term, as elected	3	11.4	⊗ +20	⊗ 000	⊗ 000	⊗ 000
" " " 2d term, as elected	5	15.9	100	60	20	20

↳ same as record book of 1st term
 ↳ as fed'l legislators re-nominating

— Strich heißt: NONE

⊗ Did not figure out percentages — schien nicht lohnend. Essentially, you may disregard the "as elected" line for Berlin, House of Representatives; it does not serve any practical purpose for attorneys.

Party Activity, Executive office
 heißt: Vorsitzende von Parteiorganisationen, Fraktionen, geschäftliche Vorstandsausschüsse, "Partei-Geschäftsführer" etc.

Warum ich nicht Brauchbarkeit für Ihr Thema sehe, hat einfache technische Gründe: Anwälte und sonstige Volljuristen, die nicht primär private Feld-, Wald- u. Wiesenpraxis betreiben, habe ich anderen Kategorien zugeteilt: Business, Holders of High Public Office, Municipal Executives, Labor, Churches (z.B. Kirchenräte, die Rechtsberatung verwalten), etc. Leute mit juristischer Ausbildung aus allen anderen Gruppen herauszuheben, wäre möglich, aber zeitraubend

(3) I have not complained about having been offended. I missed your comment on the 1956-'57 USSR legality story per se, incl. the Kerimov anecdote. You still haven't supplied any.

(4) I can't make head or tail of your "lots of criticism" in re Lenin's notion of legality, nor do I know where an "ideal conception" comes in. As far as facts go, I am quite sure Lenin did not want any Trampeln on certain basic Errungenschaften, such as socialized industry, new property rights of peasants, etc. The juridical cementing of such Errungenschaften was, to him, part and parcel of the consolidation of the new system of government, to be upheld by one or the other special apparatus entrusted with supervision and maintenance of legality (though not necessarily of individual laws which might have become outdated before having had a chance to be applied).

(5) ask the manuscript of POLITICAL TRIAL, pp. 68-70 are missing. (b) You announce five trial stories; I found only three: Goebel, Caillaux, and Ebert. (c) There is absolutely no indication as to where you want the section, "Non-constitutional trials" [the title, by the way, does not make sense], placed.

(6) Your intimation that I might find your feindliches Gesäusel in re Ebert too harsh is so incredible as to make me doubt ~~of~~ your sanity. How long do you have to know a person to have a notion of how his or her mind works? Not that I consider it a point of honor to have his or that opinion of Herz Ebert -- but the mere fact that you don't know what my opinion is seems to indicate how much attention you pay to your fellow humans. On the other hand, why should an individual who despises his potential readers take a more flattering interest in other individuals?

Just for the record, however: I don't hate Communists. Hatred is a term which occurs extremely rarely in my emotional household. If I hate anything at all, it's ignorance and stupidity. Commies are neither ignorant nor stupid, and I do take them seriously; and sometimes I even take esthetic pleasure in particularly ingenious facts of intellectual maneuvering which they contrive from time to time. However,

(c) Your schweinish habit of discarding the time element from source references in re periodicals never permits presentation of the correct historical sequence. Since the N.Y. Public Library has neither Neue Justiz nor Staat und Recht, I had to guess approximate time of publication from the pages indicated (which, of course, I can't check). All this will have to be checked and inserted. Your attitude is all the more criminal since DDR publications, like those in the USSR, usually indicate the precise date ~~of~~ of the imprimatur -- so as to protect censors and editors in the event of major delays in production and distribution. All this of course illustrates your basically antihistorical approach! I should be used to it by now, but I can't help it -- *cela m'emmerde toujours*.

* * * * *

PRACTICAL * * * * * URGENT, Jan 24, 1958

Permit me now to turn to things of more pressing practical importance. Kenneth Thompson said he could not ^{see} what new snags could now emerge to torpedo the grant. According to him, then, it's practically in the bag. The competent committee is to make the decision on February 7, and the grant would start running in March, the operation to be launched by a field trip of unforeseeable duration.

The thing to do now would be to finish the RAND business in a tactical breakthrough so as to be able to leave for Germany the moment the project is officially set in motion. This in turn means discarding all translation and similar nonsense as well as the time-consuming running-around to borrow a few bucks here and repay a few bucks there. (Also, the pressure of unmet commitments begins to accumulate in such a nerve-wracking way as to cause physical inability to work -- I am afraid I've reached the point where I simply can't take much more of this.)

The only way out logically would be a loan that would pay my current expenses (with some improvement of nutritional

standards), take care of at least those debts which drive me crazy in daily battles, and cover family budget commitments for two months to ten weeks. This adds up to \$2,000.

The Rockefeller grant is going to be in the neighborhood of \$10,000 (or more, if they pay extras, which is subject to discussion after Feb. 7), i.e., over \$800 a month. For a while, I will hardly need money in Germany (private sources + Heimkehrerdarlehen). Even assuming that Rockefeller or Roosevelt V., whoever be, on the disbursing end, would refuse a lump advance for loan refund, there is no reason why the first four or five months' income should not be evenly divided between loan repayment and family budget.

The practical problem, then, is to obtain immediately a \$2,000 loan with 6 months' Laufzeit.

[Should the Rockefeller business collapse once more, which I can find out on February 8, I then at least will have the chance to go on working without financial worries for another 6 to 8 weeks. I'll have no choice but to go back to translations. These -- I ascertained that -- can yield up to \$800 with fulltime uninterrupted work; I won't relish it, but I'll be able to take care of loan refund installments and get back on my feet financially. From this point of view, the loan will be no risk, either.]

Battings is no help in this respect. He is, to quote him, "nicht im Kreditgeschäft". Neither are loans to be had from any committees or mutual-help societies. Only regular banking channels can be tackled. After having spent a week investigating possibilities and looking for co-signers, I found out this:

The co-signers I have secured would be sufficient for a \$2,000 loan, but I would not get a loan anywhere under present conditions because I'm neither employed nor operating a business. (To operate a business at a loss is better from the point of view of banking regulations than not to be in business at all.) Things would be different the moment the grant were already in operation, but then I would hardly need a loan.

1000 words, they pay \$10 for
rate is 2,500 to 4,000
words a day. (Up to 8,000
with a fulltime typist.)
And once these
standards begin
to pay -- now
they promise
payment by
the end of
February --
monthly pay-
ments become
automatic

(*) My ~~two~~ co-signers happen to be in businesses where it could harm their standing if they suddenly had to take out a \$2,000 bank loan. This is why neither is willing to take it upon himself to apply for a loan.

Ad Gesamtproduktion [Cont'd]

Somit mir bekannt war, war das Thema das Hauptthema ausgefallen worden. Glatte in einem gewissen Rahmen, das es kein von Frau selbst gemacht war, dann sollte in der Tat die andere die die Titel, aber in Japan Können wir bei anderen Gelegenheiten sein!

Ja bin aber die Titel nun doch ändern wollen, wie wäre es mit:

CHANGES IN THE FUNCTIONING OF PARLIAMENTARY MAJORITY RULE, AS VIEWED IN TERMS OF CHANGING MAJORITY COMPOSITION IN DEMOCRATIC EUROPE

früher schon, aber dafür ist's ja für ein akademisches Forum. Dafür to the point. Man kann natürlich auch auf Titel mit Literatur arbeiten;

Changes in the Functioning of Parliamentary Majority Rule in Dem'ic Europe

Dynamics of Majority Composition and Minority Prospects

Was natürlich alles nicht davon abhängt, daß die Handlung des Me: Mi-Verhältnisses von Frau noch manchen Veränderungen nicht befreit werden ist, sondern nur einige Aspekte der Mehrheitszusammensetzung, außerordentliche Belastung erfahren haben.

Dogar mit Offenheit über das ist zugehörigmaßnahmen nicht persönlich weiß, kann ich mich nicht gut lassen geben. You missed my point. Es kann es die Mindestzahlen nicht geben, dann können die nicht, nicht geben. Dann werden sie zeigen, ob zum klassischen Modell des Ansatzes von one-party cabinets zurückgegangen oder eine Progresskoalition vorzuziehen wird. Obgleich es die Rechtsminister gibt, besteht für die Koalitionssysteme, das ist mit ihr nicht Koalition kann, eine Zwangsposition. Bei allem Instabilität der SPD und die "Unabhängigen" nehmen in Frau vorläufig noch nicht ab, daß die Öffnung und Konsortien werden können, mit der Reaktion eine Regierung zu bilden. Außerdem: gerade die "Zitrusfrucht" zeigen das, daß es da auch noch inorganisierte (oder semi-organisierte) Interessenorganisationen gibt, die auf die einzelnen Parteien der Me einen erheblichen Druck ausüben. Denn das aber auch im einzelnen sein mag: wenn man konsequent statt des Verhältnisses zwischen Me und Mi die einzelnen Parteien innerhalb der großen politischen Parteien untersucht, kann man den Kritikern, daß das festhält, nicht abstrahieren, daß es nicht mehr Festhaltung 100%ig weiß ist. Und im Übrigen geht es um die eine Frage, die angibt, ob der Gesamtkomplex oder nur die unvollständig gewählten Funktionen befreit sind.

Schwere business complications haben mich die ganze Woche über begleitet. Political time fast as morning in reporter's

No communication was received from Mrs. Kirchheimer.

Ad Gesamtproduktion

Violence, consternation, etc., darüber bin ich nicht einmal von Herrn Foster loszulassen. Ich habe Ihnen die Zusammenfassung mit F. mitgeteilt. Das Ihre professional reputation damit zu tun hat, daß ich Ihre Meinungen in dieser oder jener Frage nicht teile, wagt mich nicht dementsprechend, wenn ich Herrn Foster darüber einen ausführlichen und maßgebenden Vortrag gehalten hätte, der ich ihm nicht gehalten habe. Ich habe Sie Foster through the entire Pol's Science Assn Convention nicht anders hören als von einem Futuristen zum anderen zu gehen mit der Mitteilung "Mr. Gurland disagrees 100 percent with every single thesis of Mr. Kirchheimer's", dann wieder dabei auf mich nicht mehr für sich kommen, als daß 99% der Leute fragen würden: "Who the hell is Mr. G.", 0.5% fragen würden: "Non cher Monsieur Foster, faites du samedi avec", 0.4% fragen F. kopfschüttelnd auch dann und dann wieder "Does he indeed? Why doesn't he write a paper about it?", und 0.1% meinen würden: "Well, in fact, there are a few points in Otto's excellent paper I don't agree with myself, but then, you know, Charles, Gurland never agrees with anyone or anything, and it might be a good idea for you not to advertise your intimate association with him. After all, there is no point in your antagonizing someone who might be willing to give you a job."

Nun die idiotischen Foster abzugeben, machen Sie sich nicht lächerlich, Herr Doktor! Ich bin an meine Meinungen festhalten, kann auf jeden Fall über meine Dinge nicht nachdenken; die meisten ab sofort nicht mehr, wenn ich meine Ihre oder die immer wieder Meinungen teile. Das Meinungsäußerungen nicht mit professional reputation zu tun haben sollten, ist eine Antwort zu geben, die Sie nicht erwarten sollten.

Aber wenn wir hier dabei sind, zu unterprüfen, was so was geschehen ist: So happens, daß ich mich gegen gewisse Projekte bei selbst meine Projekte in Deutschland unterlassen habe. Aber das haben Sie ja nicht wissen können. Haben Sie gewußt, daß es Herrn Gurland, der für im Geldsummen für opponiert, wenn ich autorisiert mitgeteilt, daß das ja eigentlich kann sein, da meine Kenntnisse auf dem Gebiet nicht Null sind? Täglich Festschaltung: meine Chancen in Deutschland sind minimal, wenn ich als Forscher - autorisiert; Sie sind ja mächtig, wenn ich mich mit der Kürze Zeit über dessen halten kann, ohne ihm jobs zu bitten; Sie sind passabel, wenn ich gewisse Zeit neigen kann, ohne alle Hoffnungen zu verlieren. I would hate to see whatever professional chances I have destroyed by advance announcement of utter futility of my endeavors, especially if such announcement comes from a person who, having put his reputation at the service of my search for employment, is well in a position to know what he is talking about. How is that for a Retour-tour?

And as a final point: Is it up to an author subjected to criticism to determine the extent to which criticism was justified? I insist that all my points were well taken. It is up to you to disagree. But unter allgemein üblichen Umständen neither you nor I may be considered in the appropriate place to pass on the justification of my criticism.

Ad Italien und Frankreich

Soy! Das ist nur natürlich aufzugeben, daß für damage in der Wirtschaft
das sollen Proporz ausgleich der Interessen sein, das sehr in auf gegeben
(Litter. Konflikt!) Oben das ist ja wieder eine Bestätigung von Frau.
Im Abstrakten sehr in Frau von notwendig garantiert: wo steht gegeben, daß
Funktionäre der Demokratie sollen Interessenausgleich verlangen?
Mein Einverständnis auf die „Erzwingung der Position“ des Kooperationsblocks befragt
soy gerade, daß für eine etwas bessere Interessenausgleich / Fortschritt, der
das Funktionäre der demokratischen Institutionen ermöglicht. 1931/33 hat
er nicht Fortschritt, mit die demokratischen Institutionen sind zusammen-
gekracht; man (müßte in) kann beschränken, daß die Aufhebung der
Objektivitätsfaktoren aus der Ausgleichsphase 1931/33 „die Demokratie
erhalten“ sollte. — Ich sehr in Frau gegeben, daß für auf Frau paper die
Schluß aufdrängt, wenn Beschränkung Einschränkung der Freiheit der
Frau Freiheit bedauerlich, aber im Hinblick auf das Kapital — Rettung
des demokratischen Regimes geboten — das heißt, nach gewissen Kriterien.
Im Konkreten haben wir ein einziges Beispiel des damage: der
Rückwärtsentwicklung des Disengagement in Afrika. Dazu: 1/6
folgt der Kayser, daß Disengagement ein politisches Thema. 2/ fünf
vom Parti Communiste mitgetragen Regime des Disengagement müßte
für auf noch in anderen Formen funktionieren können — mein Verständnis
da nur mal die französische Maßstab sollte, die inner-, wirtschafts-
und außenpolitisch unter Einfluß der Kommunisten (militärischen / sozial
Kriterien / Kriterien-fähigen) funktionieren können, und beschränken
für mal das Regimegebungsprogramm, mit dem ja funktionäre (Littera).
Dann sind wir aber beim Thema des von mir abgefragten Vergleich mit 1931/33:
ich beschränke, daß der Interessenausgleich 1931/33 demokratisch nicht funktionieren
konnte, weil für den individuellen Neubau, der auf der Folgeordnung stand,
Kriterien sein inner- gesellschaftliche Maßstab zusammenhängen werden.
Ich beschränke weiter, daß der Interessenausgleich in Folge v. Italien für in noch
Fortschritt kann, weil Kriterien die fälligen individuellen Neubau aufpassen
wird und man offenbar auf amerikanischen Köpfen noch offen angestrichen
kann. In dem Moment, in der unüberwindlich werden, werden auf das
Ausgleichssystem — mit Kommunisten nach Maßstab, ohne Kommunisten aber
Lorenzmann — zusammenkrachen. Für diese prekäre Lage ist nicht mehr
internationaler Beschleunigung der politischen Systeme verantwortlich — von
gegeben, da internationaler Beschleunigung, d. h. die amerikanischen Finanzierung, führt
den Kriterien Punkt für mal —, sondern verantwortlich ist die Klassenstruktur,
deren Analyse allein den Zugang zum Problem Meist abstrakt.

Ich bin also in keiner Weise der Meinung, daß die Forderungen,
für die auf S. 48 einfließen sollen, die Folgekräften sind.

Grundabgrenzung

Die fuhren vollkommen ein: Die jenseitigen Kreis über den Ausfluss oder
Nichtausfluss der SPD vom government, da bis ja bei Frau das ganze
Hina Me/Mi für Stille im Anfall der CDU zur DP anhängt.
Grunder das fahrer ist gemacht; das Wichtigste bleibt außerhalb der An-
Kraftigung.

weitere
kon-
struk-
tion
der
Mach-
werk
der
Klein-
daraus
Nem.

Natürlich fort bis zum Jahr 1950/52 und 1957/58 (Aufpreisänderung geäu-
bert: Die Opposition der Sozialisten, die, weil sie "das Volk" im
die Darstellung der sozialen und wirtschaftlichen Gestaltung nicht
Kommunisten, im Parlament ihre volle Stärke noch als in die
autonomen parlamentarischen Realität, fort die Haltung des CDU-Ver-
gessen nicht untergraben, sondern gestärkt: a) Die außerparlamentarische Oppo-
sition der SPD fort die "Glaubwürdigkeitsprobleme der Regierung nicht
nigentlich vermindert"; b) der Wirtschaftswunder der SPD gegen Kommu-
nistkonzeption, und der für die ehemalige Opposition nicht vorhanden war, fort
ab der Regierung einig gemacht, die Wirtschaftswunder, unter dem und
Führer zu bringen. Und der außerparlamentarische Kampf ist aber nicht
gegen die Regierung und ihre Politik richtet (und sie nicht zu sabotieren
wird darf), ist die Opposition im Lande "unmöglich" auszuführen.
Das Gleichberechtigung der SPD in die Opposition ist auch die Grundlage
das, was die "more parlamentarische" oder "sozialistische" Bewegung ist
ein radikales Umprägung im politischen Klima. Das ist die Mi-
nutenzeit!

Mas die freiwirtschaft, ist nicht nur
für die universelle, sondern auch a) disziplinäre und
die gesamte universelle, auf einem das disziplinäre und
was das eine ist kein mehr.

(Ob sie genau das gewollt hat, steht auf einem anderen
Blatt.) Die Regierung mag noch mehr wollen gewinnen, aber sie, die
1950/52 dem Großteil der SPD-Wähler gleichgültig war, ist im
wichtigeren Sinne betont "unpopulär geworden", was natürlich
auch auf Erfahrungen im Regierungsblock abfällt. Das das Resultat
auch "Kommunisten" der SPD-Oppositionspolitik aufbleibe zu erwarten war
Kontinuität, Ausbreitungsfähigkeit, großem nicht-geographischen
und kulturellen Wirkung (Antikommunist-Kommunist ist z.B. nicht, für
Nürnberg) ist - laut der Dinge, die die SPD nicht gewollt hat und
Auch gegenüber den anderen von der kulturellen Federationsideologie
fortschrittlich und sozialpolitisch ist - , und das ist nichts an der Fort-
schritt, das für die Mi im Konflikt mit der Opposition gegen die Me
aus im Vergleich zu der Zeit von 1945 bis 1952/53 nicht politisch
mit ideologischen Konstellation probieren für das Licht ist
Kommunisten auf die Sozial bringen "The parties' foundation Unter-
wer this maybe in the populace is curious." Mobilisierung der Massen-
Kommunisten mit ideologischen Stereotypen (ob "Wirtschaftswunder-geht
NATO", ob "Wir wollen keinen Atomkrieg") ist nichts spontanes an sich
sondern ist eine der realen politischen Realitäten der sog. "Massendemokratie".

	1953	1957 ^P (incl. Saar)	1957 ^c Increase (+) or Decrease (-) over 1953			
No. eligible to vote	33,120,940	35,196,124	+2,075,184	+6.27%		
No. voting	28,479,549	31,054,948 ^c	+2,575,399	+9.08		
Percent voting	85.987%	88.234%				
No. valid at-large votes	27,551,272	29,885,944	+2,334,672	+8.41		
No. invalid " "	928,277	1,169,004 ^c	+240,727	+25.93		
Percent invalid at-large votes	3.26%	3.76% ^c				
	No.	Percent of total	No.	Percent of total ^c	No.	Percent Increase or Decrease
CDU	12,443,981	45.2	14,998,754	50.19	+2,554,773	+20.53%
SPD	7,944,943	28.8	9,490,726	31.76	+1,545,783	+19.46
FDP	2,629,163	9.5	2,304,846	7.71	-324,317	-12.34
BHE	1,616,953	5.9	1,373,000	4.59	-243,953	-15.04
DP	896,228	3.2	1,006,350	3.37	+110,122	+12.29
BP	465,641	1.7	254,070	0.85	-428,649	-62.78
DZP	217,078	0.8				
DRP	295,739	1.1	307,310	1.03	+11,571	+3.9
SSW	44,585	0.2	32,260	0.11	-12,325	-27.64
GVP	318,475	1.1	—	—		
KPD	607,760	2.2	—	—		
Others	—	—	118,628	0.40		

P = preliminary

c = computed from preliminary, partly incomplete, data

What finally came -- a few months later -- instead of the hoped-for liberalization of criminal procedure, was a ~~number of~~ ^{bunch of} far-reaching amendments to the penal provisions of existing criminal law, which at long last defined the offenses cataloged in Art. 6 of the DDR Constitution. ^{passed a law to supplement the Criminal Code;} On December 11, 1957 the DDR legislature

acts aiming at the

guaranteed by the constitution;

its 44 articles penalize -- ~~with~~ ^{with} detention at hard labor up to 5 or 10 years or at the court's unlimited discretion -- ~~the~~ ^{the} overthrow of the ~~constitution~~ ^{political and social order} by violence or "planned undermining" ~~at~~ ^{at} "incorporating in another state the area of the DDR"; ~~at~~ ^{at} transmitting to foreign governments or agents thereof, or to organizations or groups "engaged in a fight against the border and peasant government," facts or objects the security of which is required; ~~at~~ ^{at} contacting or supporting such organizations or groups; ~~at~~ ^{at} ~~maliciously~~ ^{maliciously} the ~~upper and peasant~~ ^{upper and peasant} government and affiliated organizations; ~~at~~ ^{at} manufacturing, importing or distributing material to this effect; ~~at~~ ^{at} slandering or distorting the activity of governmental agencies or public institutions, or ~~at~~ ^{at} a citizen's reputation because of ~~his~~ ^{this} activity in behalf of the government or affiliated organizations; ~~at~~ ^{at} ~~damaging or disrupting~~ ^{damaging or disrupting} the work of governmental or economic establishments, or the "construction of socialism"; and ~~at~~ ^{at} enticing citizens to leave the territory of the Republic. ~~Later~~ ^{Later} provision was reinforced ~~by~~ ^{by} an amendment to the Passport Law, which made unauthorized ~~departure~~ ^{departure} or deviation from ~~the~~ ^{the} authorized ~~route~~ ^{route} and time of travel a punishable offense.

besmirching

On the same day the

The wheel again had come full circle. The government had failed to enact a law for the protection of the political order, which 1956 liberal optimists had dreamed of as a device to curb the orgies of arbitrariness and ~~which~~ ^{which} always lurking under the cover of Art. 6; but it did keep the promise constantly reiterated in Moscow that norms scattered all over the place would be codified. The Criminal Code as amended contains indeed the most comprehensive collection of offenses thus far construed under Art. 6 by the fertile imagination of DDR courts to catch political opponents or punish non-conformist attitudes. Any conceivable expression of wavering loyalty or imperfect discipline will be easy to catch up with henceforth without the slightest deviation from "strict observance of legality."

(1) Gesetz zur Ergänzung des Strafgesetzbuches in Gesetzblättern der Deutschen Demokratischen Republik, ...

(2) Gesetz zur Änderung des Passgesetzes, *ibid.*, pp. ...

note 13

note 13 D.M.M. Quelle für Kasse Wohnung

67 see page

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note 87a

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NOTE 87 a

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NOTE 87 a

lich benötige ich so etwa vier Wochen in good old USA, damit ich die Nase wieder voll bekomme und den Zustand hier wunderbar finde. Aber wer zahlt mir den air trip back and forth? Aus diesem Gesamtbefund mögen Sie deduzieren, warum ich nicht dazu komme, mich brieflich zu betätigen. Ausserdem hatte François le Grand schon vor längerer Zeit die Mär verbreitet, daß Sie ganz sicher im Sommersemester in Bonn dozieren würden, und da schien es nicht vordringlich, Ihnen zu schreiben.

Was Ihre werten Beiträge zur political science betrifft, so habe ich bis jetzt nur einen bekommen - die Bundestaganalyse - und kann nur raten, daß mit dem zweiten, den Sie mir angeblich geschickt haben, "The Decline of Intra-State Federalism" gemeint ist, den ich gestern in World Politics erblickte, aber noch keineswegs gelesen habe. Was nun die Bundestaganalyse angeht: Sie wissen ja, daß ich mich zu solchen Produktionen erst äußere, wenn ich so eine oder zwei Wochen damit verbracht habe, die Tabellen nach- oder umzurechnen. Dazu ist es eben so far noch nicht gekommen (s.o.), und so habe ich also zunächst leider noch nichts zu sagen. Wenn ich mir so die Fussnoten im "Decline" beschaue, kann ich nur wieder einmal meiner Be- und Verwunderung über Ihre Lesekapazität neiderfüllt Ausdruck verleihen. (Ich tröste mich allerdings damit, daß Sie ja die Sachen, die Sie zitieren, doch nicht lesen, sondern im besten Fall diagonalisieren.)

Ihre story in re Verfassungsgerichtshof ist mir ganz neu. Ich werde Drath, der selbst vorgeschlagen ist, darüber interpellieren. Dieser Herr, der übrigens auch ein Behördenvorstand von mir ist, gehört zu dem Erfreulichsten, was es hierzulande gibt. - Entschieden weniger erfreulich sind Ihre besten Freunde Raneff und Laubfrosch, die ich vor einigen Wochen in Frankfurt genossen habe. Der erstere sucht eifrig Anschluss an die SPD und ist zu diesem Zweck sogar mitten in der Nacht in der Wohnung des wahrhaftigen Samuel, bei dem ich residierte, erschienen, um mir einen Lehrstuhl für Politik an der Frankfurter Uni anzubieten. Ich habe zero Spektabilität gewohnheitsgemäß zappeln lassen. Unser lieber Freund Frederick, der nach wie vor als Privatdozent geführt wird, belehrt seine Besucher über die von seinem Herrn und Gebieter betriebenen "neuen Forschungsverfahren" ("Gruppeninterviews") mit genau demselben rührenden Unverstand, mit dem er anno dazumal die New Yorker Jewish executives über screened participant interviews aufzuklären pflegte. Um Lix zu zitieren: Plus ça change

Um aber der Maxime sogleich Abbruch zu tun: il y a des choses qui changent, und nun dürfen Sie sich unter Aufgebot Ihrer gesamten Leibeskräfte am Stuhle festhalten - die Tatsache, daß Sie keines Besuches von Miss Speier teilhaftig geworden sind, geht darauf zurück, daß sie sich mittlerweile damit beschäftigt hat, einen Sohn zu produzieren. Was sagen Sie nun? (Adresse: 338 East 19 Street, N.Y.C. 3; Telephon: OR 3-2088.)

Mit der Bitte, mich Ihrer gnädigen Familie zu empfehlen, verbinde ich den Ausdruck

respektvoller Ergebenheit

Fr. le Grand

you an idea: you know damn well that "ordentlich - außerordentlich" in a procedural sense is not "ordinary--extraordinary"; that "Staatsgewalt" is not "state power" but "government" or "governmental authority"; that "Staatsapparat" is not "state apparatus" but "government machine," etc., etc. Why the hell do you have to use German terms when you can as easily use the proper American ones? Just to mislead me? I am sorry to say that you do succeed. Quite frequently I keep reading this kind of stuff a number of times in succession, wondering what special nuance you meant to convey, until I notice that you did not mean to convey anything but your ~~own~~ utter contempt for your reader (the first, the next and any other one). Damn your guts!!!

The two packages you now receive contain quite a batch of pages which I retyped after having verschmiert the original to the point of no return. In all such cases I took out the original pages--why waste postage?--but I have not thrown them away. If, for some reason or other, you should want them, let me know. If you don't want them, I'll be willing to dispose of them in any way you should deem suitable.

Title: I have no objections to HARNESSED JUSTICE, one of my suggestions, but I still think JUDICIARY UNDER ORDERS would be more adequate. Suit yourself. You will notice that I changed two section titles, not just on a hunch, but after careful deliberation in camera: (a) No "antifascist" was mentioned even once in the Stray Dog Murder Case. And since you have not expounded the theory of the "antifascist-democratic order," ~~and~~ since, moreover, even the Commies outside the DDR don't use the term anymore to describe parties subservient to them (probably because there ain't no such parties anymore), and since "antifascist" as a pseudonym for "Communist" is largely unfamiliar to American readers, "The Dog and the Antifascist" was just wilful, improper and malicious misorientation. (b) What you offer under the heading, "The World of the Judge," is NOT the world of the judge but the sum total of limitations, borderlines, restrictions, handicaps, etc. Within these confines, however, the judge exists, does his job, has a private life, etc. It would be interesting to know how his "World" really looks--in real life as well as in his head--but both you and I have only vague notions on the subject, and certainly none of your favorite "attempts" was undertaken by you to describe hoc mundum ignotum. But even if it had been, to apply the term, world, to the squalid climate you describe would seem rather incongruous. Words, dear Sir, are not just sounds or hieroglyphics lifted from German newspaper headlines, which abound in stereotyped absurdities; they also usually have a meaning, which it is extremely unhealthy for a writer to disregard. [Could you, e.g., tell me why a balance of power as between various departments or branches or machines of the DDR regime, which you haven't once characterized as separate ~~bureaucracies~~ bureaucracies but to which you in generic terms always refer as "the bureaucracy," should be an interbureaucratic balance when you clearly mean an intrabureaucratic or interdepartmental balance? Could you tell me why the fight to maintain or upset said balance, which frequently is a matter of life and death, should be called a "game"? Just because you have acquired the obnoxious habit of referring to conflicts of political forces under parliamentary governments as a "game"? But there at least one is used to talking about Spielregeln, fair play, etc., which admittedly, though un-

justifiedly, does evoke the association, game. But where are there Spielregeln or fair play in the power contest of various participants in totalitarian rule or their underlings? And what is a "stale and tedious game" to which "freshness and authenticity" are added? (a) What is a stale game tout court? (b) What is unauthentic about the intrabureaucratic balance without the informer? (c) Why is the contribution of the informer more authentic than that of a department head or a public prosecutor? (d) What is "freshness" tout court? And (e) What is "freshness" added by an informer? If you are willing to answer these questions, I am willing to skip (f) Why has the informer (pseudonym "critic") suddenly become a dual personality, "informer and critic"? and (g) What is a valuable increase in value ("valuable increment") to what? and even (h) How come "a strange pedestal" ADDS (that's the way your sentence is constructed) "some freshness and authenticity"? ~~Let's forget about: (a)~~ If it isn't the pedestal but the "informer and critic" that adds, etc., why the hell does he have to sit on a pedestal to add, or what else has the pedestal got to do with added freshness and authenticity? Please don't inform me that you enthusiastically worshiped this closing sentence of "The Courts and the Public" (p. 41 of your original) as one of your most precious gems. Schimpfen sollte man wie ein Rohrspatz.../

Additions: On p. 34 (my version) kindly inspect carefully the added footnote, where I was not absolutely sure of my facts. I thought some general explanation of the function of the Schöffe was necessary. If mine is too vague or sloppy, I suggest that you conceit a more fachliche one. To the Stray Dog Murder Case I appended three footnotes: (a) p. 4 on Ulbricht's position--I think the general reader's knowledge of the personnel setup should not be taken for granted; (b) p. 8, n. 2: conjectures about why the local party authorities could possibly have supported the anti-M. conspiracy; if nothing is said about it, the impression obtains that you really believe in VIRTUE VINDICATED, although you certainly haven't left any doubt about what you thought of M.'s excuses; (c) p. 10 about the conceivable background of Ulbricht's action against the plotters; again, if nothing is said, the reader must assume that you accepted Ulbricht's version: defense of intraparty democracy.

In this direction I have a general mild objection to pp. 1--40: I have the feeling that many things are taken a bit too much at face value, or a bit too seriously, which I am sure had not been your intention; but since you don't confront "the world of justice" with the other "worlds" of the DDR, it seems as though this particular world deserved special attention or were less fictitious than other ideological or institutional "front sectors." Whatever inhaltliches editing I did was done to dispel such an impression, but the aura I am afraid still lingers. This, however, I am sure you may well consider a cura posterior and defer revision.

Some Geschimpfe was on my agenda in re your criminal attitude towards proper spelling-out of source references. I refuse to aid and abet your criminal tendencies, nor will I skip revamping every incorrect or sloppy reference that comes my way. I'll expound my philosophy some other time--meanwhile you'll save me mental strain and calligraphic effort in capitulating and mending your ways.

Salutations empresseées



Thanks for check

Tuesday

From, disregard the discarding
-- it's a separate item.

Dear Sir: know

I don't ^{any} know you miss pull -- I know I hooked on it. Most certainly I did not take pages out to keep them for my files. As usual, I can't do much on sentences torn out of the general context. ^{If my memory does not betray me, I stapled the pages I sent you.}

You are mistaken about my intentions. I was in no way eager to get your goat -- I merely tried to explain why I saw no sensible way of providing figures for categories which to me had no quantitative meaning. There was no statement in your text on largest -- except the one on their declining role in parliament. The latter obviously implies a comparison with pre-1933 days, which I never undertook and for which I have no proper data, for reasons I pointed out to you some two years ago: (1) My analysis is by parties, and it is a very tough job, which requires to many time-consuming statistical tricks, to compare post-1945 parties with pre-1933 ones; (2) The personnel of pre-1933 parliaments would have to be subjected to the same techniques to which I did subject the post-1945 personnel; this would take a year or two, and probably could not be done anywhere but in Germany, if at all. To compare my figures with such arrived at on the basis of the parliamentarian's self-classification would be absurd. I don't quite see where you can fit in my computations in re CDU/CSU lawyers, but you certainly may have them. (Send cc pli.)

To go by boat is, to me, a nightmarish idea, much though I would enjoy the pleasure of your company. (I have no illusions, however, about myself: my company would be no pleasure to anyone.) Besides, it would mean 2 1/2 more weeks here, which would cost money and drive me more and more into insanity; I have reached a sufficiently nutty point as it is.

Since I am not on the lookout for academic jobs, I wouldn't want a "trial period" in Heidelberg even if they offered it to me on their own initiative. (By the way, interim appointees usually are not considered for the full-fledged appointment.) I mentioned the story only as a silly joke at my expense. -- To be quite frank, I don't see any prospects for myself in Germany, either, unless I have a chance to sit around and wait for an opportunity to make the big haul. But as things shape up now, I won't have this chance. My going there, which would have meant a great deal under different circumstances, doesn't mean a thing anymore -- except for buying a Faustbestattung insurance at low rates.

Greetings -- A. L. G.

Did I mention my beauty situation last week? This is the reason why you did not get any P&F installments. I hope to mail a letter tomorrow.

June 25

dear GA,

es ist sehr erfreulich zu hören, dass Sie vollkommen genesen sind. Ich habe nur eine Mandeloperation noch vor sich, ich habe dieselbe im Alter von 37 mitgemacht, es ist unangenehm, aber wohl nicht gefährlich. Von mir gibt es teils gutes, teils weniger günstiges zu berichten. Meine personellen Angelegenheiten hat sich zum guten gedreht, wahrscheinlich waren die Anschuldigungen zu bloß auf der anderen Seite ist meine Gesundheit nicht mehr sehr glänzend, am liebsten herum, aber ich fürchte, dass dabei nicht viel herauskommt, wenn ich nächstes Frühjahr für den Zeitpunkt ist meine Dienstreise vorgesehen nach dort kommen, müssen Sie sich nach einem erstklassigen Internisten für mich umsehen, vielleicht ist der klüger als die Herr Amerikaner mit ihren thousand of tests. (dies für Ihre private information - in diesem Land ist es nicht gut nicht viel up to date zu sein, solange man sein Geld verdienen will.) Mit Frankfurt kommt wohl nicht heraus, Intervention Zinn's wäre sinnlos und schließlich, es handelt sich wohl um Kämpfe innerhalb der Fakultät, für alle solche Sachen ist es ja sowie so zu spät.

Ich bin gespannt wie lange Sie Ihren abstentionism in re Staffrechtsänderungsgesetz durchhalten können, aber wenn Sie mit dem Minister zu recht kommen, wie Sie andeuten, haben Sie wohl keine Stütze für Ihr liebliches Vorhaben. Ich habe mit diesem badge of New Yorkes etwas Material über antikartell etc gesandt. Das rote Buechlein obwohl jetzt 11 Jahre alt ist ein classic (da es out of print ist, werde ich mir es nächstes Jahr, so Gott will, wieder abholen) es ist ferner zu beachten, dass der Sherman act 2mal suspendiert war das erste mal 34 oder 35 under the National Recovery Act, das zweite Mal während des Second world war's, wo seine Anwendung für kriegswichtige Industrien eine Überstimmung von Wardept und Justice deckt.

sehr spaerliche Judizielle Material anbetrifft, so ist wohl der Hauptfall der letzten Zeit der Schwegmannfall, aber das betrifft das Verhaeltnis des Sherman zum Tydingsact. Laenger zurueck liegt der basing point case, ueber den Artikel in dem Yale Law Journal 2 oder 3 Jahre gut orientieren (wohl im Tuebinger Institut erhaeltlich, auch gibt es eine Anzahl interessanter Entscheidungen seit der Trumanernennungspolitik zum supreme court viel besser ist als der uprne court, besoners Learbad Hand and Augustus Hands and Jerome Franks opinon, aber leider habe ich die Sammlungen der Entscheidungen nicht, generell gesehen wuerde es sich sicher lohnen bevor sie Schreiben nicht nur das rote Buechlein zu studieren, sondern sich von Tuebingen fuer eine Woche die Yale Law Journal und Harvard Law Journal fuer doe letzten 3-4 Jahre auszuleihen und darin nicht nur die Artikel sondern noch mehr die notes im Hinterteil auf Material durchzusuchen--

Ich hoffe sehr, dass die Italienreise steigt, aber am besten wenn sie nicht nur zu denn alpenseen wollen, im Oktober, sonst ist es zu warm, wie waere es wenn sie bis nach Paesym. gignen, das ist sehr eindrucksvoll ebenso das antike Ostia bei Rom, aber ich vergesse dass Sie kein solcher antiquarischer Narr sind wie ich.
mit herzlichen Gruessen

INSTITUT FÜR POLITISCHE WISSENSCHAFT

BERLIN-DAHLEM
GELFERTSTRASSE 11
TELEFON: 76 27 82 / 83

July 16, 1952

Magister atque praeceptor:

May I respectfully acknowledge receipt of yr favor of July 11? I immediately contacted Double-Dr Fleckheim and read your missive to him over the phone. I was asked to convey the gentleman's remerciements émus and his regrets, viz., he is not in a position to accept a teaching assignment state-side before the summer of 1953; he would be grateful should you continue to keep on the lookout, with this time specification in mind. Hforesaid Fleckheim asked whether he should write you a letter asking why you had not offered the Ohio State job to the undersigned. I politely declined - since you could not possibly have guessed the degree of my disgust with the situation here (both general and personal). Besides, it is not at all sure that my lack of enthusiasm for German conditions will translate itself at any time into boundless enthusiasm for teaching activities on American college campuses. However, I am willing at least to discuss such possibilities, and at least I've started wondering whether, *tous comptes faits*, I might not be attracted by something like Heg's job at Howard which you I understand declined to take on. You may give such problems some thought and get ready for an eye-to-eye discussion.

Which means: you'll see me sooner than you think. I'll be taking my last year's and this year's vacation, starting August 1; that is to say, a plane will disembark me in New York on August 2, and I then intend to spend at least two months within the geographic boundaries of territorial U.S. Where

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and how? I don't know yet as my information on matters here is scant. I may come to Washington for quite a while — or again I may not. At any rate, I'll be in Washington on business some time in September — if not sooner. I presume you'll be back in the city by then (or is Grover Spring your permanent residence now?). It would be nice to know your time schedule — why don't you drop a line to the address of Mrs. G.:
338 East 19 Street, New York City 3, N.Y.

Remember me to your esteemed family.

Bien à vous

A.G.

Meister,

nachdem ich meine Vorausschätzung des Wahlergebnisses zur Post gegeben hatte, fiel mir ein, daß ich die Saar vergessen hatte. Mit Saar hätte sich meine Ziffer der gült. St. auf ca. 30 Mill. erhöht, und die Prozentzahlen hätten sich eine Kleinigkeit verschoben, und zwar CDU 41-46%, SPD 31-35%. Meine absoluten Zahlen habe ich Ihnen nicht mitgeschickt, da sie eher algebraisch als politisch sinnvoll waren (weil wegen sich die oberen und unteren Grenzen mit Spielraum bei den Prozenten). Stellt sich heraus, daß ich SPD, FDP und DDF haargenau getroffen habe, BfE um etwa 150 000 und DP um etwa 200 000 zu niedrig. Mein Hauptfehler lag bei der FU, die ich mit 1.2 Mill. statt bei ca. 400 000, die sie ausnehmend bekommen hat, angesetzt hatte, und bei den gesplitteten Stimmen, die es offenbar gar nicht mehr gibt, wofür ich Ihnen noch eine Dreiviertelmillion konzidiert hatte. Die Abnahme der FU- und der gesplitteten Stimmen macht genau den Betrag aus, um den ich die CDU zu niedrig geschätzt hatte. Die Rechnung dürfte auch politisch stimmen. Offensichtlich haben die potenziellen BP-, DZP- und Splitterswähler in noch höherem Maße als 1953 der Adressier-Propaganda nachgegeben, während sie bei Landtags- und Gemeindevahlen ihren Parteien und Gruppen gefolgt waren und es möglicherweise auch wieder tun werden.

Da haben wir uns also offensichtlich beide in der Annahme geirrt, daß zwischen national und local elections außer in der Wahlbeteiligung kein Unterschied mehr bestehe. Der Unterschied - derselbe hatte sich ja bei "mid-term elections" 1950/52 abgespielt - ist nicht zu verkennen. Er betrifft nicht die SPD, die in der großen Linie etwas ahead of the number of those eligible to vote gewinnt, - egal um welche Wahlen es sich handelt, aber deswegen auch in ihrer proportionalen Stärke gründlichst von der Wahlbeteiligung abhängt: je höher die Wahlbeteiligung, um so niedriger in der Tendenz der Anteil der SPD. Die CDU dagegen nimmt bei national elections weit über das Ausmaß des Wahlberechtigten hinaus zu (bei den gestrigen Wahlen +20.5% gegen 1953, bei einer Zunahme der Wahlberechtigten um 6-7%). Bei Landes- und Gemeindevahlen bleiben nicht nur etliche CDU-Wähler zu Hause, sondern es wählen auch viele von denen, die bei BT-Wahlen der großen Partei ersonnen, ihre alten kleinen Parteien, die auf entsprechend Landtags- und Kreis- und Gemeindevahlen bekommen; und der Verlustteil der SPD, deren diszipliniertere Wähler es auch bei weniger bedeutenden Wahlen mit der Pflicht haben, nimmt auffallend zu.

Daraus läßt sich verschiedene ableiten:

1. Den 1953 und 1957 entfalteten propagandistischen all-out effort kann sich die CDU bei Landes- und Gemeindevahlen finanziell nicht leisten,

(2)
weil ihre Geldgeber vermutlich an dem Ausgang solcher Wahlen kein großes Interesse haben; sie kann sich ihn organisatorisch nicht leisten, weil ihr regulärer Apparat für solche Extratouren nicht gebaut ist.

2. Während es für die Höhe der SPD-Stimmen ziemlich gleichgültig ist, ob sie Wahlpropaganda macht oder nicht, vollbringt die CDU-Propaganda, wenn auf Touren gebracht, spectacular performances.

3. Das heißt, daß die SPD keine floating-vote-Reserve hat und den floating voter nie erreicht, auch wenn es bei mid-term elections so aussieht, als habe sie einen gewaltigen Einbruch into inimical opinion zuwege gebracht.

4. All-out effort der CDU-Propaganda (z.B. 1953 und 1957) ist nichts anderes als massive Einschüchterung des Meckelnden und Unzufriedenen, die nicht zum SPD-Lager gehören. Das sie bei mid-term elections tun, ist ihre Sache; aber wenn sie bei BT-Wahlen aus der Reihe tanzen, bekommen sie Unabsehbares herauf. Also wird auf sie 5 Wochen lang eingetrommelt, sie mögen sich überlegen, ob sie den Sprung ins Ungewisse wagen wollen. Das wollen sie natürlich nicht, - schon gar nicht die, die bei mid-term elections zu Hause bleiben.

5. Die SPD ist völlig außerstande, dem schwankenden Wähler eine Vorstellung von dem zu vermitteln, was geschehen wird, kann sie auf Bundesebene den Ton angeben. Als Verwaltungs- und Personalbesetzungspartei (Land und Gemeinde) ist sie eine beachtliche Größe, als politische Partei (Regierung) ein bedenklicher Unsicherheitsfaktor. Zur Erhaltung der Stabilitätspolitik (Versagen in der Einschätzung der Anforderungen der Wahlreform) ist sie definitiv als bedrohlich das lärmende außenpolitische Gewerkschaftsgelächter gekommen. Und eine ideologische Position, mit der das Wohl neutralisiert werden könnte, hat der Laden schon ganz und gar nicht zu bieten.

6. In den vier FW-Wahlkreisen in Bayern ist ein erheblicher Teil der SPD-Wähler der Parole der Parteiführung nicht gefolgt. (Zahlen habe ich noch nicht gesehen, aber aus früheren Wahlergebnissen läßt sich keine andere Erklärung dafür finden, daß in keinem der 4 Wahlkreise ein FW-Kandidat durchgenommen ist.) Wenn statt der 4 bayerischen 4 N.-R.-W.-Wahlkreise für gesamtdeutsche Kandidaten freigegeben worden wären, wäre das Ergebnis wahrscheinlich anders ausgefallen.

7. Ich habe einstweilen nicht den Eindruck, daß das Gros der KPD-

Gefolgschaft sozialdemokratisch gezählt hat. Erst Wahlkreisangaben über Nichtwähler und ungültige Stimmen werden darüber Auskunft geben.

8. Da ich nicht weiß, wo die SPD Direktmandate erobert hat, kann ich natürlich auch nicht errechnen, wer auf Landeslisten durchgekommen ist. Nach dem Gesamteindruck würde ich vermuten, daß alle drei Frankfurt Wahlkreise bei der CDU geblieben sind. Das würde nicht nur selbstverständlich Brill, sondern auch Strick ausschalten. Dafür steht jetzt schon fest, daß Heinemann und Helene Hessel drin sind. (Eine ganze Anzahl neue SPD-Beiräte kommen aus NRW hinein.)

9. Abgesehen von aller politischen und ideologischen Neuorientierung; wenn sich die SPD nicht entschließt, die anti-CDU-Splitter à la BP und DZP groß zu fördern, sind sie für die Bundespolitik restlos erledigt.

10. Das Ende des BHE im Bundestag wird vermutlich einen radikalen Zersplitter des ganzen Lagers mit sich bringen. Eine Chance für alle möglichen Nazi- und Halbnaziereine, bei den nächsten Landtags- und Gemeindewahlen mancherlei zu erben.

Näheres wird sich erst bei detailliertem Studium der Ergebnisse ermitteln lassen. Würden Sie mir alles, was Ihnen an Zahlen und Namen unter die Hände kommt, aufheben und schicken? Ich gebe Ihnen dann gern eine Abschrift meiner Redentextstücke!

On further thought: ich möchte doch dem Bauer einen längeren Brief schreiben, von dem es schon einen Teilentwurf gibt. Daß ich erneut, falls nicht schon geschehen, um seine Adresse bitten? (Wieso ist sein Brief aus Frankfurt? Ist es nicht mehr in der niedersächsischen Staatsverwaltung?)

Egebenst A. F. G.

Ist Ihnen aufgefallen, daß die Frau von Jola Lang (Erna Blencke) an

60. Stelle auf der Hessischen Landesliste steht? Gewaltiger Erfolg der Hessischen Opposition!

26.9.57

Verehrter Herr,

Ihre Sendungen sind alle eingetroffen, Sie überschätzen aber das Tempo der ame-
 rikanischen Postbeförderung, das ständig im Absinken, Dennoch: so gra-
 u ich auch dem US. Post Office am Zeuge stehen möchte, ungerecht soll man
 nicht sein. Wenn ein mit "18 Sept" überschriebener Brief den Einlie-
 ferungsstempel "Sept 20, 1 p.m." in Silver Spring erhält, können Sie
 nicht erwarten, daß er am 21. in New York ausgetragen wird; und da
 der 22. auf einen Sonntag fällt, bekomme ich ihn logischerweise erst
 am 23. whose fault? Ich habe auf diese Weise 2 Exemplare
 Ihrer Wahlband Besprechung bekommen. Sie kriegen auch beide Bücher
 zurück. Zu gleicher Zeit kam das RAND-Buch. Ich danke ergebenst
 für die Stiftung. Bis jetzt keine Verkaufsabsichten - ich habe auch
 keine passenden Kunden. Außerdem besitze ich gar Ihre Werke -
 zum mindesten zu Zitiergehen.

Demnach kam ein Paket Zeitungen (vom Montag und Dienstag nach
 den Wahlen). für mich sehr wertvoll. Lassen Sie mich bitte
 wissen, ob Sie das Zeug zurück haben wollen! Wenn ja, werde
 ich mir diverse Zahlenreihen heraus schreiben. Wenn nicht,
 werde ich aussihneiden und aufheben, was an Zahlenmaterial drin
 ist. Namen waren noch sehr unvollständig, und Rekonstruk-
 tionen liefen sich wegen fehlender Einzelwahlkreise schlecht vorneh-
 men. Vollständig habe ich die Gewählten für Hessen, Hamburg und
 Bremen, ziemlich vollständig für B-Bund. Ihr Komplexions
 Bedarf ist listigweise in dem vorwiegend landwirtschaftlichen
 Wahlkreis Waldeck-Korbach zurückgekommen (es gab keine Bürgerl.
 Einheitswahlkreis). Ernst Hilt. Meyer kriegt Mandat auf Landes-
 liste, sobald Zimm Ausnahme verweigert. Stierle gerade noch durch-
 gekommen, Brill natürlich nicht; auch nicht der "Linke" Banse,
 ein früherer KPO-SAP-Mann. In Bayern ist der "Linke" Kahn-Acker-
 mann auf der Strecke geblieben.

Interessant ist in Hessen, ^{in Niedersachsen} daß da, wo die CDU ihre Leute abkomme-
 niste, für den FVP/DP-Kandidaten zu stimmen, die summierten
 Zweitstimmen der FDP + FVP/DP ganz olivene Verluste aufweisen.
 Summierung der CDU- und FVP/DP ^{Stimmen} ergibt in diesen Fällen
 wesentlich mehr Stimmen, als der von der CDU unterstützte FVP-Kan-
 didat an Erststimmen bekommen hat. Offenbar haben die Stamm-
 Arbeitwähler der CDU ihre Erststimmen dem FVP/DP-Kandidaten
 verweigert und sie zum Teil der SPD gegeben, zum Teil ungültig gemacht.

* Mitteilen Sie eventuelle bessere Arbeit fordern, wenn Sie den letzten bis auf zwei Punkte
 alles Witzigen kann? Aus Ihrer Besprechung muß man schließen, daß da im Grunde
 Karrierestunde selbst geleistet werden ist.

Nähere Betrachtung der Länderergebnisse ergibt Interessantes:

Zu- oder Abnahme 1957 gegen 1953 (0/0)

Bund ohne Saar	Schl.-Holst.	Hambg	NS	Bf.	NRW	Hessen	Rh.-Pfalz	Bad-Württ	Bayern
Abgeg. Stimmen 7.0	-20	9.2	1.4	12.7	10.9	7.1	7.3	10.4	3.9
zweit-SPD 17.4	12.9	31.0	10.4	32.5	16.0	20.2	19.8	22.2	17.7
Stimmen (CDU/CSU) 18.0	-1.2	11.0	12.3	37.1	22.8	31.5	10.3	9.5	24.1

Details Hamburg	1957 gegen 1953		Bremen	1957 gegen 1953	
	SPD + 125 000			SPD + 45 000	
CDU + 43 000		CDU + 33 000			
FDP + DP/FVP - 16 000		FDP + DP/FVP - 8 000			
BHE - 11 000		BHE - 4 000			
KPD - 40 000		KPD - 14 000			
GVP - 13 000		GVP - 6 000			
Abgeg. Stimmen + 100 000		Abgeg. St. + 47 000			

NRW	1957:1953	1957:1956 (Komb. Wahlen)	HESSEN	1957:1953	1957:1956 (Komb. Wahlen)
SPD	+ 408 000	- 306 000	SPD	+ 175 000	- 77 000
CDU	+ 892 000	+ 1 908 000	CDU	+ 267 000	+ 614 000
FDP	- 156 000	- 204 000	FDP	- 270 000	+ 29 000
FVP/DP	+ 28 000	+ 123 000	DP/VFP	+ 78 000	+ 89 000
BHE	+ 11 000	+ 1 000	BHE	- 14 000	- 31 000
DZP	- 145 000	- 231 000	KPD	- 64 000	
KPD	- 229 000		GVP	- 44 000	
GVP	- 118 000		Abgeg. St.	+ 191 000	+ 407 000
Abgeg. Stimmen	+ 896 000	+ 1 363 000			

Rh.-Pfalz	1957:1953	Bad-Württ.	1957:1953	Bayern	1957:1953
SPD	+ 95 000	SPD	+ 183 000	SPD	+ 210 000
CDU	+ 95 000	CDU	+ 180 000	CSU	+ 586 000
FDP	- 30 000	+ FDP	+ 106 000	FDP	- 63 000
FVP/DP	+ 10 000	FVP/DP	- 6 000	DP/FVP	+ 124 000
BHE	+ 1 500	BHE	- 22 000	BHE	- 61 000
KPD	- 41 000	KPD	- 82 000	BP	- 298 000
GVP	- 21 000	GVP	- 56 000	KPD	- 82 000
Abgeg. Stimmen	+ 135 000	Abgeg. St.	+ 383 000	GVP	- 32 000
				Abg. Stimme	+ 204 000

Wie hier sehen, besagen die prozentualen Zuzshuen allein, die Stimmen imponderant zu haben scheinen, sehr wenig, wenn man nicht die Gewinn- u. Verlustrechnung in absoluten Zahlen aufstellt u. die prozentualen Veränderungen zur Mehr- oder Minderänderung der Zahl der abgegebenen Stimmen (gült. und ungült.) setzt. Die Prozente in abs. Zahlen der ungültigen Stimmen zeigen keine

nennenswerten Abweichungen. Ich verdiene meinen ersten Eindruck: Die KPD-Wähler⁽³⁾ haben überwiegend für die SPD gestimmt, die GVP-Wähler dagegen nicht überall. Außer dem KP-Zuwachs scheint aber die SPD kaum wesentlich über die alte Wahlteilnahme der Wählerzahl hinausgegangen zu sein. Gegenüber den Gemeindevahlen^{von 1956} in Hessen + NRW hat sie sogar Wähler abgegeben. Nur in Niedersachsen (wo der Vergleich bekanntlich schwieriger ist) hat sie sich gerade so halten können. Danach entfällt wohl die Notwendigkeit, zu unterscheiden, woher der SPD-Gewinn von 1,4 Millionen (ohne Saar) stammt, sondern es müßte gefragt werden, an wen sie verloren hat. Die Verteilung des Gewinns ist regional ziemlich gleichmäßig; die hohen Prozentziffern in Hamburg und Bremen sind leicht eliminierbar: (a) überdurchschnittliche Zunahme der abgegebenen Stimmen (n. aus der Wahlberechtigten), (b) Großstadtsituation ohne katholisches Meinungsmonopol, (c) hohe Anteile der KPD-Stimmen bei den Wahlen von 1953. Schaltet man die verschiedenen Zunahme der abgegebenen Stimmen aus, so zeigen sich kaum Unterschiede regionaler Art zwischen 1953 und 1957 und schon gar nicht etwaige Rückwirkungen der Beteiligung oder Nichtbeteiligung an Landesregerungen. Ich glaube auch nicht, daß die Verluste von Nov. 1956 bis Sept. 1957 in Hessen und NRW mit der SPD-Teilnahme an den Regierungen in Wiesbaden und Düsseldorf zusammenhängen. Viel eher würde ich annehmen, daß es sich um die Rückwanderung der CDU-Arbeiterwähler handelt, denen die ungarische Affäre eine panische Angst vor Wehrereien eingeflößt hat.

Wenn Sie weitere Zahlen und Namen finden, wäre ich für Überlassung dankbar.

In einer der Vorwärts-Listen, die ich von Ihnen hatte, war übrigens der Bremer Abgeordnete Bärtsch, der als "Leser" firmiert, in Wirklichkeit aber Redakteur des SPD-Blättchens in Bremen war, als in Köln zuständig angeführt. Solte es etwa die Welt der Arbeit bekommen haben??

Hirsch-Weber habe ich gesprochen und ihm meine Hauptpunkte auseinandergesetzt, die ihm Dordanis einleuchteten. Meiner Einschätzung der wahrscheinlichen ersten Reaktion von Stammer und Erdler stimmte es zu. Er will auf Stammer energisch einreden. Daraufhin habe ich beschlossen, einstweilen abzuwarten.

October 11, 1957

Dear Sir:

Your "second thought" in re Bauer was rather late in coming. It might have made some sense, within narrow confines, to go to work on B. so long as he had not yet been exposed to the views of his fellow publishers. If there had been as much as a modicum of interest in your suggestion, you would have heard from B. quite a while ago, or there would have been some reaction from Stammer to the messages (yours and mine) carried by Hirsch-Weber. The silence thus far is indicative of unanimous rejection. Anyway, I don't think that the election returns generated even as much restiveness and malaise within the SPD as came to the surface in 1953. My guess is that the party's high command^{now} would be less inclined than ever before to encourage the crystallization of ideas, opinions, emotions, let alone articulate political currents, which could possibly disturb the prevailing Friedhofsruhe. I have no idea what kind of a person Mr. Bauer is. But even if he were tight-lipped to the extreme rather than the normal type of ex-refugee gossip, the news of my burning interest in an ideological command position would not have remained a secret had I approached him with an effusive letter, and it is perhaps to the best for the SPD big shots to go on believing the rumors I launched some time ago to the effect that my sole remaining ambition in life was an Altenteil.

I spent some hours this week restudying your esteemed opus anent waning opposition. While I do not contest your facts, I find myself in thorough disagreement with your interpretation, even more so than I did while listening to your lecture. The root of the evil is in your genuinely Schmittian construct, which regards opposition as a paradoxon. I can't subscribe to that. Opposition in both its "classical" and ulterior expressions indicates a specific balance ~~and~~ of social forces with attendant division (or pseudo-division) or alternation of political power, a balance based on general acceptance of a minimum of parliamentary legality. (Pre-1914 socialists, "opposition of principle" to the capitalist system, did not oppose, but rather fought for the widening of, parliamentary legality; consequently, in your terms, they did not in any way constitute an opposition of principle.) The function of the opposition "waned" when the aforesaid balance is reduced to two more or less equally strong elements, a state of protracted equilibrium that calls for another form of division of power--your beloved Austrian example. The function of the opposition is rudimentary when forces not participating in the division of power are too insignificant to endanger the balance (e.g., the groups outside the ÖVP and the SPÖ in Austria). The function of the opposition must be suppressed when the non-participants willing to abolish parliamentary legality grow too strong to be contained with ^{the} rules of procedure (strong fascist or Stalinist groups, i.e., the only genuine "opposition of principle" that ever existed). The function of the opposition may be curtailed whenever there are more suitable means of preserving the balance (SPD Land governments in Adenauer's realm). All this, I dare say, calls for concrete analysis of specific socio-political situations rather than for construct-centered typology. I wished I could permit myself to take a few days off to write a counter-paper, but such luxury is not for unpaid research slaves.

Hommages respectueux!

Yours
A. H. G.

3662
⊕ Oddly enough, you leave out France altogether, although in your other writings you get examples and illustrations usually are drawn from French developments. Is it because the jewel-like Opposition functions fall well even in contemporary France?

November 19, 1957
WL-1513

Mr. A.R.L. Gurland
250 West 77th Street
New York 24, New York

Dear Mr. Gurland:

Recently I have had an opportunity to take another look at the part of the RAND study which you submitted to us some time ago. I was again struck by the value of the materials you have gathered and of the pertinence of your analysis. I regret exceedingly that you have not been able to complete the study as yet, but I have not yet given up hope that you will do so in the near future. Wgn't you let me know what the prospects are? Our Santa Monica office has written to me repeatedly that you have been at fault in not complying with some of the procedures that we have to follow in dealing with our consultants. In particular you have not submitted vouchers for a sum of \$155.28 which was advanced to you earlier this year. We must close the account before December 31. Will you therefore give your attention to this matter, either forwarding the vouchers as previously requested or returning the advance made to you.

Similarly, our Santa Monica office has not received the signed original and three copies of the contract which was sent to you. This ought to be addressed to Mr. J. S. King, Jr., The RAND Corporation, 1700 Main Street, Santa Monica, California.

With kindest regards,

Sincerely,

Hans Speier

C
O
P
Y

December 4, 1957

Cher Maître,

Je viens de finir studying your enigmatic observations on what you term "Legal Repression" (the term does not strike me as per-lucid, but as I have no way of knowing what it is that you are driving at, pending "aufgesparte conclusions," I'll have to leave it at that). Object vehemently to your beloved unhistorical, ahistorical and anti-historical approach in this particular connection. Am irked by your bland refusal to see that attempts at repressing militant democratic forces in the era of global fight for the democratization of the political order cannot be equated with legal repression of forces striving for the abolishment of the democratic order after the latter has been established. This is juristisches Fachbanausentum--or else a level of abstraction that does not make any sense anymore. I don't happen to be a partisan of Ausnahmegesetzgebung or an admirer of Art. 9, 2, 18 or 21 GG, but I can't see how one can deal with the problem of "legal repression" and disdainfully ignore the basic issue, viz., whether a democratic government system should or should not protect the right of individuals or groups of individuals to work towards the destruction of democratic foundations of individual freedom and freedom of association. As you refuse to be taken in by Communist faule Ausreden, there remains but one possible motivation of your souveräne-Verachtung der Grundfrage aller demokratischen Verankerung der Freiheitsrechte: Edel-nazismus schlimmster Sorte! Where your illustrious teacher would not dare to tread anymore, you of course are free to let the cat out of the bag. Perfunctory knee-bending vis-à-vis the British system of "Equality of Treatment" is no improvement on your basic attitude of indifference and evasion: where there is no problem, there are no crucial alternatives in how to solve it; it is easy to grant equal treatment to a foe who does not exist, but British "equality of treatment" hardly ever passed the test when the seditious foe claiming equal rights was an Indian Swaraj fighter, an Irish home rule man, or a Palestinian Jew (let alone an Afrikaander autonomist). Either you drop this pretense, or else you start looking at concrete historical situations. A secure democratic system that may not need any protective devices to suppress real or fictional domestic enemies will have a whole array of repressive scourges at its disposal when dealing with external or colonial foes: as they are not yet adult enough to govern themselves, they certainly cannot be considered citizens of a democracy and granted the rights and privileges to which only self-governing citizens have a philosophical claim. Protection is granted within the polis, not outside of it; he who is not a civis Romanus has to behave himself and keep his trap shut. (In the metropolis, where he can't do any harm, he may even shoot off his mouth, as mentioned in the asylum case: metropolitan Britain protected freedom of speech and association of non-citizens; their rantings were no skin of her nose.) Even within Tsarist Russia's ~~autokrat~~ system of overall repression, ethnic Russians enjoyed greater rights and privileges than subjugated Poles, Ukrainians, Georgians, etc. (Jews and Tatars, however, not suspected of staatenbildende Befähigung zu nationalem Eigendasein, were exempted from such special repression aiming at the separatist menace; Stalinist "anti-Jewishness" has at last accorded the Jews equal or preferential treatment as a separatist menace, so preferential in fact as to deny them Eigendasein because of the gravity of the separatist menace). What is involved is not majority or minority status, but the position inside or outside the comitas; as compared to the white

comitas of the "civilized" world, the South African Negroes naturally turn out to be a tiny minority. But the essential thing is that they are deemed immature children, minors, not cives Romani. Philosophically speaking, discrimination against colonial subjects is not any different from discrimination against subversive minorities. But in your terms--i.e., legal repression of full-fledged citizens because of deviationist political views--South African apartheid is a horse of a very different color. And Zusammenschmeißen of unrelated problems has never helped shed light on anything. Should you decide to give up your abstractionist hobby (why aren't you an admirer of surrealist painting?), you might gain some insight into presentday "legal repression" by contrasting (instead of juxtaposing) it with that pseudo-legal repression which absolutist or semi-absolutist governments tried in vain to apply to those who fought for more rather than less democratic legality. (This, however, would put your whole opposition-of-principle construct in dire jeopardy; so sorry--but that's exactly what unhistorical constructs deserve.) In this context I suggest that you should spend some time studying my grundlegende contribution, "Die Masse in ihrer Aktion," in Hessische Hochschulwochen für staatswissenschaftliche Fortbildung. 20. April bis 30. April 1954, Bad Wildungen, Bad Homburg/Berlin: Verlag Max Gehlen, 1955, pp. 23--52. (I have no spare copy, but if the stuff is not in Washington libraries, you won't have any difficulty getting it from the Hessische Staatskanzlei.)

Under the circumstances, to work in "substantive changes" à la Gurland without encroaching upon Kirchheimerian ambiance will not be easy. I'll try--but don't blame me if you should find, as a result, your Edelnazismus chopped to mincemeat. --- The paper Mrs. K. found is quite acceptable, but to leave a decent margin and then cut it off because Mr. Kirchheimer is too lazy to fold the manuscript in such a way as to make it fit the manila envelope is, to say the least, unzweckmäßig. It is also unzweckmäßig to use durcheinander British and American spelling, and it is reprehensible exploitation der Ware Arbeitskraft constantly to violate standard rules for quotations and source references. Such procedures impose additional burdens on the seller of said commodity, destroy his Arbeitsfreude and leave him raging helplessly whenever he cannot ~~remedy~~ remedy the situation, not having the mis-cited sources within easy reach.

Delay in getting to work on LR was due to the soussigné's being engaged in translation work. What translations? Soviet science of course, cela va sans dire (from foot and mouth disease to magnetodynamics). Boring, time-consuming and, as usual with government outfits, payment through channels with unconscionable delays; whatever I've done so far and will do in December will not be paid for until late in January; it will be a considerable sum by then, but what I am going to live on in the meantime is anybody's guess. And the constant guessing about the next buck does not exactly expedite the work.

Hertz has not phoned me--why should he? I got along with him fine in Berlin--he always respected Leistung, and business dealings with him are pleasantly sachlich. But since he has no business with me at the moment and we are not exactly in love with each other politically, why should he bother? However, I saw Alfred Nau, who now has union money at his disposal via Friedrich-Ebert-Stiftung; it would not be impossible, I feel, to do business with him. (He is not partial to the Erneuerer.) More important: Sturmthal is willing (or so he says) to provide "affiliation" or "sponsorship" to suit the Rockefeller Foundation. I saw Kenneth Thompson yesterday; he was more than willing to take the matter up again, and thought that there was a better chance

now to meet the requirements with a semi-affiliation. They have a new setup for "legal and political philosophy," where affiliation requirements are less rigorous. As things stand at the moment, Sturmtal and Thompson are to get together as soon as possible so that the unavoidable red-tape procedure may be initiated. Your efforts in re Thompson seem to be paying off. Also, your efforts in re Speier have yielded an unbelievable result--a letter in which S. says he read my junk once more and was again impressed, etc., etc., and could I tell him when he may get the rest. I'm going to write to him tomorrow. I am still not sure that he read the stuff, but obviously you succeeded in making him at least take a quick look at the manuscript, which is quite something!!!

Thanks for the Vorwärts story of the Fraktionsabstimmung, which seems to bear out my guess, namely, that the whole revirement was caused by Schoettle's Nicht-mehr-Mitspielen-Wollen. But what's behind that?

Schütz must have discovered that cheating the finance office of the Bundestag after all the exploits of scores of predecessors was not as easy as he had imagined; so far he has not called.

Are you familiar with the sheet Sozialistische Politik (4. Jahrgang!), verantwortlich Peter von Oertzen? Familiarly old-fashioned anti-imperialist stand gegen alle; security is nonsense; and genuine security will come only as the result of Verwandlung der Länder des Ostblocks in eine echte Arbeiterdemokratie und Ablösung des westlichen Kapitalismus durch eine [sic] sozialistische Gesellschaft. Lo and behold: die Luxemburgisten werden nicht alle...

Salutations respectueuses!

PS to LR

If you want to prove that "equality of treatment" is the safest way to minimize the threat of anti-democratic subversion, you would have to show how it works when Communist parties do constitute a "present and imminent danger." But since there is no such case -- so far equality of treatment in the face of serious Communist menace has always resulted in either the Communists' taking over or the fascists' getting there ahead of them -- your harping on the British case must by implication weaken your position. At best l'argument paraitraître caduc. And it still would not answer the question as to why detractors of the democratic process should be aided and abetted by the very democratic system they want to destroy.

I couldn't make out where you wanted the Marxian doctrine on legal points (what exactly did you think of?) elaborated. see no Aufhänger in either ASy or LR.

561 Dec 7, 1957

I do not think that a majority has
To me, the essence of democracy is in the protection of minority rights

Dear Sir and Anarcho-Brother

Thanks for the check, the more pleasant since it was utterly unexpected.

Thanks also for commendable elucidation of the intended meaning. Obviously, while constantly reproaching me for not writing ^{about} important things, you omit the important statements when writing on important matters. Chacun à sa neurose! Your piece most certainly does not read like an anarchist outcry against any kind of power but, like I said, as a cynical fascist spouting of venom and contempt in both directions -- hitting at both the ins and the down and outs, and blatantly ignoring the problem of defense of the democratic order. Your added apodictic comment to the effect that enemies have to be hit at in an emergency makes your position clearer to me but does not improve it logically or ideologically: (1) Who is to decide when there is danger (i.e., when the subversionists abandon chitchat and proceed to action), and by what criteria? (2) If the subversionists are strong enough to proceed to action, have they not already grown too strong to be repressed by legal means? (3) If legal discrimination against "Gegner der Grundordnung" is acceptable, where does that leave the Grundordnung, and (b) why not strike while the striking is cheap and easy?

If there was anything to discover in your piece beyond the statement that in berde stinken (democracy and its detractors), it was this: (1) So long as the subversives are weak, legal repression is unnecessary and can be dispensed with -- vide England; (2) Once they are so strong as to be dangerous, legal repression can no longer be put across -- vide Italy, France, pre-Nazi Germany; (3) In some cases legal repression does not do any harm -- vide Bundesrepublik -- though it would do no harm, either, to dispense with it (why? in what situations?)

I never said there was more of a problem in the US than in England. What I said was: you weaken your case if you emphasize the advantages of non-repression in a case where no repression is required, and omit to point this out. An intelligent reader would say: "England proves nothing, there just are no Comies there, and do show me a case where Comies are dangerous and where the danger can best be overcome by non-repression!" Less intelligent readers could argue that since the USSR considers the US the arch-enemy, the full striking power of Soviet espionage is directed against the US, and the maximum corrupting and fifth-column activity is deployed here; ergo, more of a danger than in England. One might add British democracy is more enlightened and less susceptible to pinhead contamination.

But this really is not the point. The point is: How does one deal with "subversion" at a stage at which it jeopardizes the very essence of democratic rule? And is not better for all concerned to nip subversion in the bud? These are the questions you have not answered, and which I can't answer for you. Perhaps I should call you an Edelnazi a few more times to make you commit yourself?

The editing is progressing satisfactorily. Salutations A.H.G.

PS I: My grundlegende contribution was a Vortrag recorded on tape -- I never got the transcript before the thing was printed, and just one volume of the Fachschriftenwerk thereafter.
PS II: Corrections to Chr. Dem. Arbeitskreis im Bundestag. (a) Es handelt sich tatsächlich um einen Mick, nicht Kadaver Fleisch, und ich cumuluieren. (b) Kaber, ist mir möglich wieder eingetallen, ist der Zentralsekretariat des Sozialistischen, also ein Adlatius von A.H.G.S.

How sapping of dem. Grund-
due time without in equality
to abandon my private brand
of anarchism
If you should try to show me
I am willing to be hit
of the members,
P.I. arrangements,
P.S.II. FDP-Fachlich-Adt-Edelblitz-Aus-
Kauf: own best for least damage in cases
Landtag, outside near utility water tower.

12-21-57

Cher Maître,

Les gémissements de votre âme martyrisée

demandent une petite

MISE AU POINT

(1) You have no one but yourself to blame. I warned you about possible consequences of my injecting my dissenting opinions into your impassioned pleas.

(2) No doubt, there are various approaches to and degrees of editorial treatment. When I had my hands on your union piece, the understanding was that Mrs. Lorwin would still go over it. Anyway, this was a piece for RAND; these people do their own editing, and there was not much sense in polishing a paper which they were going to put through their grinder no matter how it looked. Pieces for magazines again are different. If they don't like your flourishes or your penchant for tangential excursions, it's their business; also, a Sammelbesprechung does not have to have a thoroughly integrated structure.

(3) In the RAND union piece you acted as a reporter. The issues treated did ^{not} involve Kirchheimer in a controversy with Kirchheimer. The writing was relaxed, and not exaggeratedly intricate. The English was much better. (I told you in one of my last notes about supererogatory violation of the English language.) I've been warning you about the dire consequences of concentrating exclusively on German reading. Your relapse into Teutonisms, which are easy to eliminate, is not as bad as your relapse into German journalese, which I, for one,

I haven't read the Eastern staff yet, but the suggested "Integrated Justice" does not appeal to me -- too abstract; has about 1/2 the suggestions of the other "Justice under Orders" fellow.

refuse to consider genuine Kirchheimer style. Those rather (2)
silly and often offensive German clichés might be overlooked
in German writing, although they would hardly slip
through the screen of my editorial censorship, but they
are intolerable in English; of course, they may have
an exotic attraction to a fuzzy thinker and fuzzy writer
à la Barry Moore ("This odd foreign flavor has some-
thing nostalgic about it, old chap. I wonder how these
foreign chaps manage to stick to their quaint ways after
all this time in this country."), the same way Ramef's
phony French accent impresses Lower-East-Side Jews.

(4) I was under the impression that you were writing
a book (for various reasons you spelled out a while
ago -- not just because you got money to write one),
and while I'll let magazine editors worry about
their readers any time, I wouldn't see much point
in my editorial contribution to a book if I
didn't pay a great deal of attention to making
the material easily readable and not too hard to
understand. Your "opposition of principle" piece is
awfully hard reading -- not because of the content
but because of equivocal formulations (cf. Heiden-
heimer) and diffuse organization. This does not imply
that it lacks interest; because of the material dealt
with and the rather unusual approach, it certainly merits
greater attention than most of the stuff in the New
School Journal or in the Political Science Review -- even
a "mobster" can see that. And certainly you don't
expect this scholarly gentleman to see through the
superficiality of your constructs. The fact that a
piece startles Moores and mobsters doesn't mean
that it performs the function of guiding receptive

(6) My procedure usually is this: if I can easily follow your line of reasoning and see the connection between what precedes and what follows, I confine myself to straightening out grammar and structure of the sentence; if I cannot, I am impelled to conclude that the whole paragraph or a sequence of paragraphs is improperly structured and has to be reorganized in one way or another. ^{This} I take to be an adequate criterion -- for (a) I mostly have an idea of what you are talking about, (b) I usually know what side of the argument you are on, (c) I am familiar with other points of view and counter-arguments, and (e) even in purely legal matters I at least have an inkling of what could have been meant pro or con -- so if I can't follow, chances are that the majority of your readers won't be able to.

(7) I sometimes throw out terms or phrases which some of your readers -- guys à la Moore -- may cherish as particularly precious gems. An example from your letter which I referred to in yesterday's general comment on LR: "shadowy line." To me, a shadowy line, as I remarked yesterday, is an equivocal and, consequently, misleading and objectionable metaphor. To a fuzzy reader, it may be "wonderfully inspiring" as it evokes some associations not directly connected with the matter at hand, and permits the fuzzy mind to wander off on a stroll. But the essential point is that it does not convey what it was meant to convey. You may have thought I was just kidding or teasing you when I asked whether the line was hidden by a shadow or threw a shadow ~~on~~ itself. I assure you my questions were absolutely sincere, I had no idea at the time. Somehow, however,

Joseph Opatowicz from Washington
D.C.

the matter irked me, and the "shadowy line" kept crossing ⁽⁵⁾
my mind again and again long after I had posted the
letter. Finally, when the damn thing popped up
~~once more~~ ^{once more} while I was shaving today, I started going
over possible meanings of shadow and shade in a
more systematic way; at last, having exhausted all
English possibilities, I turned to German, and there
it hit me: *Vorfattaulinie*! Neither a line that
peacefully rests under a shadow nor one that bellig-
erently takes light away from its enemies, but
an almost non-existent entity, a line so faintly
drawn ~~was~~ to be well-nigh invisible. See what
I mean? Now, if this elf-like apparition had
been in a text I was editing, and it had struck
me as equivocal, I automatically (as I usually
do with formulations of yours which don't seem to
fit) would have translated it back into German
and gotten the meaning right away. I then prob-
ably would have tried to Anglicize the thing with
"a shadow of a line" or something of the kind,
would have found myself unable to fit it into
the structure of the sentence, and finally extermin-
ated it altogether. And you would have com-
plained about being eradicated mit Stumpf und
Stiel! *Qu'est-ce que vous voulez que je fasse avec
vous?*

(P) Kindly take into account that my predominant
occupation these days is translating. This brings
about full wartime mobilization of all purist
reserves I can marshal, including those which
under normal conditions are in a semidormant
state. You kill a rich few and get me enough money
so I can rid myself of translations, and I'll be
eradicated only the Stumpf, preserving the Stiel (and some-
times perhaps even the Stiel). Sdentators H.P.G.

P.S. Mr. Foster got me out of deep sleep on Saturday
(or was it Friday) and started talking about your stuff
as though he had read it, criticizing the absence of a
specific treatment of the maj/min relationships, and
praising your treatment of party developments. Though
I did not quite understand what the latter referred to,
I had no special reason to disagree, especially since I
still was half-awake. Then I woke up sufficiently
to wonder what he was talking about. A question or
two brought out the fact that he had not read the
MS. This, then, was the usual Foster fishing expedition,
auf die ich ja nun nicht mehr ganz so herein falle wie
früher. Since I still don't know whether F. was coming
from or going to Washington, I wouldn't be sur-
prised to learn that he talked to you before he had
seen me. Incidentally, he was here for all of ten
minutes. Otherwise, I don't see people to whom
I could talk about substantive matters of
your writing. But forgetting about all these peripheral
questions of fact: in whose eyes could my opinion of
your treatment of a Fachausprägung vor Fachleuten, die von
mir nie gehört haben, cause damage to you? The
few people who know me sufficiently to value my opinion
have enough Fachwissen to form their own views. As
a rule, my criticism would be a point in your favor --
it would prove that you are not quite as fanatical and
intolerant of conditions and ideas as I am reputed to be.

Und wo steht geschrieben, daß ich mich nicht mehr ganz so herein fallen lasse wie früher?
zu sein habe - muß aber ohne Nachdruck sein.
Meinung

December 31, 1957

Mister:

Just got pp. 81--86 of what you now refer to as "Integrated Justice." The last page I had was 77; pp. 78--80 are missing. I first thought you meant them to be earmarked for Grünspan (if that's the name; to my knowledge the fellow was ^aPolish national spelling his name the Polish way: Grynszpan; certainly not Gruenspan), but you now state the case "belongs in another context, discussion of trial as combat as against trial as pure propaganda" (I don't quite understand the distinction, but this does not matter at the moment). Where then are pp. 78--80? Don't forget about p. 4--I can't make head or tail of the Muhlhausen affair without it.

I don't like "Integrated Justice" at all; "Directed ..." would be better. After all you do mean something like "Gelenkte Justiz"--or don't you? "Integrated" would not express that in any way. There's nothing objectionable in the judicial powers' being integrated with society as a whole. The weak point of the whole thing is, however, that you use "Justice" for Justiz, which won't do. Justice will always have a connotation of Gerechtigkeit--unless you want to put it in quotes and use it ironically; my impression, however, in this case¹ that you would like very soberly to refer to Justiz in the sense of "administration of justice," and say that it is under government orders all the way. My suggestions are:

Harnessed "Justice" (with the ironical quotes)
Directed Administration of Justice (rather weak,
and evoking--not quite appropriately methinks--association
with "directed verdict")

Judiciary under Orders
Courts under Orders
Manipulated Law

May I direct your attention to the fact that I altered, without specific comment, the title of Legal Repression. "Deviations" seemed quite far-fetched since you don't deal with by-laws of the Communist Party, which may provide for legal machinery to suppress minor "deviations," but with genuine and avowed enemies of the established order; "deviations" in this context would make the discussion rather pointless.

It's your uncontested privilege to let Legal Repression run into a circulus vitiosus, but don't expect me to agree. Only in the case of a party representing a class whose ascent to and exercise of power would be intrinsically incompatible with the preservation of a democratic system would there be a vicious circle. As long as you don't trace the actual or potential mass existence of such a class to the prevailing socio-economic structure in toto, the vicious circle derives solely from your unwillingness to deal with the problem more specifically. You should be commended on the admission that "the line between action and propoganda" is "hard to recognize." If you were inclined to forget for a minute about the poor lambs of paid Commie officials on trial before US courts, and cons²idered for another minute to look at political reality, you'd be hard put to affirm the existence of such fictional separation. What then would be the specific acts to which the defendants should be pinned down? Why don't you break down and decide to be consistent? After all, what you've been longing to say all along was: No one should ever be prosecuted for

political acts (not constituting per se common crimes), no matter how much damage such acts might or did inflict upon the cohesion and stability of the democratic order. This of course could be referred to as the attitude of a reiner Tor, but at least would be consistent. Everything else is um den heißen Brei herumreden.

The dilemma, bei Lichte besehen, is on a far deeper level. Either you deal with the problems you discuss politically--then you have to take sides within the framework of political reality (which means that you cannot ignore basic changes in political structures that have come along with "Massendemokratie"), and become this ludicrous bogey of all Babbitts, a "crusader" (Kreuzfahrer--for your information--does not have the intended connotation); or you deal with them on the Einzerseits-Anderseits and vicious-circle level, sitting on a fence and viewing Gesetzmäßigkeiten, with only extravaganzas of stylistic exoticism and obscure language to distinguish you from your estimable colleagues, the "political scientists"--in which case my contribution would be contrary to your basic purpose; or else you decide to do in Rome like the Romans do, and while gladly assimilating the fence-sitting approach, unhappily and under duress adapt yourself to the necessity of speaking a language not necessarily putting obstacles into your readers' path. The choice is yours. But you have to make it, and you have to inform your wretch of an editorial assistant as to what it is going to be.

As for respectability and revolutionary justice, I don't exactly remember what turn I finally gave to your unhappy phrase; I vaguely recollect that I had a nuance there implying that the "many followers" wished their party to appear respectable, too; this, however, is, as far as I can remember, the only deviation from the thought you now express more articulately in your letter. Otherwise your letter seems to refer to my dissection of your original sentence, the meaning of which I think I had gotten correctly, except perhaps for your implication that the "followers" themselves saw a contradiction in their need to be held respectable while supporting a "revolutionary cause." And I still think that to them there was no contradiction in this attitude; but I certainly share your view that they must have felt relieved when they noticed (if they did) that the party had acceded to the views they (in my opinion) had held all along, viz., that there was nothing morally objectionable in their emotional pattern.

I have nothing against hunches, but why the hell can't hunches be expressed in a rational and logical way? I never said that law was logic; I may submit that it's a social phenomenon, which is more or less synonymous with Justice Holmes's "experience"; my quarrel is not with the latter, who had a quite logical way of expressing himself, but with you. Die Ausrede, daß man "Irrationales" nicht rational fassen kann, ist zu blödsinnig - von Ihnen geäußert -, als daß ich sie ernst nehmen könnte. Silvester ist leider nicht der 1. April. Mir wäre viel wohler, wenn ich über den Berg der nächsten Monate hinweg wäre. Da mein Gehirn auf hungrigen Magen und mit all den Zahlungssorgen, die unabwählbar sind, für neues Wissen auf dem Gebiete der theoretischen Physik, wie sich zeigt, nicht aufnahmefähig ist, wird auch aus den Übersetzungen nichts: da keiner bereit ist, mir den Dreimonatskredit zu geben, den ich dem US Government einräumen muß, kann ich es mir leider nicht leisten, die nötige Zeit in der Bibliothek zu sitzen und die Anwendung der Quantentheorie auf Magnetodynamik nicht bloß in philosophischer Abstraktion zu erahnen, sondern konkret so zu kapiieren, daß ich auch weiß, was die Leute in ihren einzelnen Sätzen aussagen; ohne das zu wissen, kann man leider nicht übersetzen (genauer: ich kann's nicht, - andere mögen's vielleicht schaffen, wenn auch deren Übersetzerei keinem was nutzen wird, was aber wiederum nicht ihre Sorge ist, - meine auch nicht, nur kann ich's halt nicht). Nichts desto weniger - SEASON'S GREETINGS!
TRLG

250 West 77 Street
New York City 24, N.Y.

January 2, 1958

Revered author:

Your fits of despondency don't in any way earn you my pity or com-
miseration--it's about time you discovered that production of major
opera is not undiluted pleasure, and more often than not is apt to
degenerate into sheer torture. Others, who have been berated by
you all along for refusing to consider such production a pleasur-
able and hypereasy pastime, have gotten used to being martyrs and
no longer complain. What have you got to beef about? Don't you
realize that you undergo said torture in the most favorable of
circumstances? Such as: you have a house to live in without having
to fear being locked out for non-payment of weekly rent; you don't
have to contend with noisemaking neighbors who literally don't let
you work; you have your meals when you want them, i.e., without
wondering whether you can afford to eat or whether you should save
the money for carfare and cigarettes, without having to ~~go out~~,
and without being poisoned with every second meal you ^{can} afford;
with substandard food you have plenty of money (unless you invest
the major part of your income in insurance premiums, which isn't
so bad, either); you write whatever you want to write about and
in whichever way pleases you (subject to my objections); you don't
give a damn of a hoot about readability, style and language; and
you have no deadline save a self-imposed one--after all, even if you
still had three chapters left to write by the time your leave were
up, who could prevent you from producing them in exactly the same
leisurely manner in which through the last two years you produced
a number of magazine pieces? So what's eating you? You know full
well that my so damnably depressing letters would not be written
if I were of the opinion that the opus as such did not make sense.
Have you come to doubt my ability to tell bullshit from a sensible
and meaningful product? Just say so!!! So was von Frechheit and
sheer, unadulterated gall!!! To put in your favorite Teutonic
English: you know what you can me... Or: why don't you let a posse
of dogcatchers get you? (I have no serious objection to said posse
although I'm quite sure there never was one, and that the simile
must seem rather phony to a native familiar with posses--but what's
so precious about it?)

January 11, 1958

Enclosed herewith are pp. 1--3, 4--10 and 31--40. Pp. 11--30 in
a separate envelope put at the very same moment in same mail chute.
"The Courts and the Public" took all of a week as a near-fulltime
chore. No reduction in the rewrite scope seems possible. With
ASYLUM I was willing to attribute the inappropriate extent of my
contribution to initiation pains and special resilience of the
subject; with LEGAL REPRESSION, there was always major disagreement
on essential points as an excuse of sorts. But with the DDR chap-
ter, there is neither an esoteric subject, nor is there noteworthy
disagreement. And still the immensity of the rewriting chore re-
mains. I have been trying to check myself a number of times, ex-
ploring possibilities of limiting my contribution to minor editori-
al corrections. It just doesn't work. Your writing--i.e., quite
obviously, your dictation (damn you)--does not become less diffuse
while the Teutonization of the language progresses far beyond the
minimum excusable on account of German sources and haste. To give

through all
American
history

Sir:

I am really sorry -- I could not know what figures to submit to illustrate your thesis, which is still based on TYPES, and at that types ill-defined, overlapping and having no bearing on political reality. Why are there, e.g., fewer "interest" representatives in labor parties, when the overwhelming majority of their legislators represent -- in affiliation, career background and outlook -- labor unions and social-insurance institutions? Either you have two kinds of "interests" in mind, of which I fail to see the differentiating characteristics, or else it just ain't so. Indubitably, there are more "pre-schweizer" community leaders in middle-class parties "people's party" style (what horrible and fallacious concept!) who certainly stand for interests of one kind or another but do not specifically represent interest organizations.

All your distinctions are so vaguely impressionistic that it is utterly impossible to apply them with a matching statistical frame of reference. The reason is, as you would say, twofold -- or, to be exact, there are two reasons for this strange result, which derive from different sources of fallacy, but somewhere converge and become entangled:

(a) Your love of types has all the attributes of true passion: it is emotional, it is blind, it is forgiving, and it does not reason. Your types are neither types of natural sciences (biology), for they are not characterized by clearly-defined combinations of features nor distinguished by cumulation of specific features and absence of others; nor are they historical types, which would have to be shown in their evolution in a developmental process. They are not historical-philosophical types à la Hegel subject to fulfilment in the process of Aufhebung; nor are they ideal types à la Max Weber, zugeordnet to a specific "historical situation" and defined in

April 1, 1958

Sir:

(1) This is the first installment of the MxM paper. No essentially dissenting opinion so far. I wish to draw your attention to the fact, however, that delivery (total) of 50 pages of this format should take about 1 1/2 hours. Is that the intention?

(2) Finally got a letter from Abendroth, Contents: (a) He had previously unsuccessfully applied for Rockefeller money for his outfit; therefore, Rockefeller was perfectly aware of the fact that he had neither the funds to hire me nor the legal status [??] to use money from private sources; (b) Unable to provide the document on his letter-head, he had spent all of a month trying to obtain it from other sources, without the faintest success; Teddy had been more than willing to oblige, but Maax had put his foot down -- for "political" reasons; (c) Terribly upset because of not being able to help, Teddy had put my name in nomination for Rüstow's succession in Heidelberg, and people were already busy concocting Gutachten; Teddy thought that chances in Heidelberg were better than in Marburg; Abendroth disagreed violently; (d) My prospective candidacy for Welt der Arbeit had been dropped for "racial" reasons in anticipation of unfavorable publicity.

How is your situation?
Maax is murderous and work-impeding.

(3) As I see no prospects whatever of making money here, I finally decided to accept an offer of long standing from Mr. Faedter and others to start a collection intended to provide a chunk of money sizable enough to take care of part of my most urgent commitments and permit my departure. As the offer was predicated on my willingness to take off right away, I have applied for a passport and tentatively booked passage (cheapest flight: Icelandic Air Lines; my travel agent insists that the cheapest boat accommodation would be only \$30 cheaper) for April 22. I wonder what the collection will yield, and how soon.

(4) "Political Trial" is in the works. You'll get all of it, or sizable installments, later this week. Having familiarized myself with the sources, I violently disagree with your view of Mr. Goebel. Not that it matters -- so long as you don't insist on Messrs. Powers, Taylor et al. being depicted as snow-white lambs. Undoubtedly, "Goebel's election law" was far more democratic than any they had had in Ky. Salutations, A.R.G.

terms of functions which they ought to perform. They certainly are not statistical or empirical types constructed by trial and error through elimination of overlappings; nor are they juridical types based on formalistic criteria. Essentially, they are children of your intuition, and mostly they remind me of Dietrich's flights of imagination, which may have had their inspirational uses but certainly were not susceptible of statistical validation.

(b) The deductive approach, which your types are meant to illustrate, makes sense to me only within the framework of a comprehensive analytical vista of history as a meaningful total process. I may not accept the interpretation but I will listen to its inner logic. As a fragmentary insight into one specific historical stage, deduction may be a pleasurable pastime, but it does not qualify as an analytical method. It is bound to be dilettantish journalism or Dialectic Ideology. You cannot expect me to tolerate as your product something which I would denounce most violently coming from others. Empirical approach en l'occurrence would require breakdown by occupational, functional or activity areas. Then you can separate categories of interests, but you cannot have half your people as "politicians" out- side of interests. To me, party officials are an interest group, and government officials is another, and teachers is a third, etc. The hitch, however, is that you have to select your categories from reality, not superimpose them upon empirical data. This in turn means that you can't have identical breakdowns for countries of different socio-historical and cultural patterns. But you can try, after you got all your statistics in under different classification systems, to build rather vague major categories comprising varying combinations of different basic groups. You cannot reverse the process. To sum it up, I can end up with generalizations, but I can't

put the generalizing process ahead of the fact-finding and fact-analyzing stage. ⁽³⁾
The point is not that your contentions cannot be proved; the point is that they defy proof because of the vagueness and malleability of your categories. In Marxian terms, what you do is neither Theorie (in the meaning of total analysis based on philosophically unequivocal historical concepts) nor is it Praxis (in terms of descriptive reproduction of relevant reality observed). I can't go along with this kind of Impressionism, nor do I want to have "credits" for condoning it. In fact, I am where I am because of having consistently refused to condone what to me is methodologically unsound. I'll not start now contributing towards making neglect of empirical and analytical requirements look empirically and analytically validated. If you want to state in footnote 7 on p. 15 that a more specific analysis of the legislators' areas of interest-centered activity will be forthcoming in a study of the parliamentary representation of West German parties undertaken for RAND by A. R. L. GURLEND, I will not object. But neither will I object to your changing the numbering of the footnotes and leaving this out altogether. I do object to your "types" -- while of course to construct them is your privilege as much as it is mine to wage war against your general involvement in typologies.

*The relevance of course drawn from Theorie.

Dixi
[offenbar bedarf meine Signaturseele der dazugehörigen
Wiederholung des SALVAVI] Yours, A. R. L.

6. April 1958

Mister:

Ich habe noch nie moralische Bedenken dagegen gehabt, daß man ein Thema, mit dem man nicht viel anfangen kann, so dreht, daß man das anbringen kann, ~~was~~ was man anbringen will, weil es halt unbedingt gesagt werden muß; ich habe auch nichts dagegen, daß man bei einem unergiebigem Thema den Beweis führt, daß, bevor man zu ihm etwas sagen könne, man unbedingt ein anderes behandeln müsse, und dann zum ursprünglichen überhaupt nicht mehr kommt. Daß man aber so tut, als ob man das gestellte Thema behandelte, in Wirklichkeit aber ein ganz anderes behandelt, es betrügerischerweise mit dem gestellten identifizierend, ä.h., es dafür unterschiebend, und daß man dann noch die Stirn hat, zu behaupten, das Thema habe historisch an Bedeutung radikal verloren, wo man dem Leser bzw. Zuhörer über das Thema in Wirklichkeit kein Wort gesagt hat: das ist ein Verfahren, dem gegenüber meine ursprüngliche Absicht, einige wohlgezielte Beschimpfungen anzubringen, als viel zu nachsichtig versagen muß. Und erzählen Sie mir nicht, daß Ihnen das alles unbewußt unterlaufen ist, denn ich habe Sie auf den Kern des Unterschleifes schon bei meinem Protest gegen Ihren höchst abwegigen Oppositionsartikel aufmerksam gemacht. Was Sie jetzt produzieren, ist nicht nur abwegig, sondern skandalös irreführend. Nun kann ich mir zwar einen Vers über Ihre Motive machen - das wirkliche Thema ist viel zu komplex, als daß es mit ein paar Generalisierungen passand erledigt werden könnte; rätselhaft bleibt mir aber Ihre Absicht; wen wollen Sie hinters Licht führen und warum? Cui bono? Falls Sie sich das noch nicht überlegt haben, wird es allmählich Zeit, daß Sie das tun.

Die Themenvertauschung ist schon bei Ihrem abgedroschenen österreichischen Beispiel offenkundig. Mit belanglosen Bemerkungen über die Zusammensetzung der regierenden Mehrheit ist über ihr Verhältnis zur oppositionellen Minderheit, über die Sie nicht das geringste verraten, gar nichts ausgesagt. Sie wissen ebensogut wie ich, daß die Chance der Opposition zu allen Zeiten darin bestanden hat, die Mehrheit auseinanderzumanövrieren. Im "klassischen" Modell ist das im 20. Jahrhundert nicht minder klar als im 19., wobei es eine untergeordnete Frage ist, ob die Mehrheit aus einer Partei oder aus mehreren besteht. Beim näheren Zusehen zeigen aber alle Ihre Beispiele, daß das bei allen Abweichungen vom klassischen Modell ebensosehr der Fall ist. Ich bin überzeugt davon, daß die SPÖ (heißt sie so?) sich an die Proporzkoalition mit Händen und Füßen klammert, weil sie Angst hat, daß ihr Absprung zu einem Bürgerblock - ÖVP plus faschistoide Minderheiten - und zu irgendeinem neuen Faschismus führen würde. Soweit ich sehen kann, ist auch die Gesamtstrategie der besagten Minderheiten genau auf dies Ziel abgestellt. Warum die ÖVP bei der Proporzkoalition bleibt, weiß ich nicht. Sind die Faschistoiden so antiklerikal, daß Interessen der Kirche bei einem Bürgerblock Schaden nehmen würden? Oder muß die ÖVP befürchten, daß ein Bürgerblock ihre katholischen Arbeiter zur SPÖ abtreiben würde? Ich weiß zuwenig über das Schlawinerland, als daß ich da konkrete Behauptungen aufstellen könnte. Aber offensichtlich ist doch jedenfalls das eine, daß die Kohäsion der regierenden Mehrheit von ihrem Verhältnis zur Minderheit bestimmt wird. Darüber sagen Sie nichts. Indessen ist der ganze österreichische Fall doch ~~ein~~ nur eine Illustration der möglichen allgemeineren These, daß die

Chance der Opposition, die Mehrheit auseinanderzutreiben, in besondersgearteten Situationen dadurch zunichte gemacht wird, daß die maximal heterogene Mehrheit zur maximalen Kohäsion gezwungen wird durch irgendeine gemeinsame Bedrohung. Frage: welche Art Bedrohung erzwingt die Kohäsion? Zweite Frage: was ist die besondere Artung der Situationen, in denen solches passiert? Dritte Frage: hat sich in bezug auf solche Situationen und den Zwang zur Kohäsion irgend etwas prinzipiell geändert seit den klassischen Zeiten des Me-Mi-Wechsels im 19. Jahrhundert? Das sind einige der Kernfragen, die zum Thema gehören. Sie haben Sie genauso übergangen wie das Thema selbst. C'est de l'escamotage bien trop visible, mon pauvre ami.

Sie reden dauernd von der ewigen Hoffnung der Minderheit, zur Mehrheit zu werden. Aber Ihre Vorstellungen darüber, wie das vor sich gehen kann, sind, soweit Ihrer nur aus Andeutungen bestehende Darstellung zu entnehmen ist, in reichlich unhistorischer Weise ausschließlich am Modell der Vorstellungen des fortschrittsgläubigen "zentristischen" Sozialismus der Zeit vor 1914 orientiert: wir nehmen unentwegt zu, die Gegner nehmen unentwegt ab, und eines Tages sind wir halt per Stimmzettel die Mehrheit. Es gibt in der historischen Erfahrung kaum Fälle eines solchen progressiven Umschlagens von Mi zu Me. Was dagegen in der historischen Erfahrung überwiegt, ist die Mehrheitsverschiebung im Parlament oder ein so einschneidender Zerfall des Me-Zusammenhalts, daß die nächsten Wahlen eine abrupte Verschiebung bringen (nicht die progressive des sozialistischen Modells). Bei der geringen Kohäsion der Parlamentsparteien des 19. Jahrhunderts konnte das leicht im Parlament selbst vor sich gehen, wobei es keine Rolle spielte, daß die ursprüngliche Me eine Partei war (die klassischen englischen Exempel). Bei festeren Parteibindungen werden abrupte Wahlverschiebungen häufig durch Parteispaltung im vorausgehenden Parlament eingeleitet. Was sich im Rahmen des klassischen Exempels heute abspielt, ist nur in der Form etwas anders. Leider sind Sie auf das Verhältnis Me:Mi und Mi:Me (nicht immer umkehrbar) im heutigen England überhaupt nicht eingegangen, obgleich das doch nach der Anlage Ihres paper Ihre erste Pflicht gewesen wäre. In groben Umrissen bin ich bereit, folgende Behauptungen aufzustellen: 1. Die Konservativen verlieren ihre Me-Position nur, wenn es Labour als Mi gelingt, durch Opposition im Parlament und Propaganda draußen den geistigen und moralischen Zusammenhalt der Konservativen so zu erschüttern, daß intellektuell open-minded jüngere Konservative - im wesentlichen aus dem Milieu, das man in England the educated classes nennt - eine Flucht aus dem konservativen Lager antreten. 2. Diese "socially conscious" Konservativen, die in Zukunft möglicherweise wieder anfangen werden, zu den Liberals abzuwandern, sind in der Zeit nach 1945, wenn sie einmal von den Conservatives weg waren, in der Regel bei Labour geblieben und nicht zurückgewandert; daher die immer wieder erneute Anziehungskraft, die Labour auf heranwachsende Conservatives ausübt. 3. Die Rückschläge, die Labour als Me zu verzeichnen gehabt hat, ergaben sich nicht aus dem Zurückfluten dieser neuen Anhänger, sondern aus dem Pendeln des wirklichen floating vote - uneducated and politically uncommitted Arbeiter und Kleinbürger (Frauen insbesondere) -, die von Labour dann leicht loszueisen sind, wenn die konservative Opposition als Mi es fertigbringt, den Zusammenhaltsgeist der Labour-Me psychologisch zu zersetzen: Bolschewistenschreck, austerität, disintegration of the Empire usw. Sowie bei der Labour-Führungsschicht

Was Ihr Typ (4) zum Thema beizutragen hat, liegt auf der Hand, und hier wäre die ganze Problematik des Themas leicht aufzurollen. Der Fall der Obstruktionsopposition, wenn sie stark ist, liefert ein charakteristisches Exempel der Situation, in der die Opposition die Kohäsion einer heterogenen Me erzwingt. Die theoretische Analyse sollte ergiebige Einsichten versprechen. Die Parallelanalyse zur Frage, warum die viel größere Gefährdung 1931 - 1933 in Deutschland diese Kohäsion nicht erzwingen^{hat}, steht auch aus. Man könnte auch sagen, daß "die Demokratie" einiges hinzugelernt hat: Heterogenität zu vergessen, wenn es um die Wurst geht, und nicht zimperlich zu sein in der Verhängung der Quarantäne über die Obstruktions saboteure. Ich kann mir vorstellen, daß diese "Erklärung" Sie nicht befriedigt. Sie provozieren Sie aber geradezu, indem Sie das eigentliche Thema hinwegskamotieren.

Was die letzten zehn Seiten des Manuskripts für Ihre eigene These tun sollen, ist mir nicht aufgegangen. Die eben angedeutete Schlußfolgerung drängt sich so stürmisch auf, daß keiner, der zuhört or liest, an ihr vorbeigehen kann. Irgendwie animieren Sie die Leute auch dazu - mit Ihren melancholischen Schlußbetrachtungen -, zu sagen, daß da sicher einiges in bezug auf Reinheit der Prinzipien nicht ganz in Ordnung sei, daß aber doch die gefundene Lösung die Gefahr abwendet und das demokratische Regime gerettet habe, ohne daß irgendwo sichtbarer Schaden entstanden sei; es sei also alles in schönster Butter, und nur allzu gewissenhafte Theorieinteressenten hätten Anlaß, Bauchschmerzen zu haben. Das ist doch wohl nicht gerade das, was Sie erreichen wollten? Sie haben aber wirklich unterlassen, den Schaden zu bezeichnen, den die Ausnahmebehandlung der KP dem "government" oder dem politischen System schlechthin zufügt. Der einzige Schaden, den Sie erwähnen, ist die Entstellung des reinen Proporz bei der arbitration of group and party claims; aber wo steht geschrieben, daß der reine Proporz unerlässlich ist für normale Funktionsverrichtung eines demokratischen Regierungssystems? Eine der unzähligen petitiones principii, von denen es in Ihrem Elaborat wimmelt.

Ganz und gar rätselhaft ist mir, wozu Sie den Theoriedünnschiff der rabulistischen Juden Bronstein und Bauer, der nie eine politische Bedeutung gehabt hat, heranziehen mußten, wo Sie doch selber explizit sagen, daß Sie eine ganz andere Situation im Auge haben. Ist das bewußte Gehirnverkleisterung oder nur Spielerei aus Langeweile? Zur Erhellung des Sachverhaltes trägt der Exkurs ganz bestimmt nicht bei. Er erklärt aber auch nicht, was Sie mit "negative balance" aussagen wollen. Wenn Sie mit balance, wie aus der Zusammenkleisterung der These mit den Theorien vom Gleichgewicht der Klassenkräfte folgen sollte, Gleichgewicht meinen, dann frage ich mich vergebens, was ein negatives Gleichgewicht ist. Ich kann ein labiles und ein stabiles, aber kein negatives; und wenn es eine Kurzformel für ein Gleichgewicht negativer Größen sein soll, ist es sinnlos, da es keine zwei negativen Größen sind, die bei Ihnen einander das Gleichgewicht halten. Falls Sie aber mit balance nicht Gleichgewicht, sondern

Bilanz meinen, dann wiederum ist das Bild schief. Eine negative Bilanz ist eine solche, die mit einem Verlust abschließt. Bei Ihnen steht aber ausdrücklich, daß das Übel "detracts" von beiden Seiten der Bilanz; d.h., die Bilanzsumme ist verringert, aber Passiva und Aktiva gleichen sich aus. Das ist keine negative Bilanz. Vermutlich meinen Sie in irgendeinem mir dunklen Sinne, daß die Bilanz der Demokratie mit einem Verlust abschließt. Wie aber schon vorhin gesagt, haben Sie es verabsäumt, mitzuteilen, worin der Verlust besteht.

Nun noch zu Ihren dramatischen Schlussätzen. Soweit ich Ihnen habe folgen können, meinen Sie mit "brakes on effectiveness" die Beschränkung der KP-Beteiligung ~~am~~ Gesamtkräfteausgleich, womit also das "effective" Ausbalancieren aller Komponenten gebremst ist. Ich habe nichts dagegen, daß ein solches Bild, wann ich's auch nicht für übermäßig plastisch halte, auf ~~ein~~ demokratische "political systems" angewendet wird. Aber:

1. Es ist mir unverständlich, wieso eine solche Einschränkung des demokratischen Spielraums ein Preis sein soll, der für die internationale Verlängerung oder Breitenwirkung der "political systems" gezahlt werden muß. Für meinen bornierten Verstand ist es viel eher der Preis, den die herrschenden Klassen in Frankreich und Italien dafür zahlen, daß ^{der} Anpassung der Wirtschaftsstruktur an das anderswo erreichte technische und organisatorische Niveau aus dem Wege gehen und damit die Lösung der Daseinsprobleme recht umfangreicher Bevölkerungsschichten verhindern. Die Rolle der KP als Agentur einer internationalen Macht ist ein akzessorisches Moment. Eine Art KP wäre in Frankreich und Italien auch ohne Moskau als Obstruktionsfaktor da (vielleicht als bobmbenschmeißender Syndikalismus).

2. Wenn besagte "brakes" den demokratischen Willensbildungsprozeß bremsen, so ist es idiotisch, von ihnen dort zu reden, wo es einen demokratischen Willensbildungsprozeß überhaupt nicht gibt. Zudem liegt Ihr "Trost" ja nicht darin, daß ebensolche Bremsen in ihrer both-ways-Wirkung den demokratischen Willensbildungsprozeß in der DDR, Polen und Ungarn gebremst haben, sondern daß dort der demokratische Willensbildungsprozeß durchgebrochen ist; er mag dabei irgendwelche Bremsen übergangen haben, aber doch sicher nicht dieselben, die ihn in demokratischen Ländern niederhalten; hätten sie ihn in richtiger both-ways-Wirkung gebremst, wäre es ja kein Trost. Der Trost ist doch offenbar, daß viel schlimmere Vergewaltigung des freien Kräfteausgleichs, als sie in Frankreich und Italien ohne Explosionen stattfindet, zu Explosionen führt, die dazu tendieren, die Freiheit des Kräfteausgleichs dort wiederherzustellen. Mich persönlich würde Erlangung der Freiheit in Budapest nicht über ihren Verlust in Paris und Rom hinwegtrösten. Wenn Sie aber einen Trost darin erblicken, daß sich Freiheit schlechthin, in abstracto nicht auf die Dauer unterdrücken läßt, dann sagen Sie es doch gottverdammnt in klaren Worten! Ich habe zwar die Vermutung, daß die Aufständischen im Osten nicht für die Freiheit der italienischen und französischen KP, das parlamentarische System in die Luft zu sprengen, gekämpft haben, aber wer bin ich, Ihnen Vorträge über politisches Verhalten vorzusetzen?

In ehrerbietiger Begrüßung



4-12-58

Maitre,

|| Ihre suggestions in re Vereinigung für die Wiss. von der Politik fallen nicht auf fruchtbarem Boden. Ich habe drei oder vier Jahre lang an all ihren Tagungen teilgenommen und dabei nicht erlebt, daß eine seriöse Diskussion stattgefunden oder jemand Interesse an geäußerten Meinungen gezeigt hätte. Nicht ein Gespräch außerhalb der Sitzungen hat sich je um die Tagungsthemen gedreht. Nicht ein einziges Mal hat sich einer der Teilnehmer über seine Arbeit geäußert oder sich für die Arbeit der anderen interessiert. Die Leute kamen hin als Vertreter von Regierungen und Universitäten und haben sich mit ihren Geschäften befaßt, die in der Regel mit pol. science nicht einmal administrativ etwas zu tun hatten. Die Leute kennen mich und haben sich mehrmals mit Entsetzen von meinen Bemerkungen um sachliche Diskussion abgewandt (außer natürlich solchen wie Brill, Alen Roth, Eckstein etc., aber auch die haben ihr Interesse nie auf Sitzungen zurückgegeben, - das gehört offenbar nicht zum guten Ton). Wen soll ich denn beimitrachten: v. d. Gableutz, Stammel, Josef Sternberger, Michael Freund, Grabowsky? Privat wird sich der eine oder andere mit mir unterhalten, - in Sitzungen werden meine Interventionen als unangebracht angesehen. Und da ich auch keinen Etatposten mehr verrete, würden sie vermutlich als völlig ungehörig empfunden werden. No, thank you. Mir-coen dienellik aufgefordert. (You did not have to live and deal with these sons-of-bitches for five years; I did.) Der Unterschied gegenüber amerikanischen Veranstaltungen dieser Art besteht darin, daß die amerikanischen, wie Sie sagen, racketeers wenigstens ein gewisses geschäftliches Interesse an work in process haben: teils in der Ebene der Konkurrenz, teils aus Angewiesensein auf die jeweils most new-fangled Arbeitstechnik, womit sich schon ein Mindestmaß an sachlichem Interesse ergibt. In Deutschland fällt beides weg, da die Herren ja nicht Leiter von Forschungsbetrieben sind, sondern normale deutsche Professoren, die höchstens den Unterrichtsbetrieb geschäftlich

In Ihren allgemeinen Empfehlungen kann ich mich in jeder Beziehung am Rand anmerken, das ist noch, wie Naturgegeben im Umgang mit multitudes galaktischer. Das Problem wird immer mit die als potential employed aufstrebenden Reizmittel (wird es im Einzelnen vorstellbar sein).

repräsentieren, in der Regel aber auch daran kein Interesse haben, weil die meisten keinerlei mobility-Abichten haben, sondern auf Lebenszeit da bleiben, wo sie sitzen, und über ihre ordinariate hinaus kaum denoch keine Energie haben. Einige schreiben irgend etwas, aber wirkliches Studium irgendeiner Disziplin nimmt sich keine, daher auch kein Bedürfnis nach Meetings- und Erfahrungsaustausch - und schon gar nicht auf einem Gebiete wie political science, das ihnen allen peripher ist. Wenn man Geld für Forschungen kriegen kann, nimmt man's, aber das bedeutet ja auch nur, daß der eine oder andere Herr mehr als einen Assistenten für seine private Arbeit beschäftigen kann, die nie zur Diskussion steht; oder man gibt einigen Doktoranden Stipendien, damit sie mit ihren wiederum völlig privaten Arbeiten schneller fertig werden, wenn sie wollen, ist das der Unterschied zwischen nicht entwickeltem Handwerkbetrieb und industriellem Interesse an rapid zunehmender Production und technischem Fortschritt. Die Illusion, daß man da an etwas ändern könnte, habe ich längst aufgegeben. Das einzige, womit man bei diesen Anschlüssen Einfluß ausüben kann, sind bessere Beziehungen, als sie sie haben. Damit kann ich gegenwärtig nicht dienen.

2/ Ihre sehr freundliche Aufforderung zum Müßiggang auf dem Landsitz weiß ich zu schätzen, ABER: a) ist mir nicht nach Müßiggang zuzumuten, sondern höchstens danach, arbeiten zu dürfen, ohne ständig durch Schnurrenkräfte aus der Fassung gebracht zu werden; b) solange ich kein Geld habe, um irgendein Faktotum wenigstens stundenweise anzustellen, das Mrs. G. zu essen bringt und sonstige Besorgungen erledigt, kann ich mich nicht wegrühen, - das ist eine sozusagen physische Tatsache, um die nicht herumgucken können ist; daher der etwas höhere Absparungsfinanzierungsbedarf, als durch Schuldenlast und Verpflichtung zur Ernährung des Nachwuchses gegeben wäre. Hat nichts mit irgendwelchen entwickelten persönlich-psychologischen Problemen zu tun, - man läuft gemeinhin nicht Menschen im hilflosen Zustande verrecken, auch wenn der Zustand a self-induced one wird nicht ausschließlich physisch-pathogene Natur sein mag (was aber auch immer subject to interpretation ist). Herrn Baeders Bemerkungen im bezugte Absparungsfinanzierung haben bis jetzt leider noch lange nicht das Gewicht, was minimal nötig ist. Vorläufig rede ich mir noch ein, daß es da...

Interimbegrüßungen! H. H. G.

Nein, Baeders hat den Fehler nicht erkannt, der hat sich durch selbst par-Managenetial
 erkennen, was er für by virtue of knowledge and brain and auch eigenen Ansporn hat.
 Leider gehen heute kaum noch mehr Gradualismus mit Vertikalität. Gerade im Handwerk, als es
 die mit Fortschritt, aber nicht als Kavalier, unpassant dem Leben. Sie haben wohl keine Baeders, als es
 13. 4.

Magischen kann ich Anruf. Anbei
 im Anschluss meines Briefes an Las Santa Monica - Opie.
 An base - will ich es schreiben, wenn mir wirklich noch die Fortsetzung des
 erwähnten Sammelkastens flücht.

18.4.58

Meister,

Ihr geehrtes Schreiben vom 16. verlangt offensichtlich eine Beantwortung, auch wenn ich mit dem nächsten Abschnitt des PolTr noch nicht fertig bin. Nun denn:

Ich weiß nicht, ob die Tätigkeit als Rechtswahrer je Ihr first choice professionally speaking gewesen ist und ob Ihnen das Milieu des Gerichtssaales sehr abgeht; ich erinnere mich nicht, je Äußerungen solcher Art von Ihnen vernommen zu haben; ich weiß aber immerhin, daß Sie seit 25 Jahren - ob in dem, ob in jenem job - immer dasselbe tun, nämlich Dinge studieren, die Ihnen interessant sind, und über sie in mehr oder weniger angenehmer äußerer Form etwas zu Papier bringen; außerdem weiß ich, daß Ihnen Unterrichten Spaß macht, wenn auch die Umstände, unter denen es stattfindet, Ihnen nicht unbedingt Spaß machen. Unter solchen Umständen einen "job concept" zu haben, wie Sie ihn für angemessen halten, ist kein Kunststück. Wären aber alle solche Betätigungen plötzlich zu Ende und würde Ihnen jemand anraten wollen, einen job etwa als Buchhalter oder Korrektor anzunehmen, dann möchte ich wissen, wie lange Ihr "job concept" standhalten würde.

Das aber ist die Situation, in der ich mich befinde, wenn man mir teaching jobs empfiehlt. Mein first choice war, ist und bleibt das Zeitungsgewerbe plus politisches Getriebe. I never missed a deadline, solange ich im Zeitungsgewerbe oder fürs Zeitungsgewerbe gearbeitet habe, was immerhin 18 Jahre waren, also genau die Hälfte meines Daseins als Erwerbsperson. Es gibt eine ganze Anzahl Betätigungen, die ich als second choice mehr oder weniger gern akzeptiere: office work jeder Art, drucktechnische jobs jeder Art, Übersetzen, sogar research (precisely in this order of preference), und ich habe mich zur Genüge Kopf gestellt in den letzten zwei Jahren, um etwas von dieser Art zu kriegen; es ist mir nicht gelungen (was mich nicht sonderlich wundert, da ich nach amerikanischen Maßstäben für solche Betätigungen entweder zu alt oder "overqualified" oder "lacking in experience" bin). Mich nun ausgerechnet auf etwas zu hetzen, was mir weder second noch third noch überhaupt ein choice, sondern in jeder Beziehung zuwider ist, ist ein völlig unrealistisches Unternehmen - genau wie wenn man Sie zum Buchhalter oder Korrektor oder copy typist machen wollte. Ich kann und werde nicht einsehen, wieso es irgendwelche Probleme löst, wenn man einen Menschen zwingen will, eine Arbeit zu übernehmen, vor der er sich schüttelt. Genau wie es keinen Sinn hat, mich zum Ladenverkäufer zu machen, weil ich zusammenklappe, wenn ich den ganzen Tag auf den Füßen sein muß, hat es auch keinen Sinn, mich zum teacher zu machen, weil das Resultat nur sein kann, daß ich eine Krankheit nach der anderen produziere und elendiglich zusammenkrache. Das hat nichts mit job concept zu tun, sondern nur damit, daß nicht jeder für jede Art Arbeit geschaffen ist. (Auch mit Eignungen hat das nichts zu tun; ich bestreite gar nicht, daß ich nicht der allerschlechtesten Dozent bin und es sogar mit den besseren aufnehmen, wenn - ja, wenn ich's durchhalten könnte; ich kann aber nicht durchhalten, weil mir diese Tätigkeit ein Greuel ist. Fangen Sie an, einen Menschen im Alter von 54 Jahren in basic things umzuerziehen?)

Mein job concept war immer, daß politische und publizistische Erwägungen allen anderen vorzuziehen haben. Das einzige Mal in meiner Karriere, wo ich von diesem job concept abgewichen bin, hat mich Schlamassel geendet und mich in meine gegenwärtige Misere hineingebracht. Damit meine ich meine Berliner Betätigung. Es war schon falsch, den job überhaupt zu übernehmen, weil alle meine normalen Überlegungen dagegen sprachen; ich habe ihn übernommen, weil ich des Wartens müde war und mir von einigen klugen Leuten einreden ließ, man müsse "erst einmal" eine Operationsbasis haben, das weitere würde sich schon ergeben. Es ging auch alles zwar nicht erfreulich, aber passabel, solange ich mir in meinen politischen Betätigungen keine Reserve auferlegte und auf Halten des Postens oder Einkommen pfiff. Dann habe ich mir aber nach meiner Amerika-Reise 1952 und nach dem Mißlingen aller Versuche, für die Institutoperationen eine amerikanische Finanzbasis zu schaffen, vorgenommen, die Position unbedingt zu halten und mir selbst um jeden Preis finanzielle Sicherheit auf ausreichendem Niveau zu verschaffen. Der erste Preis aber war, daß das Institut nicht durch meine politische oder publizistische Betätigung belastet oder gefährdet werden durfte. Ich legte also alle politischen Ämter nieder, zog mich aus dem politischen Getriebe zurück, stellte jegliche politische Schreib- oder Redetätigkeit ein und nahm einen erbitterten Gehaltskampf auf. Es verging kein Jahr, bevor ich wußte, daß ich mit dieser out-of-character-Operation restlos gescheitert war. Dem Institut und seinen Finanzen ist sie zwar sehr gut bekommen, wie erwartet, mich aber hat sie zugrunde gewirtschaftet. Daß ich im Herbst 1953 an einer harmlosen Lungenentzündung fast krepieret bin, hatte - das kann Ihnen mein Berliner Arzt bestätigen - keine physiologischen Gründe. Was danach kam, waren nur noch Rückzugsgefechte.

Nach diesem Debakel - das im Endeffekt natürlich auch ein finanzielles Debakel sein mußte - bleibe ich bei meinem eigenen job concept; weder nehme ich jobs, von denen ich weiß, daß ich sie nicht bewältigen kann, noch nehme ich solche, die mir die Schnauze verbinden; und in der Tendenz sind meine Bemühungen nur auf ein Ziel ausgerichtet: Einkommen aus dem, was mein Leisten ist: Presse oder politisches Gewerbe. Wenn es auf diese Tour nicht geht, dann geht es eben überhaupt nicht. Ich bin nicht so lebenshungrig, daß ich unbedingt jeden Tag meines restlichen Lebens mit schweren Darm- und Gallenstörungen psychogener Art verbringen müßte, gegen die kein medizinisches Kraut gewachsen ist.

Es wäre einfach hiraverbrannt, wenn ich unter soanen Umständen hierzulande bleiben und mich zu diesem Zweck um einen teaching job bemühen wollte. Entfalten Sie bitte keinerlei Initiativen in dieser Richtung. That's final.

Sicher habe ich nichts dagegen, die Umstände meines Wegwanderns günstiger zu gestalten. Jetzt hat mich einer meiner Gönner zu einem Herrn Slater (Ford Foundation, früher HICOG) gejagt, der mich wiederum auf Robert Bowie[Ⓢ] (Center of International Affairs, Harvard) hetzt, an den ich mit gleicher Post schreibe. Do you know anything about Bowie and his setup?

Salutations émuees

Ⓢausgesprachen mit Boy
(Public State Department)



4-22-58

Cher Maître,

Both your letters only got here this morning. The requested documents are enclosed herewith. (Couldn't you have used canceled checks?) I hope they impress your tax fellow.

In re Kentucky: I already wrote you to cut out whatever you thought would be too much. The excursion into Kentucky social history grew out of my urge to get a clearer picture of what had led up to the events of 1900. Of course there is a concrete tieup. You will not want to have your reader feel politics was nothing but a dirty squabble of racketeering politicians, but this is exactly the impression that obtains when things are left out which predetermined, for all parties concerned, a certain course of action. Even racketeers usually don't get themselves involved in criminal entanglements without a good reason. And the reasons which made Kentucky Democrats feel driven to the wall by the swelling tide of Republican votes were missing in your --rather involved--narrative. It was not without reason that the Democrats let themselves be steamrollered into nominating Goebel (who did not control the state machine), that the election law was passed, that the Republicans were furious about Gov. Bradley's being deprived of the chance to grab the election, and that the Dems' nerve in really making use of the election law to keep Taylor from succeeding Bradley infuriated them still more --to the shooting point. Also, the combination of the Republican hold on industrially advanced areas with the chance to levy an army of volunteers from the most backward corners of the state seemed to call for an explanation. The trouble with you is that you skip so many links and connecting lines as though you really believed, which you don't, that the reader knows what you know. I only can repeat something I said before about my criteria: if I fail to do understand the Zusammenhang, who will? And again it's nothing new that once in the process of reconstructing missing links I am inclined to do des Guten zuviel, and that it's up to you or a desirable Second Reader (e.g., Val Lorwin) to take out unnecessary embellishments.

What I fail to understand is your Bauchschmerz about a "secret author." After all, you don't mind using other people's research products once they are printed--why then is it a bad thing to avail yourself of unprinted fruits of research or cogitation done on your behalf? Did I ever tell you the story of why both Vorwärts and Leipziger Volkszeitung refused to review Das Heute der proletarischen Aktion? In both cases the scandalizing passages had been inserted by my first readers. All those in the know had a big laugh--not at the expense of the author victimized by his editorial advisers, but at the expense of the idiots who had been taken in. If you want to relax for half an hour, and if you have Faktoren der Machtbildung, I recommend that you reread my introductory piece there. If I should go into an analysis of pp. 9--27, I would not be able to tell you how much of the ideas therein expounded is my contribution, how much is Lange's, and how much Höxter's. (N. 29 on p. 21 was strictly ad usum Delphini, not for truth's sake--for truth en l'occurrence can never be established; if people acquire the habit of exchange-

ing ideas and half-cooked notions over a period of many years, how are you going to tell what is whose share? And who cares anyway?) You are a loony if you seriously harbor qualms about "credits" and "acknowledgments." I would have been happier if you had given me credit where it was due--e.g., in re Berlin institute; I trust you remember my insistence on a footnote in one of your Sammelbesprechungen, when you refused to contrast my accomplishments with the unedited olla petrida of Stammer's outfit. I don't give a hoot about credits where no cause is involved. What cause would be furthered by your acknowledgment of my contributions to historical backgrounds in one or the other of your chapters?

As for "economic determinism," that's a new accusation. I have been accused by late François le Grand of insisting too much on the primacy of empirical knowledge; at the other pole, late Höxter constantly reproached me for Hegelian tendencies; I was occasionally blamed for attributing too much weight to psychological factors. But to be charged with "economic determinism"! Well, either you mean my insistence on reducing political and ideological developments to underlying class structures--in that case, Cher Maître, "economic determinism" always has been my trademark, and I would have been derelict of duty if it had not been visible until now; or else you mean unjustified statements about direct causal links between politics and economics--then I'd have to request naming of specific instances. Most certainly I can't find any unjustified statements of this nature in either my comments on Maj & Min or the Goebel addenda. Should you by any chance refer to my remarks on the non-functioning of Ausgleich in 1933 as against presentday France and Italy, I submit that my views on the economic processes underlying the disintegration of Weimar and the difficulties of political integration in France and Italy have not changed in decades, and have at all times been quite emphatic. Is it ~~not~~ my fault that you did not read enough Gurland in his literarily more prolific younger days?

No news otherwise.

Salutations lettrées



cher maitre and future biographer, 22

unser Hauptunterschied duerfte darin bestehen, dass Sie ein Kreuzfahrer sind und ich ein ansatz zu einem bescheidenen Mann, der sich fuer allgemeine politische Gesetzlichkeiten interessiert, alle Ihre oft sehr guten Argumente sind auf das kommunistisch-antikommunistische dilemma zugeschnitten, aber z. Bsp ein kleines Beispiel, das 51. franzoesische Gesetz war dazu bestimmt both kommunisten and de Gaullist Abbruch zu tun und hat es auch getan, aus der gleichen sicht heraus ist die Frage des moeglicherweise als Selbsterhaltungswilligen notwendige Verbot einer maechtigen hostile organisation fuer mich gleichzeitig ein Problem, dass keine juristischen Mittel, falls diese Partei ein bestimmtes Interesse vertritt, verhindern koennen, dass mit dem Verbot automatisch eine Machtverschiebung nicht nur politischer, but sozialer Art passiert, die die Demokratie aufhebt, ich waere Ihnen dankbar wenn sie alles das geschichtlich wiederlegen koemten.

in der Opposition aus Prinzip bin ich nicht ueberzeugt, Ihre am Vorkrieg I gemessene auf Deutschland zugespitzte Betrachtung ist richtig, was die Erwartungen der SPD Mehrheit anbetraf, aber darum handelt es sich nicht, sondern darum, dass die beginnenden Arbeiterpartien sowohl aus Ihren Einstellungen heraus und aus der feindseligen Stellung der anderen Parteien heraus, aus dem politischen Spiel, Aenterverteilung, Mitspracherecht (auch wenn nicht formell durch konstitutionellem System ausgeschlossen waren, das hat mit der Frage der Mehrheit in der Zukunft nichts zu tun, da ich typology verfasse, muss ich auch die Moeglichkeit im Auge behalten, dass sich eine opposition of principle in das system hereinmauert, wie das bei den Gaullistischer Fall war und morgen bei Nenni der Fall sein kann, das haengt von vielen Faktoren ab.

mein Begriff der Revolution ist ein feldwald wiesebegriff, der sich auf jeden Umstaerz der bestehenden Verhaeltnisse bezieht, und sich nicht danach richtet ob nach meinem koordinatensystem die Revolution revolutionaeren Sinn hatte oder nicht

ich bin fuer Belehrung re Niedersachsen und Adenauer und die KP sehr dankbar, und moechte sehr bittend dass sie das in 2 Paragraphen formulieren, ich weiss nicht genug davon, ausserdem wie kann man den Adenauerschen dolus, der ja nie beweisbar ist, niederlegen, ich habe das Gefuehl, dass sie voellig recht haben, aber wie es sagen, die Hauptsache ist doch dabei, dass dies nicht die Faelle waren, auf die das Verbot ausgedehnt werden sollte

das ganze ist, wie Sie es mir in den ^{und} legen ein Paradox, das ich nicht losen kann, verbot ist moeglich wenn es nicht notwendig ist, wenn es notwendig ist ist es ueber schwer durchzufuehren und hier scheidet sich mich von Ihnen, es wird das durchgefuehrte Verbot nur in einer anderen Richtung genau dieselben Gefahren herauffuehren, die das Verbot beseitigen wollte, les extremes se touchent. das ist nicht katholisierende Romantik der Unaufhaltsamkeit ~~geraendertes~~ Boesen, sondern normale dialektik.

das Bild von England wird lyrisch und wie sie mit Recht sagen, das von US am Ende demagogisch. I do not think whether that will fit, but we leave that for the end. auf Seite 71 haben Sie jede eine meiner schoensten Stellen zu ~~Max~~ political science gemacht: what is wrong with the latter conforms to the disguised or open desire of many of their followers, for whom respectab and rev, change are seemingly incompatible, but simultaneous desires???????

ich sehe gerade, dass Sie auf S1 davon sprechen dass avoidance of risks was easy for CP, because of their temporary renunciation of head-on collisions. so far as I can see head on collision were necessary, as the workers just would not have followed the CP and rather then clothed their apolitic attitude in pure ostentationism.

I hope you will have less anzusetzen in the next section and do not forget am writing

Dear Sir,

As I pointed out to you on the phone I do not think your criticism was entirely justified neither in amplitude nor in violence. I do not want to provoke new arguments, but a decent paper. Therefore I direct your attention to changes here proposed and expect if possible amplification without spaceloss and amelioration. No, you are right as to the titles and ask you to suggest a more correct one, what I really deal with is more and less; parties, majorities and minorities - suggestions welcome.

Ihre Bemerkungen zur oesterreichischen Situation are written without adequate knowledge and therefore schief, the two opposition parties communists and extreme right have no influence on policies, except that the voters of the rightest party help the SPO against the Peoples party not christian party (this is important as the church has become more or less neutral in Austria and the socialists do everything in their power to keep it in good humor and neutrality) to get their candidate to the presidency through first the ~~xxx~~ Koehler now Schaerf, therefore your Bedrohungspsychologie plus Kohesionsabwegig, both parties see advantages in the present system, it just grew from bad contrary experience.

Ihrem Einwand on page 2, wo Sie sich ueber die Ursachen der Mehrheiterverschiebung auslassen, und den englischen Fall behandeln, habe ich nichts konkreteres hinzuzufuegen, Sie fragen nach den Gruenden des momentlichen Wechsels zwischen Majoritaet und Minoritaet, ich behandle its importance and meaning I propose the following addition to p 31 nach England Oesterreich und bevor der Typologie der Regierungsschemen;

Of course, the possibility much more frequent in the 19 century, that a parliamentary group might split, forcing the party to enter the next election - witness the labor party in 1931 - in a seriously weakened condition still exists, ~~drastically~~ especially if this split reveals serious cleavages on policies rather than personal jealousies and clashes of personalities. It must always be the endeavour of every party, whether in government or in opposition, to concentrate its endeavor to facilitate such developments in retard to powerful competitors or, what in the long run may be even more important, to direct its energy to make specific voter groups to switch their allegiance; the battle for maintenance of the cohesion of the government party or as the case may be the government coalition and the battle to dissolve this cohesion remains one of the major points of party strategy. If majority and

~~XXXXXXXXXXXXXXXXXXXX~~
minority ~~are~~ whatever the ~~changed~~ importance of majorities and m

2

The failure or success of such endeavours still determines the rise of the new and the disappearance of old majorities zur bloedsinnigen Typologie; ich schlage fuer Schweden auch dem ersten Satz ueber Konstanz der Majoritaetsverhaeltnisse vor: p34 What is the likelihood that this trend can be reversed? This would to some extent hinge on the possibility of the minority parties to wean away some groups ¹ presently in the fold of the majority party. AS the recent Swedish pension conflict has shown issues of such nature, do exist. In the absence of such developments there remain only the alternative of either a national coalition or continued reliance on the majority's sense of ~~justice~~ fair play combined with ~~the~~ the general playing down of party differences outside the area of major political decisions.

I draw your attention to the fact that none of the Scandinavian ~~Belgian~~ ~~Swiss~~ countries have a 3 party system, they all have one socialist party with 40-46% and communists not counted at least 3 other minority parties.

Belgium p35 Belgium presently presents the interesting case of a country working -small communist party excepted- under a

3 party system; leading to great variety of possible government formations. No party has so far developed a clearcut majority, though the Catholic party has consistently since the war gained a plurality of both votes and seats, consequence of the fact that whether in government or opposition it has so far always been able to prevent the

Socialists from detaching its considerable following among the Flemish

workers who are practising Catholics.

I am totally at a loss about your Ausfaelligkeit in regard to Germany

I do not say a word that the Socialists are not ausgeschlossen from

the government und das einzige was ich als Unterschied innerhalb

der Opposition sehe, ist dass sie nunmehr combined with FDP ausgeführt wird, aber ist sie dadurch stärker geworden, dadurch dass sie still more parlamentarische denn sozialopposition geworden wollen Sie darauf hinaus, wenn so bin gern bereit 2 formulierte hineinzunehmen, if you prepared to deliver.

ebenfalls at a loss in regard to the damage of the present Italian and French system, the mass clearly says that the ~~nichtverkennung~~ ^{berücksichtigt} Interessen, die sich in Wahlstimmen und Verwänden niederschlagen System Abbruch tut und seine Resultate verfeilscht siehe Algerien wollen sie mehr?? as to the other side of the coin, "was Sie erzwoogene Kohe end der ehetrognenen Parteien nennen, wie waere mit 48 " It would be interesting to speculate, why the at least equally great danger for the existence of the Weimar Republic teninf from the Nazi drive to power in 1932-33 did not produce similar reactions now witnessed in France and Italy. It may well be that ~~the disappearance~~ the joint influence of the lessening of social antagonisms and the very example of the possible effect of political heterogeneity in the face of a common adversary produced that very minimum of ~~social~~ cohesion which keeps the political machinery moving in the face of a powerful opposition of principle.

der Jude Bauer & Trotzki, when you are right you are right, the par is eliminated.

In principle verkennen Sie dass ich kiner These nachgehe except the two a) that the parties have done and are doing a service in integrating the ^{interest groups} ~~parties~~ in the public weal b) that their own foundation in populace is spurious 3) that majority and minority verstehen sich in a joint universe 4) that the existence of an opposition of principle of great envergure is regrettable and impeded communityfunctioning----

Schlussaetze; ij Gegensatz zu Ihnen glaube ich dass, falls die Sowjetunion ihre KPS aufgabe-irreal natuerlich obwohl Mgrcuse

See 10

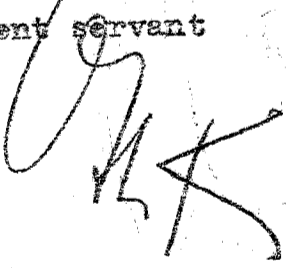
Dear AG,

Sie schweigen sich aus, es ist ein Geruecht im Umlauf, dass die Darmstadter Sache geklappt hat, ein anderes dass Sie aus privaten Gruenden haerherkaemen.

What happened to the socalled translationbusiness, you will meanwhile have got the copy and seen that there are innumerable mistakes-, counted about 40. some to the debit of of the Verlag and the socalled indexer, others on mine, also the first negative review by justice Douglas is available, he finds that I am unamerican, thant pis. what did you do with the fualstuff, i never saw the proof. but the Smendstuff looks halfway decent I asked Ehmke to send you the copy in which I entered some corrections of your translation starting on the-possibly mistaken premise that you are still in the translationbusiness (why did you not enloesen the cheque I sent you??

I have the socalled Frankfurtberufung pending, would you deputise for me in the winter terms when I am not around for some years to come, if you would manage to anser that letter within the next week your asneer might have an influence on my decision, therw woudl be an appreciable amogunt of money in it with my salutacionn respectueuses for themenage G

yours obident servant

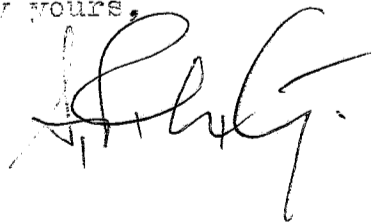


an issue of your incomplete or unsatisfactory replies to my footnote queries: (a) I was no longer in a hurry as no contract had been signed and no manuscript was expected to be delivered by the end of last year; (b) I had decided, several months ago, to come to the States for a number of weeks prior to the start of the Darmstadt summer term, and whatever savage fights loom on the horizon due to your vicious reluctance to provide the missing data, I prefer to carry to a victorious end by frontal person-to-person attack rather than be the victim of inconclusive, non-committal and disgustingly sneering remarks which you deign to put on paper in a scarcely legible way; you may expect to see me some time in February; (c) Having achieved the status of an easy-going coupon-clipping customer, I may have the time to do some source checking in New York libraries on my own. Without sharing your deep respect for superficially and sentimentally pedestrian Victor Hugo, I am fully and wholly determined to abstain from correcting said glory of French letters. However, I wish to inform you that votre ange envolée was aged 26 and a mother when she died in 1839; she had achieved some renown as a paintress and is to be held physically responsible for that line of Württemberg princelings which in our days has constantly been intermarrying with the other Orléans progeny, viz., the offspring of the Comte de Paris. Of course, I am sure you did not know that your selection of that fragrant quotation was due to your subconscious allegiance to the House of Württemberg. The marriage of your doux et frêle roseau to Alexander of Württemberg was engineered, incidentally, by his Coburg uncle, Léopold Ier, roi des Belges, beau-frère of the bride, and was part of the great Coburg world conquest scheme.

In my huge mountains of correspondence kept in abeyance, which are now coming up for review and adjudication, I found two checks of yours which I never cashed since I did not consider them well-earned and had no wish further to engage in piling up debts. Kindly tear them up manu propria, make a corresponding entry in your bank ledgers and be assured of my sincerest though sorrowfully belated thanks.

A bientôt,

Respectfully yours,



July 17 [1967]

Dear AG,

this is -as a pure matter of selfrespect-probably the last communication which I will adress to you in my or your lifetime. You may-as you seem to have done with dozens of preceeding ones- simply throw them into the wastepaperbasket. Should, you however, in the ^{few} lucida intervalla which even you must have, care to read this letter, it might convince you of the need to reestablish a pattern of rationality in your relations with me rather than continue to do me irreparable harm by sheer-from your interests- aimless Bosheit and joy in doing harm to somebody else.

I review the history of that Mss. Handed over to you in March : you asserted to have goen almost though it before your left, to get it back to me as a matter of weeks. With a letter in my possession of September 1958, the process of editing was terminated. I completely forget about the newly started chapter, which you an throw away, but only speak of the second half of the political trial chapter) and it only remained to be typed. Since then I sent you letters, telegrams, 2 intermediaries, telling you that I am completely uninterested in the typing job, but need-as I have no complete copy-the original Mss back at your earliest convenience without you ever caring to fulfill this legitimate request or even having the politeness to answer any of my communications. Your attitude has no rational basis, nor is the Bosheit und Gemeinheit of it grounded in any ^{fact} even hypothetical justification deriving from the history of your relations. If you go through the history of our relations since the early forties, it does not contain a single occurrence where I did you any harm, to the contrary, even must remember the countless occasions where I stood up for you, to help you to the best of my possibilities, seen in this light.

August 10, 1961

Lieber AG

Ich hoffe Sie haben meine Adresse erhalten.
OK Pension Haessig; Sopra Bolzano, Italien. Wir werden hier bis
inclusive 17. Post erhalten. Ich habe zwar Ihre Uebersetzung der
Einleitung noch nicht erhalten; bin aber voller Hoffnung.
Inliegend erhalten Sie the summary chapter zurueck.

Nun ergibt sich ein anderes Problem zu dem ich Ihr Hilfe
in Anspruch nehmen muss. Die Princeton Press verlangt von mir
releases beziehungsweise Zustimmung von allen fruerehen Teil:
Publikationen. Der Westdeutsche Verlag hat mir nie auf keine
diesbezugliche Bitte wegen dem Asylrechtartikels geantwortet.
Nun erinnere ich mich aber, dass der Westdeutsche Verlag diese
Sache nur fuer die Duesseldorfer Akademie deren genaueren Titel
Sie in der preface finden die Veroeffentlichung vorgenommen hat.
Ich habe nun keine Ahnung mehr wie der sozialdemokratische
Staatssekretaer und der Geschaeftsleiter dieses body's heissen
mag; aber vielleicht erinnert sich die gnaedige Frau die damals
zugegen war an den Namen. Ich lege deshalb einen weissen Bogen
mit meiner Unterschrift bei: koennten Sie also so nett sein
und dem Mann schreiben; dass der Westdeutsche Verlag auf meine A
Anfrage nicht geantwortet hat, dass es sich um Veroeffentlichung im Rah
Rahmen eines grossen Buches handelt? und dass selbstverstaendlich seine
werte Unternehmung in Vorwort dankend erwaeht ist.
Die Einverstaendniserklaerung sollte der Einfachheit halber mit
Luftpost an Miss Judy Walton, Princeton University Press, Princeton, N.J.

USA ergehen.

Mit besten Gruessen fuer heute

Frankfurt am Main¹⁰, August 13, 1961
Wertheimer Str. 20

Monique et Cher Mathe,

- ① About ten days ago I wrote to Benseler, saying (contrary to the truth) that I had the pageproofs, and suggesting that the agreement be signed and the advance transferred to my account. A reply did not reach me until yesterday. Suddenly everything has changed: now the book is much too long (no good book should exceed 300 pages), they cannot possibly pay more than DM 3,000 (instead of DM 3,600) for the translation, and the advance could not exceed DM 1,000 (instead of DM 1,500). He would have informed me much sooner, but he had been trying desperately to reach you and was afraid you might not have gotten any of his letters. Suggestion: ^{to postpone everything for another two months.} My answer (goes out by the same mail): I did not think that a book first appearing in the States should be published in Germany in a different version, for this would make the author a coward; you once had suggested omitting Asylum and Clemency, but I was opposed to it and would strongly advise you to make cuts of a topical nature; I would try to reach you but was not sure I could, and it seemed likely that you would remain incommunicado until mid-September; II normally, my minimum translation fee for a book this size would be DM 4,500; I only had agreed to DM 3,600 pour l'amour de Dieu, which involved a month's unpaid work, and could not possibly agree to less; if they did not now pay the agreed-upon advance, I could not start work until much later, when I no longer would be in a position to work fulltime and overtime on Political Justice, and this would cause adjournment some day as far as publication was concerned; III the agreement arrived at in Berlin should be renewed. I had had the ^{good} luck of securing the fulltime services of a typist August 15 through September 15, specifically for doing the Wertheimer book, but I could not have her at a later time;

I don't know whether this will do the trick, but it's worth trying. If Benseler cannot reach you, he will have to try to come to terms with me; this is why I should suggest that you actually become incommunicado; should Mr. B. not be amenable to reason, I would appeal to Dennis, who after all was extremely eager to have your Bourquin in his series and almost as eager to have me do the translation, so he would be spared any editorial work.

- ② A long letter from Faul: (a) because of some trouble with the printing shop, he would need the MS by mid-September; could be done! (b) cuts would please him, not because of the size, but so as to make the piece look different from the one appearing in Social Research; this ~~is~~ also is the reason why he would prefer "das silbergewicht der Kürzungen im ersten Abschnitt";

gymnal allegedly the Amnesty stuff "rührt stärker an die speziellen Gegenstände der politischen Wissenschaft". Your directive, however, was not to cut Amnesty disproportionately more than Amnesty. What do you want me to do? Ignore Faul's desiderata and make cuts in proportion to size? Or withdraw the stuff?

(3) I got the galley in an envelope bearing Mrs. Kirdheimer's handwriting. I have not gotten any pageproofs, nor did you return your revised version of the "Summing-Up" chapter. Where is the stuff???

Just got here with your packet 10 min. of August 14-61

(4) Herewith enclosed: Introduction as shortened to fit in with the objectives of a Festschrift. There are some opaque passages in the text, which need your very careful attention. I have the feeling that in some instances your overt meaning (and I'm not talking of hidden motives) eluded me altogether. Would you be so kind as to use the carbon copy for corrections or marginal comments and return same at your earliest convenience? Details:

(a) Die werden Carhen: for the last ten days I've been trying to get hold of a German Plutarch -- no soap. I'll find it in due time to take care of the MS for the books, but for the Spread document I suspect that you might skip it. I am not too happy with this quotation, anyway: either its meaning escapes ^{me} -- or I don't understand the passage in its entirety. To wit: according to your thesis, dissenters in history did not enjoy a "guaranteed sphere of impunity"; contending parties knew that the victor would command citizens' energies and loyalties. To adjust to this situation, without bothering about just causes, would in my view be an Epicurean attitude. Solon repeating this attitude of adjustment, would want citizens to attach themselves "to the juster cause" rather than to the victorious one. If so, then Solon was in bitter opposition to the historical trend you are talking about. So you cannot "put it" [whatever you were talking ^{about} before] "in terms of Plutarch's interpretation of Solon's ... efforts." If my interpretation is correct, then the sentence introducing the quotation should read: "This Epicurean version of man's political indifference already was a stone of contention to Solon, who, if Plutarch be right in his account, even made legislative efforts to combat it; he, as Plutarch has it, 'did not like ...'" Again, if this is correct, the sequel to the quotation should be: "But history was with those devoted to 'their private affairs' rather than with Solon. To the extent that political deviations were tolerated ...". Am I right -- or do I consistently misread something that should be obvious?

- (b) Wenn Mowmsen „Kardinaltheorem des Optimatenpartei“ richtig, wie so steht dann im englischen Text „cardinal theorem of the aristocratic party“? Es müßte heißen „cardinal theorem of the optimates party“ oder - ungenau - „cardinal theorem of the aristocrats' party“. Wem soll ich nun glauben: Ihrem englischen Text oder der ungläubigwürdigen Implikation, daß Sie doch noch in die Bibliothek gegangen sind und nachgesehen haben? I am afraid I have to warn you, Sir: I will not have the time to face the vexatious procedures of German libraries and check on quotations! (Regardless of what the Lichterhand people will be willing to pay.)
- (c) The denazification note was considerably shortened for Freund; full text will be restored for book (incl. Gimbel reference). The same goes for note on p. 14.
- (d) I don't know whether I got the idea on pp. 15 & 16. And what were assizes supposed to mean en l'occurrence?
- (e) In reference books at my disposal I found as the only paper mentioned in connection with Armand Carrel the National; but if you are right, it should be Constitutionnel, not Constitutional. Please determine which one it should be.
- (f) The Festschrift piece was in need of a finale. I tried my best in terms of a short sentence that would make sense without recourse to Catholic liturgy. It most certainly does not express my opinion, but it may -- or so I hope -- agree with yours. Or how else should "the device ... exist by its own wits"? Obviously, you did not intend to say that, by the wits of others, it was utterly and absolutely unjustifiable. So... By the way: though I have not yet read the main body of the book, my first impression is that you have become Americanized to the point of substituting a case study for a cohesive theoretical and historical analysis. This, as I said, is just my first impression, and, anyway, being primarily interested in empirical evidence, I personally would not object to this kind of Americanization. However, if I am right, I should suggest that it might be a good idea to concoct a preface to the German edition that would (a) emphasize the centering of the study on non-totalitarian regimes, and (b) explain the author's interest in types of cases in functional terms; this would fend off the typically German double-edged criticism, viz., from the left, because of the absence of a comprehensive theoretical analysis; and from the right, because of a journalistic juxtaposition of atypical cases to which more typical ones could be opposed. (My skepticism in re typologies is, as you know, a horse of a different color.)

- ⑤ A certain improvement in the table manners of young Gurland is discernible, owing to Mrs. Eichler's disciplinary attention, which may even be more severe than mine. Other improvements, however, seem to be long in coming.
- ⑥ The letter to the Arbeitsgemeinschaft für Fortbildung des Landes Nordrhein-Westfalen will be taken care of right away. I don't think that there will be any difficulty with Staatssekretär Leo Brandt; in fact, I had just advised Bensele to write to them as he, too, had been complaining about Middelhauser's ignoring his request for a release. If this should not work right away, I'll have another go at Oberregierungsrat Schröder, who acts as father to fathers.
- ⑦ It may be helpful to have another address of yours for the latter part of the month, in case there should be more serious problems with Ruchtershaus. During the next four weeks I count on doing rather extensive work on Political Justice -- even if Bensele should not come through with the advance, although in the latter case I won't be able to do as much as I had intended to do; resolving funds will have to be mobilized by doing some work for Illstein, which otherwise could wait for another two or three months.
- ⑧ I do not expect the rather hectic East Berlin situation to affect my time schedule; you never can tell, though, at what juncture I suddenly might feel compelled to take an utterly futile active part in public affairs.

Veuillez agréer, Monsieur et Cher Maître, l'expression de mes sentiments respectueusement distingués. Regards to Mrs. K. quoque.

Pax vobiscum

Alfred G.

P.S. in Gießen mit der Aufforderung befreundet mich nicht, obgleich ich glaube die Form mitgeteilt zu haben. Könnte man das nicht ein bisschen konkreter definieren oder erläutern? Oder sollte man nicht einen Hinweis von demselben Bundesrat erfinden können? Something in the neighborhood of Glaubhaftmachung (which of course is not the same thing)?

Frankfurt/Main 10, August 25, 1961
Wetheimer Str. 20

Dear Sir:

Acknowledging receipt of

(a) carbon of amended chapters with your esteemed notes but without a suggestion for a more easily understandable version of "Authentifizierung",

(b) parcel from Institut für Öffentliches Recht, containing, however, only a full set of galleys.

Regretfully missing

the pageproof shipment which, I conjecture, should have come from le dénommé Richard Schmid.

L'individu Benseles hat sich einstweilen damit herausgeredet, daß der Herr Verlagschef "wieder" für einige Wochen verreist sei. Ich werde nicht locker lassen. For your information: said Benseles asserted (when he called on me in Berlin) that Luchtershand already had dished out a sizable amount to obtain translation rights from Princeton U. Press. If this be true, you might have the Princeton people point out to Luchtershand that the contents of the German volume should conform to those of the American.

Aucune communication par téléphone ne m'est parvenue de votre part. Kindly keep me au courant de vos further peregrinations.

Salutations empreintes

August 30, 1961

Dear Gurland:

Sorry that I was so kurzangebunden on the Telephon, but it was no use to waste money on inter-country phone calls on a clear cut issue. The galley you got from Freiburg which go up to page 349 is pageproof. Princeton University Press seems to put that two pages on one sheet. I just got in the same form the rest from page 350 to 436. I assume you still will get one set from Richard Schmid which, however according to my calculation should be galley not page proof. You are urged to send, in about two to three weeks, at least the galley back to me to Washington, as I have no copy whatsoever in my possession. I shall ask Princeton to send you another set of pageproof page 349 to 436. The copy I have will have to go back to Princeton day after tomorrow.

As regards authentifizierung I did not change it in the Text of the Festschrift. On the other hand, there is one change to be made on page 25 for reasons of academic politics, the word "Freund-Feind Beziehungen" has been obliterated und "Kontrastbeziehungen" has been substituted.

What do you want me to do about Benzeler? Tell him that I wash my hands of the whole business unless he prints the whole book? Of course, Princeton has no influence on him, as they sold the rights outright. What about writing a little note to Hennis at his Hannover adress: Auf der Limbruecke 41.

What about the Paul story? Westdeutscher Verlag has meanwhile seen fit to give his agreement to asylum reprinting. I do not yet know my itinerary, shall leave here in 2 or 3 days but mail should again reach me here at the latest round the 20th of September. I shall be back home October 2nd.

Salutations,

I enclose also for your benefit the page containing the one major change which ~~is~~ I made in pageproof. Please keep this page readily available for me, as I have no other copy of it.

Otto Kirchheimer
c/o David
49 Ave de la Republique
Neauphle le Chateau, S et O
France

August 30, 1961

Herrn Professor Ulrich Scheuner
Institut fuer Voelkerrecht
Universitaet Bonn
Bonn
Allemagne

Sehr verehrter Herr Scheuner:

Besten Dank fuer Ihre beiden Briefe vom 23. und 25. August. Ich bin sehr froh dass Sie auf die Stelle auf Seite 25 gestossen sind. Ich haette sie fast selbst aus aehnlichen Erwaegungen geaendert und bin natuerlich voellig damit einverstanden wenn Sie stattdessen "Kontrastbeziehungen" einfuegen.

Was meine Adresse wegen der Korrektur anbetrifft, so fahre ich in 2 bis 3 Tagen hier weg, komme aber um den 20. September herum noch einmal fuer ca 10 Tage hierher. Nach dem 2. Oktober bin ich dann wieder ueber meine Heimatadresse in Washington zu erreichen.

Mit dem besten Dank fuer das Interesse das Sie der Arbeit angedeihen lassen, verbleibe ich mit freundlichen Empfehlungen,

Ihr sehr ergebener,

Wertheimer Strasse 20
Frankfurt am Main 10

Le 26 septembre 1961

Monsieur et Cher Maître,

Le dénommé Benseler étant parti en vacances pour le mois de septembre, la signature du contrat (et le paiement des arrhes qui s'ensuit) a été remise jusqu'au début du mois d'octobre. Selon les dernières nouvelles reçues de la part du personnage ci-devant, le chef de la Maison Luchterhand ne s'oppose plus à la publication de votre oeuvre en son entièreté, ce qui signifie qu'il ne sera plus nécessaire d'adopter une stratégie spéciale pour le convaincre. I do hope this is final, but of course you never can tell.

Was den dénommé Paul betrifft, so hat ^{er} wunschgemäß vor einigen Tagen schon das Manuskript bekommen, wovon hier ein Durchschlag beiliegt, und hat sich vor Rührung nicht zu fassen wissen. Ob Sie ebenso gerührt sind wie dieser Jüngling, remains to be seen. It goes without saying that Chapter X without cuts was much more voluminous than you thought it was. I cut about 20 to 25 percent to get it down to the size of the enclosure, which (enclosure as well as size) is all right with Mr. Lazy. Hopefully (to put it in JFK's ungrammatical English--wie kommt er bloß dazu?) you will not start revising this piece d'emblée.

Apart from these favorable business items, I am seething with fury atque helpless rage. Your assurance that there would not be any quotations either in the text or in the notes which I would have to spend unconscionable time on finding the originals of, was already given the lie in Introduction and Conclusion, yet the Zumutung implicit in this respect in Chapter X is just le comble!!! I have to give you a fair warning: I am not going to roam the libraries in order to find any originals or German standard translations (you did not expect me to start preparing a new German Shakespeare translation, did you?). This means: if the precedent of Chapter X should go on recurring in all other chapters, you'll have the choice: either to provide the original or to see the quotations mercilessly sacrificed. The same goes for incomplete citations. On 3 separate sheets, you will find my monita in re Chapter X, which will leave you plenty of time to supply what's missing. Should you fail to do so, the footnotes showing such lacunae will have to be cut in the book version just as they were cut in the Paul version. Perhaps some of these things were corrected in pageproof, but of Chapter X I had only uncorrected versions of galleys. (By the way, only one set of galleys is complete; in the second, appendices are missing; pageproof, which finally arrived, about ten days ago, ends with p. 347, as you might remember. The Luchterhand people want a complete set before they sign; I will have to give them the only complete galley set, so please see to it that I get the rest of the pageproof ^{quam celerrime}.)

* Including -- highly important -- the index!

From the Paul version I omitted the Debs story: not only to make the Paul piece look different from the one in Social Research, but also for an inhaltlich-sachliche reason. Since your contention is that the release was ordered for political convenience ("effect on others"), would it not be advisable to support this by a quotation from Daugherty (instead, e.g., of quoting his opinion of Debs)? As it stands now, you adduce a number of sources to corroborate other points, but your main point stands unsupported by evidence.

Hurried greetings, Yours, A.P.G.

The two sheets with that minute corrections you'll have to mail to your filer giving address after having transferred them to my galley set. Thus far I just have not been able to spare the time to do so. Give my regrets to Mrs. and Mrs. I don't

By the time you get home I hope you will have the book or another set of proofs, so I won't have to mail the book to Max...

Oct 28 [1907]

Dear Ag,

no news from you in contrast to Mr Schuette who invited me to t
Carlo's colleague. What about Darmstadt???

included please find what I had promised to look up, damn you it
took hours which I did not have.

Got unpleasant letter from Scheuner re the Smend Festschrift par
due to an intervention of the pp Hennis, who never wrote me a line
You will see from the attached copies my reactions to it. I do not
whether as arranged between us you had talked to Benseler already
remark in the letter to Ehme is the truth, difficulties from his
result in my disinterest in the particulars of the German edition
~~at the moment at these other jobs and would~~
to work very hard
~~delighted~~ delighted to wash my hands of the translation business
gets more complicated through the threat of a possible Spanish
I hope you will take time out of your various occupations and pr
tions and address the undersigned one of these signs of life which
cherishes since time immemorial yours obedient servant

Frankfurt am Main 10
Wertheimer Str. 30, Tel.: 88 88 89

January 30, 1962

Dear Educator and Author:

While various more or less obnoxious denizens of this part of the world constantly quiz me as to your dishonorable intentions vis-a-vis the Johann Wolfgang von Goethe establishment of this city, I in turn feel morally incapacitated and intellectually debilitated as a result of (a) having been saddled with the corresponding honor and onus at the Darmstadt manager-manufacturing plant (the appointment to come through by March 1, without loss of citizenship), and (b) dealing with the cutthroat textbook factory of Messrs. Luchterhand of Neuwied on the Rhine, which has turned out to be the cheapest, pettiest and silliest institution of its kind I thus far have encountered in this cheapest, pettiest and silliest of all God-forsaken countries. Whereas I have no intention of annoying you with a recital of all the foolish jewing-down procedures with which the Neuwied horse-traders have been trying to delay the signing of a contract (obviously for the sole purpose of saving a few D-marks interest on the advance they would have had to dish out had they signed in time), you may (if you should feel like obfuscating your esteemed brain) take a look at the enclosed carbon of my latest missive to the naively dedicated, Brecht-admiring, business-wise uninitiated Benseler youngster. The long and short of it is that while I am quite willing to go on with the translation and finish it some time in mid-year, I will not have any further dealings with the Luchterhand people unless they sign up on my terms, which I do not expect them to do. (Fools that they are, they still don't seem to realize that they would have saved money and gotten a finished manuscript by now had they stuck to the original agreement and come through with contract and advance by early August last.) What I propose to do is forget about the contract, finish the job and deliver the manuscript to you for further action. Whatever you would get out of these bastards as a translation fee for person or persons unknown would be all right with me, for two reasons: (a) This job is not a money-making proposition, anyway, and could not possibly be one within the framework of the Hennis Series; (b) I no longer depend for my living expenses on publishers' fees and advances, having finally become a beneficiary of the restitution cornucopia (not counting the proceeds of the academic racket at the annual rate of some six-thousand bucks, thanks to the unexpected generosity of the nobilitated ministerial dame, in memoriam Hermanni Ludovici Brillii, I presume). My one and only condition would be that my name be obliterated from all exchanges of documents with the Luchterhand people as well as from the back of the book's title page (which I would have suggested in any case, as I already refused to have the contract stipulate its presence there). I informed le dénommé Hennis of my intentions, as herein stated, which I of course did not reveal to the Benseler kid, and you may be hearing from him officially in the near future. (Unless the Luchterhand people decide to eat crow and reverse themselves.)

I had seen no point in informing you currently on the progress or, more exactly, the retrogressive movement of such proceedings; it was enough for me to be bored stiff. All your other desiderata (Paul, Smend, reprint or prepublication permits, etc.) were duly taken care of or took care of themselves without necessitating any protracted overseas correspondence. I refrained from making

Febr.4 1962

Dear AG

Many thanks for your letter. As you announce your impending arrival there is no need for detailed correspondence. I surely will try to oblige you as much as I can in regard to your juchterhand relations, but you cant ask me to hide the fact completely that you did the translation. I saw already in the Zeitschrift fuer Politik Uebersetzung, which, incidentally, I found excellently done, to my discomfort, that you left out your name. Are you ashamed to associate with me? We surely can find a form agreeable to you, but you cannot ask me to pretend to things which I have not done.

My sincere congratulations to your newfangled professorship and your newly found loisirs. Unfortunately I have none and you must take that into consideration in re translation pursuits.
A bientot

March 5, 1962

Dear AG

I had hoped to hear from you sometime in February by coup de telephone, but nothing transpired. Somehow people start to laugh at me in re German translation and Gurland. As my reviews except for one isolated leftwingershow complete lack of understanding and often bad will to match - I am somehow angewiesen on the German translation, which now since the public discussion on political justice (see last issue of Die Zeit) would find interest galore. So far as I can understand you hauen yourself herum with the publisher on what cannot be more than round \$ 200. At the same time you sent me back a check of \$ 100 - meaning - that the Herumhauen must be more a matter of your famous principles which in this case geschieht auf meinem Ryecken. Suppose I pay the difference? in order to get you moving and have a book late this year? I wonder whether you could be moved to give me an answer?

Yours as ever

PS my Frankfurt business, after which you ask is still way up in the air, and I have no idea whether anything will come out of it as it seems to be that Mrs.V.Bila proposes and the finance minister disposes.

May 5, 1962

Dear AG

Thanks for your book, brilliant and informative as usual. I requested some space from the Political Science Review, to draw the readers' attention to it.

I was both glad and amused to see your *Abschlachtung* of Castellan. It was well earned and overdue. Thanks for your kind words on my *Political Justice*. Many seem to hate my guts but there are other voices too. I

I am sorry that you won't go to Yale which would have given me a chance to see you occasionally. I shall be in Europe for 6-8 weeks from end of July to beginning of Sept. How long will you be around in Paris? And where will you be in August.

I just turned down the new Frankfurt Professorship for Political Science as colleague of Carlo Schmid. Being much less versatile than you, I could not see how I could manage two full-time jobs, Columbia and Frankfurt, at the same time.

x My kind regards and hoping to see you -

yours, as ever -

May 19, 1962

Dear AG:

Thanks for your kind note. I am beginning to believe that you like the book. But I must protest against your saying that it would make your book on epurations unnecessary. I barely scratched the surface.

Gurland is preparing the German translation for Luchterhand, but God knows when he will ever get through with it. He is first rate, but has his own timetable. Unnecessary to say, that I would be ravi if somebody would be interested in a French translation. The American Politicâ Science Review has given me space for your book, but I wuld never do justice to it because they dont grant morethan 400-500 words for a foreign language book., and, though I am a member of the editorial board, I have completely failed to convince them that their system of reviewing is assinine and they should adopt the style of your own publication.

I have taken down your summer adresses. As it looks now, I shall be in Paris in the third week of September, but there might be changes and I might still show up in one of the other places.

I liked your VonderHejke story very much. What an idea to become his colleague!

With best regards, as ever,

your s

May 2nd, 1963.

Mr. Roland Watts
Usonia
Pleasantville, N.Y.

Dear Mr. Watts:

Following my note of this afternoon I am sending you the main part of my letter to Mr. Gurland which explains the points covered by Mr. Blevens, of the Passport Division. I will try to convince Mr. Custadt to write a supporting letter and, obviously, I shall write one myself.

With best regards,

Sincerely yours,

Workers Defense League



ALCONQUIN
4-4953

112 East 19th Street, New York 3, N. Y.

May 3, 1963

Prof. Otto Kirchheimer
St. Marc Arm Hotel
504 West 112th Street
New York 25, N. Y.

Dear Professor Kirchheimer:

Thank you very much for your seeing Mr. ^{Blevins} ~~Blevins~~ in Washington on Professor Gurland's behalf and for your note reporting your conversation to me.

I spoke to Mr. ^{Blevins} ~~Blevins~~ today and he more or less confirmed what you had said, that is, that a favorable determination made on the evidence we submit over the next several weeks will be retroactive. In the meantime, Professor Gurland will remain in Europe after May 6th at his own risk, (which, of course, he was prepared to risk). In effect we have secured an extension without it actually being called that because any adverse decision would not have induced Professor Gurland to return at this time.

Mr. ^{Blevins} ~~Blevins~~ emphasised to me that the important documentation that we need to supply is "how" Professor Gurland's continued residence abroad at this time "contributes in a direct and substantial way to the wealth, prestige or security of the United States" "by reason of his employment, position, standing, prestige, influence or associations." I appreciate your continuing endeavors on Professor Gurland's behalf and would appreciate any suggestions you can make to me as to persons in the academic community that I should seek an affidavit from.

Sincerely,

Rowland Watts
Rowland Watts
President

RW/vh

Messing
Marc
to be recalled.
Al

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Leon Schachter
Myer Schapiro
Benjamin Segal
Clarence Senior
Brendan Sexton
Francis Shane
Horace Sheffield
Boris Shistikin
Ralph Showalter
Paul Sifton
Hans Simons
Michael Sovern
Edward Sparling
Clyde Summers
Celia Vice
Roy Wilkins
Jerry Wurf
James Youngdahl
Arnold S. Zander

May 2nd, 1963

Dear AG:

I went today to see the passport Division lawyer who is handling your file: Mr. Blevens. So far your file contains only the letter of your New York agent and your own affidavit. On this basis the Department can, as Mr. Blevens explained to me, take no action, at least no favorable action. Before any decision can be reached supporting statements have to be submitted. In order to give you time to submit such statements a decision will not be rendered for a minimum of two months or a maximum of 10 to eleven weeks. However, Mr. Blevens pointed out to me at least twice that no passport will be issued to you during that period and that if the decision should be negative it would run as of the date of expiration of your passport

So far as the legal basis is concerned Mr. Blevens was rather unenthusiastic about the possibility of applying section 354 (2 B) "engaged in research which .. is directly and substantially beneficial to the United States" to your German work in behalf of the translation of Political Justice. He saw the only possibility in alinea (C) of the same section "engaging in such work or activities under such unique or unusual circumstances.... to be directly or substantially beneficial to the United States."

He drew my attention to the executive ordinance 22 LFR 50, 13 which explains (C) in the following way: "work under unusual circumstances: it may apply to a person who apparently is abroad for a reason or purpose which ordinarily would not be of a direct or substantial benefit to the US, but who, by reason of his employment, position, standing, prestige, influence or association, is able to contribute in a direct and substantial way to the wealth, prestige or security of the US".

Letters both from US citizens and from the country where you reside now would have to be submitted to that effect to the passport division. (ordinary letter form is sufficient no affidavit necessary. He drew my attention to the fact it would have to be shown ~~that~~ a) how your activities are beneficial to the US and b) how this benefit is connected with your continuing status as a US citizen; in other words it is not enough ~~that~~ you are eminent but being over there your quality as a US citizen adds to the prestige of the US. He was willing to consider in a minor way also the security of the US. When I pointed out to him that while I could see how people conversant with your US record could testify to ~~that~~ effect, I could not see how your German colleagues or superiors could make a particular contribution to that point, except for showing your eminence as such. He agreed that this would be a difficulty which would have to be taken into consideration.

on the US benefit
point

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make US
beneficial point

As far as I can see you will have to organize three sources of letters to be sent to the Passport Division.

- a) letters by Americans residing in the US. I will try to compose a letter of that kind; I will give a copy of page 1 to ^Meustadt ~~xxxxxxxx~~ I shall try whether Ansel is willing to write a letter of this kind on his office stationery under full title. I think you should approach ^Pachter yourself as well as other eminent people with nice ^Briefbogen and high sounding titles.
- b) the second category would consist of Ranneff Adorno and Fraenkel types who while residing in Germany, would be willing to put their testimony in the required framework (unique influence on German students and colleagues in effectively presenting American doctrines etc.
- c) the third would be your German colleagues and superiors who would praise your qualities while not forgetting how beautifully it is to have such a man around as an American.

Deadline, as I told you is July 1st the latest. Thereafter the man will automatically make his decision. Inquiring about your chances after having told him I am honest with him by telling him that you are not after a passport and atom refuge in case of danger but really want to live here after having garnered a German pension claim within the next two years he was friendlyly evasive as only a southern small hicktown lawyer can be. I will send a copy of page 1 to ^Mr. Roland Watts

The material on Isorni starts round 7th of Feb. i in Le Monde of this year. Agreez monsieur etc.

copy

13 May 1963

Dear Mr. Blevins,

My colleague Otto Kirschheimer tells me that you are interested in appraisals of Dr. A Gurland of the Institute of Political Science at Darmstadt, Germany, whose application for a waiver of the five-year residence rule for naturalized citizens is now before you.

I have seen something of Gurland this year in New York and have been impressed with him. More to the point, when I was last in Germany, a year ago, I heard him referred to with interest and respect by a number of German scholars at other universities.

Political science, as we understand and teach it, is a new phenomenon in Germany, and a healthy one. Gurland is one of the relatively few established people over there who understands American methodology and has real feel for American institutions as well as scholarship. I think we have much to gain, not only in terms of scholarship but in terms of our foreign policy objectives, by the work of these people, not only in Berlin and Bonn but at Darmstadt and elsewhere.

I fear we have something to lose if a man of this sort were seen to be "deprived" of American citizenship. I rather fear that this might not be understood, might be misinterpreted, by others in the German scholarly community; it might be taken as a want of support for American-oriented scholarship and scholars.

May I therefore urge that, as a matter of our own national interest, a way be found to avoid the appearance and to continue Dr. Gurland's status as an American citizen. From all that I have heard he is decidedly a credit to us.

Sincerely,

Ribhard E. Neustadt
Professor of Government

Passport Division
Department of State
Washington 25, D. C.

Attn: Mr. Blevins

KIRCHHEIMER

14 May 1963

Dear Bill,

Please note the attached. This is one of the things I was trying to reach you on the other day. It is something I'd urge you to have your people look into. If their informed opinion bears out my superficial hunch, I think you guys ought to have a word with the Passport Division. I find it hard to believe that Gurland's loss of citizenship when he wants to keep it is a good thing for "American prestige." On the contrary, I suspect it is a good thing for a man of his views to be identified in Germany as an American citizen.

Your people could evaluate that better than I. I wish they would. I take it time is fleeting!

I'll be down there pretty steadily after next week. And I hope for lots of time with you. Meanwhile, love to Max and Vicky.

Warmly,

Richard E. Neustadt
Professor of Government

Mr. William Hitchcock
Bureau of Intelligence and Research
Department of State
Washington 25, D. C.

May 24, 1953

Dear OK:

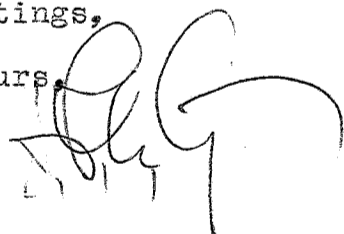
Your latest was delayed in transmission; this is why it was not answered within ~~the~~ time limit you set, i.e., by today. Does not matter much: I could not think of anything general to add to your shining testimonial, and specialized matter did not very well fit in. (I must be getting senile or something: for some reason or other I had overlooked your invitation to amend or correct your draft, although you had inserted it twice.) Obviously, I cannot figure out any reason why ~~my~~ having a US passport will enhance the prestige of the US. The only point I can make is that I won't stay here without such passport--that's all. I shall ~~xxx~~ submit a statement to this effect (subject to Mr. Watts's approval).

I find it rührend ~~that~~ you bother so much about my passport affair, étant donné that you disapprove, as a matter of principle, of my wish to keep said passport. Thanks. I wrote to some more people about einschlägige statements.

In re remaining chores on your opus I have not done much since seeing you last: idiotic academic and administrative commitments took up all of the past three weeks. Everything will have to be done within the weeks to come; there is ample reason to assume that the time schedule still will be met. My most urgent souci at the moment is that I have not heard from Mr. Menges, who had promised to check a number of items I was unable to check at the NY Public Library and which contained obvious mistakes. Can you find out what happened? There is some time left as Luchterhand did not ask yet for the definitive version of the footnotes; the stuff should not, however, be delayed much longer.

Hurried greetings,

Yours,

A handwritten signature in black ink, appearing to be 'OK' or similar initials, written in a cursive style.

IMMIGRATION AND NATIONALITY ACT

(Enacted June 27, 1952, 82d Congress, 2d Session;
effective December 24, 1952.)

LOSS OF UNITED STATES NATIONALITY

Loss of Nationality by Native-Born or Naturalized Citizen

Sec. 349. (a) From and after the effective date of this Act a person who is a national of the United States whether by birth or naturalization, shall lose his nationality by--

(1) obtaining naturalization in a foreign state upon his own application, upon an application filed in his behalf by a parent, guardian, or duly authorized agent, or through the naturalization of a parent having legal custody of such person: Provided, That nationality shall not be lost by any person under this section as the result of the naturalization of a parent or parents while such person is under the age of twenty-one years, or as the result of a naturalization obtained on behalf of a person under twenty-one years of age by a parent, guardian, or duly authorized agent, unless such person shall fail to enter the United States to establish a permanent residence prior to his twenty-fifth birthday: And provided further, That a person who shall have lost nationality prior to January 1, 1948, through the naturalization in a foreign state of a parent or parents, may, within one year from the effective date of this Act, apply for a visa and for admission to the United States as a nonquota immigrant under the provisions of section 101 (a) (27) (E); or

(2) taking an oath or making an affirmation or other formal declaration of allegiance to a foreign state or a political subdivision thereof; or

(3) entering, or serving in, the armed forces of a foreign state unless, prior to such entry or service, such entry or service is specifically authorized in writing by the Secretary of State and the Secretary of Defense: Provided, That the entry into such service by a person prior to the attainment of his eighteenth birthday shall serve to expatriate such person only if there exists an option to secure a release from such service and such person fails to exercise such option at the attainment of his eighteenth birthday; or

(4) (A) accepting, serving in, or performing the duties of any office, post, or employment under the government of a foreign state or a political subdivision thereof, if he has or acquires the nationality of such foreign state; or (B) accepting, serving in, or performing the duties of any office, post, or employment under the government of a foreign state or a political subdivision thereof, for which office, post, or employment, an oath, affirmation, or declaration of allegiance is required; or

(5) voting in a political election in a foreign state or participating in an election or plebiscite to determine the sovereignty over foreign territory; or

(6) making a formal renunciation of nationality before a diplomatic or consular officer of the United States in a foreign state, in such form as may be prescribed by the Secretary of State; or

(7) making in the United States a formal written renunciation of nationality in such form as may be prescribed by, and before such officer as may be designated by, the Attorney General, whenever the United States shall be in a state of war and the Attorney General shall approve such renunciation as not contrary to the interests of national defense; or

(8) deserting the military, air, or naval forces of the United States in time of war, if and when he is convicted thereof by court martial and as the result of such conviction is dismissed or dishonorably discharged from the service of such military, air, or naval forces: Provided, That, notwithstanding loss of nationality or citizenship under the terms of this or previous laws by reason of desertion committed in time of war, restoration to active duty with such military, air, or naval forces in time of war or the reenlistment or induction of such a person in time of war with permission of competent military, air, or naval authority shall be deemed to have the immediate effect of restoring such nationality or citizenship heretofore or hereafter so lost;¹ or

(9) committing any act of treason against, or attempting by force to overthrow, or bearing arms against, the United States, violating or conspiring to violate any of the provisions of section 2383 of title 18, United States Code, or willfully performing any act in violation of section 2385 of title 18, United States Code, or violating section 2384 of said title by engaging in a conspiracy to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, if and when he is convicted thereof by a court martial or by a court of competent jurisdiction; or

(10) departing from or remaining outside of the jurisdiction of the United States in time of war or during a period declared by the President to be a period of national emergency for the purpose of evading or avoiding training and service in the military, air, or naval forces of the United States. For the purposes of this paragraph failure to comply with any provision of any compulsory service laws of the United States shall raise the presumption that the departure from or absence from the United States was for the purpose of evading or avoiding training and service in the military, air, or naval forces of the United States.

(b) Any person who commits or performs any act specified in sub-section (a) shall be conclusively presumed to have done so voluntarily and without having been subjected to duress of any kind, if such person at the time of the act was a national of the state in which the act was performed and had been physically present in such state for a period or periods totaling ten years or more immediately prior to such act.

(c) Whenever the loss of United States nationality is put in issue in any action or proceeding commenced on or after the enactment of this subsection under, or by virtue of, the provisions of this or any other Act, the burden shall be upon the person or party claiming that such loss occurred, to establish such claim by a preponderance of the evidence. Except as otherwise provided in subsection (b), any person who commits or performs, or who has committed or performed, any act of expatriation under the provisions of this

¹ A similar provision of law, Section 401(g) of the Nationality Act of 1940, was held by the Supreme Court in 1958 to be unconstitutional. Trop v. Dulles, 356 U.S. 86.

or any other Act shall be presumed to have done so voluntarily, but such presumption may be rebutted upon a showing, by a preponderance of the evidence, that the act or acts committed or performed were not done voluntarily.²

Dual Nationals; Divestiture of Nationality

Sec. 350. A person who acquired at birth the nationality of the United States and of a foreign state and who has voluntarily sought or claimed benefits of the nationality of any foreign state shall lose his United States nationality by hereafter having a continuous residence for three years in the foreign state of which he is a national by birth at any time after attaining the age of twenty-two years unless he shall--

(1) prior to the expiration of such three-year period, take an oath of allegiance to the United States before a United States diplomatic or consular officer in a manner prescribed by the Secretary of State; and

(2) have his residence outside of the United States solely for one of the reasons set forth in paragraph (1), (2), (4), (5), (6), (7), or (8) of section 353, or paragraph (1) or (2) of section 354 of this title: Provided, however, That nothing contained in this section shall deprive any person of his United States nationality if his foreign residence shall begin after he shall have attained the age of sixty years and shall have had his residence in the United States for twenty-five years after having attained the age of eighteen years.

Restrictions on Expatriation

Sec. 351. (a) Except as provided in paragraphs (7), (8), and (9) of section 349 of this title, no national of the United States can expatriate himself, or be expatriated, under this Act while within the United States or any of its outlying possessions, but expatriation shall result from the performance within the United States or any of its outlying possessions of any of the acts or the fulfillment of any of the conditions specified in this chapter if and when the national thereafter takes up a residence outside the United States and its outlying possessions.

(b) A national who within six months after attaining the age of eighteen years asserts his claim to United States nationality, in such manner as the Secretary of State shall by regulation prescribe, shall not be deemed to have expatriated himself by the commission, prior to his eighteenth birthday, of any of the acts specified in paragraphs (2), (4), (5), and (6) of section 349(a) of this title.

Loss of Nationality by Naturalized National

Sec. 352. (a) A person who has become a national by naturalization shall lose his nationality by--

(1) having a continuous residence for three years in the territory of a foreign state of which he was formerly a national or in which the place of his birth is situated, except as provided in section 353 of this title,

² This subsection (c) was added by Public Law 87-301, effective September 26, 1961.

whether such residence commenced before or after the effective date of this Act;

(2) having a continuous residence for five years in any other foreign state or states, except as provided in sections 353 and 354 of this title, whether such residence commenced before or after the effective date of this Act.

(b) (1) For the purpose of paragraph (1) of subsection (a) of this section, the time during which the person had his residence abroad solely or principally for a reason or purpose within the scope of any provision of section 353 shall not be counted in computing quantum of residence.

(2) For the purpose of paragraph (2) of subsection (a) of this section, the time during which the person had his residence abroad solely or principally for a reason or purpose within the scope of any provision of sections 353 and 354 shall not be counted in computing quantum of residence.

Section 352 Not Effective as to Certain Persons

Sec. 353. Section 352 (a) shall have no application to a national who--

(1) has his residence abroad in the employment of the Government of the United States; or

(2) is receiving compensation from the Government of the United States and has his residence abroad on account of disability incurred in its service; or

(3) shall have had his residence in the United States for not less than twenty-five years subsequent to his naturalization and shall have attained the age of sixty years when the foreign residence is established; or

(4) had his residence abroad on October 14, 1940, and temporarily has his residence abroad, or who thereafter has gone or goes abroad and temporarily has his residence abroad, solely or principally to represent a bona fide American educational, scientific, philanthropic, commercial, financial, or business organization, having its principal office or place of business in the United States, or a bona fide religious organization having an office and representative in the United States, or an international agency of an official character in which the United States participates, for which he receives a substantial compensation; or

(5) has his residence abroad and is prevented from returning to the United States exclusively (A) by his own ill health; or (B) by the ill health of his parent, spouse, or child who cannot be brought to the United States, whose condition requires his personal care and attendance: Provided, That in such case the person having his residence abroad shall, at least every six months, register at the appropriate Foreign Service office and submit evidence satisfactory to the Secretary of State that his case continues to meet the requirements of this sub-paragraph; or (C) by reason of the death of his parent, spouse, or child: Provided, That in the case of death of such parent, spouse, or child the person having his residence abroad shall return to the United States within six months after the death of such relative; or

(6) has his residence abroad for the purpose of pursuing a full course of study of a specialized character or attending full-time an institution of learning of a grade above that of a preparatory school: Provided, That such residence does not exceed five years; or

(7) is the spouse or child of, or has a son or daughter who is, an American citizen, and who has his residence abroad for the purpose of being with his American citizen spouse, parent, or son or daughter who has his residence abroad for one of the objects or considerations specified in paragraph (1), (2), (3), (4), (5), or (6) of this section, or paragraph (2) of section 354 of this title³ or

(8) is the spouse or child of an American national by birth who while under the age of twenty-one years has his residence in the United States for a period or periods totaling ten years, and has his residence abroad for the purpose of being with said spouse or parent; or

(9) was born in the United States or one of its outlying possessions, who originally had American nationality and who, after having lost such nationality through marriage to an alien, reacquired it; or

(10) has, by Act of Congress or by treaty, United States nationality solely by reason of former nationality and birth or residence in an area outside the continental United States: Provided, That subsections (b) and (c) of section 404 of the Nationality Act of 1940, as amended (8 U.S.C. 804 (b) and (c)), shall not be held to be or to have been applicable to persons defined in this paragraph.

Section 352 (A) (2) Not Applicable as to Certain Persons

Sec. 354. Section 352 (a) (2) of this title shall have no application to a national--

(1) who is a veteran of the Spanish-American War, World War I, or World War II, or of the Korean hostilities (having served honorably in an active-duty status in the military, air, or naval forces of the United States during a period beginning June 25, 1950, and ending July 1, 1955), and the spouse, children, and dependent parents of such veteran whether such residence in the territory of a foreign state or states commenced before or after the effective date of this Act: Provided, That any such veteran who upon the date of the enactment of this Act has had his residence continuously in the territory of a foreign state of which he was formerly a national or in which the place of his birth is situated for three years or more, and who has retained his United States nationality solely by reason of the provisions of section 406 (h) of the Nationality Act of 1940, shall not be subject to the provisions or requirements of Section 352 (a) (1) of this title: Provided further, That the provisions of section 404 (c) of the Nationality Act of 1940, as amended, shall not be held to be or to have been applicable to veterans of World War II;³

(2) who has established to the satisfaction of the Secretary of State, as evidenced by possession of a valid unexpired United States passport or other valid document issued by the Secretary of State, that his residence is temporarily outside of the United States for the purpose of (A) carrying on a commercial enterprise which in the opinion of the Secretary of State will directly and substantially benefit American trade or commerce; or (B) carrying on scientific research on behalf of an institution accredited by the Secretary of State and engaged in research which in the opinion of the Secretary of State is directly and substantially beneficial to the interests of the United States; or (C) engaging in such work or activities, under

³ This subsection was amended by Public Law 86-129, effective August 4, 1959.

such unique or unusual circumstances, as may be determined by the Secretary of State to be directly and substantially beneficial to the interests of the United States;

(3) who is the widow or widower of a citizen of the United States and who has attained the age of sixty years, and who has had a residence outside of the United States and its outlying possessions for a period of not less than ten years during all of which period a marriage relationship has existed with a spouse who has had a residence outside of the United States and its outlying possessions in an occupation or capacity of the type designated in paragraphs (1), (2), (3), (4), or (5) (A) of section 353, or paragraphs (1), (2), or (4) of this section;

(4) who has attained the age of sixty years, and has had a residence outside of the United States and its outlying possessions for not less than ten years, during all of which period he has been engaged in an occupation of the type designated in paragraphs (1), (2), or (4) of section 353, or paragraph (2) of this section, and who is in bona fide retirement from such occupation; or who is the spouse or child of the national described in this paragraph and who has his residence abroad for the purpose of being with such American citizen spouse or parent;⁴ or

(5) who shall have had his residence in the United States for not less than fifteen years subsequent to his naturalization and prior to the establishment of his foreign residence; or who prior to attaining the age of twenty-one years, shall have had his residence in the United States for not less than fifteen years subsequent to his lawful admission for permanent residence.⁵

Loss of American Nationality Through Parent's Expatriation; Not Effective Until Person Attains Age of Twenty-Five Years

Sec. 355. A person having United States nationality, who is under the age of twenty-one and whose residence is in a foreign state with or under the legal custody of a parent who hereafter loses United States nationality under section 350 or 352 of this title, shall also lose his United States nationality if such person has or acquires the nationality of such foreign state: Provided, That, in such case, United States nationality shall not be lost as the result of loss of United States nationality by the parent unless and until the person attains the age of twenty-five years without having established his residence in the United States.

Nationality Lost Solely From Performance of Acts or Fulfillment of Conditions

Sec. 356. The loss of nationality under this chapter shall result solely from the performance by a national of the acts or fulfillment of the conditions specified in this chapter.

⁴ This subsection was amended by Public Law 86-301, effective September 26, 1961.

⁵ This subsection was amended by Public Law 86-129, effective August 4, 1959.

Application of Treaties; Exceptions

Sec. 357. Nothing in this title shall be applied in contravention of the provisions of any treaty or convention to which the United States is a party and which has been ratified by the Senate upon the effective date of this title: Provided, however, That no woman who was a national of the United States shall be deemed to have lost her nationality solely by reason of her marriage to an alien on or after September 22, 1922, or to an alien racially ineligible to citizenship on or after March 3, 1931, or, in the case of a woman who was a United States citizen at birth, through residence abroad following such marriage, notwithstanding the provisions of any existing treaty or convention.

Definitions

Sec. 101 (a) of the Immigration and Nationality Act reads in part:

"(21) The term 'national' means a person owing permanent allegiance to a state.

(22) The term 'national of the United States' means (A) a citizen of the United States, or (B) a person who, though not a citizen of the United States, owes permanent allegiance to the United States.

(33) The term 'residence' means the place of general abode; the place of general abode of a person means his principal, actual dwelling place in fact, without regard to intent. Residence shall be considered continuous for the purposes of sections 350 and 352 of Title III where there is a continuity of stay but not necessarily an uninterrupted physical presence in a foreign state or states or outside the United States."

Dear AG,

eine kleine Rich igstelluhg; Menges appraised me of the existence of
your letter round 20 of May, I then went with him to the Law library of Colum
worked with him for 3 hours on your questions, I had to leave he said he
would go to the main library and do the rest; He asserted to have sent off
the filled in questionnaire 2 days later, will call him long distance on
to morrow morning and get confirmation. I have no access to your question
naire ~~now~~ now any more either it is long gone or he has verschlampt it
had you sent it to me or given it to me here I would have paid 20\$ to
a reliable student in spite of the by now well known attitude of
hostility on such things. Please do not hold up the works on it, just
eliminate some of the ~~notes~~ notes, if you feel you have about 2/3 of
the ones I checked personally were correct.

As you realize my interest is in the nachtrag, on which I have no meaningful
copy and which can be vastly improved. so please, do not delay things, it is
better to have some gaps than to have no book or an endlessly delayed book
as I said I will call the guy at 8 to morrow morning,

by
i

May 24

Dear Gurland:

I never heard about your pleasure in regard to passport, but found out from Pachter that you did not ask him for a testimonial; I therefore sent him the copy of Neustadt's letter in order to formulate his own.

Why did you bother Menges? Ich werde dafür noch büßen müssen. One of the books you asked him about is before me: Robert J. Bonner and Gertrude Smith: The Administration of Justice from Homer to Aristotle, Chicago, 1938 the pages quoted are correct.

Please add the following note (it should go my text page 387 6th line from below after "delimitation"):

Kriegsverbrecherauslieferungsfälle, politisch bedingte Schwankungen der Auslieferungspraxis (nebst Hinweis auf die Entstehung der im Soblen Fall zur allgemeinen Kenntnis gelangten britischen fallweisen Benutzung der Deportation als Auslieferungseratz) sowie echte Abgrenzungsschwierigkeiten zwischen politischen und Kriegsverbrechen sind jetzt ohne allzu klare Linienführung dargelegt in: L.C.Green (Vornamen sind nicht gegeben) "Political Offenses, War Crimes and Extradition" in The International and Comparative Law Quarterly vol. XI part II 4th series (1962) pp.329-354 .

Please write when and where I can see your Hauptmitarbeiter in re Spiegel.

Do you have a telephone now?

Greetings

June 4

Dear AG

Called Blevens: voller Erfolg - die deutsche Zeit wird nicht angerechnet that is to say you will get a new passport of the regular Laufdauer. Ergebenste congratulations. I never thought it would work. Übrigens, I think I have forgotten to tell you that I had the other day a discussion with Dallin in re a possible 10,000 research fellowship for you at the Columbia Russian Institute. He was by no means disinclined. Ehrlich seemed to have vorgefühlt already before on his own initiative. He thought given your field of interest the Bryshlasky ^{Bryshlasky} outfit would be a better abode when i raised polite doubts about compatibility between you two he said beschlichtigend that would anyhow only administrative.

We will keep in touch on these problems.

I depart here on the 18th. Where is your private telephone number?

Greetings -



Sept. 16 1963.

Dear AG:

Got back already bad humoured. But was touched by the appearance of your lady and of Sam at the airport. Got letter from your wissenschaftliche Rat today but from the California letter which he enclosed it looks as if they wanted to try it first directly in Frankfurt before the file ever would be sent here. So I guess I have to wait whether I hear from the California man and shall write Sauer correspondingly.

The missing book which you wanted to insert in the Nachtrag where we speak about the French Gnadens cases vice OAS heisst Michel de Saint Pierre: PLAIDOYER POUR L'AMNISTIE L'Esprit Nouveau (~~1963~~ Paris (1963) pp. 101. Es ist ein Sammelsurium das von Gambetta ueber haarsträubende und rührende Gefaengnis-misshandlungen von OAS Leuten zu offenen Briefen an den Justizminister geht. Ich nehme an dass Sie ueber die Verurteilung des von England zurueckgelieferten Hauptlings in der Presse gelesen haben. Sie muss vor ungefaehr 2 Wochen erfolgt sein und einen London Times Artikel darueber zu quotieren waere natuerlich schoen. Marcuse den ich in New York sah sagt dass er nie diesen Sommer Cape Cod verlassen hat und dass er nicht weiss wen der Verlag als Uebersetzer einsetzen will aber nach wie vor an Ihrem Vorwort sehr interessiert ist. Leugnet jeden attempt Sie zu schneiden energisch ab und behauptet das Gegenteil. Koennen Sie meinen Verleger dazu kriegen mir die deutsche Ausgabe des Hobsawn Buches ueber Anarchismus das anscheinend bei ihm herausgekommen ist zu senden. Ich moechte darueber ein Seminar machen. Wer hat Suhrkamp auf die Idee gebracht nicht aufzufordern an deren Reihe (Block - Adorno etc.) mitzuwirken. UAWG

Herzliche Gruesse

November 15, 1963

Dear OK:

Forgive me for not engaging in correspondence. Maximilian Lange died last week, and I am just not in the mood.

I confine myself to a few business details.

Lichterhand are through with typesetting as far as the text is concerned; starting on the footnotes next week.

Your addenda have been included:

Shoruberry in n. XII, 31

British data on deportation of Commonwealth citizens and aliens (Estimates Committee) in n. XII, 33

Reference to revision of Fugitive Offenders Act (from the same Estimates Committee Report) in n. XII, 34

The Kenneth Abrahams story and the Anguilla Cayo incident in } n. XII, 35

Michel de Saint Pierre in n. XII, 30

Enahoro verdict in n. XII, 34

Latest Bundestag discussion on Argoud case (transcript not yet out) will be added to n. XII, 39

The additional sentence on "Umgehung des Auslieferungsvorbots durch Abdiebung" I decided not to put in:

- (1) There are some such sentences in the text as is;
- (2) The topic is constantly referred to in a bunch of footnotes;

(3) The sentence you suggested did not fit in anywhere. Should some pointed Verhärkung strike me as

List of court cases for the Index, by countries, is completed.

Nov.21

Dear AG

I can understand your mood. The news came as a shock, two weeks after the death of the great imperialism Forscher, but I guess you had no use for him. But even so, you should send an outline. Three pages are fully sufficient. I am not conversant with the field and whether Ehrlich can produce something like that on his own - I doubt.

I got the Wahlstatistiken, all I still need is Statistik of the votes rather than the seats since 49, Berlin can be left out and it need not be refined at all. It would only make me Kopferbrechen and more work.

We sent off today by Air the hearings requested by Billerbeck on General Julius Klein. I surmise it is for Sam. Ashkenasi must have lied to me as most students do, because he asserted steif und fest that Mrs did not admit him in Berlin.

Thanks for your additional comments on the book and all the insertions. I would think the Englaender should get one drauf for the Umgehung ~~da~~. In addition the Germans should not get off so easy either and the Nachtrag should say something about the unerhoerte Heilbronner Fall which you find in Das Parlament Oktober 16 page 10. But we might fix that up if and when I come.

There is one small extra item for the footnotes where the Dieci Anni Dopo book is quoted: it should now read: Achille Battaglia nachgelassenes Buch I Giudici e la Politica editori Laterza ,Bari 1962 pp.227. Im Kapitel wo ich ueber das italienische Verfassungsgericht spreche im Zusammenhang mit der Gleichmaessigkeit der Parteilbehandlung muss Kapitel 3 dieses Buches S. 124-145 zitiert werden.

Ich werde versuchen wenn Ihnen das recht ist auf einen Tag um Neujahr herum zu kommen. Ich werde von Paris aus anrufen. Vielleicht kann mich Pp Wahrhaftig wenn er da ist vom airport abholen.

Bitte fabrizieren Sie doch noch eine outline.

January 16, 1964

Lieber AG

Sorry not to have made it to your fair city but travelling in winter is decidedly no boon and I am very glad to be home again. I wrote immediately to Buxbaum and we shall see what he has to say but I am afraid it is nothing good.

Hennings wrote that you have the Fahnen. Even if, as you told me over the phone the footnotes are still missing I think it would be educational to finish and send them back to give them no reason for further delay and please dont hold up the works because a first name in a footnote is missing. I am sore any how, because the Asylrecht stuff should have been rewritten au fond and every day makes the present presentation look more patchy.

Your other sponsor thinks end of February might just be enough. I shall have a talk with the secretary of the outfit of Dallin whom I know from New School days; she knows about the mechanics.

Greetings

F. Furland
Tel: PL 9-4915

New York 8/11/64

Apas Prof. Kirchheimer,
schon wieder wurde ich mit
einer grossen Bitte und Bittbe-
jung an Sie, da ich keinen anderen
Ausweg mehr sehe, meine un-
vorstellbare Situation mit den
französischen Behörden zu regeln.
brüderlich ist ershallen (für mich
jedenfalls) - die Thofakopie mei-
ner Scheidungsurkunde die ich
mit vor langer Zeit erstellt ist
vollig heillos, - was ich nun brauchen
ist Neumanns Todesurkunde,
die meinem Status als Person
bringen würde und das ist
meine grosse Bitte an Sie

dieses Papier ist Ihre Tochter kann
von Erika Neumann zu bekommen.
(eine Urkunde vom Kaiserreich
keine Fotokopie) wenn es über Kauf

wäflisch sein sollte.
Da muss New York Term fast
beendet ist und wir noch nicht
wissen in welches Jahr Reprodure
Land wir reist werden, wollte ich
diese wichtige Angelegenheit wenig
obers noch von hier aus erledigen.
Mein Anwalt in Berlin hat
auch nichts erreichen können
(vielleicht auch nicht pers. all.) kann
es doch schon so alt geworden, was
wird man was möglich möglich
falls sie mal in New York Zeit
und Lust haben sollten, würde
wir uns sehr freuen, sie bei
uns besuchen zu dürfen.

Mit besten Grüßen
Ihre träge Mutter

X Bitte in Berlin ein
Kauf 2000 Mark
Kauf 2000 Mark
Kauf 2000 Mark

April 25

Dear AG,

1) Die Sache mit dem Fruhjahr klappt. Der Oxford Mann kommt ein Jahr spaeter. Bitte teilen Sie mir Ihre Zusage postwendend mit.

2) Was Political Justice anbetrifft, so habe ich einen Brief von Benseler, dem ich aus anderen Gruenden im Zusammenhang mit meiner Sinzheimer Vorrede schrieb, dort heisst es: "Herr Gurland hat Ausserordentliches bei der Uebersetzung und Korrektur Ihres Buches geleistet. Ich warte auf die korrigierten Anmerkungen, dann wird umbrochen und gedruckt. Der Band ist spaetstens zur Messe, d.h. im August 64 auf dem Markt." Nach diesen Ausfuehrungen scheint das Erscheinungsdatum an Ihrer Korrektursendung zu haengen. (Mrs.Kirchheimer bedauert dass Sie nicht den Weg nach Washington gefunden haben.

Ihr

PS

April 29, 1964

Dear Sir:

(1) I am happy to note that you were wrong in disparaging your colleague Neustadt's diplomatic skill. The time schedule, I take it, suits your long-term planning; it should further the attainment of your un-disclosed goals.

(2) I find it highly unpleasant to saddle myself with another teaching chore on top of those I dejectedly have to take care of in my present station. With a view, however, to possible prospects of establishing new contacts with US research fleshpots I grudgingly accept your kind offer of acting in your stead during the spring term 1965. Will you kindly supply details of the courses that seem mandatory: German governmental processes, is it? As for the course -- discretionary, it seems -- which you would like me to dedicate to empirical methods, I have some misgivings as the teaching of methods and techniques mostly is boring to all concerned; something historical would seem more appealing. Kindly give me your ideas as to what it ought to be. Also, you mentioned a seminar, which you said was not tied up with any specific topic. (Shouldn't a topic be announced?) That were your last ones. (Shouldn't a topic be announced?) Would you, in due time, make sure of the dates? The term, you said, started on February 6. Your classes, as far as I know, usually are on Monday and Tuesday, which suits me fine. The first Monday, according to the calendar, would be February 8. Should this be the starting point? Would this, then, mean that I would have to stick it out until Tuesday, May 18? Or could I call it a day on Tuesday, May 11? Further details will keep till later.

(3) The Sauers got their visas while I was away. They will be leaving some time in July.

(4) I am sorry, too, I couldn't make it to Washgton. It will be a pleasure to avail myself of Mrs. K's invitation at some later date.

(5) Mr. Benzeler thus far has not even acknowledged receipt of the galley (text), nor has he inquired about the footnote galley. He will get them, nonetheless, as planned, i.e., by next week. Your gullibility in re Verlegerausreden will amaze me forever.

Regards and greetings,

Yours,
A. R. G.

Feb 3

Feb 7

May 12

Veritas Feb 3

A. R. L. Gurland
Soderstr. 75
6100 Darmstadt

May 27, 1964

Dear OK:

Sorry to have upset the equilibrium of your so easily excitable soul---but: ever heard about Pfingstferien? Mr. Sayre's letter got here when I was not around. I found it, with yours, two days ago. To salvage your peace of mind I cabled to Sayre the very same day, and let the cable be followed by a letter yesterday. If the Department is as impatient as you frequently pride yourself on being, I should of course consider it possible that they preferred not to wait for my answer but made other decisions instead. This would be regrettable; yet the only thing I could do would be to shrug my shoulders.


Sayre in his letter mentioned your German course and the second-year seminar, referring--as a sideline possibility--to a first-year seminar. As I am utterly ignorant in such matters, I stated wholesale that the arrangements as set forth, etc., were greatly satisfactory to me. You may take your time, but on principle you should enlighten me as to what makes a first-year seminar differ from a second-year seminar, and what the topic and the modus procedendi should be in either case. I naturally labor under the misapprehension that graduate students should be doing the same kind of work during the first as during the second year, but, as I said, you must excuse my ignorance of such matters and just let me know what is expected of me. (I may add: for 8000 bucks I'll do anything; this at least is borne out by the fact that I didn't even raise the question as to why I should ~~abide~~ by your crazy way of life and teach class or conduct seminars in the middle of the night rather than at decent afternoon hours. Is this in the catalogue, too? If not, I do hope it still can be changed. I don't care what days in the week are involved--as long as it isn't more than two days as indicated; even three would be tolerable, but I hope to be left in peace for the rest of the week.) (PS: what, specifically, is the meaning of the "second half of the first-year comparative seminar"?) Originally, by the way, you mentioned two courses. Is this off?

There are plenty of details--both in re content and technical arrangements--which I'll need to be advised about. No hurry, though. Have you meanwhile made up your mind as to what you are going to do during your year of leisure?

As for Benseler, don't you see the obvious? You apparently pester ~~him~~ every now and then about the term of publication, and dear Benseler, who is not in a position to inflict any time dictates on either his management or the printing shop, has to pacify you by passing the buck. It sits better with you when I am the culprit causing delays rather than Luchterhand. Does it make any difference? I still think the book will be out zur Herbstmesse, which should be satisfactory to all parties concerned.

Salutations empressées.

Yours,



June 1

Dear AG:

I hope you had a delicious Pfingsten. Hurry was mandatory as Neustadt is going to England today and would have had to find someone if you had not accepted. But I am glad it has been officially settled.

Upon receipt of your honored I wrote to Miss Black to see whether the Germany course could still be shifted catalogue-wise to Tuesday afternoon. As to the Wednesday 9 am PhD seminar, I cannot shift it because it goes on through the year with me giving the first half. Of course, it might be possible, if there are not too many students and no conflicts to make a more convenient arrangement for you later. As to the first year seminar, Wally Sayer did not talk to me yet about his decisions, meaning you might get out of it altogether.

We might discuss later what to do about content. What is surely necessary for the Germany course is a well stacked 3-5 page reading list with 2/3 English titles. If you want to have it and if I can find an old one, I will lend you mine (I probably have only one copy left) of 1961.

I realize that I cannot influence Benseler, but at least I want to have 100 % the feeling that everything is done from your side not to cause any pretext for delay from them. Ich werde schwermuetig wenn ich Zeitungen ansehe, denn jeder Tag bringt neuen Stoff.

The great Fraenkela sked me whether I wanted to be recommended for the Mainz job. I told him, "I want to stay 10 km rechts rheinisch."

Could you be nice enough to lenken your Schritte into a Buchhandlung and moyennant DM 9.80. erwerben fuer mich "Martin Jaencke, "Der Dritte Weg" (Neuer Deutscher Verlag). Many thanks.

Creetings to all concerned -

2.July

Lieber A*:

Heute erhielt ich verspätet (wir sind einen Monat in Vermont bis 31. Juli, OK Granville, Vt. (General Delivery) einen Brief von einem Herrn Dr. A. Jüttner, Herausgeber der Zeitschrift für Politik, der mir folgendes mitteilt:

"Ihr Artikel: "Wandlungen in der Struktur des Staatsschutzes" ist in Heft 2 1964 unserer Zeitschrift erschienen" Da der Brief in einem Luchterhand Umschlag kam mit dem Vermerk Jüttners daß er meine Adresse nicht kenne, nehme ich an daß es sich um einen Auszug aus der Politischen Justiz handelt. Haben Sie eine Ahnung wie der Mann dazu kam? Eine Veröffentlichung in dieser Zeitschrift ist mir deshalb unangenehm weil ich Fränkel bei seinem Hiersein Vorwürfe gemacht habe daß er dort veröffentlicht nachdem ich sah daß diese Zeitschrift vor ca 6 oder 8 Monaten eine dumme Rechtfertigung des Nazibeamtentums gebracht hat, von der Fränkel natürlich sagte er habe sie nie gesehen.

Wie es jetzt aussieht werde ich Mitte September mich wieder in Belaggio einfinden. Möglicherweise reicht es vorher zu einem Sprung zu Ihnen; es würde sich um Samstag den 12. September handeln, aber ich habe noch keinerlei Flugreservations und wollte zunächst nur anfragen, ob Sie da sind. Both Friesenhahn und Fränkel haben nach meinem Interesse an Mainz gefragt wobei ich dann bedeutete daß mir Frankfurt und Freiburg sachentsprechender vorkommen.

Whats new with you?

Greetings to all big and mediumsized Gurlands -

August 9, 1964

Dear AG

Thanks a lot for your various pieces you sent me recently including the interesting television discussion. I liked most your remark that De Gaulle does not live his life but his biography.

Dahl also sent me your piece on opposition and asked me to send comments. I am in general agreement with your presentation up to around page 15, but I have a few comments after that. I grant you (p. 15 III, 1) that the Fourth and Fifth Republic have originated "dans des conditions ingrates" but as far as foundation of legitimacy is concerned isn't there a certain rapprochement between the autumn 1958 and November 62 results? In both referenda, if you add abstentions and no votes, those who protest and those who don't care enough to carry the day. What in 1946 was an initial condition of mistrust against the regime finds its equivalent in the depreciation which has set in since 1962. If from the institutional viewpoint one may put up two models of opposition: American style executive/legislative opposition and German and English style governing party plus executive against parliamentary minority opposition then Gaullism has merged both. But, as you indicate on page 17, the electorate accepts the fusion between resigning party and President will continue or, with the breakdown of the weighing party, you might not get the opposition pair executives major parliamentary parties. What does the one situation or the other which might emerge mean for the changes of the CP to effectively return into the political system as it seems to desire now. And could the style cooperation as against the style contestation (p. 14) one of these days lead to Frachon being nominated as conseiller d'etat en service extraordinaire like Botherau? I agree with your characterisation of the extreme right not representing a political force, I only think your argument would be strengthened for the American reader if you tell him that it was only the junction of the Algerian Indo-Chinese conditions which created the purely temporary junction of rightist and military opposition, conditions which are no longer prevailing now. As you see, I have very little to say; you probably have already caught the typing error on page 17 par. 4 line 3 where it should read 1962 instead of 1958. I am ending this letter to Paris in the hope that it will be forwarded to you. I don't remember when you are due to start out for Palo Alto, but I suppose I shall not get to see you in Europe where I shall be middle of September till the early days of October. Don't forget that we have ample room for you and your family when you come through Washington in the coming days. Many kind regards -

Soderstr. 75
6100 Darmstadt, Germany

December 20, 1964

Dear OK:

(1) I am in very poor shape, physically, and if I did not need the Columbia money badly, I could have left you in the lurch, with any number of medical certificates par acquit de conscience. Regrettably, this is a luxury I cannot afford. It is an ordeal, however, to do anything beyond the call of teaching duty. Letter-writing is one of the things I had to dispense with save for emergencies.

(2) According to information you supplied in May, my presence was de rigueur on Monday, February 8. You are perfectly right in assuming that I could not possibly arrange to be at Columbia on Wednesday, February 3, at 9 a.m. It would be fine if you could meet the guys on Feb. 3. This, however, would be a sensible arrangement only if I had a chance to see you after you had welcomed the seminar participants. Now, since you have to be in N.Y. on Feb. 1, 2 and 3, I don't quite see how I could invite you to stay on until the 4th or the 5th. The earliest I could leave would be Thursday morning (European time), which would get me to N.Y. some time around 4 or 5 p.m. (N.Y. time) on Thursday, February 4.

(2)
(3) If you could stay on that long, the arrangements would be perfect. If necessary, I could go and see Mr. Sayre and someone else you would advise me to see, on Friday. If this is not agreeable to you, is there another arrangement you could (or would) suggest?

(4) You had announced suggestions as to seminar topics after having seen students. Will such suggestions be forthcoming? (Incidentally, your letter of Dec. 3 was greatly delayed in transmission.)

(5) You had (long ago) promised to let me have your reading list. As you indicated some time that $\frac{2}{3}$ of the list should consist of English titles, I'd be at a loss to make up the list without your previous bibliography. Can you mail it? (Miss Black asked for the list two weeks ahead of time, for duplicating purposes.)

(6) Your various recriminations (by letter, over the phone, and through devious channels) in re O.K., Pol's Justice, German edition, found me unwilling to reply or even acknowledge receipt. I had warned you before of Benselesian buck-passing. Since you preferred to believe B. (or Hennis) rather than me, there was no point in arguing. Your attitude was not exactly friendly, and this I justifiably did resent.

(7) To bring you up on developments: on April 1, all galley-proofs ^(text) were mailed to Benseler with corrections; Benseler was asked to have another proof-reading arranged, and to supply a corrected galley-proof set at his earliest convenience, with the assurance that galleys of the footnotes would be returned with corrections by that time. (Contractually, I was under no obligation to correct galley-proof.) That second set was never supplied. There was some correspondence in June on the subject; and again nothing happened. In mid-August I tried to communicate once more with B. This was of no avail -- he was traveling abroad. Thereupon I mailed him all footnote galleys; they contained so many corrections that the whole thing should have been set anew. Again I heard nothing. In October I saw Hennis and raised Cain. H. admitted having ~~complained~~ ^{complained} to you about my dereliction of duty on mere buck-passing grounds since he had "no way of influencing the publisher." By now I have in my files a nice collection of clinging letters from both H. and B., both pleading attenuating circumstances: now the printing shop is the scapegoat. In October B. started swamping me with page-proof (by the hundreds). I protested, pointing out that I had offered my and my assistants' help ~~to~~

The letters H. sent to you to B. (and Hennis) on Nov 1, 1964. This list and present form from original page 11 of original MS.

(4)

in supervising the mise-en-page process and reading proof on the spot, sheet by sheet. Now, B. declared that whatever corrections had not been done by the printing-shop could no longer be done, that there was no point in my reading page-proof, since ~~the~~ book-production had to be done in a hurry regardless of whatever misprints and errors remained, and that he no longer was interested in anything but the index business. The last page-proof batches were received here by mid-November, and on November 27 and 28 index manuscripts were mailed to Benseler. An effusive letter of thanks and apologies (for the umpteenth time) was received here ten days later, and again nothing happened. (It would take a decent type-setter about two working shifts to get both indexes out of the linotype.)

(8) The gist of the matter is that Hennis has no influence on Benseler, that Benseler has no influence on Luchterhand management, and that Luchterhand claims having no influence on the printing shop. (All this I have in writing -- should you ever be interested.) But Mr. OK, of course, is convinced that all this is Godard's fault, and that if G. ever had taken OK's interests to heart, the book would have been out long ago. Soit! I wish merely to remind you that from the start I had advised you to have dealings with Luchterhand. But then, naturally, I was the bad boy, and you knew best. Some day, I imagine, the book will be out, and I'll have the privilege to announce that I never will look at it again as long as I live.

Seasonal greetings!

Respectfully yours,

A. H. G.

P.S. Should you ever again consider negotiating a professorship at a German university, bear in mind, if you please, that you cannot support a family on the normal salary rate unless you have a chance to live rent-free.

Soderstr. 75
6100 Darmstadt, Germany

Dec. 22, 1964

Dear Sir:

When I wrote you the other day, I did not have my entire OK file before me. Correction: the indexes were mailed to Benzler on Nov. 23 and 24 (rather than 26 and 27). His "ganz herzlicher Dank" is dated Dec. 2; nothing thereafter.

Supplement:

(1) Your inquiry dated July 2 in re reprint in Zeitschrift für Politik was transmitted to Benzler over the phone upon receipt of your airmail letter. B. denied any knowledge of the affair, insisting that he never was asked for permission to reprint parts of the translation, nor ever assented.

Red
emphasis
mine
all
over!

(2) His conjectural version at that time (July) was: Hennis had requested the entire set of galley proofs for his new co-publisher, Hans Maier in Munich, who may have given a piece of the MS (on his own) to ZfP. B. asked me not to bother about the business; he would investigate the matter and give you a full explanation once he had ascertained the facts.

(3) When I saw Hennis by the end of October, he denied ever having requested galley proofs for Maier, and would not believe that Maier ever would have given permission to reprint without the publisher's consent; however, he could not see why you should object to a reprint (or pre-publication) in ZfP; he, Hennis, had no objection. (over the phone)

(4) On or about November I again took Benzler to task in re ZfP. He again denied any knowledge of the fact or of having okayed any such request. However, on Nov. 20 he informed me that he had inspected his files and found this: "Es ergibt sich, daß Prof. Maier... am 23. März 1964 mitgeteilt hat, daß die ZfP das Kapitel 2 in ihrem Maiheft als 'Vorabdruck' gekennzeichnet bringen wolle, wobei das Einverständnis des Verlages vorausgesetzt werde. Daraus habe ich offenbar nicht reagiert, weil mir selbstverständlich schien, daß Prof. Maier, der durch die ihm automatisch [sic!] übersandten Fahren kenntnis der Sache hatte, das Einverständnis des Autors selber eingeholt werden würde. Darüber findet sich in der Korrespondenz nichts. Ich werde bei nächster Gelegenheit Herrn Maier deshalb befragen; lege aber so lange eigentlich keinen Zweifel, daß er sich auch in diesem Punkt korrekt verhalten hat... Im übrigen glaube ich, tatsächlich nicht, daß für ihn [Kirchheimer] ein Nachteil entstanden ist."

(5) From your letter of May 5: "... what should be Benzler's interest in lying?"

(6) Sapiienti sat! (But is OK sapiens?)

Respectfully yours, H. R. G.

28 Dec

Dear AG,

I regret not to be able to accept the explanation of your behavior. Even if you are not feel able to conduct correspondence—other sources tell me that you are perfectly able to conduct business correspondence—^{knowledge} to the best of my ~~mind~~ you have a great number of auxiliaries able and willing to take your dictation. As it appears to me you are perfectly able to correspond when serious interests of yours are involved, but do not have the minimum of civility towards personal acquaintances necessary to sustain personal relations. In addition your 7 months silence may have created damage to me beyond the mere incivility of your behavior. If you had told me in time that Hans Maier was involved in the piracy of that article I would have asked you not to follow the story any further, as for unconnected reasons I cannot afford to have him as my enemy. If you would have told me the sad story of your Benseler relations earlier—I am quite willing to accept the substance of your story—I could have taken the time in September to go myself to Neuwied and take up the issue rather than telephone only with Benseler and receive his story which obviously sounded quite differently.

Following your instructions—, I hope they arrived not too late, which I will only find out next week—I will take your class on Feb 3, as this seminar is likely to be composed to 2/3 of the same ¹/₂ people who took the first half with me, there will be no difficulties. You can take up whatever you wish in this 2 year seminar. With me the emphasis—except for one paper—was with French and English, one Belgian and one Spanish topic. However, due to language barrier I thought that you can give German subject papers, however you can, of course, discuss German subjects. I regret not to know much about the first year seminar which I never ^{thought} ~~bag~~ Rustaw, so far as I know/discussed

Columbia University in the City of New York | New York 27, N.Y.

DEPARTMENT OF PUBLIC LAW
AND GOVERNMENT

516 Fayerweather Hall

May 23, 1963

TO: Passport Division, State Department
ATTENTION: Mr. Blevens

FROM: Otto Kirchheimer
Professor of Government, Columbia University

RE: Passport prolongation of Arkadi Gurland

I take the liberty to submit the following points for consideration in regard to the above matter.

I have known Mr. Gurland since 1940. We worked together as research associates of the Institute for Social Research at Columbia University at the beginning of the '40s. In 1943 Mr. Gurland, myself, and the late Professor Franz Neumann of Columbia University, wrote a monograph on German Small Business for the Small Business Committee of the United States Senate which was officially published under its auspices as a Senate document. In 1947 Mr. Gurland, Professor Gerth of the University of Wisconsin, and I went on an official mission to the Office of Military Government in Berlin and we produced a report on German political parties. In the '50s I associated with Mr. Gurland at numerous academic occasions. At present he is preparing the translation of the German edition of my book on Political Justice (which was published by Princeton University Press in 1961). He will see it through publication in Germany, planned for late this year.

Mr. Gurland is one of the few social scientists who has been able to acquire a unique background in both Eastern and Western European affairs. Particularly his mastery of German labor affairs and of the German social structure is universally recognized both in this country and abroad. He has been a consultant to the United States Department of Labor and the RAND Corporation in these fields. Last year he accepted a professorship in political science at the Institute for Technology at Darmstadt. This official

position gives him a unique opportunity -- there he teaches courses in American institutions along with courses on Russia -- to bring American viewpoints and opinions to his German audience. Yet, beyond the audience of his own students, he exercises considerable influence on the minds of his German colleagues as well as on wider political and governmental personnel many of whom he has been well acquainted with since the 1920s and '30s through many personal contacts, special lectures, attendance at congresses, etc. This is the more important as he has a unique reputation in Germany as a brilliant and thorough interpreter of both the American and the international scene. As an American citizen, regularly returning to this country, he is considered as a legitimate interpreter of policies and trends in the United States by the German academic community at large. At the same time his steady contact with his German colleagues gives his viewpoints a far greater authority than an occasional Fulbright lecturer would enjoy. His ideas and thoughts are considered authoritative and in this way help to spread the prestige of the United States to whose institutions and customs Mr. Gurland fervently adheres.

I might add as a secondary consideration that Mr. Gurland, once he returns to the United States for good with a deepened knowledge of contemporary conditions in Germany, acquired in these recent years, will doubtlessly be called upon by various U.S. agencies to help them with his knowledge, thereby contributing substantially to the security of the United States.

Otto Kirchheimer

Technische Hochschule Darmstadt
LEHRSTUHL FÜR WISSENSCHAFTLICHE POLITIK II

Tel.: 852842
(Ortsnetz 06151)

6100 Darmstadt , 7-1-65
Neckarstraße 4-6, Zi. 207

Herrn
Prof. Dr. Otto Kirchheimer
2801 Beechbank Road
Silver Spring, Maryland

Dear OK:

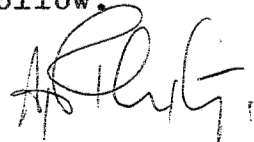
Yours of Dec 28/29 is duly acknowledged. I now am working on the book list. Once I'm through with it, your bibliography will be returned.

I had no chance yet to book the flight. Should it make sense (and be possible) to take a night plane on February 3, I'll do so. Otherwise I'll have to stick to the contemplated departure on a morning plane on Thursday, February 4, which should make it possible to have a talk Thursday in the late afternoon or evening. I'll let you know the details within a week or so.

Your letter regrettably corroborates my view as to the futility of bandying around recriminations. (1) Back in May 1964 I asked you to watch out for Mr. Benseler's buckpassing stratagems. You, however, chose to believe the Benseler and Hennis versions. (Hennis, incidentally, confessed a while ago that he had relayed to you the B. story without checking.) I plainly had my fill of acting as your agent while you were conducting an anti-Gurland correspondence with B. and H. (2) The luxury of feeling sick and incapacitated apparently is something you would not make allowances for in the case of anyone but Otto Kirchheimer. (3) Hans Maier's "involvement in the piracy" must have been obvious to you without any special investigation on my part as Maier openly and officially is one of the editors of Zeitschrift für Politik. Prior to the Benseler letter quoted in my last communication, I had no facts to report, nor do I know why it took B. half a year to make the statements he did. (After all, he had assured me in June that he would get in touch with you without delay.)

In a way, is it not natural that your choice of associations in a province that under present conditions may be deemed bordering on clerico-fascism should have come home to roost? And is it not natural as well that my "incivility" should be blamed for the "damage"? Had I not warned you emphatically about the company Messrs. Hennis and Schnur, meanwhile joined by Fraenkel, have chosen to keep? Guilt by projection, is it? More about more important matters to follow.

Greetings,



Technische Hochschule Darmstadt
LEHRSTUHL FÜR WISSENSCHAFTLICHE POLITIK II

Tel.: 852842
(Ortsnetz 06151)

6100 Darmstadt, January 20, 1965
Neckarstraße 4-6, Zi. 207
Gnd/bl

Prof. Dr. Otto Kirchheimer
2801 Beechbank Road
Silver Spring, Maryland

Dear Sir:

Enclosed your book list back. It was very helpful. Thanks. The same mail carries my (differently structured) draft to Miss Black.

LB
In re Tuesday the hours you indicate are at variance with what Miss Black wrote me several weeks ago: she put the lecture course at 2 p.m. while you say it's 4 p.m. Who is right?

I most certainly should be delighted if the Wednesday seminar could be switched to a more reasonable hour, e.g., after the seminar on Monday, ^{or} before the lecture course on Tuesday (if the course is at 4 p.m.; or thereafter if it is at 2 p.m.). A later morning hour (e.g., 11 a.m.) on Monday, Tuesday, or Wednesday would be acceptable, too. If none of these should be convenient, leave it at the ungodly hour on Wednesday.

I intend to take a PAA plane ^{Friday} that will get me to Kennedy Airport on Thursday, February 4, at 4.45 p.m. This means -- if such an arrangement should suit you better -- that I could be at your disposal any time from about 6 p.m. on. If necessary, an earlier Thursday appointment would not be impossible: a less convenient plane could get me to New York three hours earlier, to wit, at 1.35 p.m.

In case your schedule should be all filled up on Thursday anyway, let's leave it at the suggested 9 a.m. arrangement on Friday. (Urgent information requested in the eventuality of an early Thursday preference.)

OK
In re Wednesday seminar topic: I don't know a damn thing about European Community organizations; and while, generally speaking, I always am eager to strive for knowledge, I cannot possibly learn enough in a couple of weeks to be in a position to conduct a seminar on the subject, which, anyhow, would make sense only if I knew a few things on international business interlocks and the internal structure of national industries, which I do not. (I don't even know how pertinent information could be gathered.) An idea that just this minute occurred to me: how about European socialist movements (historical, doctrinal and otherwise)? This would bore me to distraction, but at least I am faintly familiar with the subject.

Ergebenst

H. R. G.

Dear AG,

Tuesday

received your honored of Jan 20. Have no possibility to clear up the variance now, but will try to switch your seminar as indicated

have a dinner engagement at 6 p.m Thursday, but why don't you call my hotel-I live now at the King's Crown Hotel 116 Street Morningside after your arrival and let me know where I can reach you, otherwise if there is no further communication I will meet you at 9.a.m.

at my office. As to European community this is a misunderstanding, two holdovers from my previous seminar will give papers on the subject Wed 3 Feb. You obviously can suit yourself completely as to topics etc...

I suggest you see the reactions of the various participants in the proposed topics and then proceed correspondingly.

ergebenst

INSTITUT FÜR POLITISCHE WISSENSCHAFT E. V.

Gründer: Freie Universität Berlin / Deutsche Hochschule für Politik

BERLIN-DAHLEM
GELFERTSTRASSE 11
TELEFON: 76 27 82 / 83

27. Juni 1951
Dr. Gu/hf

Dr. Otto Kirchheimer
3740 39th Street N.W.
Washington 16, D.C.

Verehrter Herr Schreibtischleiter!

Ihre Mitteilung daß der Fortgang meiner politische Karriere aus den Berliner Zeitungen zu ersehen sei, was mir bis jetzt leider entgangen ist, hat auf mich so anregend gewirkt, daß ich sehr wider Willen an die Erledigung meiner Korrespondenz gegangen bin. Damit Sie aber auch wirklich auf Ihre Kosten kommen, gehen Ihnen per Drucksache diverse Niederschläge verschiedener Stationen besagter Karriere zu, in der Hauptsache solche, die mit meiner befruchtenden Einflußnahme auf das Sozialistische Forum, einen offiziellen Diskussionsklub der Berliner SPD, zusammenhängen. Die ~~Aussagen~~ ~~die Sie da vorgesetzt~~ ~~und auch~~ stenographiert worden, und es besteht der tollkühne Plan, das Ganze auch einmal als Sammelband drucken zu lassen. Das Manuskript bzw. Stenogramm meines Referats auf dem Berliner Landesparteitag liegt noch nicht in endgültiger Fassung vor. Irgendwann wird es Ihnen schon zugehen. Aus alledem können Sie ersehen, daß meine Wirksamkeit bisher im wesentlichen eine mündliche ist, da man in Berlin zum Schreiben nicht kommt. Überhaupt ist es das Charakteristikum des Berliner Zustandes, daß man ständig in einem mehr oder minder sinnlosen Betrieb steckt, bei dem nicht viel herauskommt. Man redet, man konferiert, man sitzt - insbesondere letzteres -, und zum Lesen oder sonstigen Arbeiten bleibt keine Zeit. Hinzu kommt, daß Lehrtätigkeit, die ich leider schon aus finanziellen Gründen betreiben muss, abgesehen von meiner allgemeinen Abneigung gegen derlei Betätigungen, angesichts des Geisteszustandes der Studenten höchst unerfreulich und angesichts des unbeschreiblichen Zustandes des Bibliothekswesens in Berlin in einer geradezu phantastischen Weise zeitraubend ist. Es kann auch nicht gesagt werden, daß der von Ihnen als mein Behördenvorstand nicht ganz zutreffend bezeichnete Kollege Suhr für einen hervorragenden setup der im Kopf benannten Anstalt gesorgt hätte. Das Resultat ist, daß als einzige Betätigung, die einen nicht unbedingt anödet, eben das public speaking übrigbleibt. Auf die Dauer ist das kein Zustand, and I am getting more and more sick and tired of it. Which makes it appear rather doubtful whether I actually did do the right thing, at least so far as Berlin is concerned. Ich teile nämlich nicht die Auffassung, daß der "Berliner Geist" so viel erfreulicher sei als der westdeutsche. Aber da die löbliche Führung der SPD zwar von Zeit zu Zeit mitteilt, daß sie mich unbedingt im Westen braucht, aber nichts dazu tut, werde ich wohl aus purem Beharrungsvermögen auch weiterhin hier sitzen bleiben. Eigent-

January 24, 1965

Dear Sir:

(1) I keep forgetting that there are two seminars to be taken care of and, accordingly, supplied with working topics. (a) While you were referring to the second-year seminar, what about the other? Should it be a "Vertiefung" of the lecture course, or some general exercise in comparative government; if the latter, what about specifically? (b) As for the 2d-yr seminar, on second thought: shouldn't the guys be steered in the direction of what Mr. Almond (whom you choose to refer to as Mandel) undertook to study some eight years ago under the heading of comparative study of the political "community"? To be sure, I'd prefer to speak of the political "process," instead, but the topic ^{as such} should be suitable for a seminar, don't you think so? At least, it would be more interesting than anything centered on institutions (whatever the aspect), and more informative than a discussion of mid-century trends in socialism.

(2) What induced me to think along these lines was Mr. Ruston's book list. It has no bearing on the lecture course, but it drew my attention to certain areas of study which had slipped my mind altogether for the simple reason that personally I am con-

cerned with the study of history to the exclusion of ⁽²⁾
all other subjects.

(3) To the extent, however, that, as your replacement,
I cannot help dealing with the contemporary scene,
it would be advisable ^{to have} some recent publications
mentioned by Mr. Rustow within easy reach.
I have no idea how well your office library
is stocked. Would it be possible to have these,
as a point d'appui, the following:

- (a) Eckstein and Apter, Comparative
Politics. A Reader, Free Press,
Glencoe, Ill., 1963, and
- (b) SSRC Committee for Comparative
Politics [this is the Almond Committee,
isn't it?], Studies in Political
Development, Princeton U. Press,
vols. 1 to 3 (the only ones published
thus far, I understand).

As you are going to be in New York from February
1 on (if I remember correctly), could you
set the necessary machinery in motion? (Unless
these books are there, anyhow.)

Salutations empresées.

A. R. G.

Columbia University in the City of New York

DEPARTMENT OF PUBLIC LAW
AND GOVERNMENT

Fayerweather Hall
New York, N. Y. 10027

March 25, 1965

Dear OK:

I just got a fuming letter from Billebeck, with quite an array of new charges against Benseler, and, with the next mail, a copy of Positive Justice, with the wrong subtitle, with a number of other visible uncorrected printing errors, and, incidentally, without my name on the back of the title page (presumably, to avoid a law suit -- for I had insistently stated a number of times that, if corrections were not made as directed, I would decline any responsibility for the translation). I had detected the wrong subtitle some four months ago and so informed Benseler, who then assured me that I would get sheet 1 for renewed proofreading. Whether or not a second proof was mailed to Billebeck and Lifert, I don't know (I had instructed them to read proof according to Ms rather than to the faulty pageproof). Anyway, they detected the wrong subtitle in the printed copy, immediately alerted Benseler, and were assured that the title page would be taken out and a revised one pasted in. I don't know whether this was just an empty promise. Benseler allegedly also promised to have a correction sheet mailed to the fifty addressees of review copies. Ac-


According to Brillbeck, he and I first conscientiously read proof of the indexes and submitted corrections in due time; these, however, were ignored. Benseler's excuse is that the printing shop had "forgotten" about corrections. (But obviously Benseler told them to go ahead regardless.)

Due to my state of health, it seems less and less probable that I'd be coming to D.C. in April.

In two letters in December and January, Benseler had pointed out to me that you had insisted on a speedy going-to-press irrespective of my pedantry in re proofreading, and that he, accordingly, felt it was more important to get the book out in a hurry rather than have it flawless. Although this made my further insistence on eliminating hideous mistakes virtually futile, I protested some more and had carbons of my letters mailed to Hennis. Obviously to no avail.

Brillbeck says (on March 22) that in a telephone conversation (the same day) Benseler swore to Julianne that he would do his utmost to repair the damage. Another telephone conversation was to take place on March 23. No report yet.

I fail to see what additional pressure I could apply from here. There is a horrid photo of yours and a rather odd biographical sketch on the inner flap of the jacket. This of course never had been submitted to anyone on my staff or myself. I am tempted to think of Georges Dandin.

Greetings, Yours, 

Classes and seminars proceed satisfactorily. For some orals, the question was raised as to whether you would be coming to N.Y. around mid-May or later.