

Constitutional Court: Denial of Holocaust Is Not Protected as Free Speech

Self-styled "revisionists" who deny the Nazis' genocidal crimes, the Federal Constitutional Court announced Tuesday (April 26), are not protected under the Basic Law's guarantees of freedom of opinion. In the decision, the court explained that denial of the Holocaust is a "provenly untrue assertion"; propagating that assertion constitutes a punishable offense against Germany's Jewish citizens. Protection of individual rights, the court said, outweighs any claims to freedom of opinion. Freedom of opinion does extend, however, to the author of a work disputing the Third Reich's culpability in the outbreak of World War II, according to a separate decision also released Tuesday.

The decision against propagation of the so-called "Auschwitz Lie" (*Auschwitz-Lüge*) came about in response to a dispute between the city of Munich and the far right National Democratic Party of Germany (NPD). In May 1991, the NPD planned to sponsor a public lecture by British Third Reich enthusiast

David Irving, the historian German authorities expelled from the country last fall on the grounds that his inflammatory pronouncements were a threat to internal security (cf. TWIG 11/12/93, p.6). The city granted a permit for the event, but only on condition that the persecution of the Jews not be denied or contested. Challenged in a series of suits by the NPD, the city's imposition of conditions was upheld by several lower courts.

In its second decision, the court found much to object to in Udo Walendy's book *Truth for Germany: The Question of Guilt in the Second World War (Wahrheit für Deutschland: Die Schuldfrage des Zweiten Weltkriegs)*, but nothing that would make it constitutionally prohibitable. Walendy's book does not warrant protection under guarantees of academic freedom, the judges said. But since it deals with questions that are inherently open to interpretation and does not openly advocate anti-constitutional positions, the book, the court concluded, enjoys the protection of the freedom of opinion. ■

seek to give these countries concrete aid in the intervening period.

Kohl and Major also agreed on three projects in the area of military cooperation, including joint maneuvers "for the preservation of peace" with German, British and Hungarian troops in Hungary in 1995 and the resolution to aid Ukraine in the dismantling of nuclear weapons. ■

Kohl, von Weizsäcker Honor Nixon

President Richard von Weizsäcker and Chancellor Helmut Kohl joined leaders from around the world to pay tribute to former President Richard Nixon, who died Friday (April 22) in New York. In a letter of condolence, Weizsäcker wrote that Germany had lost a friend and the world an extraordinary statesman. Nixon, Kohl said in a press release, did great service to both the United States and the Atlantic alliance. The chancellor also noted that Nixon had attached particular importance to good German-American relations. ■

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1 Germar Scheerer

