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FRANCO SEES U.S. JEWISH AIDES; Calls New Code 'Act of Justice'

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By TAD SZULC

MADRID, Dec. 21 — Generalissimo Francisco Franco was reported to have told two visiting Jewish leaders from the United States today that Spain's new legislation on freedom of religion was "an act of simple justice."

His comment came during a 25-minute conference at El Pardo Palace here with Dr. William A. Wexler of Savannah, Ga., president of B'nai B'rith, a Jewish service organization, and Saul E. Jofes, of Falls Church, Va., director general of B'nai B'rith's office of international affairs.

The two officials visited Madrid after a meeting in Rome Monday with Pope Paul VI. They discussed Spanish religious questions with both the Pontiff and General Franco.

The legislation, now expected to go before Parliament for final approval Jan. 20, establishes legal protection for worship by non-Catholics.

Because this predominantly Catholic nation accepts Roman Catholicism as the state religion, Jews, Protestants and other minorities will still not enjoy full equality here.

There are approximately 35,000 Protestants and 6,000 Jews in Spain. The new law will allow them to worship openly in clearly marked churches and synagogues, to form religious associations, to celebrate civil marriages, and to be buried in their own cemeteries. They also will be free from obligatory participation in Catholic services or teachings in schools, armed forces and prisons.

After Dr. Wexler and Mr. Jofes expressed satisfaction over the new law, General Franco is reported to have broken in to say that legislation on freedom of worship represented a "simple act of justice" for

Spain's non-Catholics. The legislation has been in preparation for more than 10 years.

General Franco, it was understood, also recalled during the conversation the orders he gave Spanish diplomatic and consular officials in Europe during World War II to offer protection to Jews persecuted by the Nazis.

Under that policy, Spain arranged for the return here of large numbers of Jews living elsewhere in Europe. Many of them were descendants of Jews expelled from Spain in 1492. Spain also provided transit visas for thousands of Jews fleeing Nazi persecution and seeking to get to the United States, Latin America and elsewhere.

Dr. Wexler's meeting with General Franco marked the second time the Spanish chief of State had received a B'nai B'rith president. In 1963, he received Label Katz, then the organization's head.

Nearly two years ago General Franco became the first Spanish chief of state since the 1492 expulsion to receive formally the leaders of Spain's Jewish community. Since then, Jewish congregations have been allowed to organize as civil societies and the Government has sponsored a museum of Jewish art in Toledo. A Hebrew school began functioning in Madrid last week.

Dr. Wexler and Mr. Jofes, in their talks with Spanish officials today, suggested an exhibit of the art of the Spanish Jews to tour the United States.

It was understood that when the two B'nai B'rith officials told the Pope Monday of their plans to meet with General Franco, the Pontiff asked them to transmit his compliments to the Spanish leader. They did so today.