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E.O. 12356: DECL:OADR

TEXT  
TAGS: PREL, PGOV, AU  
SUBJECT: AUSTRIAN PRESIDENT EXONERATES WALDHEIM OF  
- WAR CRIMES -- REACTIONS AND COMMENT

1. (C) SUMMARY: IN A 20-MINUTE TV ADDRESS TO THE AUSTRIAN NATION, PRESIDENT KIRCHSCHLAEGER HAS PUBLICLY EXONERATED WALDHEIM OF CHARGES THAT HE WAS A WAR CRIMINAL. KIRCHSCHLAEGER TOOK A CAREFULLY LIMITED AND LEGALISTIC APPROACH IN ANALYZING BOTH THE UN AND WORLD JEWISH CONGRESS DOCUMENTS ON WALDHEIM. HIS CONCLUSION WAS THAT CHARGES AGAINST WALDHEIM OF WAR CRIMINAL BEHAVIOR OR OF KNOWING ABOUT JEWISH DEPORTATIONS WERE NOT SUSTAINABLE. ALTHOUGH HE DID NOT DIRECTLY ADDRESS THE QUESTION OF WALDHEIM'S CREDIBILITY AND INTEGRITY -- VERY MUCH AN ISSUE IN PEOPLE'S MINDS HERE -- HE CONCLUDED THAT WALDHEIM MUST HAVE KNOWN ABOUT WEHRMACHT REPRISALS IN YUGOSLAVIA. NOTING THAT HE WAS NOT PASSING A JUDICIAL JUDGMENT, HE LEFT THIS ISSUE -- AS WELL AS THE OTHERS -- TO THE AUSTRIAN ELECTORATE IN THE FINAL ANALYSIS. IN TAKING THIS SCRUPULOUSLY LEGALISTICAL APPROACH, KIRCHSCHLAEGER HOPED TO AVOID ANY SMELL OF PARTISANSHIP AND TO REALIZE HIS GOAL IN

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ASSUMING THE CASE: CALMING THE POLITICAL ATMOSPHERE IN AUSTRIA AND A RESUSCITATION OF THE AUSTRIAN IMAGE ABROAD.

2. (C) DESPITE KIRCHSCHLAEGER'S EFFORT TO AVOID AFFECTING THE ELECTION OUTCOME, INITIAL REACTION OF KNOWLEDGEABLE OBSERVERS WITH WHOM WE HAVE SPOKEN IS THAT THE KIRCHSCHLAEGER ADDRESS HAS HELPED WALDHEIM'S CANDIDACY. THE QUESTION IS, HOW MUCH? SOCIALISTS CONTINUE TO BELIEVE THAT THE MATHEMATICS OF THE ELECTION MILITATE AGAINST A MAJORITY CANDIDATE ON MAY 4, AND THAT STEYRER WILL HAVE THE ADVANTAGE IN A RUN-OFF. THE PEOPLE'S PARTY, ON THE OTHER HAND, HAD BEGUN TO SPEAK ABOUT A WALDHEIM VICTORY ON THE FIRST BALLOT PRIOR TO KIRCHSCHLAEGER'S ADDRESS, AND WE ASSUME THAT THIS BELIEF NOW WILL BE EVEN MORE FORTIFIED. WE WILL HAVE TO AWAIT A MORE CONSIDERED AUSTRIAN PUBLIC REACTION TO THE CANDIDATES IN THE DAYS AHEAD BEFORE PROJECTING WHAT WILL HAPPEN ON MAY 4. FOR THE MOMENT, THE MAY 4 POLL SEEMS TO US TO BE VERY MUCH A TOSSUP, WITH WALDHEIM POSSIBLY IN THE LEAD. END SUMMARY.

3. (U) FBIS HAS CABLED THE DEPARTMENT THE FULL TEXT OF KIRCHSCHLAEGER'S STATEMENT ON WALDHEIM (FBIS: AU 222104; 2221 222136 AND 222152). WE ARE PROVIDING BELOW THE SALIENT POINT THAT STATEMENT, REACTIONS, AND A FOLLOWING COMMENTARY.

4. (U) KIRCHSCHLAEGER'S MOTIVATION:  
AT THE BEGINNING OF HIS SPEECH, KIRCHSCHLAEGER NOTED THAT HE HAD TWO REASONS FOR INTERVENING IN THE WALDHEIM AFFAIR. FIRST HE HAD WANTED TO BRING A MEASURE OF CALM TO THE EXTENSIVE REPORTING IN THE WORLD PRESS AGAINST WALDHEIM'S REPUTATION, AND, AS A RESULT, AGAINST AUSTRIA AS WELL. KIRCHSCHLAEGER SAID HE HAD REACHED THIS GOAL IN PART, SINCE THE ALMOST DAILY WJC PRESS CONFERENCES HAD STOPPED.

5. (U) SECOND, KIRCHSCHLAEGER WANTED TO RELIEVE THE TENSION WITHIN AUSTRIA WHICH HAD ARISEN AS A "MASS REACTION" TO "FORE INTERVENTION", AND WHICH HAD BEEN PARTICULARLY DIRECTED AGAINST THE JEWISH CITIZENS OF AUSTRIA. KIRCHSCHLAEGER APPEALED TO THE AUSTRIANS TO PROMOTE THIS PROCESS OF INTERNAL RECONCILIATION, SINCE ANTI-JEWISH SENTIMENTS HAD DONE NOTHING BUT HARM AND WERE "MOST PROFOUNDLY INHUMANE". AUSTRIA'S MORAL CONTRIBUTION, THROUGH DOMESTIC EXAMPLE AND ON THE WORLD SCENE AFTER THE WAR SHOULD NOT BE SQUANDERED, HE ADDED.

6. (U) DOCUMENT REVIEW:  
IN UNDERTAKING HIS TASK, KIRCHSCHLAEGER HAD ACTED PURELY ON HIS OWN INITIATIVE AND HAD NOT MADE ANY PRIOR COMMITMENTS WITH REGARD TO HOW HE MIGHT USE THE WJC AND UN DOCUMENTS SUBMITTED HIM. HE HAD, HOWEVER, ALLOWED WALDHEIM TO SUBMIT A WRITTEN PRESENTATION OF HIS POSITION SINCE ANYONE ACCUSED SHOULD HAVE SUCH AN OPPORTUNITY. HE HAD NOT CALLED ANY WITNESSES SINCE HE LACKED THE LEGAL AUTHORITY TO DO SO.

7. (U) KIRCHSCHLAEGER STRESSED THAT HE WAS NOT GOING TO DELIVER THE VERDICT. HE HAD NO RIGHT TO DO SO, OUTSIDE THE NORMAL

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JUDICIAL PROCESS IN AUSTRIA. HE DID, HOWEVER, HAVE A POLITICAL AND CONSTITUTIONAL OBLIGATION TO PRESENT HIS VIEW OF THE DOCUMENTS, SINCE AUSTRIA AS A WHOLE WAS AFFECTED.

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8.(U) UN ARCHIVE FILE:

ON THE BASIS OF THE FILE OF THE UN COMMISSION ON WAR CRIMES, ACCUSING WALDHEIM OF INVOLVEMENT IN ANTI-PARTISAN ACTIVITIES YUGOSLAVIA IN 1944 AND 1945, KIRCHSCHLAEGER CONCLUDED THAT H HE COULD NOT, IF HE WERE A PUBLIC PROSECUTOR, FIND SUFFICIENT EVIDENCE FOR AN INDICTMENT. WALDHEIM HAD NOT SERVED IN THE UN 1A, WHICH WAS RESPONSIBLE FOR THE ORDERS MENTIONED IN THE FILE, BUT IN THE UNIT 1C, I.E. IN A POSITION WHERE HE WAS NOT RESPONSIBLE FOR GIVING ORDERS ON RETALIATION MEASURES.

9.(U) DOCUMENTS FROM US ARCHIVES:

ON THE OTHER WAR DOCUMENTS, WHICH WERE MAINLY FROM U.S. WAR ARCHIVES, KIRCHSCHLAEGER NOTED THAT WALDHEIM'S SERVICE IN THESSALONIKI BETWEEN DECEMBER 1943 AND IN THE YEAR 1944 HAD INCLUDED REPORTS ABOUT THE WAR SITUATION, WHICH MEANT THAT H HE HAD BEEN WELL-INFORMED ON A DAILY BASIS ABOUT THE OVERALL WA SITUATION IN THE BALKANS. HE THEREFORE MUST HAVE KNOWN ABOUT RETALIATION MEASURES AGAINST PARTISANS.

10.(U) JEWISH DEPORTATIONS:

KIRCHSCHLAEGER EXPLAINED THAT HE HAD FOUND TWO DOCUMENTS REFERRING TO THIS ISSUE. ONE A REPORT OF THE THESSALONIKI SECURITY AUTHORITIES OF JUNE 1, 1943, TO THE GERMAN CONSULATE GENERAL, AND THE OTHER A REPORT OF THE GERMAN ARMY ON ITS ACTIVITIES IN THESSALONIKI IN MARCH 1943. IN BOTH DOCUMENTS, EXPLAINED KIRCHSCHLAEGER, HE HAD NOT BEEN ABLE TO FIND ANY CONNECTION WITH WALDHEIM, SINCE HE LACKED EVIDENCE ESTABLISHING WALDHEIM'S POSITION IN THE GERMAN ARMY FOR THAT PERIOD.

11.(U) APPEAL TO AUSTRIANS:

IN CLOSING, KIRCHSCHLAEGER APPEALED TO THE AUSTRIANS TO JUDGE THE FACTS IN A SOBER WAY, NOW THAT HE HAD PRESENTED THE FACTS. KIRCHSCHLAEGER ALSO SUMMONED HIS FELLOW CITIZENS TO RETURN TO AN ELECTION CAMPAIGN WHICH GAVE EVIDENCE OF DEMOCRATIC MATURITY.

12.(U) APPEAL TO FOREIGN FIGURES:

KIRCHSCHLAEGER STRESSED THAT HE DID, HOWEVER, ALSO APPEAL TO THOSE PERSONALITIES, PARTICULARLY THOSE INFLUENTIAL IN FORMING PUBLIC OPINION ABROAD, TO HELP CALM THE SITUATION, AND TO INCLUDE IN THEIR ANALYSES AND COMMENTARIES NOT ONLY THE NEGATIVE ASPECTS OF AUSTRIAN HISTORY BETWEEN THE WARS AND AFTER WORLD II. KIRCHSCHLAEGER STRESSED THAT ALL PEOPLES SHOULD BE CAREFUL WHEN ASSIGNING GUILT. THE RECENT OPENING OF OLD WOUNDS THAT CHARACTERIZED THE WALDHEIM AFFAIR LED HIM TO CONCLUDE THAT NONE OF THE EUROPEAN NATIONS - AMERICA INCLUDED - HAS MANAGED FULLY TO COME TO TERMS WITH THE PAST. THEREFORE, ALL NATIONS SHOULD

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CONCENTRATE ON MASTERING THE ENORMOUS PROBLEMS OF THE PRESENT AND THE FUTURE. "LET US DO THIS, AND LET US DO THIS TOGETHER", ENDED KIRCHSCHLAEGER.

13. (U) COMMENTING ON THE KIRCHSCHLAEGER SPEECH, WALDHEIM SAID THAT HE WAS "GRATEFUL" TO KIRCHSCHLAEGER. "ALL ACCUSATIONS HAVE COLLAPSED WITH HIS STATEMENT, NOTHING REMAINS OPEN", ADDED  
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WALDHEIM.

14. (U) STEYRER CALLED THE STATEMENT A "CLEAR DESCRIPTION OF FACTS". STEYRER ALSO EXPLAINED THAT THE SPEECH WAS TO AUSTRIA'S BENEFIT. THE STATEMENT WAS, HOWEVER, CERTAINLY NO RECOMMENDATION TO THE VOTERS ON WALDHEIM'S BEHALF, ADDED STEYRER, CONCLUDING THAT HE DID NOT BELIEVE THAT THE STATEMENT HAD DECIDED THE OUTCOME OF THE ELECTIONS.

15. (U) SOCIALIST PARTY (SPO) CHAIRMAN CHANCELLOR FRED SINOWATZ, WHO IS CURRENTLY IN STRASBOURG, DID NOT WISH TO COMMENT ON THE KIRCHSCHLAEGER STATEMENT "FROM ABROAD". THE CHAIRMAN OF THE PEOPLE'S PARTY (OVP), WHO SUPPORTS WALDHEIM, CHARACTERIZED THE SPEECH AS A "VALUABLE CLARIFICATION" WHICH "REESTABLISHED THE HONOR AND REPUTATION OF **KURT WALDHEIM**". AT THE SAME TIME, ACCUSATIONS WHICH HAD BEEN DIRECTED AGAINST THE ENTIRE AUSTRIAN PEOPLE HAD BEEN REBUFFED.

16. (U) ATTEMPTING TO TURN THE KIRCHSCHLAEGER SPEECH TO HIS OWN PARTY'S ACCOUNT, SPO CENTRAL SECRETARY PETER SCHIEDER EXPRESSED HIS CONVICTION THAT "WITH THE DECLARATION OF THE PRESIDENT, THE AUSTRIAN PUBLIC HAS REALIZED HOW UNJUSTIFIED AND UNREALISTIC THE SLANDER CAMPAIGN OF THE OVP HAD BEEN" (I.E. THE CLAIMS OF THE WALDHEIM CAMP THAT THE SPO HAD INCITED THE  
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SLANDER CAMPAIGN AGAINST HIM). SCHIEDER ALSO NOTED THAT WALDHEIM'S ATTEMPTS TO COVER UP HIS PAST HAD SEVERELY AFFECTED HIS CREDIBILITY, AND HAD MADE HIM A LIABILITY FOR AUSTRIA. ALONG THE SAME LINES, SPO DEPUTY CHAIRMAN SCIENCE MINISTER HEINZ FISCHER SAID IT WOULD HAVE BEEN BETTER IF WALDHEIM HAD TOLD THE ENTIRE TRUTH FROM THE VERY BEGINNING. HE ALSO EMPHASIZED THAT THE KIRCHSCHLAEGER STATEMENT PROVED THAT WALDHEIM HAD BEEN WELL-INFORMED ABOUT ANTI-PARTISAN ACTIVITIES ON THE BALKANS.

17. (U) ACCORDING TO BLITZ POLLS AFTER THE TV SPEECH, 2.8 MILLION AUSTRIANS, CONSTITUTING 56 PERCENT OF THE AUSTRIAN ELECTORATE WATCHED KIRCHSCHLAEGER'S ADDRESS. 60 PERCENT APPEARED TO BE SATISFIED WITH THE PRESIDENT'S STATEMENT, 28 PERCENT WERE PARTIALLY SATISFIED, AND 7 PERCENT DISSATISFIED.

18. (C) COMMENT: KIRCHSCHLAEGER'S ADDRESS LOOKS LIKE A PLUS FOR WALDHEIM. DESPITE THE AUSTRIAN PRESIDENT'S

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CAREFUL PHRASING AND THE SELF-IMPOSED LIMITS PLACED ON THE EXERCISE -- "NEITHER A PASSING OF JUDGMENT NOR AN ACQUITTAL" -- TODAY'S HEADLINES (INDEPENDENT "DIE PRESSE" AND "KURIER") FEATURE HIS CONCLUSION THAT THERE IS INSUFFICIENT EVIDENCE FOR AN INDICTMENT. THE EXCEPTION, PREDICTABLY ENOUGH, IS THE SOCIALIST "ARBEITER ZEITUNG," WHICH BANNERS KIRCHSCHLAEGER'S FAILURE TO DELIVER A VERDICT. IN BRIEF INTERVIEWS FOLLOWING THE PRESIDENTIAL BROADCAST, A CALM BUT CONFIDENT WALDHEIM EXPRESSED GRATITUDE FOR WHAT HE DESCRIBED AS THE FINAL COLLAPSE OF THE CAMPAIGN AGAINST HIM, WHILE A SUBDUED STEYRER WAS COMPELLED TO PRAISE KIRCHSCHLAEGER'S EFFORTS AND POINT, WANLY, TO THE INCONCLUSIVE NATURE OF HIS REMARKS.

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19. (C) IN ONE SENSE, NOTHING HAS CHANGED: AS NOTED IN PREVIOUS REPORTS, THE NOTION THAT WALDHEIM MIGHT HAVE BEEN A WAR CRIMINAL NEVER REALLY TOOK HOLD HERE BUT WAS, RATHER, THE ACCUSATION COMING "FROM ABROAD," DISTURBING FOR SOME AUSTRIANS, RESENTED BY MOST. WITH KIRCHSCHLAEGER'S COMMENTS ON THIS PARTICULAR POINT, WALDHEIM WILL UNDOUBTEDLY BE VIEWED, WITHIN AUSTRIA, AS THE BENEFICIARY OF AN AUTHORITATIVE EXONERATION VALID AT LEAST THROUGH THE MAY 4 (FIRST ROUND) ELECTION. BY THE SAME TOKEN, THE QUESTION OF WALDHEIM'S CREDIBILITY -- SPECIFICALLY HIS EARLIER, QUALIFIED DENIALS THAT HE KNEW ABOUT GERMAN REPRISALS IN YUGOSLAVIA, ETC. -- REMAINS ALIVE. BUT WITH KIRCHSCHLAEGER'S APPEAL FOR POLITICAL CALM, AND THE PUBLIC AIRING OF THE WALDHEIM CASE, WE DOUBT THAT THE SOCIALISTS WILL CONTINUE TO PLAY EITHER THE WALDHEIM CASE OR THE WALDHEIM CHARACTER AS A CAMPAIGN ISSUE. RATHER, LIKE RADIATION, IT WILL CONTINUE TO EXIST, BUT AS AN INVISIBLE POISON, POSSIBLY MORE TOXIC FOR STEYRER THAN WALDHEIM.

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20. (C) KIRCHSCHLAEGER STRESSED AT SEVERAL POINTS IN HIS REMARKS THAT HIS OVERRIDING CONCERN IN ADDRESSING THE WALDHEIM CASE WAS AUSTRIA'S REPUTATION. THE IMPLICIT THOUGH (PRESUMABLY) UNINTENDED PARALLEL BETWEEN THE FORMER UN SECRETARY GENERAL'S FATE IN THIS ELECTION AND THAT OF THE NATION'S GOOD NAME LENT, IN OUR VIEW, FURTHER SUPPORT TO WALDHEIM. PARTICULARLY IN KIRCHSCHLAEGER'S PERORATION, WHERE HE EQUATED THE PROBLEM OF THE RECONCILIATION OF AUSTRIA'S PAST WITH THE FAILURE OF OTHER EUROPEAN NATIONS (SPECIFICALLY INCLUDING THE UNITED STATES) TO RECONCILE THEIR PAST, AND CALLED ON AUSTRIANS TO TURN AWAY FROM THE UNSEEMLY POLITICAL BICKERING OF RECENT WEEKS, HIS MESSAGE APPEARED TO BE INESCAPABLE: THE WAR YEARS ARE IRRELEVANT TO THE PRESENT ISSUE OF THE AUSTRIAN PRESIDENCY.

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21. (C) ISRAELI POSITION: WE ALSO UNDERSTAND INFORMALLY FROM A CONVERSATION WITH THE ISRAELI CHARGE' IN VIENNA

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(PROTECT) PRIOR TO KIRCHSCHLAEGER'S ADDRESS, THAT  
JERUSALEM DOES NOT FIND THE EVIDENCE AGAINST WALDHEIM  
COMPELLING. ACCORDING TO OUR INTERLOCUTOR, ISRAEL DOES  
NOT WANT TO BECOME INVOLVED IN THE WALDHEIM AFFAIR  
AND WOULD LIKE TO MAINTAIN ITS DISTANCE FROM AUSTRIAN  
POLITICS. WE EXPECT, THEREFORE, PARTICULARLY IN THE  
WAKE OF KIRCHSCHLAEGER'S FINDINGS, THAT ISRAEL WILL  
MAINTAIN DISCRETION IN THIS AFFAIR. BLOCH

END OF MESSAGE

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