

Press Release
on behalf of our client Ms Dr Maike Kohl-Richter

On 22 April 2021, the parliamentary groups forming the German coalition government, CDU/CSU and SPD, introduced into the German Bundestag a bill on the "Establishment of a Chancellor Helmut Kohl Foundation" (Bundeskanzler-Helmut-Kohl-Stiftung). According to current planning, the Bundestag will decide on the bill, and thus on the establishment of the Foundation, on 6 May 2021.

Coverage in the press is about "a lot of approval" in parliament (dpa on 22 April 2021) and that this constitutes a "really big project, especially for the CDU/CSU" (Mr Brinkhaus, chairman of the CDU/CSU parliamentary group, on sueddeutsche.de on 21 April 2021). At the same time, one can read that Dr Helmut Kohl's widow and heiress, Dr Maike Kohl-Richter – our client – will not play a role in the Foundation; in this context, the same attributions and stereotypes can be encountered again and again:

Our client is said to be responsible for the delay until today in establishing the Foundation after Helmut Kohl's death in June 2017 (SPIEGEL.de, RND.de on 22 April 2021): the cooperation with her in the run-up to the establishment allegedly was found to be "difficult" "according to information from coalition circles" (BILD.de on 21 April 2021). Our client is also said to be responsible for Berlin as the seat of the Foundation (instead of Ludwigshafen) and to have insisted on "unacceptable co-determination rights" (rheinpfalz.de on 16 April 2021) and a "prominent position", "according to reports including veto rights" (RND.de on 22 April 2021; rheinpfalz.de on 16 April 2021, sueddeutsche.de, BILD.de). The press reports state that she said years ago that Germany had a right to the truth – "but only with her in a Foundation" (SPIEGEL.de on 22 April 2021); there allegedly was "a skirmish over structure and influence" (BILD.de on 21 April 2021) and/or a "conflict" (BILD.de; RND.de). Therefore, no post in the Foundation is planned for the widow (BILD.de); she is said to have rejected a "seat on the board of trustees for life" and wants to set up "a kind of place of pilgrimage for the Chancellor of Reunification" in Ludwigshafen-Oggersheim (RND.de).

Even before this, in connection with the consultations on the federal budget in November/December 2020, it was reported that our client had "agreed" to the plan for a Chancellor Helmut Kohl Foundation "in talks with the leadership of the CDU/CSU parliamentary group" (Steingart Morning Briefing on 01 December 2020); the same source reported on the following day: "Attempts by the CDU leadership to get Kohl's widow Maike Kohl-Richter to participate in the planned state-run Helmut Kohl Foundation have just failed" (Steingart Morning Briefing on 02 December 2020).

With regard to the course of events and the background to the legislative initiative, the following rectifying comments are necessary:

In October 2018, Ralph Brinkhaus, who had shortly before been elected leader of the CDU/CSU parliamentary group in the German Bundestag, had a flower arrangement with a ribbon and his name laid at Helmut Kohl's grave. Our client thanked Mr Brinkhaus for the gesture in a letter of 1 November 2018, and used this occasion to seek a dialogue ("*Perhaps we will also talk in person one day. I would be delighted about this, and look forward to hearing from you.*").

After brief further correspondence, our client and Mr Brinkhaus met in Frankfurt/Main on 24 May 2019 to get to know each other personally. Our client understood the conversation as a first confidence-building measure and explained her multi-layered experiences at her husband's side and how, especially against the background of the so-called "donations affair" that started in the autumn of 1999 (including the debate regarding the so-called "Federal Deletion Days" and regarding the Stasi files initiated at the time by the red-green government), she could imagine what she saw as a desirable rapprochement between the CDU and Helmut Kohl and that she would like to make her contribution to this. One year after the change of government in the autumn of 1998 and Helmut Kohl's withdrawal from the top political posts of Chancellor and CDU party leader, the so-called "donations affair" that started in the autumn of 1999 led – this much is known – to a serious loss of credibility for Helmut Kohl (at least subtly lasting until today) and to a significant disturbance and to tensions between the CDU and Helmut Kohl that have lasted until today and considerably weighed down his twilight years. At the same time, however, in view of the (tiring) complexity and agitation surrounding Helmut Kohl, most people – even in the CDU – hardly know the facts beyond buzzwords and can hardly comprehend both the donations affair, which for them was largely non-transparent, and the resulting current debate with our client regarding the Foundation initiative and her position.

Against this background, our client pleaded for clear conditions and for confidence-building measures at the beginning of the common path, and suggested that the CDU first clarify its relationship with Helmut Kohl with an honest, also internal, reappraisal and classification of the events that occurred from the autumn of 1999 onwards. She made it clear from the beginning that she did not see any time pressure against this background, for the following reason: the time factor is rather helpful, because an unencumbered generation with the necessary distance would naturally find it easier to reappraise and assess without prejudice the events and role of the persons concerned (some of whom, incidentally, still hold political office).

Following on from this get-to-know-you meeting, Mr Brinkhaus proposed in a letter dated 19 June 2019 to "exchange views further on the plans for a Helmut Kohl Foundation". To this end, he issued an invitation for a joint meeting with the Minister of State for Culture, Monika Grütters, who is responsible for the federal foundations and reports directly to the Chancellor. Our client was irritated by the concrete predetermination by Mr Brinkhaus (and Ms Grütters), especially since she had had the impression in her conversation with Mr. Brinkhaus in May that her concerns and also her request for clear conditions, confidence-building measures and a clarifying reappraisal would be taken into account in the run-up. In a reply letter dated 4 July 2019, she therefore informed Mr Brinkhaus that she would be happy to take up the renewed offer of talks, but would like to speak to him on the telephone first. Without explicitly mentioning the buzzword "donation affair" (again), in order not to burden the talks with a potential public debate and pre-determination (as she had to assume that her letter would have repercussions and become public), she explained: Times have changed and with them the way of dealing with lifetime achievements and politics. She wrote that, based on her experience at her husband's side, it is no longer primarily a matter of truth, of fair, democratically required interpersonal conduct and objective reappraisal, but more strongly than ever a matter of attitude, ideology, destruction and falsification of history. Our client therefore expressed concerns about the structure and functioning of the planned public-law Foundation and asked for a rethink for the common path. To this

end, she once again offered to explain the background and the ideas Helmut Kohl had expressed during his lifetime regarding the establishment and maintenance of a Helmut Kohl Foundation.

However, the concerns and considerations set out by our client in the letter of July 2019 – just like the first conversation – were not heeded by Mr Brinkhaus (and Ms Grütters): In a letter dated 16 December 2019, he again invited our client (only) to a joint discussion with Minister of State for Culture Grütters "concerning the establishment of a Helmut Kohl Foundation". Still worried about a public debate and predetermination and thus a corresponding burden on the talks, our client replied by email of the same day, again referring to her letter of July 2019, and again asking for a telephone conversation in advance and in any case a more restrained approach before "appointments with said expectations" are made, which would certainly become public and would then only harm the cause and, above all, Helmut Kohl.

In the meantime, our client had also sought further talks with those responsible for the project of a federal Foundation: In a letter dated 1 August 2019, she had asked the Chancellor for an appointment to talk to her about "this or that" concerning Helmut Kohl. A personal conversation about Helmut Kohl took place with the then new CDU party leader in early September 2019.

In an email of 20 February 2020, Mr Brinkhaus' office contacted our client again, once more with the same invitation to a joint discussion with Minister of State Grütters "regarding the Foundation". In an email of the same day, our client again asked for a telephone conversation "to avoid any irritation regarding said subject". She asked Mr Brinkhaus to "please finally offer a telephone appointment". A telephone conversation followed on 25 February 2020, when Mr Brinkhaus – despite having knowledge of Helmut Kohl's deviating last will and testament, and despite our client's deliberations with Helmut Kohl during his lifetime – set her an ultimatum until April 2020 to make a decision: The federal Foundation would be coming, with or without her.

There were no further telephone conversations in April 2020 (the month of Helmut Kohl's 90th birthday), nor were there any further talks or negotiations (even less such of a conceptual and substantive nature) between our client and representatives of the CDU regarding the Foundation.

Months later, on 12 November 2020, our client received a text message from Mr Brinkhaus asking for a telephone conversation. Our client replied by email dated 17 November 2020 and made appropriate proposals regarding the date. On 18 November 2020, Mr Brinkhaus sent our client an email stating that he wanted to "continue" the talks with her about "the establishment of the Chancellor Helmut Kohl Foundation" and asked for a telephone conversation "in a timely manner". In the email, he further stated: "*The establishment of the Foundation is an important matter for all of us. [...] The time has now come for this and I will implement the wish of my parliamentary group, which is also my personal wish, in the upcoming adoption of the federal budget.*" In the telephone conversation which then took place on 19 November 2020, Mr Brinkhaus announced to our client that he wanted to send her the finished bill, which his office sent to our client by email immediately after the telephone conversation ("Draft of an Act on the Establishment of a Chancellor Helmut Kohl Foundation [version dated 13 October 2020]"). The timetable for the parliamentary procedure for the passing of the bill requested by our client during the telephone conversation and promised to her by Mr Brinkhaus was sent by the

office (only) eleven days later, by email dated 30 November 2020 – four days after the final coordination meeting for the approval of the funds for the planned federal Foundation had taken place, and before our client had expressed her opinion on the submitted bill to the parliamentary group. On the following day, 1 December 2020, an online news portal stated that our client had “agreed to the Foundation project in talks with the leadership of the CDU/CSU parliamentary group”, and, in the same medium on the day after that, 2 December 2020: “Attempts by the CDU leadership to get Kohl’s widow Maike Kohl-Richter to participate in the planned state-run Helmut Kohl Foundation have just failed” (Steingart Morning Briefing of 1 December/ 2 December 2020). This triggered the very debate that our client had tried to avoid in order to be able to conduct her talks with the CDU on a common path, unencumbered by public pressure.

Subsequently, we took over on behalf of our client the further exchange with the parliamentary group on the draft bill submitted to her on 19 November 2020. In a letter dated 7 December 2020 to the parliamentary party leader with a copy to the then party leader, we pointed out on behalf of our client that the process not only touched on questions of style in interpersonal dealings, but was also legally relevant: The conception of the Foundation had to be coordinated with our client.

Shortly before Christmas 2020, our client received a letter from the deputy parliamentary group leader responsible for culture, CDU MP Gitta Connemann. In her letter of 18 December 2020, she explained that it was important to "our parliamentary group" to keep Helmut Kohl's memory alive at home and abroad. She continued by saying that this need is "also shared by our party"; most recently, at the party congress in 2018, "our members spoke out in favour of the establishment of a federal foundation". She then explained to our client that there was (only) “one important point to clarify”: whether her appointment to the board of trustees of the planned Foundation, as provided for in the bill, was in accordance with her wishes and whether she agreed to the Act coming into force on her husband's birthday (3 April 2021).

As this letter contained no reference to the discussions held by Mr Brinkhaus with our client, nor to our letter of 7 December 2020, we sent a letter to the parliamentary party leader on 15 January 2021, with a copy to the then party leader, reminding them of the pending response. On 19 January 2021, the legal department of the CDU/CSU parliamentary group contacted our office and asked for a telephone conversation which took place on 4 February 2021 and in which the (legal) positions were exchanged. In a letter to the legal counsel dated 22 February 2021, we explained that our client had good reasons that stand against her approval of the planned project for a federal foundation during this term of legislature, and that Mr Brinkhaus had been aware of these reasons and the background since the get-to-know-you meeting in 2019: The proposed Act fails in several respects to comply with Helmut Kohl’s ideas, which our client felt obliged to implement as his heiress. We wrote that it certainly was not necessary to emphasise that our client was particularly interested in an institution to safeguard her husband’s lifetime achievements and that it was therefore not (!) a question of whether a (public-law) foundation should be established, but of how and when such an institution should be created. The guiding principle must be that “such a construct is sustainable in the long term and, above all, does justice to Helmut Kohl and his political lifetime achievements.” This is precisely why our client, as is also known, has other ideas, at least at the present time.

In his reply letter of 25 February 2021 to us, the legal counsel reiterated that the parliamentary group considered a "consensual approach" with our client to be "desirable". Furthermore, he asked – knowing that our client had not previously given her consent to the bill – for her “possible agreement [...] to be appointed to the board of trustees of the planned Chancellor Helmut Kohl Foundation”, setting a deadline for 12 March 2021. He wrote that, in the absence of positive feedback from our client, the parliamentary group would have to assume that she did not wish to be appointed to the board of trustees of the planned Foundation. The Act would then be introduced into the parliamentary procedure without a corresponding provision.

On 1 March 2021, our client spoke on the telephone to the new CDU party leader. In the telephone conversation she had asked for, she again spoke in favour of a common path with the CDU and promoted her ideas and her position of a clarifying reappraisal at the beginning. Here, too, she pointed out the consequences if the CDU failed to reach agreement with her.

On 19 April 2021, the legal department of the CDU/CSU parliamentary group sent our law firm “for the sake of good order” and “for your information” the “Draft of an Act on the Establishment of a Chancellor Helmut Kohl Foundation”, which was to be "discussed in the parliamentary group committees this week and introduced into the Bundestag".

The draft was introduced into the parliamentary procedure on 22 April 2021; this week, on 6 May 2021, the Bundestag intends to decide in 2nd/3rd reading on the federal Foundation, which is to bear Helmut Kohl's name.

This leads to the following conclusions:

- It is true that the first draft submitted to our client on 19 November 2020 provided that she should be appointed to the board of trustees “once, for an indefinite term”.

But: Since our client had not been involved in any way in the run-up to the implementation of the issues that were central to the Foundation's work (questions of content and concept, timetable, seat of the Foundation, etc.), but was simply presented with a *fait accompli* in November 2020 with a finished bill, and only had the option of saying yes or no to the appointment to the board of trustees, our client did not accept this proposal.

From the very beginning, i.e. starting with Helmut Kohl's death (incidentally: instead of trying to talk to him while he was still alive), the CDU obviously only wanted to push through its construct based on the model of existing foundations and merely sought the widow's blessing in obviously completely non-binding talks, without taking into consideration her opinion and ideas. Helmut Kohl's last will, which was to involve his heiress and widow in terms of content and concept, to take into account her ideas and considerations that had been agreed with him, and also to take concerns seriously, has thus remained unconsidered.

If the leader of the parliamentary party now explains in justification of his initiative that “especially for the CDU/CSU” the foundation “really is a major project” (sueddeutsche.de, 21 April 2021), this, against the background of the procedure, literally begs the following question: In order to be a *legitimate* major project of the CDU/CSU, would the foundation not have to be supported by our client, after all Helmut Kohl's sole heiress, who, at least in the current legislature, is rejecting the concrete project based on well-founded concerns?

Does this mean that, in the opinion of today's CDU, politics and the state, with power granted by the people for a limited period of time, can freely act as they see fit in relation to a person (only) because that person once held a political (party) office (and can posthumously no longer present his own ideas in person)?

How is it to be understood when the parliamentary party leader also says in this context that he is “very pleased that we have now succeeded in this” (sueddeutsche.de on 21 April 2021), especially against the background that the government majority for the government bill was secured from the very beginning anyway?

- It is obviously incorrect to say that the establishment of the Foundation was delayed because of a dispute with our client.

Rather: Our client has emphatically reached out to the CDU to agree on a common path. In the autumn of 2018, she contacted the parliamentary party leader Brinkhaus on her own initiative and asked for the readiness to compromise. She asked the Chancellor for a meeting in August 2019. At the same time, she initiated talks with the then CDU party leader Annegret Kramp-Karrenbauer. She held talks with the new CDU party leader Armin Laschet at the beginning of March 2021. These are just the most important examples.

She was merely – in accordance with the promise made to her husband – not prepared to agree to a prefabricated foundation solution in which Helmut Kohl's ideas would not be taken into account and in which she, with her experience of the past years, would have to worry that the Foundation would be given the wrong orientation from the outset, that Helmut Kohl may become a pawn in the game of changing political majorities, and that the project would therefore possibly *not* do justice to Helmut Kohl and a historiography committed to truthfulness.

- It is – as she herself was only presented with a *fait accompli* – obviously incorrect that our client is responsible for Ludwigshafen not being chosen as the location for the federal Foundation.

Rather: To the knowledge of our client, Ludwigshafen was never considered as a potential site by the CDU/CSU parliamentary group (and the Chancellor's Office), but the focus from the beginning was on the *capital Berlin* instead of Helmut Kohl's home region.

This is evident, among other things, by the fact that our client did not receive any support from the CDU leadership and the Chancellor's Office when, after her husband's death in June 2017, the issue was to acquire the neighbouring property with the special guardhouse from private owners in

order to preserve Helmut Kohl's residence in connection with the special guardhouse as a historical ensemble and to be able to integrate it into a foundation concept in the first place.

It is also evident from Mr Brinkhaus' unambiguous statement in the telephone conversation with our client on 19 November 2020. In response to her question as to why Berlin was designated in the bill as the seat of the Foundation, Mr Brinkhaus replied that Berlin would not exist in this form without Helmut Kohl. And – our client still remembers the exact wording: "I [i.e. Mr Brinkhaus], yes, I definitely want that." He merely added the comment that they would "also do events in Ludwigshafen."

When our client pointed out that she had succeeded in acquiring the neighbouring property in Oggersheim with private funds and was thus able to preserve the historic ensemble of residential building and special guardhouse, Mr Brinkhaus – our client also recalls this – merely replied, pointing out that he had already heard of this: "I'm happy for you."

- It goes without saying that our client is of the opinion that a Helmut Kohl Foundation which claims to want to do justice to Helmut Kohl and reappraise his life belongs in Helmut Kohl's Palatinate home region and must have its (at least first) seat at his place of residence of many years in Ludwigshafen-Oggersheim. This does not rule out branches or dependencies in other locations such as Berlin.

Our client's aim with the Ludwigshafen location is to create a place of research and personal experience in Helmut Kohl's home region and his personal living environment, to facilitate access to Helmut Kohl as a person and politician via his personal environment with his private archive located here, and to ensure a source-based reappraisal that is rooted in his home region.

Just as Helmut Kohl himself put it at the press conference for the presentation of the first volume of his memoirs on 4 March 2004 in Berlin: "*Those who want to judge me can judge me most easily by tracing my origins.*"

In this spirit, our client obviously does not intend to build a "place of pilgrimage for the Chancellor of Reunification" in Ludwigshafen-Oggersheim.

Our client has never been concerned with "dead" monument preservation, glorification, personality cult, prerogative of interpretation, or trite words. What is important to her is content, unprejudiced, source-based reappraisal and an honest, open and earnest discourse and, in this spirit, an institution and structure dedicated to Helmut Kohl that holds his estate together, digitised and networked with other archives and which – as is the nature of a Foundation bearing his name – makes him and his source-based view of things the starting point for a reappraisal of his lifetime achievements as well as for lively debates, which is committed to truthfulness and the preservation of history, which radiates openness and conciliation and which allows constructive research, experience and work, especially directly in Helmut Kohl's home region. It goes without saying that Helmut Kohl's private archive will also be accessible to researchers.

- Since there was no substantive and conceptual cooperation with our client in the run-up to the legislative process, it is logical that the cooperation cannot have been "difficult", not to mention

the fact that such a statement shows a flagrant lack of respect for the woman who was Helmut Kohl's closest confidante for many years until his death.

For the same reason, it is logical that our client cannot have insisted on “unacceptable co-determination rights”, a “prominent position”, or “veto rights”, nor is it possible that there was “a skirmish over structure and influence”.

- The allegation that our client said or even meant in the Deutschlandfunk interview in 2018 that “Germany has a right to the truth – but only with her in a Foundation” is evidently entirely fictitious.

The reason for this is: Looking at the interview, our client's statement (“I think Germany has a right to the truth”) clearly did not refer to the issue of the Foundation, but to the various legal proceedings concerning the work on Helmut Kohl's memoirs, which our client inherited from her husband: When asked at the time whether, if necessary, she would exhaust all legal instances for the judicial proceedings, our client replied: *"If need be. And if it makes sense. [...] I think Germany has a right to the truth. And Germany shouldn't underestimate me in that respect either. And the opposing side [reference to the opponents in the court cases] should not underestimate me. And the opposing side should not underestimate the people in Germany. They're a lot smarter than we sometimes think."*

(Link: https://www.deutschlandfunk.de/streit-um-den-nachlass-helmut-kohls-maike-kohl-richter-es.724.de.html?dram:article_id=432591)

- The only “dispute” with the parliamentary group after the bill was submitted was over the legal question of whether the consent of the politician's widow is required for the establishment of a memorial Foundation that is to bear the name of a deceased politician, and is to comprehensively honour and reappraise his lifetime achievements. The legal counsel of the CDU/CSU parliamentary group seemed to share our opinion in the first telephone conversation, but in his subsequent written statement (after our client had refused to consent to the bill) he qualified this opinion. The CDU/CSU parliamentary group is of the opinion that the decision by the Federal Court of Justice (Bundesgerichtshof) on this issue is not relevant here.

The essential point in the whole discussion is:

Against the background of the multi-layered experiences at her husband's side and especially with the change of government in the autumn of 1998 and the so-called “donations affair” that followed in the autumn of 1999, with which – this much is known – Helmut Kohl was criminalised by his political opponents, but also (and this is what caused the so-called “donations affair” with the “Federal Deletion Days” and the debate on the (Stasi) files to become what they were) by members of his own ranks within the CDU, which led to a severe loss of credibility for Helmut Kohl (which continues to resonate, sometimes more, sometimes less obvious, but always at least as an underlying tone and off the record), which considerably burdened Helmut Kohl's twilight years and which, even after his death, is still pegged to him (also by members of his own ranks) as a serious stain, and led to a severe rift and a tense relationship between the CDU and Helmut Kohl that continues to this day, our client under-

standably finds it very difficult to muster the trust in the federal Foundation set up at the initiative of the CDU that would be essential for her to grant her consent.

For this reason, it was our client's *main* concern from the outset that, at the beginning of the joint path with the CDU and a state-run political initiative on Helmut Kohl's lifetime achievements which claims to intend to reappraise his politics and his life in a politically independent and comprehensive manner, there should first be confidence-building measures, for which, in her view, an earnest, unagitated, fact-based, cross-party, i.e. comprehensive reappraisal of the events starting in the autumn of 1999 would have been absolutely necessary in advance.

In her opinion, the CDU (which for twenty years and during Helmut Kohl's lifetime did not muster the strength to make the events transparent) in particular, before imposing decisions on Helmut Kohl as they see fit by launching the initiative for a state-run Helmut Kohl Foundation, should first of all have reappraised this *main* issue (which was also inglorious for the party itself) and should have clarified its relationship with Helmut Kohl, for which, however, those responsible – clearly – lack any willingness or openness and (humane) sensitivity. Pars pro toto, the statement of the leader of the CDU/CSU parliamentary group shall suffice here, who replied to our client (who remembers this clearly as well): *"No need to bother me with that. I was not yet a member of the Bundestag at the time."* And: *"I am not the CDU, I am the budget legislator."*

This, however, obviously is not the way to even begin to do justice (also under the aspect of humane conduct) to this important question, which is essential for all projects concerning Helmut Kohl.

The contradiction is obvious: Those who demand (or, in the case of the Foundation, promise) reappraisal and transparency must be prepared to reappraise and be transparent without prejudice.

To avoid any misunderstanding: Like Helmut Kohl, our client is not even remotely trying to minimise or gloss over Helmut Kohl's – quote Helmut Kohl – "mistake" in the so-called "donations affair". Rather, her objective is a fair, fact-based classification of the events and of the disproportionality in dealing with him and a "mistake" which consisted in using, between 1993 and 1998 (according to Helmut Kohl himself, inter alia in his book "Mein Tagebuch 1998-2000"), DM 2.1 million (about EUR 1 million) in donations directly for party work, bypassing the accountability reports, and thus violating party law, or, as Roman Herzog put it on 5 May 2010 in his speech at the ceremony in Ludwigshafen on the occasion of Helmut Kohl's 80th birthday: *"The violation of the Political Parties Act remains. But future generations of lawyers, at least they, will only remember from all this that Helmut Kohl was the man who, although he once disregarded the first and second sentences of Section 25(3) of the Political Parties Act, fulfilled the reunification mandate of the Basic Law."*

It would already help a lot if Helmut Kohl's own view of things, which, regarding the so-called "donations affair", he presented promptly in 2000 in his book "Mein Tagebuch 1998 - 2000", would be taken note of, instead of casting doubt on his view with unchanging, stereotypical (unproven) suspicions – especially from members of his own ranks within the CDU.

In this spirit, our client also takes a critical view of the categorical "forcing through" of the Foundation plan in this term of legislature. She would have thought it desirable not to launch the memorial Foun-

dation shortly before the deadline just because a secure government majority and start-up funding for the first year are still ensured. For such a fundamental decision about Helmut Kohl's lifetime achievements, she would have preferred to see a broad, cross-party legislative initiative to ensure in advance that the Foundation (and with it Helmut Kohl) does not become a pawn in the game of changing political majorities and, possibly, quite different interests. The reason for this is that the functioning of such a Foundation depends less on the founding act, the start-up financing and noble declarations of intent than on the implementation, i.e. the specific structure and the acting persons.

In this context, it is important to bear in mind that, at least according to the current bill, the (majority of the) members of the board are determined by means of a political process, and thus by the respective political majority, that the Foundation Act is an ordinary act that can be amended at any time by any government with a simple majority, and that funding from the federal budget is subject to annual budget legislation and thus also to the decisions of the respective government majority, and that massive political disputes about the federal budget are foreseeable anyway in the coming years due to the considerable new debt caused by the pandemic, so that planned commitment appropriations may quickly become a mere paper exercise.

Our client therefore simply doubts that, within the framework of the planned Foundation structure, an objective reappraisal of Helmut Kohl's life and politics can succeed, based on a strong, clear foundation, at least at this point in time and under the current conditions. She readily admits that she may be wrong, but – once again – against the background of her experience and the conduct towards Helmut Kohl (and his view of things) and, incidentally, the conduct towards her in her capacity as his heiress, as well as against the broader background of a considerably changed political landscape and the also considerably changed way of dealing with politics and history, her scepticism is probably justified – examples: How should our client trust that the planned, allegedly (and evidently not) politically independent Foundation is not after all, along the lines of the so-called “donations affair”, just another continuation of the political fight against Helmut Kohl and his politics? How should she trust that the complex of issues “party financing/ party donations/ donation affairs” will not (continue to) be dealt with in the Foundation by simply dumping it on the late Helmut Kohl as a scapegoat?

In short: How is she supposed to trust that the legal structure allegedly tried and tested in all other foundations, as stated in the bill, will also work with regard to Helmut Kohl in the circumstances presented above, which are not comparable in various respects?

Helmut Kohl deliberately designated our client as his sole heiress, also and especially with regard to his political estate. Of course, nothing is closer to her heart than to know that her husband's political legacy is earnestly and sustainably secured in the form of an institution, and on the right track in accordance with this (great) responsibility entrusted to her.

This requires trust.

The current dispute about the federal Foundation is not our client's responsibility. She did not seek this dispute and did not want it – certainly not at such a critical moment for the CDU and even less so in these difficult times for Germany due to the pandemic, when the people in the country are dealing with entirely different, often existential concerns.

Our client very much regrets that her appeals to the CDU leadership and the leadership in the Chancellor's Office to take her concerns seriously and to accommodate her in the spirit of Helmut Kohl, to walk the path together and not to let it go to extremes, have so far come to nothing. She pointed out the consequences in advance.

It is this spirit in which faits accomplis are created without necessity – accompanied by the corresponding presentation in public – that feeds our client's reservations that have grown from experience, instead of creating the necessary trust.

Helmut Kohl himself, who is the person at the core of the issues discussed here, appealed to his party at the CDU party congress on 21/22 October 1996 in Hanover:

"If we in the party continue to have the feeling of a natural togetherness in the future, then I am firmly convinced that we are quite unbeatable."