

Arguments of an authoritarian state: Brandenburg intelligence service slanders the WSWS

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In the early morning hours of September 16, the windows of the immigration office in Frankfurt-Oder were broken. Only a few hours later, the web site of the Brandenburg intelligence service (*Verfassungsschutz*) published an article characterising the *World Socialist Web Site* (WSWS) as part of the “left-wing extremist milieu.” The article bristled with distortions, half-truths, insinuations and false claims.

The first thing that stands out is the date when the article was published. According to the police, the attack on the immigration office occurred at 3:50 a.m., Tuesday, September 16. The police investigation lasted all day. As the local newspaper *Märkische Allgemeine Zeitung* reported the next morning, an “on-the-spot briefing” took place at noon, at which the “section head of the immigration office in Frankfurt, Rainer Tarlach,” spoke to the press.

The first press reports appeared on Wednesday morning. However, the article published by the intelligence service carried the date of Tuesday, September 16, the day the attack occurred. The question arises: Did the intelligence service have prior knowledge of the attack? When and by whom were they informed about that night’s events?

The second contradiction is the evaluation of the WSWS article that was allegedly found at the scene of the crime. Immediately—directly as knowledge of the events emerged and before any serious investigation had begun—the intelligence service claimed the article had been left by the culprits, and adjudged it to be tantamount to a letter claiming responsibility. Why? On what information was this assessment based?

According to the police, there was no handwritten note or attribution on the article. It was found “in the entrance” to the office building. The building directly abuts the roadside. There is no forecourt. The culprits did not enter the building. In other words, the article lay on the sidewalk in front of the entrance to the offices. It could have been there beforehand, or been placed there later.

Thus, there is nothing clearly linking the article to the attack. So far, it is unclear who left the article, and some facts point to it not being the culprits. One can assume that they would have taken into account that it might be blown away on a windy September night and not be found. If the culprits really wanted to link the article to their actions, it would have been easy enough to throw it into the offices through the smashed windows. Several jars containing foul-smelling chemicals were thrown into the offices in this way.

While the connection between the WSWS article and the attack is unclear and extremely dubious, only hours after the attack the intelligence service maintained that the most important feature of the crime was this article. The one-and-a-half-page intelligence service report dealt almost exclusively with the WSWS article. After the first five lines, which dryly described the damage to property, there followed nine paragraphs full of accusations against the WSWS article.

In the second paragraph, the intelligence service made the following factual claim: “They [the culprits] left an announcement at the crime scene, which had been published two years earlier on the Internet.”

First, it is completely unclear who left the text. Second, the word “announcement” is misleading; it suggests a close relationship between the text and the culprits. An announcement is a statement relating to a particular person or event. However, this text is not an announcement by the culprits, but an article published by the WSWS.

The investigating public prosecutor also sees it this way. The *Berliner Zeitung* wrote the day after the event: “In addition, a letter was found in the entrance area to the offices. ‘However, this cannot be regarded as a letter claiming responsibility,’ according to public prosecutor Ulrich Scherding, since it is a ‘general essay’ against deportation policies published two-and-a-half years earlier.” In a subsequent telephone call, Scherding insisted there had been no letter claiming responsibility, and that the article found at the scene based its criticism of asylum policy on generally accessible sources.

The intelligence service, on the other hand, construed a close relationship between the article and the attack, and stated that the article revealed a “left-wing extremist background to the crime.” They write that the target of the attack, the slogan written on the building and “not least the choice of the communication left at the scene clearly betray the culprits’ links to the left-wing extremist milieu.” This claim is repeated in the next paragraph: “In particular, the text, published in February 2001 on the ‘World Socialist Web Site,’ clearly shows the left-wing extremist background to the crime.”

This accusation of “left-wing extremism” is altogether false and slanderous, regarding both the article and the *World Socialist Web Site*. Legally, it amounts to a wrongful accusation.

The WSWS article is correct both in its representation of the facts and its evaluation of the facts. It exposes the deplorable conditions on Germany’s borders, and cites specific numbers in relation to victimised immigrants. It relies thereby on verifiable and generally accessible sources, like news magazines and daily papers. Neither this nor any other WSWS article calls for acts of violence. Quite the contrary, the article denounces state and racist violence against immigrants and defends fundamental democratic rights and liberties.

Finally, the WSWS is published by the International Committee the Fourth International and its German section, the Partei für Soziale Gleichheit (PSG, Socialist Equality Party). The PSG is a legally recognised democratic party, which participates in federal and state elections. As a matter of principle, the PSG rejects individual acts of violence against property and, in particular, against individuals.

The intelligence service knows this, and states that the author of the article is “legally unassailable.” In order, nevertheless, to criminalise the

article, the authorities resort to the following abstruse line of argument. They claim that the site of the vandalism where the article was allegedly found demonstrates the article's connection to acts of violence, and conversely, that the acts of violence should be regarded as "left-wing extremist" because this article was found there. Such a circular argument, which relies on its own suppositions as proof, can be used to justify anything. It serves to justify arbitrary actions and intimidation by the state.

The intelligence service claims that the location where the article was found places it "alongside a number of similar publications which, taken together, promote or produce a propensity for violence." It goes on to state: "The road to criminal acts is paved with such texts."

This line of argument stands in the tradition of a police state, and represents a fundamental attack on freedom of expression and the press. If an article cannot, on the basis of its factual statements, be characterised as libellous, and does not call for violence or other criminal offences, then its contents are protected by the right of freedom of expression.

Paragraph five of the German Constitution expressly states: "Everyone has the right to express his opinion in words, writing and pictures and to inform himself without hindrance from generally accessible sources. Freedom of the press and freedom of reporting through broadcast and film are guaranteed. Censorship is not allowed."

The linking by the intelligence service of an article—against which there can be no legal complaint—to a criminal offence, and the claim that it promotes or causes violence, is an implicit demand for censorship and contravenes the constitutional right to freedom of expression.

If one follows the intelligence service's line of argument, the same reasoning can be employed to intimidate any kind of critical journalism by claiming a link to terrorism. If a muddlehead or provocateur smashes some windows, that is sufficient to criminalise the government's political opponents.

The same arguments could be used to make all critics of the government's "Agenda 2010" programme for slashing social spending responsible should a desperate unemployed person run amok. Or, as we wrote in a previous article, one could accuse the opponents of the euro in Sweden of "paving the way" for the murder of Anna Lindh, the prominent supporter of the euro killed at the high point of the referendum campaign. This line of argument is not only absurd, it contravenes elementary democratic principles.

In a telephone call in mid-October, Jörg Milbradt, the deputy director of the intelligence service office in Potsdam, who also edits the service's web site, defended what had been published by stating that it was not he as the author of the piece, nor the intelligence service, that sought to connect the WSWS article with a criminal offence, but rather the culprits in Frankfurt-Oder.

This statement is also false. It is unclear who deposited the WSWS article. Even if it were not a provocateur, but some confused person who thought the smashing of windows was a political act, it would still not justify the line of argument of the intelligence service.

Milbradt's claim that the presence of the article at the scene links its content to a criminal offence is absurd. Other documents in the immigration office did not change their character by their proximity to the broken windows. Only the statement of Jörg Milbradt and the intelligence service that it was causally linked to the offence criminalised the WSWS article.

It is not the person or persons who smashed the windows in Frankfurt-Oder, but Milbradt and the intelligence service who state that the WSWS article can be linked to a series of similar articles "which, taken together, promote or produce a propensity for violence." It is they who have made the slanderous statement: "The road to criminal acts is paved with such texts."

In making claims of criminal wrongdoing, a state authority is obliged to exercise a high degree of diligence. This applies, in particular, to the

intelligence services, whose statements are always cited in political disputes as authoritative or evidential. This duty to exercise due diligence was grossly violated by Milbradt and the Potsdam intelligence service.

In response to the reproach that the intelligence service, and thus a state authority, has criminalised an article that breaks no criminal code, Milbradt responded: "The article is not so harmless, after all." It contains a "fundamental criticism of the democratic state."

This is also untrue. The WSWS article does not make a "fundamental criticism of the democratic state." It criticises the government, which is not the same as the "democratic state," and accuses it of flouting elementary democratic rights and principles in its treatment of foreigners and refugees. It is a typical characteristic of authoritarian thinking to automatically interpret political criticism of the government as an attack on the state and the social order, without differentiating between the two.

Moreover, even radical criticism of the social order is protected by the freedom of thought and expression and is not to be viewed as "extremist." The federal office of the intelligence service itself makes this point in a brochure that is accessible on the Internet. In the section "Extremist or Radical," this document states: "Unjustly, it [the term 'extremist'] is frequently equated with radicalism. Thus, for example, critics of capitalism who want to express fundamental doubts about the structure of our economic and social order, and who want to change them fundamentally, are not extremists. Radical political views have their legitimate place in our pluralist social order. Those who want to realise their radical aims should not fear being monitored by the intelligence service—as long as they recognise the basic principles of our constitutional system... The convictions of those with alternative political views, which can be expressed, for example, by someone reading communist literature with enthusiasm or criticising the government, is not a matter of concern for the intelligence service."

The concepts and arguments used by the Brandenburg intelligence service ominously recall the logic of an authoritarian state, which has found disastrous expression in the history of Germany on number of occasions—and not just in the form of the peaked helmet of the Prussian state. The fascism of the Third Reich and the repressive *modus operandi* of the Stalinist system in the former East Germany (GDR) employed this same logic in erecting police states.

Arising in the dark days of Metternich reaction and reinforced by the failure of the democratic revolution of 1848 and the era of Chancellor Bismarck, democratic principles were always regarded as thoroughly suspect by the German authoritarian state. Its political police, like all its police authorities, did not base their organisation and operations on the democratic rights of its citizens.

It did not see its role as defending universal rights against infringements by the state, but rather, the opposite. At all times, its first priority was compliance with the state—or what it regarded to be the will of those in authority—on the part of regional and local authorities or their deputies. Based on such logic, it was self-evident—and even assumed the form of a unquestioned natural principle—that any criticism of those in power had to be opposed. This was the case under the German monarch, again with the Nazis, and, in a different form, in the East German state.

Entirely in the spirit of this authoritarian logic, Mr. Milbradt is alarmed at the "fundamental criticism of the democratic state" allegedly expressed by the WSWS article. In the telephone conversation, he stressed that he was familiar with the suppression of free speech—after all, he had lived for decades under the rule of the East German Stalinist SED (Socialist Unity Party).

Even so, he has obviously failed to draw the conclusion from his experiences that freedom of speech embraces criticism of the government.

The broken windows and stink bombs in Frankfurt-Oder were used by the intelligence service as an excuse to criminalise a socialist publication. Even apart from the reaction of the intelligence service, this stupid and

useless act, which served neither to improve the situation for immigrants nor to mobilise the German public in support of refugees, and failed to serve any progressive purpose, makes no political sense.

However, if one poses the question “Cui bono?” (“Who benefits?”), it is clear there is only one beneficiary—the Brandenburg intelligence service, which seized on the incident for its own purposes. It is a proven fact that the intelligence service has smuggled, or attempted to smuggle, agents into both the left- and right-wing radical milieus. The question is therefore posed: Was the intelligence service involved in the events of September 16, 2003, in Frankfurt-Oder?



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