

Former German President Wulff acquitted on bribery charge

Justus Leicht
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Two years after his resignation as president, the Hannover Regional Court has acquitted 54-year-old Christian Wulff (Christian Democratic Union, CDU) of the charge of receiving bribes. “The defendant Wulff is acquitted”, presiding judge Frank Rosenow pronounced at the hearing. “There is simply no compelling evidence.”

The court did not regard it as proven that Wulff had accepted illegal donations, when he was state premier of Lower Saxony, from film entrepreneur David Groenewold, who in turn was acquitted of the charge of granting undue advantages.

Christian Wulff resigned as federal president on February 17, 2012, after the media had raised new allegations against him every day for two months. Free holidays in the villas of friendly companies, upgrades for air travel, a low-interest private home loan and the like were woven into a dense tangle of favours and mutual dependencies to destroy Wulff’s reputation.

The campaign was launched by *Bild* newspaper, but other media outlets joined in, including *Der Spiegel* and the *Süddeutsche Zeitung*, whose domestic policy editor Heribert Prantl ruefully remarked later that democracy was “something other than a pack after its prey.”

Prosecutors in Berlin and Hannover had examined the allegations against Wulff. But while the Berlin Public Prosecutor’s Office soon dropped its investigation, in Hannover 24 prosecutors and investigators worked for a whole year on their case.

The only charge that remained related to a visit by Wulff to the Oktoberfest in Munich, where the co-defendant, film entrepreneur David Groenewold, paid some of the hotel expenses—concretely, about €719.40 for hotel, food and babysitting costs.

Wulff, Prime Minister of Lower Saxony at the time of the alleged offence, is supposed to have solicited support from the Siemens corporation for the film *John Rabe*, in whose production Groenewold was financially involved.

The German businessman John Rabe, Siemens representative in Nanking in 1937-38, had saved thousands of Chinese from being massacred by Japanese soldiers, and is regarded as the “Oskar Schindler of China.”

Wulff and Groenewold have always denied any link between the Oktoberfest visit and the efforts on behalf of the film. Groenewold had paid a part of the hotel costs without Wulff’s knowledge. In addition, they pointed to a close friendship that had connected them for some time.

The district court finally allowed the charges to be filed against Wulff, however, not as requested by the prosecution for corruption, but only for soliciting personal gain, a lesser offense that requires a lower standard of proof.

While the allegation of corruption is linked to the violation of official duties, the allegation of receiving bribes for personal gain supposes the acceptance of an advantage while in the course of carrying out an official duty. It does not matter whether an actual breach of duty occurred or not. It is sufficient that the advantage is generally related to exercise of the official duty and thus is suitable to give the mere appearance of “corruptibility.”

This was the purpose of the trial against Christian Wulff, which lasted for 14 days, during which 26 witnesses were heard.

In its decision, the court was unable to establish that Wulff had accepted undue benefits or that a wrongful agreement existed between him and Groenewold. Also, there was no evidence that Wulff had noticed that part of his hotel bill was paid by Groenewold. Moreover, Wulff had reliably shown that he had reimbursed the €110 cost of a babysitter.

“Is it really credible that the state premier could be bought for peanuts?” asked Judge Rosenow. “Is it really credible that he allowed himself to be corrupted in such an amateurish way?” Why would Wulff allow costs to be

paid for which he would receive reimbursement anyway?

Further, Rosenow said, “For a state premier there is hardly anything in relation to business that is not part of their official duties.”

With this, he underlined—intentionally or unintentionally—an important aspect of the Wulff affair. From the local to the federal level there is hardly a leading politician who has no links to big business, and in private, semi-private and public events enjoys contact with business figures, lobbyists and employers’ association officials; therefore, such relations are considered normal and desirable.

This poses the question all the more sharply why the media and the Hannover Public Prosecutors Office have acted with such energy against Wulff. One should take into account the fact that prosecutors in Germany—at least in theory—unlike in the US, are not advocates in a criminal case, but are legally obliged to act with objectivity. They must not only investigate and bring forward incriminating evidence but also, to the same extent, any mitigating circumstances.

But there was none of this in the trial of Wulff. The prosecution presented an indictment that was based purely on circumstantial evidence and was only partially accepted by the court. Soon after the start of the evidential phase, the court let it be known that it was not convinced about the remaining charge of receiving bribes. The prosecutor responded with new submissions of evidence, usually completely unproductive, and declared in the midst of the trial that in case of an acquittal, he would lodge an appeal. Whether this actually happens is an open question.

Some media outlets have pointed out that the Public Prosecutor in Hannover, Lüttig, was until April 2012, head of department at the former Lower Saxony state justice ministry under Bernd Busemann (CDU), who was considered an internal party opponent of Wulff. Such internal party rivalries may have played a role, but they were certainly not decisive. They do not explain why numerous national media outlets took part in the campaign against Wulff.

A month before Wulff’s resignation, the WSWs wrote, “Given the general loss of confidence in all political parties, the ruling elite is seeking new methods to secure its rule: a small clique of power brokers, spin doctors and editors lay down the political line, which all have to stick to, including the President. The Wulff affair is setting an example. ... If a strong authoritarian figure sat in the presidential palace at Schloss Bellevue, they would gaze

past his corruption and nepotism and enthusiastically rally round and support him wholeheartedly.”

This assessment has been confirmed by several newspapers following Wulff’s acquittal, who then sought to justify their own role in the campaign against him.

For example, the *Berliner Zeitung* wrote, “Should Christian Wulff now come up with the idea that a legal acquittal meant a rehabilitation of his political and human mistakes, he would be deceiving himself. The criminal accusations were never central. It was always all about the question of whether the man has the necessary stature and attitude for this office.”

The *Süddeutsche Zeitung* asked, “Was it all for nothing?” And replied, “No, it was not. Wulff may be legally rehabilitated. At least he was not proved to have committed an offence. But his resignation remains correct ... Wulff had no idea about the office ... Wulff was not up to the office.”

In Wulff’s successor Joachim Gauck, the political power brokers and editors have now found a president who “has the required stature and attitude for this office”. He proved this at the celebrations marking the day of German unity, when he demanded that Germany must again play a role that actually corresponds to its size and influence in Europe and in the world, and must be willing to use military means to that end.

The *Bild* newspaper, which had unleashed the campaign against Wulff, had supported the ardent anti-communist Gauck against Wulff in the 2010 presidential election, even though they had previously built up Wulff politically.

The Wulff affair is indicative of the decay of democratic norms in Germany. Decisions about the country’s highest office are reached through collusion, manipulation and campaigns whose true grounds are never disclosed.



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