

The sacking of the German attorney general and the assault on press freedom

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The events that led to the dismissal of the German Attorney General Harald Range show the true extent of the preparations to erect an authoritarian state in which freedom of speech and basic democratic rights are suppressed.

In May, the German media launched a vicious smear campaign against the International Youth and Students for Social Equality (IYSSE) and the blog “Münkler-Watch” because both criticized the militaristic positions advanced by professors at the Humboldt University in Berlin. We warned at the time that the root cause of this attack on freedom of expression was “the turn to militarism with which the ruling class is reacting to the crisis of global capitalism. This extends into every pore of society and is incompatible with democracy.”

The investigation on treason charges initiated against the Netzkpolitik.org blog by Attorney General Range prior to his sacking, has fully confirmed this warning. It is not only students who are being threatened, but anyone who dares to reveal and denounce the anti-democratic and militaristic machinations of the state.

On Tuesday evening the *Tagesschau*, the major news broadcast on Germany’s first television channel, commented: “Investigations against journalists on charges of treason are the most powerful weapon one can use to intimidate them. These are the methods of dictatorships; there is no place for such measures in a constitutional state.”

Netzkpolitik.org, an online magazine with few resources, three editors, and a half-dozen volunteers, has been selected to set an example to all. According to paragraph 94 of the German Criminal Code, serious cases of treason are punishable with imprisonment from five years to life. This massive threat is aimed at demonstrating to every journalist that he could possibly spend his life behind bars if he uncovers illegal

activities of the intelligence agencies and the military.

The threats being directed at Netzkpolitik.org are all out of proportion to the alleged secrets it has published. It published the economic plan for the Federal Office for Protection of the Constitution (BfV, the domestic secret service) for 2013 and documents on plans to intensify the surveillance of telecommunications. They contain no technical or operational details. When Green Party deputy Hans-Christian Ströbele presented questions on the content of these documents in the Bundestag on March 4, an Interior Ministry spokesman promptly gave him the requested information. Clearly, the assertion that the blog was dealing in state secrets is a mere pretext.

It is also unusual that the investigation is not targeting the whistleblowers who passed on the documents to the press, but the journalists who published them. If this becomes standard practice, any journalist who reported on the revelations of Edward Snowden, for example, would risk prosecution.

The initiative to prosecute Netzkpolitik.org stemmed not from Range, but from Hans-Georg Maassen, the head of the BfV secret services. For some time, Maassen has complained that the secret services has been subjected to public criticism for their role in crimes committed by neo-Nazi terrorists and the mass surveillance of the population. The BfV laid the charges against Netzkpolitik.org, reaffirming to the attorney general that the papers it had published contained a “state secret.”

Some press comments have assumed that Range, who was due to retire at the end of the year anyway, had taken his hat early to deflect blame from Maassen and his chief, German Interior Minister Thomas de Maizière. Both the interior minister and the Justice Department were informed of Range’s investigation for

some time and allowed him to proceed. Justice Minister Heiko Maas only distanced himself from Range after the announcement of the investigation provoked sharp reactions in the public and the press.

The attorney general, however, was not prepared to be held back by the justice minister, though he is subject to the justice ministry's supervision and the justice minister bears the political responsibility for his work. At the press conference he convened on Tuesday morning, Range issued an open challenge to the minister. This amounted to an act of insubordination by a state official to the elected government.

Range accused Maas of "intolerable interference" in the independence of the judiciary. It was unacceptable that "influence is exerted on investigations because their possible outcome appears politically inopportune", he said. Freedom of the press and of expression are "not unlimited," Range said, adding that it was the task of the judiciary to ensure that journalists complied with the law.

A state where the judiciary controls the media and ensures that the machinations of the secret services and the military remain secret is not democratic, but authoritarian. If it was down to Range, Maassen and their defenders, journalists like Carl von Ossietzky, who in 1931 revealed to the world details of the German army's illegal rearmament, would once again land up behind bars—as happened at that time.

As a leading jurist, Range knew that his public assault on the government would result in his dismissal. He took this into account, aiming to set an example, foment a public campaign and encourage others to do the same. He has been successful, to some extent.

While most of the media has tried to downplay the significance of Range's provocation and dismiss it as merely an internal bureaucratic conflict, the newspaper *Die Welt* has risen to Range's defense and praised his behavior. The paper praised him as an example of "a free spirit, who is at the end of his career and refuses to buckle down," and "the independence of political officials who do not tremble like cowards when confronted with the royal throne."

The paper, owned by the right-wing Springer publishing house, bluntly spelled out the issues. "The natural tension between freedom of the press and the secret needs of the state must be re-adjusted in an epoch of whistle-blowing and its distorted view of the world",

it wrote. That is, freedom of the press must give way to the security priorities of the state.

The German Association of Judges (DRB) is also backing Range, and launched an attack on the justice minister. "It is unacceptable that the justice minister directly asserts his influence in the affair simply because the possible outcome of an investigation appears politically inopportune," wrote Christoph Frank, the chairman of the judges association in Berlin. He alleged that the response of Justice Minister Maas discredited the work of the prosecutor's office and undermined public confidence in the objective legal process.

The fact that the German Association of Judges equates the persecution of a blog which criticises the state with "objective legal process", demonstrates that it has never broken with its vile historical traditions.

In its over one hundred year history, it has repeatedly supported authoritarian measures. In 1933, the organisation welcomed the elimination of the Weimar Republic and merged seamlessly into the Nazi Jurists association. After its reorganisation in 1945, it ensured that virtually all the members of the Nazi judiciary escaped answering for their crimes. Instead, most former Nazi judges and legal officials were able to continue their careers undisturbed in post-war West Germany.



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