

Who is the new German Attorney General Peter Frank?

Wolfgang Weber
12 August 2015

The dismissal of Attorney General Harald Range following his investigation into the *Netzpolitik.org* blog on charges of treason and his attack on the Justice Minister Heiko Maas (Social Democratic Party) made headlines a week ago in the media. The accompanying appointment of Munich State's Attorney General Peter Frank as his successor passed without any comment.

All the articles that have appeared report that Germany's incoming senior prosecutor enjoys "an excellent reputation in the Bavarian state apparatus," but was a completely unknown quantity at federal level. The smooth change of office-holder had obviously been long and carefully prepared behind the scenes.

Harald Range (Free Democratic Party, FDP) would have retired at the beginning of next year on age grounds. The date of his retirement was therefore known, and so after the general election in the autumn of 2013 it had been agreed in the negotiations between the Christian Democratic Union/Christian Social Union (CDU/CSU) and Social Democratic Party (SPD) to form the grand coalition that the next attorney general should come from the CSU-led state of Bavaria. The Bavarian justice system is notorious for its right-wing tendencies and anti-democratic traditions.

At the centre of the months of coalition negotiations was the change of course in foreign policy, which was subsequently summed up by Federal President Joachim Gauck's comment that the period of military restraint was over. Germany was too big and too powerful economically to comment on world politics from the sidelines. In the future, Germany would actively intervene militarily again in the crisis regions of the world.

This return to the policy of militarism and war also requires an internal political turn towards a restriction of democratic rights, an expansion of the security

apparatus and the creation of a police state.

Under these conditions, the position of attorney general plays a much more important political role than has been the case at any other time in the post-World War II period. The end of foreign policy "restraint" and domestic political "squeamishness," i.e., any consideration for democratic rights, calls for a top law enforcement officer who is not necessarily loud and rumbling in public, but operates more purposefully in the silence of his office and uses the means of state repression to intimidate and suppress any popular opposition.

The decision to appoint Munich State's Attorney Peter Frank should be seen in this context.

The position of the federal attorney general is a key function in the state. According to the official website, the office is "the top law enforcement agency of the Federal Republic of Germany in the field of state security. It exercises the Office of State Prosecutor in all serious national security criminal matters affecting internal or external security."

Particular emphasis is placed on the domestic and foreign policy importance of its activities: "The proceedings of the Attorney General at the Federal High Court can involve important interests of the internal security of the Federal Republic of Germany and foreign relations with other states."

What qualifies Frank for this position?

The 47-year-old has enjoyed a rapid rise in the Bavarian judicial system. He started by joining the right-wing Catholic student association Cheruscia, which was founded in 1893 and is proud of its ultra-conservative traditions, during his studies in Würzburg.

With only an 18-month interruption in 2010–11, Frank has occupied leadership positions in the Bavarian state Justice Ministry, including being appointed

State's Attorney six months ago. Among other things, he was for years the bureau chief for then Justice Minister Beate Merk (CSU), and finally Director of Human Resources, responsible for filling all major posts, transfers and promotions in the apparatus.

He has, however, never been involved in the public discussion of legal, political and social issues, either through publications or in speeches. He is an apparatchik of the justice system and state apparatus.

The Bavarian justice system is notorious for being a haven of right-wing cliques for many decades, an institution under whose supervision fascist organizations like the paramilitary Hoffmann group, the Grey Wolves from Turkey and the right-wing terrorists of the National Socialist Underground (NSU) have operated unhindered and built up their support.

Millionaires and top managers, arms dealers and money launderers love Bavaria as a safe haven. With the appropriate "management of the political landscape," such as making party donations to the CSU, and having financial and other friendly relations with CSU leaders, meant in these circles that in an emergency, they can always have justified hopes that investigations and proceedings are abandoned, or that they would receive a timely warning or see the removal of difficult prosecutors and investigators by official order.

In his book *Illusion and Despotism*, the former tax inspector and senior official in the Bavarian State Treasury Wilhelm Schlötterer describes countless such cases of abuse of power and violation of the law. During Beate Merk's term of office (2003 to 2013), such cases piled up and took on breathtaking dimensions.

* Gustl Mollath: Forcibly admitted to a psychiatric facility in 2006 on the order of judges, with the help of several specialists, Mollath remained there about seven years, imprisoned by rulings of the Bavarian courts on charges of "delusions endangering the public." His "delusions" were that he had accused the Bavarian HypoVereinsbank, where his wife was employed, of moving the dirty money of wealthy clients to Switzerland. An internal audit of the bank essentially confirmed the allegations, but the bank had kept this secret out of concern for the affected clients. For years, Justice Minister Merk had covered up these criminal machinations of the judiciary and blocked a repeal of

the judgements, or a fresh hearing of the proceedings against Mollath and the launching of criminal proceedings against the judges.

* Schottdorf Laboratory: Between 2004 and 2007, over 10,000 doctors nationwide engaged in a joint enterprise with the Augsburg lab business of Schottdorf, enriching themselves to the tune of nearly €100 million through fraudulent invoicing to the detriment of health insurance companies. A prosecutor and two Criminal Investigation Department investigators had already collected extensive evidence, when they had to shelve all their investigations "on orders from above." More than 3,000 cases against doctors in Bavaria were blocked by the state Justice Ministry and the State's Attorney until they became moot because of the statute of limitations.

These are just two examples of a seemingly endless series of similar activities in the Bavarian justice system: the Siemens bribery scandal; the billions in losses by Bayerische Landesbank due to involvement in the criminal business of the Austrian right-wing populist Jörg Haider; the dropping investigations for tax evasion against the media mogul Leo Kirch and the Bavarian Data Protection Officer Dieter Betzl, who had shifted hundreds of thousands of euros to Liechtenstein in order to protect them from the tax office ... the list never ends.

As the Merk's bureau chief and Director of Human Resources, Peter Frank was involved in many of these activities and often played a key role. These are his special qualifications for the position of federal attorney general.



To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact