

Secret Service barred from making probe of far-right Alternative for Germany public

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4 March 2019

The Cologne Administrative Court has banned the Secret Service from publicly designating the far-right Alternative for Germany (AfD) as a “test case,” its lowest level of official scrutiny. This designation had a negative connotation for the public, the court found. Since there was no legal basis for such a designation, the court ruled it unlawful and disproportionate.

The judgement was in response to an emergency application by the AfD. The right-wing extremist party had filed a lawsuit after the chief of the intelligence agency, Thomas Haldenwang, publicly announced on January 15 that the Secret Service would treat the AfD as a “test case.”

Haldenwang pursued two goals with this public announcement: On the one hand, he sought to improve the damaged image of the Federal Office for the Protection of the Constitution, as Germany’s domestic secret service is called, after his predecessor Hans-Georg Massen had to resign because of his proximity to the AfD and his partisan statements concerning a far-right demonstration in Chemnitz. On the other hand, his use of the term “test case” was to indicate that the secret service still did not classify the AfD as a far-right party and was merely “testing” whether there was a reason for doing so.

“In the eyes of the Federal Office [secret service], the more harmless classification of the AfD as a test case should ‘rather lead to exonerating the party,’” reported the *Süddeutsche Zeitung*, citing an internal dossier of the secret service. “The logic behind it: With this designation, the Federal Office confirms that the party is less bad than expected by sections of the public.”

But there can be no doubt about the right-wing extremist character of the AfD. Its officials are constantly agitating against refugees and migrants and

playing down the crimes of the Nazi regime. Its chairman, Alexander Gauland, calls Hitler and the National Socialists [Nazis] a mere “speck of bird shit in 1,000 years of successful German history.”

The secret service is not only protecting the AfD, it is also closely linked with it. There is sympathy for the right-wing extremist party up to the highest levels within the secret service, as the case of Maassen has shown. The AfD’s parliamentary deputies and functionaries include numerous intelligence agents, as well as police officers and soldiers.

The secret service is also closely linked in with the militant right-wing extremist scene, which it has helped to build up through hundreds of confidential informants and hundreds of thousands of euros in finance. There were at least two dozen confidential informants in the immediate periphery of the National Socialist Underground, a neo-Nazi terrorist group.

The official annual report on the secret service does not mention the AfD at all, while criticism of capitalism is sufficient for an organization to be denounced as “left-wing extremist.” In particular, the Sozialistische Gleichheitspartei (SGP, Socialist Equality Party) is listed in the report as a “left-wing extremist party,” though it is not accused of breaking any law or of conducting violent activity. The naming of the SGP is based solely on its agitation against the capitalist order, imperialism and militarism. For this reason, the SGP is taking legal action against the secret service.

The Cologne court has expressly not dealt with the question of whether the AfD actually is a far-right party. “The subject of the proceedings was solely the question of whether there is a legal basis for the action of the Federal Office [secret service]; the substantive evaluation of the positions of the AfD was not

procedurally relevant,” the court says in a press release.

The court bases its judgment on the fact that there is no legal foundation for the announcement that a party was being processed as a “test case.” Since this designation has a negative effect on the public, the public communication constituted an interference in the fundamental rights of the AfD as a party, the court said.

The judgment does not forbid the secret service from treating the AfD as a “test case,” but bars it from informing the public about this preliminary form of investigation. The public may “only be informed when a suspected case exists,” it says in the ruling, refer to the next-higher level of scrutiny. This designation required sufficiently important factual evidence and a strong degree of suspicion.

The investigation of two subdivisions of the AfD remains unaffected by the court ruling. The Young Alternative (JA) and the so-called “wing,” an internal AfD network linked to Thuringian AfD leader Björn Höcke, are being treated by the secret service as “suspected cases.” The Secret Service may continue to do so and inform the public about this.

Nevertheless, the AfD has celebrated the Cologne verdict as a complete success and interpreted it as giving it a political clean bill of health. With this year’s European elections and three state elections in the AfD’s East German strongholds, it is using the court ruling to improve its image in public and pave the way for future participation in government.

“The court has completely followed our line of reasoning,” said party leader Alexander Gauland. “There are still judges in the country, and this is a good day for the rule of law.” Co-chairman Jörg Meuthen boasted that “the politically motivated utilization of the secret service against the AfD [had] failed for the time being.”

The conservative and right-wing press also welcomed the verdict.

The *Frankfurter Allgemeine Zeitung* (FAZ), which usually does not tire of demanding the monitoring and suppression of left-wing organizations, described the court’s decision as a “success for the rule of law.” The state must “heed the equal opportunities of the parties” and, “precisely because the parties play such an important role within it, require special authorization to act against any of them.”

The FAZ commentary closes with the call to leave

the AfD alone and concentrate instead on the real opponents, who for the FAZ are always on the left: “More than ever, it is important to focus on the really anti-constitutional endeavours—there is enough to test in that area—and otherwise uphold free discourse.”

The magazine *Cicero* published a guest post by the former naval admiral and chief of the military intelligence service MAD, Elmar Schmähling, who is outraged by the “unofficial mass evaluation of the opinions of thousands of AfD members and staff” by the secret service. The secret service was not the East German Stasi and did not have “the natural right to collect everything, to snoop and evaluate what is said openly, written down somewhere or printed,” he railed.

Schmähling too only expresses such scruples when those affected are on the right. He accuses the secret service of “one-sided partisanship” against the AfD and being “the lackey of the ‘democratic’ parties” and thus contributing to “re-establishing moral cowardice in Germany.” This “damage to our country” was “much greater than the electoral success of the AfD,” he claims.

The SGP rejects the effort by the extreme right to exploit the judgment for its own purposes. At the same time, it is clear that the secret service itself is part of the right-wing conspiracy. In an early comment, we wrote that trying to fight the AfD using the secret service was like “driving out demons with Beelzebub and meant strengthening the very organisation that plays a key role in building up the far-right.”

All historical experience shows that strengthening the state apparatus under the pretext of the “fight against the right-wing” invariably serves to direct the state forces against socialist opponents of capitalism. The secret service should be abolished! The only way to stop the growth of the extreme right, is the mobilization of the working class on the basis of an international socialist programme.



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