

Berlin Administrative Court affirms secret service observation of left-wing newspaper *junge Welt*

Justus Leicht
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On 18 March, the Berlin Administrative Court rejected an emergency application by the left-wing daily newspaper *junge Welt* that it no longer be described as “left-wing extremist” in the annual report of the secret service, which subjects it to state surveillance.

The significance of this decision goes far beyond the immediate case. It underscores the fact that in Germany anyone who professes Marxism or even calls the class division of society by its name is to be persecuted and its operations massively obstructed by the state.

A judgement in the main proceedings is still pending, but the grounds for the decision in the summary proceedings, which the *World Socialist Web Site* has seen, leave no doubt that the outcome will be the same.

junge Welt had initiated summary proceedings and applied for a temporary injunction because being named in the report by the Verfassungsschutz (Office for the Protection of the Constitution), as Germany’s secret service is called, impairs its work and threatens to destroy its economic existence. The main proceedings can often drag on for years.

The Administrative Court recognised that *junge Welt* had credibly demonstrated that being named in the secret service report made distribution of the newspaper more difficult—among other things because paid advertising was refused, pictures were not available, and access to and cooperation with the newspaper was restricted.

junge Welt stated: “For example, Deutsche Bahn and various municipalities and radio stations are refusing to rent advertising space with reference to the Verfassungsschutz entry, libraries are blocking online access to the newspaper, and a printing company refused to produce another print publication with an advertisement by the *junge Welt*.”

This is also intentional, as the federal government stated in response to a parliamentary question on the surveillance of *junge Welt* by the intelligence agencies last year. Such discrimination against left-wing publications is a “task for society as a whole” and is intended to “deprive them of [a]

further breeding ground.”

Nevertheless, the Administrative Court questioned the urgency of the application. It then decided that it did not even matter because the application was also substantively unfounded. This was mainly because *junge Welt* is a “Marxist-oriented daily newspaper.”

Taken “as a whole,” the “left-wing extremism” of *junge Welt* resulted from its “propagation of the class struggle,” its presentation of “socialist-communist states and societies as preferable” and its demand for “overcoming of capitalism” and a “socialist alternative.”

The blueprint for its decision against *junge Welt* had previously been created by the Administrative Court itself. In November last year, the same court, presided over by the same judge, its vice-president Wilfried Peters, had rejected the complaint of the Sozialistische Gleichheitspartei (Socialist Equality Party, SGP) against its naming in the Verfassungsschutz report. In the case brought by *junge Welt*, the court has now adopted the wording of that earlier judgement in part verbatim.

In the judgement against the SGP, the court declared anti-democratic and anti-constitutional statements such as that screaming social inequality is not compatible with democracy; the power of the big banks and corporations stands in the way of real rule by the people; and the state organs serve the interests of the rich.

Since according to the constitution all state power emanates from the people, the court declared, all state institutions were also democratically legitimised. Thus, it was illegitimate to question by name “the Verfassungsschutz and the Bundeswehr [Armed Forces].” The court also found the reference to the class struggle to be anti-democratic and extremist, as was the reference to Marx, Engels and Lenin and the advocacy of a socialist alternative to capitalism.

As in the ruling against the SGP, in the case of *junge Welt* the administrative court also referred to the discredited ban on the German Communist Party (KPD) by the Supreme

Court in 1956. The Administrative Court constructed its own version of “Marxism-Leninism,” which it accuses everyone who refers to Marxism and a revolutionary socialist perspective of advocating.

Accordingly, “communist state models” following the “teachings of ideologists such as Marx, Engels and Lenin” envisage “one-party systems” with all-powerful “state parties,” meaning there is “no room” for general and equal elections. There are no limits to the judicial imagination. The Berlin Administrative Court provides no evidence of where, when and how Marx, Engels and Lenin “envisaged” such systems.

Nor does it show where *junge Welt* advocated such a state model. The decision merely states that it portrays the German Democratic Republic (GDR, East Germany) and Cuba in a positive light. For example, on the Day of German Unity on 3 October 2010, under the headline “Against the distorted image”, it had stated, among other things: “As long as the GDR existed, no war emanated from the whole of Germany”—which is obviously true.

As evidence of *junge Welt*’s supposed hostility to democracy, the court also cited its support for the elected Venezuelan president Nicolas Maduro, who has had to fend off several right-wing coup attempts.

The court also tried to somehow link *junge Welt* to violence and terrorism. However, it was unable to prove that the newspaper called for violence or endorsed terrorism. It merely referred to the publication of interviews with various organisations and individuals and the documentation of letters of confession, which thus “offered a platform.”

The Administrative Court did not cite any concrete evidence that the newspaper identifies with the politics of the Islamist Hamas, for example, because one of its representatives gave it an interview.

However, according to Supreme Court case law regarding the intelligence surveillance of press organs, this is mandatory: “Freedom of the press also covers the decision to provide a forum only for a certain political spectrum, but to grant the authors great freedom there and subsequently not to identify with all individual publications.”

“It would therefore require,” wrote the Supreme Court in a 2005 decision on the right-wing *Junge Freiheit*, “special indications as to why the editorial staff does not identify with these articles but does identify with the articles referred to by the courts.”

The Administrative Court does not cite such “special indications” but resorts to a classic circular argument—what is to be proven is assumed—to make conclusions as to an “overall view” of the articles and to the “political orientation of the editorial staff.”

This is legally untenable. The aim is to slander, criminalise

and silence any left-wing criticism of the capitalist system and government policy as anti-democratic, even if—as the federal government and the Administrative Court also admit in the case of *junge Welt*—it uses exclusively democratic and peaceful means to do so.

In this case, the court has adopted the anti-communist tirades against Marxism, against the overthrow of capitalism, against socialism and against the appeal to class struggle, partly word for word over several pages from the judgement against the SGP. It thus expressly confirms the SGP’s warning at the time:

The judgement targets the SGP because it provides this opposition with a voice and a socialist perspective, but it is also directed against anyone who criticises capitalism and rejects the government’s right-wing policies. Based on this judgement, every author who refers positively to the Marxist classics, every sociologist who examines the effects of social inequality on society, every journalist who sheds light on the right-wing terrorist networks in the armed forces and every striking worker could be declared an enemy of the constitution.

This is exactly what has now taken place with the ruling against *junge Welt*. The SGP and the *World Socialist Web Site* call on all readers to defend *junge Welt* and all other groups that are being spied on and attacked by the Verfassungsschutz for left-wing opposition to capitalism, militarism and imperialism.



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