Berlin Court declares the city's transport company must continue an advertising campaign for the far-right portal "Nius"

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In summary proceedings, the Berlin Administrative Court has ordered the Berlin Transport Authority (BVG) to resume an advertising campaign for the far-right online portal "Nius" on buses and in the city's subway. The state-owned transport company, whose supervisory board is controlled by the Verdi trade union and the same parties that govern Berlin, the Christian Democratic Union and the Social Democratic Party, had halted the campaign in June following massive public protests. Now the BVG must continue the campaign and is not even permitted to state publicly that a statement justifying the advertising campaign by the far-right "Nius" editor Julian Reichelt was unlawful.

In April 2026, "Nius" had booked advertising space with the BVG's advertising agency, including the exterior of a double-decker bus and interior advertising in subway carriages. The campaign immediately sparked opposition. Calls were made on social media to interfere with BVG facilities and disrupt its operations; a bus carrying "Nius" advertising was followed for hours by a poster van displaying counter-slogans.

In early June, the BVG ended the campaign prematurely after Reichelt shared an image on platform X. The image showed a slogan directed against gay people stating: "We are becoming increasingly popular with both genders." At the time, the BVG stated that the motif crossed "the boundaries of permissible freedom of expression and freedom of advertising" and was "manifestly unlawful."

The Administrative Court has now rejected this reasoning in its entirety. According to the court the advert met the conditions for use and was protected by freedom of expression and freedom of the press. Security concerns could only justify exclusion if public safety could not be maintained even with police intervention—and there was no evidence to suggest this. Furthermore, as a public-law body, the BVG cannot invoke its own fundamental rights, such as the protection of its corporate reputation.

The court went even further and prohibited the BVG from describing Reichelt's statements on "binary gender" as unlawful. The BVG has since lodged an appeal with the Higher Administrative Court of Berlin-Brandenburg.

This case is not an isolated incident, but part of a pattern whereby the German judiciary and the state apparatus systematically provide cover for the far right.

"Nius" was founded in 2023 by the former *Bild* editor-in-chief Julian Reichelt, who had been dismissed from Springer in 2021 following allegations of abuse of power. The portal is financed by Frank Gotthardt, an IT multimillionaire from Koblenz and honorary chairman of the Rhineland-Palatinate Economic Council—an organisation with close ties to the CDU—who, via a holding company, owns almost 90 percent of the operating company Vius. Despite annual losses running into the tens of millions—€16.2 million in 2024 alone—the project is being kept afloat with the billionaire's money because it serves a political purpose: the systematic shift of public discourse to the right.

Academic studies classify Nius as a "pseudo-journalistic propaganda platform" that employs disinformation and blurs the lines between right-wing conservative and extremist positions. The Verdi trade union has criticised the portal as a "platform for right-wing agitation" that stirs up hatred against migrants and trans people. The Berlin Public Prosecutor's Office is investigating Reichelt himself on suspicion of incitement to hatred, after he warned on X of an alleged "takeover of the police by officers with a migrant background."

As the WSWS has documented, Nius was one of the key amplifiers of the campaign against Constitutional Court candidate Frauke Brosius-Gersdorf, who eventually withdrew her candidacy in the summer of 2025. At the time, Reichelt had demanded on X that Brosius-Gersdorf "must be stopped!" Over the following ten days, "Nius" published more than 20 smear articles against the law professor. The leader of the far-right Alternative for Germany, Alice Weidel, shared Reichelt's post and the campaign was taken up by *Bild*, *Welt* and *Neue Zürcher Zeitung*.

The fact that a website with this profile is now explicitly placed under the protection of freedom of expression and freedom of the press by a Berlin court, whilst a public-sector company is forced to continue its campaign and retract its own legal assessment, is indicative of the state of the bourgeois legal system.

Class-based justice and its victims

The BVG case is one of a growing number of court rulings that are throwing open doors to the far right in Germany, whilst at the

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same time repression against socialist, anti-fascist and anti-war organisations is being intensified.

In December 2021, the same Berlin Administrative Court dismissed the Socialist Equality Party's lawsuit against its surveillance by the secret services and its inclusion in the Federal Office for the Protection of the Constitution's report. It explicitly justified the classification of the SGP as "far-left extremist" on the grounds that it advocates a Marxist perspective. It adopted the argument put forward by the Federal Ministry of the Interior, according to which "campaigning for an egalitarian, democratic and socialist society" and "agitation against alleged 'imperialism' and 'militarism'" are anti-constitutional.

In August 2024, the Federal Administrative Court in Leipzig suspended the ban on the far-right *Compact* magazine imposed by Federal Minister of the Interior Nancy Faeser (SPD)—on the flimsy grounds that it was doubtful whether racist incitement was in fact "characteristic" of the fascist magazine. As the WSWS analysed at the time, the ruling "was aimed less at preserving press freedom than at legitimising racist incitement."

The court expressly confirmed the applicability of association law to undermine press freedom—a tool that had previously been used against left-wing organisations such as linksunten.indymedia and, most recently, against Palestine Solidarity Duisburg. Whilst *Compact* editor-in-chief Jürgen Elsässer was granted interim relief within weeks, the legal action brought by Palestine Solidarity Duisburg has been dragged out for months.

Just a few weeks before the Nius ruling in Berlin, the Munich Labour Court ruled that the "freedom of entrepreneurial activity" of the Munich Transport Company (MVG) took precedence over a tram driver's freedom of conscience, which is protected under the Basic Law. Michael Niebler, a recognised conscientious objector, had refused to drive a "Bundeswehr tram" covered in German army camouflage stickers. The court dismissed his claim. The WSWS commented: "The ruling tramples on the Basic Law, which in Article 4, paragraph 1, expressly guarantees freedom of conscience as inviolable."

In Berlin itself, BVG bus driver Andy Niklaus, a member of the Socialist Equality Party, was suspended and given a written warning in September 2024 for speaking out against the genocide in Gaza and calling for the struggle against poor working conditions to be linked to the struggle against war. The WSWS ran a campaign against this.

The message of this ruling is unmistakable: a billionaire who finances a far-right hate site enjoys the full protection of freedom of expression. A worker who refuses military service, protests against genocide or criticises capitalism is criminalised.

The BVG: capitulation to the far right and a hardline against the workforce

The BVG itself had ended the campaign not out of anti-fascist conviction, but only after considerable public pressure. Trade unions such as the German Journalists' Union within ver.di had protested, and more than 130,000 people had signed a petition.

However, the Berlin state government and the management of the public transport company made it clear from the outset that they were not prepared to enter into an open political conflict with Nius and its lawyers, preferring instead to fall back on a narrow, vulnerable legal argument. It is precisely this reluctance that has now made it easy for the court to bring the BVG to its knees.

Meanwhile, for years the BVG has been imposing real wage losses due to inflation on its own staff: bus drivers, subway drivers and workshop staff. During the 2025 collective bargaining round, the 16,000 BVG employees had voted by an overwhelming majority of 95.4 percent in favour of an indefinite strike to push through their demand for a monthly pay rise of €750.

The Verdi leadership, led by Jeremy Arndt, then deputy chairman of the BVG supervisory board, systematically undermined the strike, entered into arbitration and pushed through an agreement that differed little from the employer's offer. The Transport Workers' Action Committee, supported by the WSWS and the International Workers' Alliance of Rank-and-File Committees (IWA-RFC), called on the workers at the time to "break through Verdi's bureaucratic dictatorship" and take the general strike into their own hands.

Whilst workers are told to accept "operational necessities" and legal constraints every time they go on strike, this case shows how the company and the state willingly capitulate behind the scenes as soon as a right-wing populist media project steps in, backed by top-class lawyers and the support of a billionaire.

This case confirms that the struggle against the normalisation of the far right cannot be left to the courts, the Berlin state government or the corporate media. The bourgeois state is not a neutral arbiter, but an instrument of class rule. The fact that the German judiciary protectsfar right-wing incitement and criminalises left-wing opposition is not a lapse, but an expression of the class character of this state, which is shifting ever further to the right in the wake of the largest military build-up since Hitler and the German government's support for the NATO proxy war against Russia.

What is needed is the independent organisation of workers and young people—including BVG employees themselves—into action committees that combat both the dismantling of social welfare and the right-wing shift of the state apparatus—as part of a joint struggle by the working class against capitalism and the fascist threat it engenders. The defence of democratic rights is inextricably linked to the struggle against capitalism and for a socialist society.

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