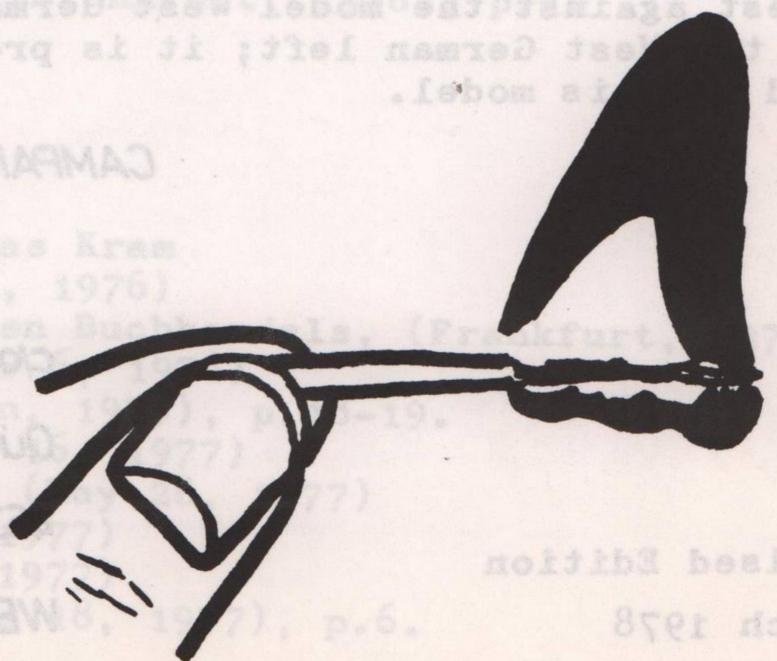


CAMPAIGN AGAINST THE MODEL WEST GERMANY

Nr. 3: How to Burn Books Without Getting Your Fingers Dirty



March 1978
Revised Edition
WEST GERMANY
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Foreword

A CAMPAIGN AGAINST THE MODEL WEST GERMANY cannot be centred exclusively around the increasingly repressive conditions in this country. Demonstrators are beaten up by the police, teachers are disciplined, political prisoners are held and censorship laws exist in other countries too.

In view of the fact that in many countries all over the world, also in Europe, many people - individuals, groups, and entire populations - are trying to find and develop an alternative to capitalism and imperialism, West Germany, with her economical strength, social-liberal government, and her generally high standard of living and progress, represents an attempt to find an alternative to the choice between a constant crisis in capitalism on one hand and dictatorship or a socialist development on the other. This new development in West Germany within the last 10 years is not one of an open dictatorship of a fascist or Latin-American type, but one of integration of the people through the integration of all relevant organizations into the state, by guaranteeing a high standard of living providing that peace is kept, and through an extensive control of newsmedia and other forms of publicity.

If the political prerequisite for this model, namely the end of class struggle and consensus among the people, is only symbolically or marginally questioned, the state or the institutions incorporated into the state, react with extreme severity, a severity aimed at destroying a socialist alternative before it develops. Characteristic for these repressive measures is that they are not carried out in contradiction to existing laws as measures in a dictatorship, they are, instead, legally permitted. If necessary, legislation to cover particular measures is passed within a few days. Just as Hitler came to power legally in Germany, Berufsverbote are legal today as is censorship, as are union expulsions, as is isolation imprisonment, as is forbidding demonstrations against atomic energy plants. Everyone who rejects this consensus is considered an enemy of the state.

With the use of new technology, especially that of the computer to collect data about every individual living in this country, the state has developed methods to register and to control the entire population, both technically and politically. Not only is the German left in view, which is already weak and without the perspective of becoming powerful. In coalition with various parties and reactionary sectors in other countries, West Germany is putting all her efforts against socialist perspectives and experiments in Europe, financial support is given to bankrupt regimes, and attempts are made to force unions and socialist parties to copy the West German model, and both technology and experience in repressive measures are being exported. Protest against the model West Germany is not only an act of solidarity with the West German left; it is protest against building Europe up based on this model.

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WEST GERMANY

Revised Edition

March 1978

In Other Countries the Milkman Comes at 6 AM. . . .

"It seemed as though I'd just fallen asleep when I was awoken by something that kept ringing. I couldn't orientate myself at all. I didn't know if it was the alarm clock or if I'd been dreaming. Then I became aware of someone shouting: 'Open up! Police! Open up or we'll open up for you!' It was 6AM. I got up and looked out of the front window and saw police cars on the street; then I went into the kitchen, looked out into the back courtyard and saw policemen with walky-talkies. All of my 'sins' started to flash through my head; I tried to find a reason for why they had come, but I couldn't think of anything. I ran nervously from room to room trying to think what it could be. And the doorbell rang and rang. When the police started to go to work on the lock, I decided the critical moment had arrived; I put on my bath robe and opened the door. Standing across from me were 8 to 10 policemen, two in uniform, the rest in plain clothes, all with guns pointing in my direction. I planted myself in the doorway, trying to look courageous, and inquired what they wanted. One of them stepped forward, the head of the Federal Criminal Department - Terrorism Branch, and I asked him to show me the search warrant, which he did. I glanced over it quickly, not registering much except that a particular periodical, Revolutionärer Zorn, was mentioned, and I then declared that they couldn't come in unless my lawyer was present. The fact that this was my legal right didn't seem to disturb them at all; they flatly replied that they wouldn't buy that argument, since I would surely destroy all the evidence as soon as the door closed behind me. With that remark, they barged into my apartment and spread out into all rooms. One of them gave me a thorough body check. While they began going through everything in the apartment, I called my lawyer.

The search itself was 'friendly' compared to other searches I've heard of. They didn't throw books and papers around or leave things in a frightful mess. They took every book out of my bookcase and looked through it, looked under the bed, in the cupboards, all through my clothes. They photographed everything, made a complete sketch of the apartment, took samples of the type from my typewriter, took fingerprints. One copy of the periodical that they were looking for, Revolutionärer Zorn, found lying on my desk, was confiscated along with two books not appearing in the search warrant.

It seemed like ages before the lawyer came, although it was really only about 20 minutes. The whole time, they kept trying to unnerve me with little comments: 'Why are you shaking so much? No reason to be afraid.' 'Don't worry! It's just a routine check.' and when I wanted to make a cup of tea, 'Oh, would you make a cup for us, too?' One of them followed me around the whole time; I couldn't do anything alone. Even when I went to the John, one of them was posted at the door and I had to leave the door open. One tried to get me to talk all the time: 'Where were you last night? Why did you get home so late?' This sort of thing. It's hard not to say anything when someone's constantly asking you questions. When I simply couldn't hold out any longer, I'd say, 'I've told you already, I'm not going to say anything.' After the lawyer came, I felt much better.

The whole ordeal lasted about an hour. I was then ordered to get dressed and led into the cellar where my storage room was searched. Once outside, they headed straight for my car and began going over it. There, they discovered a sealed carton of stickers saying, 'Support the struggles of the Red Cells, the Movement June 2, the Red Army Fraction! Don't give any information to the police!'

I was then taken to the police station where I was photographed from three angles; two sets of fingerprints were made from each finger on both hands, from all fingers together and from the entire surface of both hands.

By this time, it was about 9 o'clock. Back into the car and off to the bookshop that I manage. We weren't the first to arrive, however. Numerous plain clothes men were standing about obviously posted there hours before to prevent anyone coming and disposing of the 'forbidden' literature. In the meantime, the number of policemen had doubled, now approx. 20.

Once inside the shop, they began looking through all the books, newspapers etc. They confiscated six further copies of Revolutionärer Zorn, 2 or 3 copies of Bommi Baumann's book and a few copies of a documentary report of Lothar Gend's trial. In the backroom, we had masses of garbage all piled up; the police thought this was a great find and began going laboriously through all that, too. There was also great excitement when they discovered eight orderly piles of books, each one under a sign with the name of an anarchist on it, thinking that they were hot on the trail of the underground. (To the disappointment of the police, these anarchists were already in prison. We send packages of books regularly to prisoners.)

Two policemen began searching through all the files for copies of orders and receipts concerning the 'forbidden' literature. They found an address book and immediately added that to the confiscated materials. Again, everything was photographed and detailed sketches were made.



Periodically, people called on the 'phone. News of the raid had spread and they wanted to know what was going on. The police, on one hand, were very interested to see who called (the 'phone was likely tapped at the time), but as soon as I started to say too much, they cut me off. It was good, though, that so many called. It gave me a great deal of psychological support. It would have been good if they could have gotten a demonstration together immediately. I don't know why they didn't. Perhaps it was because they were taken by surprise.

When they were finished, it was about 12 o'clock and I was taken back to the police station. There, the chief inspector explained that the results of the search had to be evaluated before it could be decided if I could go home or not. At that point, the situation became more threatening for me." (1)

August 18, 1976. Bochum, West Germany. The key figure: Thomas Kram, manager of two left bookshops, one in Bochum and one in Essen.

But what happened in Bochum was carried out simultaneously in Berlin, Heidelberg, Munich, Cologne, Tübingen and Hamburg; a total of 10 bookshops, one distributor and numerous apartments were searched. All raids began without warning at approx. 6 o'clock in the morning; the exact time of the raids in some of the bookshops was difficult to determine, as the search was well underway before the salespeople had arrived to begin work that morning. This was the case in the Buchhandlung Commune in Berlin. And how did the police get into the bookshop without having it being opened for them? They simply removed the existing lock on the door and installed a new one. In all cases, the search warrant was issued on grounds of: suspicion of supporting a criminal organization (Paragraph 129) by selling, distributing or making available copies of printed matter entitled Revolutionärer Zorn (Paragraph 88a).

This was the first time that Paragraph 88a (only brought into legislation on May 1, 1976) had been put into effect and at the same time, it was combined with Paragraph 129. The connection becomes clear after a closer examination of these two pieces of legislation.

Paragraph 88a and Paragraph 129

According to Paragraph 88a, punishable with a fine or a sentence of up to 3 years is he, who:

- 1. distributes
- 2. openly displays, posts, demonstrates or makes accessible in any other way or
- 3. produces, subscribes to, delivers, stores, offers, announces, recommends

one of the following unlawful acts as stated in Paragraph 126:

- 1. disturbing the peace in special (eg. armed) cases
- 2. a murder, manslaughter or genocide
- 3. purposely causing bodily injury or poisoning
- 4. a criminal act restricting personal freedom (eg. blackmail)
- 5. a robbery or extortion
- 6. a generally dangerous deed involving arson, offences involving explosives, endangering air, rail or sea traffic, flooding, poisoning wells
- 7. a generally dangerous deed involving the destruction of public utilities such as railroad, postal services, public transport, destruction of telephone communication systems, destruction of important works such as water works.

This Paragraph gains added weight when coupled with Paragraph 129: forming a criminal organization. This Paragraph states that he who founds an organization whose aims or activities are directed at committing offences, or he who takes part in such an organization as a member, recruits for it and supports it, will be punished with a sentence of up to five years or with a fine.

It is assumed by the federal authorities, that a shopkeeper, who displays newspapers or books automatically identifies with and consequently supports the content of these materials. It isn't important, if she or he is familiar with the content of this material. The sale of a paper produced by a so-called criminal organization is enough to accuse the bookseller of offences under Paragraph 88a and 129, that is, to accuse her or him or supporting a "criminal organization".

Revolutionärer Zorn

And what is this Revolutionärer Zorn which the authorities were so feverishly after? The newspaper, written and published by an underground organization, the Revolutionary Cells, and sent anonymously to various left bookshops, has appeared three times. The one in question appeared in May 1976. The issue opens with a statement from Jan Carl Raspe*, member of the Red Army Fraction, concerning the death of Ulrike Meinhof, who was found hanging in her prison cell at Stammheim on May 9, 1976. "I don't have much to say. We believe that Ulrike was murdered. We don't know how, but we know who killed her and we can describe the methods which were used ..."(2) On the last page under the title, "The Answer", is a list of attacks on different state buildings and institutions with bombs or other explosives that occurred after Ulrike Meinhof's death.

The main article in this issue, entitled "One has to be as radical as the reality", deals with the question: What is repression? During the recounting of various examples of repression in West Germany, it is emphasized that "violence is necessary for the existence of capitalist society".(3) "Preventative and international counter-revolution" as is the strategy of the West German government "means: smashing revolutionary processes before they can begin, exterminating movements before they find extensive support in the population, splitting the people by offering a series of reforms and by selective terror, thereby removing the sharpness of the contradictions in the society".(4)

The left is criticized for its immobility, for its fear to call repression, state violence.

"What do you expect
when you direct your softly
formulated petitions
to the executioner:
Dear Gentlemen
with reference to our Constitution
from the year forty eight
(eighteen hundred or nineteen hundred?)
we ask you kindly
to refrain from torturing..."(5)

Towards the end of this article, a number of tips are given as to how repression can be more actively fought. For instance, "demonstrations can be supported by limiting the mobility of the police. A flooded car can hold up a whole colony of police cars."(6) Or "during demonstrations and organized searches for wanted persons, smash the windows of banks in far away places. This produces a nice alarm and keeps the police busy for a long time."(7)

Aside from this main article, the May issue contains a report about the measures taken in 1975 to boycott the fare increase for public transport introduced in several major cities, and one about the difficulties the authorities were having in re-possessing goods eaten by homeless persons who had obtained the food by using forgeries of vouchers distributed to welfare cases.

* Jan Carl Raspe was found in his cell at the Stammheim prison on the morning of October 18, 1977, with shot-wounds in his head. He died a few hours later. On the same morning, Gudrun Ensslin and Andreas Baader, both members of the Red Army Fraction, were also found dead in their prison cells. The officials claim that all three committed suicide. For a detailed report of these cases see: The Stammheim Death, the 4th brochure from the Campaign Against the Model West Germany.

Confiscated!

What did the police find in the apartments and bookshops that they raided? What did they confiscate? Not only were copies of Revolutionärer Zorn confiscated, which, by the way, were not to be found in every raided place. Certainly to the frustration of the police, they could only be found in limited numbers in Bochum (6 copies), Berlin (12 copies in one bookshop, 1 in another), Tübingen (1 copy), Hamburg and Munich.

At the same time, the police took the opportunity to confiscate a variety of other materials. For this purpose, the police generally seemed to favour the book from Bommi Baumann: Wie alles Anfang (How it all Began). (Bommi Baumann was a member of the Guerilla from 1971-72. After having given up this form of politics, he wrote about his experiences that lead to his involvement in the guerilla and the reasons for his leaving it.) In addition, the police made a collection of other books, varying from raid to raid. Among them were:

Holger Meins (a book about Holger Meins, member of the Red Army Fraction in West Germany, who died in a hunger strike directed against the conditions of isolation imprisonment.)

Geschichte Chinas und Marxismus und Wirtschaftsgeschichte (The History of China, Marxism and Economy), Wittfogel.

Faschismus an der Macht (Fascists in Power), Sternberg.

Soziale Revolution und Stadtguerilla (a book which contains the appeal to the court from the convicted poet, Peter Paul Zahl)

Books with approx. 30 different titles were confiscated! And not one of these books is officially forbidden. A list of forbidden books does not exist.

As in Bochum, the police were generally interested in the layout of the bookshops and apartments they raided; photographs and sketches were made of all rooms. While some were busy with the photographic aspects of the raid, others were trying their hand at typing - what better way to get samples of type in order to trace where all those radical aboveground and underground papers are coming from! Still others were busy going through subscription lists and files concerning orders, correspondence, publishers etc. In Berlin, the police found it fitting to confiscate six such files.

- Advertisement -

We sell weapons of all kinds



Your Left Bookshop

Within six hours, all raids had been completed. The necessary photographs had been taken, the suspect materials had been confiscated. And one person had been taken into custody. Thomas Kram.

One Arrest

"I knew that they didn't have any grounds for arrest and that they could only hold me for 48 hours without laying charges, but it was a terrible feeling as they took me away to the prison, a feeling of being totally alone, at the mercy of the police and with no influence over what was to come. I came in the prison building rather hesitant, strolling a bit and was immediately shouted at : 'Stand up straight!' I was ordered to empty my pockets and was searched thoroughly; I got another earful when they discovered, I'd left a few things in one pocket. I was brought into the cell - a little room with dirty walls, no paint, a toilet in one corner and a bed. That was all. After a half an hour, they came in and disinfected the cell; they used so much disinfectant that I thought I'd suffocate. But I didn't. After a while, a warden came along and offered me three newspapers so that I wouldn't get bored. Three newspapers! I was really excited. Three newspapers should keep me busy for the evening, I thought. After I'd thoroughly digested the first one, I went to start on the second and realized that all three newspapers were the same, identical! Of course, the warden could have made a mistake; if not ...? And the food! Wet bread and a slice of sausage - undescrivable - I'd rather not talk about it.

Shortly before 10PM, the chief inspector came in and explained in a very friendly manner, that if he could make the decisions, I'd be sent home immediately and that the whole thing was very embarrassing for him etc. etc. The whole time, he tried to get me involved in a conversation. Waisted words. At 10 o'clock, the lights went out and I went to sleep.

The next morning, I was taken upstairs. There I was informed that charges had been laid against me and that I was to be moved to the courthouse in Karlsruhe that same day. My heart sank. The thought of being taken out of my familiar surroundings and placed in a city where I didn't know a soul was frightful. Besides, that, I knew the prison; a friend of mine spent 8 months there - without ever having a trial! He was released just as unexpectedly as he was arrested, but a total wreck.

Before I could be taken to Karlsruhe, some official business had to be cleared up at the Federal Criminal Department in Bad Godesberg; what, I don't know. Anyway, when we got there, they didn't know what to do with me while they held their conference, so they put me in a room with an ordinary policeman, who started telling me how fed up with the police force he was. When he saw from my papers that I came from Bochum, he went on and on telling about the time he'd spent there, every now and again throwing in a little question: De you know so and so or such and such a pub or such and such a street? The same thing happened when he 'suddenly' noticed that I was born in Berlin. A tricky way to get me to talk (which I didn't) and a subtle method of psychological terror.

After about 3/4 hour, the chief inspector came in and was much more direct. He kept on repeating: 'Don't be so stupid!' 'Talk and we'll let you go!' 'Don't be so stubborn!' 'Where did the stickers come from?' 'What do you do with them?'

I remember the trip to Karlsruhe very well. When you think you won't see fields and trees and houses and cars for a long time, you really take in everything ten times more intensively as you usually do. My lawyer was already there when we arrived in Karlsruhe. It was good to see him again; he'd brought cigarettes and a big bottle of Coke.

I was then brought before the judge who was to decide if I could be released or if I should be held in prison. According to the charges laid against me, which the judge read out, I was accused of distrib-

uting Revolutionärer Zorn, but in the speech from the public prosecutor, it was clear that I was suspected of having organized a centre for the printing and distribution of 'terrorist propaganda'. At this time, I made a statement explaining that the materials in question had been sent to us and not ordered. After two to three hours of speeches and pleas, the judge was ready to make his decision and I was ordered to wait outside. During the waiting period, the chief inspector had another go at me. In a very father-like manner, he gave me the advice to talk before it was too late, and said, if I kept on going on the way I had, I'd be sure to get a life sentence. And that, just before you're about to go to jail for the first time!

The judge's decision came as no surprise. When I arrived at the prison in Karlsruhe, I was ordered to undress and to take a shower during which I was disinfected. I was given a blanket and a metal plate and taken to my cell. It was already late and after I'd eaten, the lights went out.

At 6AM the next morning, I was awoken by the warden. After breakfast (always the same thing - bread with margarine and substitute coffee), the head prison administrator came in and explained the prison regulations.

I was allowed one hour of exercise in the courtyard, to be taken alone, with no other prisoners. The yard wasn't very big; it took 38 steps to complete one circle. A guard was posted to see that I didn't stand around; I had to keep moving all the time. The other prisoners watched me from their cells, but I wasn't allowed to have any contact with them. They knew that, too. But after a few days, I used to look forward to the yard to see who was looking, and I'd try to make signs to them when the guard wasn't looking.

All the prisoners had earphones in their cells over which they could hear two stations selected by the prison administrators. I didn't use them much because I felt so cut off from the sounds in my surroundings with this thing on my head. The isolation was, in effect, doubled. For instance, I couldn't hear if my neighbour was tapping for me. (We had taken up contact with each other by tapping on the wall between our cells.) But one evening, there was a documentary program about the police raids on August 18; they told about my arrest, and that I was being held in Karlsruhe. It was good to know that the other prisoners would now know who I was.

It was hard to find things to do to make the time go by at first. I was given a couple of books to read from the prison library, religious novels with a moral about good and evil; I read both twice. It was better a few days later when I could choose the books myself. They brought me a piece of paper and an envelope so that I could write a letter; I used every millimeter on that page. Mealtimes were a real highlight; I always ate very slowly very consciously, although the food was so terrible. In the evenings, after the other prisoners had come back from the assembly (I wasn't allowed to take part in any common activities with other prisoners), they would all hang out of their cell windows and start little conversations across the yard, always in pairs, about visitors, letters, the trial, women - women play a big role. I'd look forward to hearing what they'd say, although it wasn't possible for me to join in; aside from the fact that it was forbidden for me to have any contact whatsoever with other prisoners, you have to know someone, know a name before you can call out and start a conversation. There were some very strange things that happened, too. For instance, every night at 10:10PM, just after the lights had gone out, one prisoner went to his window and shouted: Ha! Ha! Ha! It echoed all through the courtyard.

After a few days, I made up a program to follow every day. It was an attempt to preserve my own identity, an attempt to continue

to determine how my life would be run. The days passed by, one much like the other. You get into a real routine, and by this time I had lots to do.

One day, I was peacefully reading, when suddenly the door to my cell opened and the warden told me to pack my things; I could go home. I was all confused. They came in started stripping my bed. I couldn't make it out. I packed my things, gave what I could to another prisoner who had begun cleaning my cell and walked out of the building."(8)

The Indictment

Thomas Kram was held for eight days in prison. However, it didn't end with his sudden and unexpected release. The charges were not dropped. In May 1977, almost one year after the police raids, the indictment arrived. Thomas Kram was officially charged with supporting a criminal organization (Paragraph 129 and Paragraph 88a; see p.5). Specifically referred to are the following passages that appear in Revolutionärer Zorn:

1. "Cameras which are used for surveillance and control , should be painted over with a good enamel varnish."
(Paragraph 126, Number 7)

2. "These elements of political, military strategy and practice against the apparatus of capitalist and state violence, must be integrated in the armed struggle. Armed attacks and retaliation actions against individual authorities from the ruling apparatus, whether they are sitting in the police stations, courtrooms, decision-making centres, press-rooms or directors' offices, don't remain anonymous. Every policeman, who picks a fight with any other person in carrying out his duties, must and should know, that his bullets can become boomerangs. Every judge, who passes a sentence, in itself terror, must know that he lightheadedly risks loosing the comforts in his life. Every agent, every informer must know, that his betrayal can turn on him."
(Paragraph 126, Number 1)

3. "In Berlin, it was practical to print bus tickets since these can only be bought in the bus or train; in Frankfurt, the situation is quite different. In 1974, the Frankfurt Transit Commission erected expensive machines at each bus and train stop out of which the automatically printed ticket comes with the press of a button. If these machines don't work, no one can buy a ticket; that means, that no one needs to have a ticket. On October 8 and 20, we destroyed ten of these money greedy robots by setting fire to them, In flyers, that were distributed all over Frankfurt, we gave tips as to how these machines could be paralyzed, at least for a short time, by using simpler methods. On October 16, we attempted to set fire to two such ticket machines in Cologne, which didn't ignite due to technical difficulties.

There are many possibilities to express protest against the cost of public transport. The activities of the Revolutionary Cells are aimed at taking up the contradiction between the general protest against the cost of public transport and complete perplexity over which methods of struggle to use. They have established the possibility of identification which words and slogans alone can never do."
(Paragraph 126, Number 7)

The Trial

Thomas Kram appeared in court in December, 1977. The verdict was announced on December 13, 1977.

Since this was the first court case based on Paragraph 88a, it was expected that a hard verdict would fall in order to set a precedent for future such cases. This expectation was fortified by the fact that in the indictment, the charges under Paragraph 88a were coupled with those of supporting a criminal organization and that the general political climate in West Germany, especially after the Schleyer-kidnapping, was (and still is) one of hostility towards those "who intellectually pave the way for the terrorists."

Quite the contrary to these expectations, however, Thomas Kram was acquitted on charges of Paragraph 88a. The charges under Paragraph 129 were dealt with and dropped within ten minutes. One week later, the public prosecutor submitted an appeal requesting a new trial, although the verdict followed the plea in the public prosecutor's own address in every point. Since the appeal was withdrawn four weeks later, it was likely submitted in the first place to force the court to present a detailed justification of the verdict so that the public prosecution can refer to this for future cases concerning Paragraph 88a.

It remains to be seen if this favourable verdict was planned for the very first trial based on Paragraph 88a in order to make the judicial procedures in West Germany look just in the public eye, especially since this case had aroused a lot of public attention both at home and abroad. The next trial based on Paragraph 88a is to begin on May 11, 1978 in Cologne which is well known for its severe verdicts.

Whatever the reason behind the verdict in the Thomas Kram case, the fact remains that Paragraph 88a was designed to be effective out of the courtroom and not in it. Persecution and intimidation created by the very existence of a Paragraph 88a are to result in an unofficial censorship, namely that of self-censorship, in order to prevent "violation" of Paragraph 88a from occurring at all.

Far-reaching Effects

It is quite clear that Paragraph 88a can be used as a pretence to carry out raids not only in bookshops, distributing centres and printing shops, but also in apartments from those directly or indirectly (friends, parents, relatives etc.) connected with such businesses. Thus, the police now have a pretence that enables them to gather all the information they want, where they want, when they want; this information gathering can be of a general character adding to the information pool (data linking persons together, addresses, samples of type etc.) or it can be aimed at specific persons.

But aside from this aspect, there has been another effect, with which the authorities had reckoned, the real reason behind this piece of legislation, that of self-censorship. The signs began to appear shortly after the raids of August 18 and the arrest of Thomas Kram. In a letter to all authors writing for his publishing company, Werner Raith says: "these laws [Paragraph 88a] make the expression of social conflicts punishable, when only the slightest trace of the use of violence can be found. The same is true when one supports a political overthrow in Greece or Latin America or doesn't reject such an overthrow emphatically enough. With this, the whole existence of the left press and the related publishing companies becomes questionable. The first consequences for our publishing company are already visible: a



number of authors, who had works here in production already set for printing, have changed their works so drastically that practically a new setting was necessary. The visible worries and various questions growing out of this situation have led me to make the following necessary and unmisleading ascertainment that, in case of an intervention from the state, the publishing company will not be able to adequately protect the authors; we possess neither the necessary finances nor the legal and political connections, for example, for a wide publicity campaign, in order to prevent an extensive interpretation of these laws."(10)

Another publisher, Rowolt, immediately withdrew a whole book series on the subject of anarchism from circulation. These are only two examples of self-censorship that have come to the surface. How many cases of self-censorship have taken place silently, consciously, unconsciously, secretly in the heads of individual people?

Worth noting is the importance of the fact that the raids on August 18 were carried out in a friendly, orderly, lawful manner (see p.3). Quite the contrary is the case of raids in search of "terrorists", such as during the search actions after the chief federal public prosecutor, Buback, was shot in April 1977, or after the kidnapping of the West Berlin Christian Democrat Party leader, Peter Lorenz in 1975. After such actions, the press attempts to move the population, through a well-planned campaign, to accept and even to support a level of police brutality that would not be accepted by raids for printed matter. Consequently, in order to avoid heavy public criticism, the police are forced to carry out their raids in a friendly, lawful manner. How long will it take, however, before the police can carry out their raids for books and papers just as brutally as for the "terrorists" themselves; how long will it take before that, too, is tolerated; how long will it take before that, too, is praised?

More Book Burning :

Since these events in August 1976, there have been further prosecutions based on Paragraph 88a.

Anarchists in 1886

A warrant to search a bookshop in Landshut that was reported to have the book, Haymarket, in stock was issued on August 20, 1976. This book was confiscated. The reason given was as follows: "This book contains descriptions as to how explosives can be produced with the help of dynamite and how these can be used against 'wealthy idlers, the military force, the police force and Pinkertons'".(11)

Haymarket, written by Horst Karasek and published by Klaus Wagenbach in Berlin, 1975, is an historical work about anarchists of German descent living in Chicago in 1886. It is a documentary report about the struggles for the eight-hour work day and about the well-known, classical case of judicial murder of eight anarchists, most of them German immigrants. The accusation refers to the following passage in the book:

"From the 7000 active members of the anarchist section, 3000 are in Chicago. Between 1883 and 1886, the 'Black International' produces seven newspapers in German, two in Czechoslovakian and two in English, from which five are printed in Chicago alone. In German

appear: 'Arbeiter-Zeitung' edited by August Spies, Adolph Fischer and Michael Schwab with a daily circulation of 6000; the Saturday paper, 'Vorbote', with a circulation of 8000; the Sunday paper, 'Die Fackel', with 12,000 copies. Once a month 'Der Anarchist' is edited by Georg Engel, while Albert R. Parsons is editor of the English paper, 'Alarm'. In this paper, in 1885, he writes:

'Workers of America, learn about the production and use of dynamite! In your hands, dynamite will become the most powerful weapon, a weapon of the weak against the strong. The fight for bread is a fight for life. Death and decay to the system which makes slaves out of men, women and children and exploits them like workhorses!'

One year before the Haymarket bomb, 'Alarm' publishes a letter to the editor, that, as a famous, notorious piece in praise of dynamite, has strengthened the image of the bomb-throwing anarchist and, for a long time, was credited to Louis Lingg:

'Dynamite! The best of all materials. Stuff several pounds of this wonderful material in a one inch thick pipe, seal both ends, place a fuse cap on top, set it in a place near as many wealthy idlers as possible - those from the sweat of another life- and light the fuse. The results will certainly be delightful and well worth it. The discovery of dynamite is the best work that science has done for millions of trodden down people in this world. This good material can be carried around in every pocket and is certainly a powerful weapon against the power of the military force, the police force and the Pinkertons. It is the truest friend of the disinherited, as it fills the robbers with fear and horror. Don't forget - a pound of this good material is worth more than a whole mountain of ballots!'"(12)

The printing of these passages was reason enough for prosecution against the publisher, Klaus Wagenbach - not in 1936 - in 1976!

Secretly Delighted

The student council at the University of Göttingen printed an article sent anonymously to the student newspaper editors, concerning the shooting of Siegfried Buback, the chief federal public prosecutor for West Germany. In this article, the author confesses, that he was secretly delighted at the news of Buback's death, since he was aware of "the role that this man had played in hunting down and torturing persons on the left, turning them into criminals". "Anyone who had looked closely enough at his portrait in the last few days," says the author, "could see what trends are growing in this Constitutional State, which he embodied so well."(13) However, the author emphasizes that the article is to serve as material to add to the general discussion about such actions of armed struggle.

Directly following publication of the article, the chancellor of the University demanded that the student council make an official statement denouncing the existence of any sympathies with this article and that the student council pay for the printing of this issue of the newspaper with private funds instead of student council funds.

As an act of solidarity with the students in Göttingen, who had voted to go on strike in protest of the chancellor's demands, and as an attempt to fight for the right for freedom of speech, the student council at the University in Bochum printed the same article in their student newspaper. Although a large daily newspaper, the Westdeutsche Allgemeine Zeitung (WAZ, May 5, 1977) with a circulation of 500,000, printed exactly the same passages from the article that were criticized by the chancellor and the legal authorities, only the student councils in Göttingen and in Bochum and not the WAZ are being prosecuted against. The grounds for the prosecution - Paragraph 88a, of course.

In connection with the prosecution, the student council offices and printing rooms, 17 private apartments, the office of KBW (Communist Union of West Germany), a bookshop and a printing shop were raided by the police on May 27, 1977.(14) Several hundred policemen searched these rooms for a number of hours.(15) Extensive materials were confiscated: printed matter of all sorts, but especially that concerning the demonstrations against atomic energy plants in Brokdorf and Grohnde, private diaries and appointment books, private documents and essays having to do with the studies of those whose apartments were searched, receipts from a student residence and numerous hard hats.(16)

With the use of Paragraph 88a against those who published the article containing the opinions of one person about the shooting of Buback, the real reason for this Paragraph becomes even clearer. The author of the article wanted, according to his own words, to initiate a discussion, to add material to the controversy and to criticize this action of armed struggle; he did not, however, explicitly state that he rejects armed struggle. This cannot and will not be tolerated, since this new law was designed to suppress all open discussion not only about armed struggle but also about violent protest.

Prosecution against Transport Driver

On June 8, 1977, German customs officials and criminal policemen at the Helmstedt boarder crossing searched a transport vehicle carrying a shipment of books to be delivered from West Berlin to West Germany. Over 360 books (with a total of 40 different titles from many prominent writers), private letters and bookkeeping documents were confiscated. The driver was temporarily taken into custody. In the warrant for the confiscation, it is stated: "The accused was travelling with a transport vehicle on June 8, 1977 at approx. 1:30PM out of Berlin into West Germany. The printed matter has, to a large extent, an extreme left content ... Since the accused had this printed matter in stock, there is reason to suspect the accused of committing an offence according to Paragraphs 88a, 125a and 126."(17) The criminal police and the public prosecutor assume that every transport driver who delivers books and periodicals, that every bookseller, who places a periodical or book on his shelves to sell, automatically sympathizes with and supports the content of this printed matter.

Two Years for Publishing the "Wrong" Thing

In October, 1977, Gerd Schnepel, bookseller and ex-manager of Politladen, a left publishing-house situated in the city of Erlangen, was sentenced to two years of imprisonment without probation. This verdict was not based on Paragraph 88a, but only because the punishable "offences" had been committed before Paragraph 88a had come into effect.

Gerd Schnepel and a second person, Udo Polzer, (who was acquitted since he was only employed as a part-time help) were charged with:

a) Selling a copy of a German translation of The Anarchist Cookbook to the student, Georg Zapfe, on November 13, 1974 in the bookshop belonging to Politladen in which one passage (8 sentences long) describes how Molotow Cocktails can be made.

b) Possessing several copies of a placard "Solidarity and Learning Process" dealing with the death of Holger Meins during a hunger strike in 1974 and the shooting of the highest judge in Berlin (Drenkmann) that followed Holger Meins' death.

c) Being in possession of numerous copies of the publication, The Struggle against Annihilation Imprisonment. (A total of 154 copies were found in the publishing-house, the storage room and the bookshop.)



The verdict is based almost entirely on the last charge. It is assumed that the publication The Struggle against Annihilation Imprisonment was published in Politladen for which Gerd Schnepel is held responsible as he was manager of the Politladen at this time. In the verdict, the court comes to the conclusion that: "The book, The Struggle against Annihilation Imprisonment, doesn't concern a documentation, contrary to the opinion of the defense for the accused. There is much cited and much stated in the book, also things that correspond with the facts, for example court decisions, opinions from experts, medical opinions and the like. But such a collection of documents alone by no means makes a DOCUMENTATION. Important is much more the entire content, the general direction, with which the book is brought onto the market. The following passages, which also indicate the general tendency of the book, found objection." From the nine cited passages in the verdict, here are a selection of three:

1) "A political prisoner in West Germany is also he who, as a prisoner, has come to understand, that the prison system is a disciplinary instrument, an institution of permanent fascism against a part of the people in order to support the continued existence of the capitalist rule and he who has risen above the private viewpoint, one lacking in solidarity, of 'Hold your tongue - then nothing will happen to you - and you'll come out of it' as an expression of misery, submission, powerlessness and who works in opposition with other prisoners.

Being a political prisoner in West Germany means to be submitted to a slow execution, a bloodless torture that doesn't leave any visible traces through social isolation and sensory deprivation."

2) "Imperialism on the 'inside', the violent reduction of people to wage slaves and consuming animals is the result of continuous accumulation of capital and prerequisites for further accumulation of capital by those who rule in West Germany. Imperialism, the double reduction of people, appears as need, poverty in the majority of the individual executors of the working force."

3) "Without the support of the struggle of political prisoners through an antifascist publicity campaign, the judicial administration wouldn't hesitate to use the hunger strike as an opportunity for murder by not giving the prisoners water. Only when the hunger strike arouses public attention and is supported outside the prison does it put the torchurers under pressure and destroy the picture of the 'good treatment' for political prisoners, and 'privileges', with which those responsible for the torture lie to the public in that the truth is exposed: the fight for life and death; on one side - torture, annihilation through judicial administration; the federal criminal department and prison authorities on the other."

According to the verdict, in this book, "the state as organization as well as individual organs of the state, especially the judicial administration, are insulted in a most disagreeable way ... The content of the book goes well beyond that recognized by the highest courts as adequate to be considered a violation against Paragraph 90a I Nr.1 (insulting or purposely making the Federal Republic of Germany or one of its states or its constitutional order disdainful). One has to keep in mind, that this book definitely adds to the poisoning of the political atmosphere in West Germany. It is not only suitable for this purpose, it was also intended to poison the political atmosphere in favour of the 'ultra-left scene'."

In the verdict, it is maintained, that it is not possible to consider Gerd Schnepel's criminal activities as minor violations since "he has been active in the 'left scene' for years in ways which have lead to repeated convictions." The penalties for all four previous convictions, which all took place between 1968 and 1971, amount to a total of 1450 DM (approx. \$700 or £363). The verdict goes on: "All of these activities were, as described by the accused himself, politically motivated."

The court is, however, quick to defend its objectiveness: "It must be stated clearly, that in the procedure dealing with criminal activities of this sort, it is not the political opinion that is standing trial."

Alone the responsibility carried by Gerd Schnepel as manager of a publishing-house and bookshop brought him a sentence of two years because a book, that "poisons" the atmosphere in West Germany, was printed in this publishing-house. Minor previous convictions, themselves a result of political repression, serve as evidence to prove that the deeds committed were of a particularly hard criminal nature and deserve a correspondingly severe penalty. That Gerd Schnepel had long since been involved with the "left scene" adds to the justification for the two year sentence.

Jailed for Printing the "Wrong" Thing

The most severe consequences resulting from Paragraph 88a up to the present time occurred in Berlin in the Fall of 1977. Directly after the Schleyer-kidnapping drama came to an end, the police in Berlin began a massive attack on the newspaper "Info Berliner undogmatischer Gruppen" (Info-BUG). This weekly has been going for 3 1/2 years with a circulation of about 3000. Info-BUG had often been confiscated in previous police raids on bookshops and Info-BUG offices. The reason for these repressive measures was that this paper not only reported news in all areas in which the left in Berlin is active but it also made a practice of printing statements from prisoners who are members of underground organization (eg. Red Army Fraction, Movement June 2) and statements from underground organization explaining their actions. Such statements are sometimes printed in the establishment press as well; however, they appear in a political context which supports the measures taken by the police and the judicial administration against the underground organizations and their activities or one in which these measures are criticized as being too lax. The political direction of Info-BUG, that didn't deal with such statements from the underground with the same perspective as the public prosecution made this newspaper, especially after the Schleyer-kidnapping, the object of a new propaganda campaign in the press. Finally, on October 17, 1977, thirty-seven private apartments, a publishing-house and several bookshops in Berlin were searched; four printers were arrested. Four and a half months later, three of them (Jutta Werth, Henning Weger and Gerdi Voss) are still being held in prison without having had a trial.

These three printers have been charged with printing Info-BUG which, according to the authorities, had become a "megaphone for terrorist organizations". By printing this paper, the printers were guilty of propagating the use of violence and of supporting a terrorist organization. Both the search warrant and the warrant for arrest were based on suspected violations of Paragraph 88a and Paragraph 129a (supporting a terrorist organization). As a result of the police raids on October 17, prosecution against 60 other people on the same charges has begun.

During the period from February to October, 1977, (referred to by the public prosecution), 400 articles appeared in Info-BUG of which only 12 contained statements from illegal groups. Many of the articles discuss the politics of the underground organizations in a critical way.

The AGIT publishing-house in Berlin was not, however, concerned with printing Info-BUG alone. During its 6 years of existence, it has done printing for the Union for Education and Research, the Postal Workers' Union, local citizens' organization, womens' groups, the Protestant Church etc.

The coupling of Paragraph 88a with Paragraph 129a and its application against all those connected in any way with the composing, publishing and distributing of newspapers, journals and books in which the subjects of violence and counter-violence are discussed, in which statements from illegal organizations are documented, indicate the general direction of and the possible application of laws in the present political situation in West Germany. The main concern of the police and the judicial administration is not that of "nailing" those actually legally responsible. Nor is the main concern that of preventing statements from underground organizations from being published; this is done by establishment newspapers without the editors and printers being arrested. It is much more their concern to destroy a political context in which such documents are recognized as worthy of discussion. The broad interpretation of Paragraphs 88a and 129a serve this purpose well, whereby clear legal evidence against suspected persons plays only a minor role in the prevailing political climate; for instance, that two of the printers arrested in Berlin had not worked in the AGIT publishing-house for a longer period of time was of no interest when it came to the arrest.

The strategy is clear. Measures against the publicity organs and institutions of the left are justified by the authorities as necessary in the fight against terrorism. The politics of the illegal groups are highly controversial among the left; consequently, there is no visible resistance against the confiscating of such newspapers as Info-BUG. At the same time, it is possible to legitimize almost every measure in the name of the fight against terrorism. So it isn't surprising that the application of the censorship laws is concentrated in this area and that they are coupled with charges of supporting terrorist organizations.

In this way, a newspaper has, in effect, been made illegal, a newspaper that was by no means a newspaper from the urban guerilla but served as a forum of discussion for the entire left. Elimination and censorship of a particular political tendency will be shifted to the left itself. Since, after the arrest of the AGIT publishers, it is certain that more and more printing-houses will refuse to print newspapers or journals in which the words Red Army Fraction or Revolutionary Cells appear; more and more publishers will refuse to publish books in which imprisonment conditions are talked about; more and more bookshops will refuse to sell or distribute such books, journals and newspapers. The danger is not that all possibilities for discussion and publication on the left will be made illegal through such a strategy but rather that the left newspapers, printers, publishers and bookshops themselves will be forced to eliminate one political tendency from the left spectrum. This process, which can be repeated countless numbers of times, deepens the cleft between legal and illegal sectors of the left and strengthens the tendency towards "loyalty to the state", that then leaves the decision to the state as to the dimensions which left theory and left practice can reach.

Conclusion

Paragraph 88a can only be seen in relation to the entire situation in West Germany, in this country built up with American aid after 1945 to serve as a model for other countries. The rosey picture of West Germany as a country with the lowest unemployment rates (although 1.28 million unemployed are living in this country) and with the highest standard of living among the European countries must not be blemished with signs of disaontent: strikes, mass demonstration, bombing attacks, sabotage, critical essays, critical voices.

Consequently, a special strategy has been developed to deal with such protest in this model land. This strategy is based on the principle of prevention. This means, that rather than destroying protest after it has surfaced, this new strategy is aimed at preventing all forms of protest from arising at all. In order to prevent something from developing one has to get to the source of the matter. And in this case, the source of criticism is the thoughts that grow in the minds of people. Consequently, a strategy of prevention of criticism must be concentrated on preventing critical thoughts, or at the very least, on preventing expression of critical thoughts. This strategy must be aimed at the development of self-discipline, self-control, self-censorship within every individual. Laws are to be effective as a method of intimidation for the masses rather than legal instruments to convict a few.

The first major step in this direction was taken in 1972 with the introduction of the Radical's Decree to enforce disciplinary measures for critical behaviour in the civil service. As a result of the Decree, over 4000 people with "left tendencies" have either lost their jobs or have been refused permission to work for the civil service. (For more information see brochure Nr.1: Berufsverbote.) But the effect that these 4000 cases of Berufsverbote have had on the remaining civil servants is more important than the 4000 cases of Berufsverbote themselves. These 4000 cases have set an example, to show that political involvement towards the left jeopardizes the personal future of every individual, for the purpose of stifling critical voices within the entire public sector.

Paragraph 88a is one attempt to extend that which the Radical's Decree was designed to do in the public sector, to cover the entire population. Before a thought is put to paper it must be cleansed of all that which could be harmful to the state. "Protection is security in this country, cleansing our discussions of the violence bacteria that is unfortunately spreading here." (Minister of Justice, Vogel) The population is to be immunized against the bacterium. Paragraph 88a is to be effective by its mere existence and not by its application against a few individuals in the courtrooms. Everyone is to be his own censor. This, of course, has far reaching effects: a teacher no longer discusses a book that has been confiscated in a literature course; a student no longer dares to go to the left bookshop near the campus because the shop manager has been charged with violating Paragraph 88a; an unemployed social worker doesn't sign a resolution protesting the two year sentence that a publisher got for printing the speeches made by a member of an underground organization during her trial; etc. etc.

Through Paragraph 88a, at a time when legal forms of protest are becoming more and more limited, a discussion about violence in struggle is being suppressed, whereby the legal definition of violence (according to Paragraph 240) is not restricted to physical violence

of an overwhelming nature such that the will of the victim is completely overpowered, but also includes the influential violence which forces the will of the victim in a particular direction. Recognized as violence is: blocking the passage of another person; making entering a factory difficult due to strategically placed strikers; a sit-in which blocks an exit, for example a sit-in on the street-car lines; throwing stink bombs into a cinema; preventing a professor from holding a lecture by making a lot of noise.

Paragraph 88a affects, in particular, the alternative newspapers, the left publishers, the left bookshops which have grown up within the last few years out of the non-party-organized left. Since the introduction of legal penalty for publishing, printing and distributing printed matter in which the question of violence is discussed or in which statements from underground organizations and their members appear, where it can be proved that the ideology expressed in the printed matter itself or supported by those responsible for it is one of opposition to the state, i.e. since the introduction of Paragraph 88a, only a small sector of the left is trying to find ways to continue their work under ever increasing repressive conditions, by trying to find ways to present, print and distribute material that would fall under Paragraph 88a without it being confiscated and without it leading to severe penalties for those involved. The majority of the left are prepared to cut, to trim, to snip, to produce conforming with Paragraph 88a, to meet the demands of the state.



References:

- (1) Unpublished interview with Thomas Kram
- (2) Revolutionärer Zorn, May 1976, as reprinted in 88a in Aktion, Verband des linken Buchhandels (Frankfurt, 1976), p.1.
- (3) Ibid., p.3.
- (4) Ibid., p.4.
- (5) Ibid., p.5.
- (6) Ibid., p.6.
- (7) Ibid., p.7.
- (8) Unpublished interview with Thomas Kram
- (9) Neue Zürcher Zeitung (August 21, 1976)
- (10) 88a in Aktion, Verband des linken Buchhandels, (Frankfurt, 1976), p.7.
- (11) Frankfurter Rundschau (September 6, 1976)
- (12) Haymarket, Horst Karasek (Berlin, 1975), p.18-19.
- (13) Bochumer Studenten Zeitung (May 16, 1977)
- (14) Westdeutsche Allgemeine Zeitung (May 28, 1977)
- (15) Frankfurter Rundschau (May 28, 1977)
- (16) Frankfurter Rundschau (May 31, 1977)
- (17) Informations-Dienst Nr.182 (June 18, 1977), p.6.

STATEMENT OF PROTEST

DELIVERED TO

THE GERMAN EMBASSY IN DUBLIN

FRIDAY DECEMBER 2nd 1977

The trial opens today in Dortmund, West Germany, of a bookseller charged with distributing a magazine called "Revolutionärer Zorn". This is the first prosecution under a new law known as Paragraph 88a.

The Irish Writers Co-operative protests the implementation of this law on the basis that it sets an alarming precedent as an attack on freedom of expression.

Paragraph 88a provides for penalties of a fine or up to 3 years imprisonment for distributing, displaying, recommending, etc., anything that might lead to a number of vaguely defined violent breaches of the peace. As has been pointed out by a Social Democrat Member of Parliament, Manfred Coppik, this law can make it illegal even to discuss violence.

The prosecution arises out of a series of simultaneous raids on bookshops in Bochum, Hamburg, Cologne, Tübingen, Heidelberg, Berlin, Munich and Essen. Six copies of "Revolutionärer Zorn" were confiscated from a bookshop in Bochum, and the manager, Thomas Kram, was charged with violation of Paragraph 88a.

The fact that Kram is also charged with violating Paragraph 129 introduces an even more sinister element in this case. Paragraph 129, which provides for penalties of up to 5 years in jail or a fine, deals with forming or supporting a criminal organisation; that this is being invoked demonstrates that the federal authorities are trying to establish that anyone who displays a publication supports the views expressed in it.

The effect of these laws and of this prosecution can only be to intimidate bookshop managers, writers, publishers and journalists. It is a situation with which we are unfortunately familiar. Ireland is notorious for suppressing freedom of expression - through the Censorship of Publications Act, Section 31 of the Broadcasting Act, state prosecution such as that of "Hibernia", and through the generally repressive political atmosphere. We therefore express our solidarity with those experiencing intensified attacks on freedom of thought and expression in West Germany and call for the dropping of the charges against Thomas Kram.

Steve MacDonogh
Chairperson,
Irish Writers Co-operative.

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