

The 'free and democratic' world of West German witch hunt

From the 'free country' where

being a radical can be deemed unconstitutional, a *Berufsverbot* Campaigner talks to *Comment*. He must remain anonymous, or the evidence will be used against him.



The squeeze goes on the communications services - whose symbol is the curved horn.

Job applicants have to state all their previous addresses, and if the *Verfassungsschutz* produces any 'findings', they are questioned on them at formal 'hearings' which usually last for several hours.

The 'findings' concern activities that are **perfectly legal**: membership of democratic organisations, attending left-wing meetings, even student union elections. Sometimes the alleged activities date back ten or more years. The formal questioning may deal with petitions, appeals, declarations or letters to the press that the applicant may have signed, journeys to socialist countries that s/he may have made, demonstrations that s/he may have attended, e.g. against the war in Vietnam, or neo-nazis - or increased fares!

Even things like attending a Communist garden party, parking a car near a pub where a communist meeting was held, having a friend who is a communist, have been held against people. And, ironically enough, even taking part in anti-Berufsverbot meetings and telling the public about one's own case. A

teacher who spoke at a conference of the Scottish Campaign Committee against Berufsverbot in Glasgow last year, then had an article from the *Scottsman* used as evidence against him.

Officially, the purpose of the so-called 'hearings' is to establish the applicant's 'loyalty to the Constitution' and the particular circumstances of the case. In practice, it is usually just an attempt to obtain evidence against the victims and to bully them into 'distancing' themselves from previous activities or affiliations. If the victims stand by their political opinions and defend them, or if they point out that this whole questioning is unconstitutional, it is usually held against them.

If the victims fail to satisfy the interviewers, they are not appointed, or steps are taken to dismiss them.

Some of the most vicious cases have occurred in the railways and the Post Office - under the direct responsibility of a minister from Helmut Schmidt's cabinet. Some concern employees who have served for over 25 years - and actually hold documents to thank them for their loyal service!

Disciplinary action is now being taken solely on the grounds of their memberships and activities in the German Communist Party. Once dismissed, they would not even get unemployment benefit - there is no scheme for public servants who have been appointed 'for life'. And with their specialised jobs they would hardly find other employment, even if they were not then black-listed. Many victims of Berufsverbot and their families suffer great hardship.

But here have also been some victories in your campaign in West Germany. Could you say something about the movement, and in particular to what extent colleagues of the accused and others (for example parents of school children in the case of persecuted teachers) have helped? In some 60 cases it has been possible to obtain the reinstatement or appointment of victims. This is largely due to a consistent and very broad campaign in our country and to the support that we have been getting from other countries. Action committees exist in 300 towns, and it is mainly a result of that activity that the media in our country has to pay constant attention to the problems, sometimes quite favourably for the victims, and critical of the authorities and official policy.

Recently the Christian-Democratic government of Lower Saxony considered it necessary to justify Berufsverbot in an 8-page leaflet produced by a public relations agency. They distributed 580,000 copies, paid for with taxpayers' money. It is very crude stuff and actually tries to convince the reader that the victims of Berufsverbot are pursuing the same aims as Dr Goebbels. A few years

The word 'Berufsverbot' has become widely known in Britain in recent years as meaning political discrimination against progressives. Could you tell us how it works, what happens to an individual affected?

'Berufsverbot' means 'occupational ban'. It is a practice of screening or vetting applicants for the public services, and also employees already in the public services. They are put to a sort of political loyalty test, based on computerized information, collected by anonymous informers of the so-called 'Agency for the Protection of the Constitution' (*Verfassungsschutz*).

ago they would not have considered this sort of thing necessary.

Opposition against Berufsverbot has also been growing inside those parties whose politicians invented it. On the one hand, Social-Democratic and Liberal ministers are still imposing Berufsverbot, on the other hand many Social-Democratic and Liberal organisations and MPs are taking an active part in the campaign. Opposition has even been voiced from Christian-Democrats and even one of the judges of the Supreme Constitutional Court who was involved in the ban on the old Communist Party of Germany (KPD) in 1956.

The trade unions – both public sector and industrial unions – have become very worried about the practice and have repeatedly demanded an end to discrimination and the reinstatement of victims. There are, however, still some reservations in the trade union movement against playing a full part in the political campaign against Berufsverbot. Most victims are active trade unionists, many of them holding positions in their unions, so they are backed up by their colleagues.

The teachers who are victimised are usually very dedicated and committed on issues like comprehensive education and better opportunities for children, apart from being good teachers and giving good lessons. So it is not surprising that in several cases the parents of schoolchildren have petitioned for the reinstatement of a dismissed teacher. In a special school for backward children, parents actually took the authorities to court for depriving their child of his only chance by taking away his best teacher for no good reason. (It was the notorious case in which it was claimed that 'membership in the German Communist Party makes one as unfit for the public service as physical handicap or mental deficiency'!)

The Berufsverbot dates from 1972. What are the reasons given, then and now, for the practice? Was it related to the terrorist activities, has it been used against neo-nazis?

The official pretext is that 'extremists' who are 'hostile to the Constitution' must be 'kept out of the public service'. The term 'hostile to the Constitution' does not exist in law and is not defined anywhere; it is a term of political slander, used by the government for organisations they don't like.

The written constitution of the FRG (the 'Basic Law') was passed in 1949 and is based on anti-fascist and democratic principles. For example, it outlaws discrimination on political grounds, while upholding a ban on nazi organisations. Public servants in the FRG have always been required to be 'loyal to the Constitution' – the 1972 decree has not meant any change in this respect.

What it did introduce was the computerised loyalty test with the arbitrary

concept of 'hostility to the Constitution', whereas – according to the Constitution – only the Supreme Constitutional Court can declare a party un-constitutional. The main reason why this was introduced was, in my opinion, fear of the growing strength of the German Communist Party and of the marxist and democratic movement in our country.

A powerful movement had developed at the end of the 60s – for nuclear disarmament against 'state of emergency' laws, against the war in Vietnam, for educational reforms, for a new type of relations with the socialist countries. The working class had demonstrated its strengths in a number of major strikes.

This is Hans Peter a communist who has worked for the Post Office as a telephone technician for 29 years. Since 1977 he has



been subject to right Berufsverbot 'hearings', each taking several hours. No-one has criticised his work or personal behaviour.

On March 24, he is due to appear before the Federal Disciplinary Court – the first Berufsverbot case to be brought before this court. It will thus be a test case. If the 'prosecution' wins, State employers will be free to sack people simply for being members of the DKP.

The Social-Democratic/Liberal coalition came to power in 1969 with slogans like 'more democracy'. But they were neither able to 'integrate' the democratic movement, nor to solve the country's economic problems. So anti-communism was revived, new kinds of repressive measures were invented to avoid actually imposing a ban on the DKP (this they considered would have hampered their relations with the socialist countries). By introducing Berufsverbot leading Social Democrats also provided the Christian Democrats with an instrument which is now also being used against left members of their own party.

One of the aims of Berufsverbot was to isolate the German Communist Party. To us, it seems that they have achieved just the opposite, for the campaign against Berufsverbot, both nationally and internationally, is a very broad one.

The government's claim that Berufsverbot concerns 'both left and right extremists' is just a propaganda state-

ment. In the 60's the neo-nazi NPD held up to 10 per cent of the seats in some state parliaments, but a 'decree on extremists' was not even considered at that time. *No neo-nazi has ever suffered Berufsverbot.*

In some very blatant cases of NPD officials in the public services the authorities formally started to take action, but the courts have always ordered that neo-nazis remain in their jobs because – as the Higher Administrative Court of Baden-Wuerttemberg stated – the NPD shows 'no hostility to the Constitution'. A Bavarian court ruled – in the case of a Christian pacifist – that anti-communism is one of the requirements for public service. Why should neo-nazis be deterred from applying, then?

The connection with terrorism is another propaganda argument. No victim of Berufsverbot has had anything to do with terrorist activities, or condoned them in any way. We regard the terrorist activities in our country neither as left nor progressive. They have served the extreme reactionaries and often been well-timed for that end.

Over the last year or so, there has been the suggestion that Berufsverbot has been reformed. What truth is there in this? How has the Federal Government reacted to criticism from abroad?

There has been a lot of talk about 'liberalization' but it is an attempt to mislead the public. The practice of vetting applicants and banning people from jobs purely for political reasons has been continued in all the states, and also in the federal government's area of responsibility.

Some victims who were reinstated a few years ago after international protests have once more been threatened with dismissal – because they continued to be communists. The Christian Democrat state governments have never paid much attention to the 'revised rules' anyway. The Social Democrat/Liberal coalition of North-Rhine Westphalia tried to 'liberalize' Berufsverbot by introducing what has been called a 'Do-it-yourself self-incrimination kit'. You would have to state in writing that you have never belonged to certain organisations. Only selected cases will be checked by the computer, but if you have made an incorrect statement you will be dismissed. This idea had to be dropped after protests, but this government still appeals against court verdicts ordering the re-instatement of a victim.

How effective is protest action from abroad? Is it taken note of? What is the position in other West European countries?

I mentioned the re-instatements that have been obtained. Sylvia Gingold, for example, has been given a permanent

contract although she lost her case in court. No West German government can afford to ignore its international reputation—our neighbours have every reason to be worried about certain developments in the strongest EEC country. Our government and authorities certainly do take note of the protests.

A Christian Democrat MP recently asked in the Bundestag what the government was doing to get rid of the association of the name of the Federal Republic of Germany with the nasty word "Berufsverbot". The government replied by giving detailed figures on money that had been spent on "Berufsverbot doesn't exist" propaganda abroad. According to these figures, they spent £600,000 in Britain in 1978 only.

We have proof that our Embassy uses the services of a public relations agency in this matter, and you can guess why, on the whole, so little is mentioned in the British media about Berufsverbot. We have no means to match this effort, of course, but there is an active British campaign committee against Berufsverbot and similar campaigns exist in France, Holland, Belgium, Scandinavia and many other countries. We are aware of the difficult conditions under which this work is taking place, and are all the more grateful for it.

The Berufsverbot relates to the public services. What jobs does this cover? Is there any sign of the practice spreading to the private sector?

About 20 per cent of all employees in the FRG work in the public services in the widest sense of the word, that is, for some federal, provincial state or local authority. We estimate that more than 2½ mil-

lion people have already been checked by the computers and some 4,000 cases of victimization have become known.

Two-thirds of all victimizations concern teachers and university people, but quite a number of other occupations have also been affected, including doctors, architects, secretaries, cemetery gardeners, swimming bath attendants... And I have already mentioned the witchhunt in the postal services and the railways.

The Stuttgart Area Conference of the IG Metal (metalworkers industrial union)—one of the union's largest organisations—has recently passed a resolution on the case of Hans Peter, one of the telephone engineers, and demanded the abolition of Berufsverbot, saying "The disastrous effects of the 'decree on radicals' have been felt outside the public services for a long time. Cooperation between secret agencies and authorities and private firms is becoming current practice. Facts have emerged about spying on active trade unionists, on elected workers' representatives, even on the whole workforce of certain companies. This will inevitably have a disastrous effect on people's readiness to use their democratic rights to engage in trade union activity, to fight for social and political improvements. The trade unions cannot simply stand by watching such developments..."

A lot of details have become known recently. All names of elected workers' representatives have been put into the computer files. For many years private detective agencies have been offering their services to make enquiries about political activities of employees and applicants.

A student magazine has exposed

recently that some university administrations don't seem to have any scruples about providing employers with confidential information about their graduates, and even give details about previous political activities of students on the telephone! Berufsverbot creates an atmosphere in which such practices appear to be perfectly "normal" and "legal".

They must also be seen in connection with attacks on trade unions. Employers' organisations have repeatedly described trade union demands as "hostile to the constitution". In a number of Berufsverbot cases explicit reference was made to trade union activity of victims or their support for trade union demands. A Bavarian representative of a school authority has been reported to have been pleading in court for a verdict "to serve as a warning for sympathizers in the trade union field". And a school authority in North-Rhine Westphalia (which, incidentally, has a Social Democrat Minister of Education) appealed against the reinstatement of a teacher because he "characterises wage negotiations—like the strike and lock-out in the metal and printing industries—as conflicts between different social classes. He does not consider wage negotiations simply a matter of arithmetic, where pay rises and pay cuts would be considered on equal terms, but as a sort of struggle on behalf of the working class. There is no difference between his views and the views of people who talk about the employers dictating wages, but who would never describe action by workers' organisations as blackmail".

Fighting Berufsverbot is indeed a matter of self defence for the trade union movement!

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LETTERS

Nuclear power

Quentin Given (Comment February 16), raised a very important point re the lack of discussion within the Communist Party on nuclear power.

While I do not wish to dwell on the aspects of inner-party democracy raised by

the EC issuing a statement just before a congress, I cannot agree that it "pre-empted the debate there". Whether or not the EC issued a statement is irrelevant to the fact that so little debate took place, before, during and after Congress. It is the political failure to initiate a debate involving the whole Party which is worrying.

Unfortunately the Party policy and what little material has been issued have failed to address themselves to a large number of points raised by those opposed to, or worried about, the further development of nuclear power as a 'scientific' matter, excluding many social and political objections. This was exemplified by John Baruch, a member of the committee, writing in *Marxism Today* in August 1978. Commenting on the views expressed by the Scottish Campaign to Resist the Atomic Menace (SCRAM) in their 'Torness Declaration' he wrote: 'I think these views are wrong. If they are correct, they are correct for social and political not scientific reasons.'

Whole areas of debate and object have thus been untouched by our Party. For instance, what about the following points?:

1. Is it possible for nuclear power to be