

The Greens are unconstitutional

Andreas Buck reports from Wiesbaden on the ways and means to secure the official prohibition of this neo-Nazi formation.

For the nations of Western Europe, 1983 has been in many ways a dark year. The 50th anniversary of Adolf Hitler's coming to power, and the 100th anniversary of Benito Mussolini's birth and Richard Wagner's death are being celebrated everywhere. In August, Bettino Craxi, a man who likes to be styled the "new Duce," became the first Socialist prime minister of Italy since the fall of Mussolini. In the Federal Republic of Germany, the Green Party won 5.6 percent of the popular vote and 27 Bundestag seats in national elections March 6. Werner Vogel, a 75-year-old Nazi war criminal who was elected on the Green ticket, was nearly installed as the "elder president" of the Bundestag.

The German population's previous desire to distance itself from the Nazi Führer and his policies is gradually being undermined. Although the political writer Wolfgang Koepen said at a recent celebration of Wagner, "Wagner played with the fire that burned at Auschwitz," in the minds of most of the population, the connection between the political and cultural pessimism of Wagner and Weimar Germany, and the Nazi takeover which immediately followed, is but dimly perceived.

The *New York Times* printed a front-page article Aug. 14, claiming that "West German Youth Has Shaken Off the Past," and that "A new generation, no longer burdened by guilt for Hitler's crimes, is coming to the corridors of power in West Germany." The *Times* quotes a 26-year-old antiwar activist that "the interest in history is very small among people his age and that there is a subconscious tendency to explain away Hitler's crimes."

But such a response to history is hardly universal. Led by the European Labor Party (EAP), who published a special report, "The Fundamental Law of the Federal Republic of Germany Requires Banning the Green Party," a small number of politicians, journalists, and others have begun to denounce the Greens what they are: the direct descendants of the Nazis.

The EAP special report, which was also published as a pamphlet, detailed the violent history of the Green Party and its movement, and examined their program from the perspective of German constitutional law. The report put particular emphasis on the federal court decisions which banned the Socialist National Party (Sozialistische Reichspartei), the

successor party to the Nazis, in 1953, and the German Communist Party (Kommunistische Partei) in 1956. The EAP special report demonstrates that, based on these court decisions, the Green Party is unconstitutional and ought be banned immediately.

The court decisions stated that a party is "unconstitutional" if it denies the fundamental principles and values of the constitutional order of government, principles, and values on which all parties must agree if there is to be a constitutional government. But for a party to be unconstitutional, such denial must be active opposition, not just passive "ideological differences." One judgment read, "A party is not then unconstitutional if it merely does not recognize, or denies, the highest principles of a free, democratic order, in order to replace it with some other order. It must additionally have an active, militantly aggressive attitude to the existing order; it must deliberately attempt to disrupt the functioning of this order, and intend to replace in the future."

As the EAP documents, the Green Party's history and statements deny the fundamental principles and values of the Federal Republic's constitutional order, and the party has an "active, militantly aggressive attitude to the existing order," whose actions have been deliberate attempts to disrupt the republic. The EAP presented the report to the federal government, the legislature, all political parties, and regional governments.

Official reaction has been limited—in thought as well as action. The personal assistant of the Justice Minister of Hesse, Dr. Harald Noack, sent the EAP a response which concluded: "My understanding of democracy rests rather on the conviction that political groups gain a justification of their existence and activities at the moment when they are legitimized by the voters and if they are not unambiguously opposed to law and justice." Such an "understanding" of democracy has dominated German politics since the republican leaders of the late 18th and early 19th century German classical period were exiled. In this mixture of not wanting to be bothered, cowardice, positivistic submission to the letter of the written law, and blatant fellow-travelerism, one can again hear voices saying, "I didn't know what was going on."

But as Günther Bannas wrote in the *Frankfurter Allgemeine Zeitung* on March 2, 1983, in a report on the elec-

toral campaign of the Greens, "No one will be able to say, I didn't know what was going on." Recent actions by the Greens, including the attack on U.S. Vice-President George Bush in Krefeld and the incident in which Frank Schwalba-Hoth, a member of the Hesse state parliament, doused U.S. 5th Army Corps Gen. Paul Williams with his own blood at a reception, have spurred others besides the EAP to call for an investigation of the Greens' constitutionality.

A very few politicians have actually been willing so far to publicly discuss a ban on the Greens. These include Christian Social Union (CSU) head Franz-Josef Strauss, who said that "the penetration of unconstitutional parties into parliament" must be blocked, and the CSU politician Theodor Waigel, who has demanded a thorough investigation of the loyalty of the Greens to the fundamental constitutional law of the Federal Republic. From the judicial side, Professor Stober of the University of Münster has warned against allowing the Greens into public service, and the Cologne constitutional lawyer Martin Kriele has acknowledged that the self-styled "resistance movement" shows strong fascist characteristics.

Columnist Klaus Besser wrote in the popular tabloid *Bild am Sonntag* on Aug. 7: "The number of anti-democratic parties which wish to bless us with a state based on violence is growing, slowly but surely. What the Greens did at the reception of a general from the United States, a nation still friendly to us, was worthy of an SA, and generally, the behavior of the boorish representatives of the Greens in the Bundestag is reminiscent of the Nazis in the old Reichstag. . . . The question now arises, how long are we to passively sit by and watch as the Greens turn our nation into a police state?" But, as Besser added, "The route to a complaint under the constitution is difficult and controversial."

Germany has suffered from such constitutional difficulties before. Following the Beerhall Putsch of 1923, the Nazis carefully preserved the appearance of legality. They came to power "legally," covering their violence and their illegal actions with appeals to the "legitimacy" of their intentions. The Greens and the peace movement are doing exactly the same, as they, in a characteristically Orwellian twisting of the meaning of "non-violent resistance," stand, with Molotov cocktail and brick in hand, and chant the motto: "Willst du nicht mein Bruder sein, dann hau' ich dir die Fresse ein!" ("If you don't want to be my brother, I'll smash in your face!"). They too blame a radical minority for any violence, and assert that the great majority are peaceful. But it is clear that the "peaceniks" thrive off the actions of the radicals, and, that, without the small radical movements, the more formal pronouncements of the official representatives of the Greens and the peace movement are nothing more than verbal gymnastics.

There are other factors that make a ban on the Greens difficult. The media which, when not openly favorable, as is usually the case, makes light of the Greens' actions—for example, the references by Johannes Gross, the journalist, to

the Greens as "chlorophyll fascists" or "Potemkin villages on bicycles" are more helpful than harmful to the Greens. The media are generally overwhelmingly favorable to the activities of the Green Party, and are attempting to drive the population into virtual capitulation with a "peace movement bombardment."

Another problem is the treatment of the Greens by the U.S. State Department. In an recent interview in *Der Spiegel*, a Green representative expressed great enthusiasm over the recent reception of a Green delegation in the United States by the State Department—nowhere have they ever received such a reception. A better alibi could not have been provided for all those who want to get out of beginning any action to ban the Greens.

In a recent radio broadcast Jo Leinen, a Green who had previously promised the citizens of the Federal Republic to make their nation ungovernable, stated, without rousing any opposition whatsoever, that the peace movement has the support of a majority of the citizens of West Germany.

However, the German population has clearly, if far too passively, refuted her statement, when over 500,000 people flocked to Ramstein for an aerial display by NATO, despite a call to boycott the display made from the pulpits of evangelical churches throughout the nation. In the light of this vote by the population for a "militant" democracy and for technological progress (over 300,000 had earlier attended the landing of the space probe Challenger in Cologne), it is far more true to say that it is the EAP, which has supported technical progress for years and energetically promoted the development of defensive beam weapons, which has the support of the majority of the population.



Green Party demonstrators blocking traffic in the West German city of Ulm.