

# Andreas Baader, Gudrun Ensslin, Jan-Carl Raspe and Ulrike Meinhof's Statement Regarding Their Identity at the Stammheim Trial<sup>1</sup>

Andreas Baader, Gudrun Ensslin, Jan-Carl Raspe & Ulrike Meinhof -  
August 19th 1975

All there is to say regarding our identity, is that which remains of the moral person in this trial: nothing.

The moral person - this concept created by the authorities - is in this trial liquidated at all levels - as it also is in the condemnation anticipated at the government level and with the Federal Court decision relative to paragraph 231a of the Penal Code in the last legal instance before the Constitutional Court, which, by ratifying the Federal Court decision, at the same time abolished the legal fictions of this organic law.

In this absence of recognized rights for prisoners, the identity is objectively identified with the facts. And the facts, so numerous that we ought perhaps to clarify them even for the Prosecution, are *only* an organizational offensive; the construct upon which the Prosecution bases charges of murder and attempted murder, as well as that of collective responsibility, are without any basis in law. The entire prosecution is demagoguery, and this is now clear to everyone, as is the basis upon which Prinzing<sup>2</sup> has excluded us since his outburst during the evidentiary hearing. It can only be propped up by false declarations and the limiting of depositions. And we see how Prinzing evaluates the situation in a way that permits judgments based on elements of the evidence produced. He was obliged to dismantle the defense, and now is doing so again for a second time through a paroxysm of legal measures and distortions. We have been amused by this for some time now. What is going on here makes us think of a masterpiece of reactionary art. Here, in this "palladium of freedom" (as Prinzing calls these urinals of State Security), State Security is pitifully subordinated to a host of alienated activities. To use another image, this resembles a scene from the Renaissance, with, in fact, three superimposed levels playing in the same piece – the military level, the judicial level and the political level.

The Prosecution works with these fictions.

After State Security suppressed nine-tenths of the dossiers, and, as Wunder stated, it

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<sup>1</sup> Andreas. Baader, Gudrun Ensslin, Jan-Carl Raspe, Ulrike Meinhof - founding members of the RAF and political prisoners.

Stammheim - high security prison. A court structure was built within the prison complex for trials of guerrilla prisoners.

<sup>2</sup> Theodor Prinzing – chief justice in the trial of Ensslin, Meinhof, Raspe and Baader.

wasn't the Federal Prosecution, but the BKA<sup>3</sup>. According to Wunder, the Federal Prosecution themselves are only familiar with a fraction of these dossiers. They are, as such, obliged to work with fiction.

One of the fictions is to think that one can construct, with Paragraph 129<sup>4</sup>, a "normal penal procedure," even though this paragraph, which comes from an explicitly political piece of legislation, has had as its goal since its inception, as such since the trial of the Communists in Cologne in 1849, the criminalization of proletarian politics. And so as not to disrupt penal procedure, they use the concept of "criminal association"<sup>5</sup>, a concept which historically has only come into play when dealing with proletarian organizations.

It is a fiction to say that the goal of a revolutionary organization is to commit reprehensible acts. The revolutionary organization is not a legal entity, and its goal, we stress, its objective cannot be understood in dead categories, categories like those the penal code puts at the service of the ahistoric self-understanding of the bourgeoisie. As if, outside of the State machinery and the imperialist oligarchy, it is possible to have someone who has as a goal crime, oppression, enslavement, murder and deception, which are only the watered down expressions of the goals pursued by imperialism.

Given the role and the function that paragraph 129 has had in class conflicts since 1848, it is a special law. Its tradition and essence, since the trial of the Cologne Communists, since the Bismarck Law against the Socialists, since the "law against participation in associations which are enemies of the State" under the Weimar Republic, was and is still to criminalize the extra-parliamentary opposition by institutionalizing anti-communism in the regular parliamentary machinery. In itself, bourgeois democracy - constituted in Germany as a Constitutional State - has always found its fascist complement to the degree that it legalizes the liquidation, in a legal form, of the extra-parliamentary opposition, which tends to become antagonistic. In this sense, justice has long ago passed into the stage of class justice, of political justice.

In other words, bourgeois democracy is inherently dysfunctional with regards to its project of stifling class struggle in the context of the conflicts between different factions of capital in the competitive capitalist system. In the bourgeois constitution, it anticipates the class struggle as class war. Communists have always been outlaws in Germany, and anti-communism a given.

But that also means that Prinzing, with his absurd stubbornness about wanting to carry out a "moral penal procedure" with the cover of the special law to which the Prosecution refers, is in an absolute historical vacuum - which is *one* explanation for his hysteria. The Federal Prosecution operates in the legal vacuum between the State based on a legal bourgeois constitution and open fascism; nothing is normal and everything is the "exception," and the key objective of this trial is to establish that as the rule. Even the

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<sup>3</sup> BKA - Federal Criminal Bureau, police force primarily responsible for anti-guerilla campaigns.

<sup>4</sup> Paragraph 129 - law prohibiting "criminal associations." Primarily used against guerilla groups and their supporters.

<sup>5</sup> Criminal association - reference to paragraph 129. See footnote #4.

reaction of the State - that is what this judge obviously doesn't understand - places us in the historical tradition of the persecution of the extra-parliamentary opposition and, equally, of the resistance of the extra-parliamentary opposition against the bourgeois State. Prinzing himself, with paragraph 129, re-establishes the historic identity of this State with the Kaiser's empire, with the Weimar Republic and with the Third Reich, which only rendered the extra-parliamentary opposition criminal and destroyed it more thoroughly than the Weimar Republic and the Federal Republic<sup>6</sup>.

Finally, this paragraph conveys the conscious nature of this political corruption of justice, as it violates the postulate of the Constitution that "Nobody can be deprived because of, etc." and because today, as in the 1950s, it furnishes the basic underpinning for justice based on matters of opinion, by the criminalization of opinion.

It is a paragraph that, within the context of the bourgeois State, is dysfunctional with regards to the bourgeoisie's pretension of being the natural political class. It reflects, from within the very system that justifies the bourgeois State, the fact that the capitalist system is a transitory system, inasmuch as the special law against class antagonism that they've established destroys the ideology of the bourgeois State.

As a special law, it cannot produce any consensus and isn't expected to. In it, the monopoly of violence, parliamentarianism and private ownership of the means of production are placed on the same level. Certainly, this law is also an expression of the weakness of the proletariat here since 1945. They want to establish and freeze into law the status quo that the U.S. occupation power put in place here, at the same time as they dismantle all examples of autonomous and antagonistic organization.

The entire construct developed by the Prosecution, with their fictions, only shows to what degree the imperialist superstructure has lost its relationship with everything that is life and history. It demonstrates the depth of the contradiction at the heart of the rupture between society and the State. It demonstrates the degree to which all the mediating factors between real life and imperialist legality are dispensed with in this final phase, the most mature, of imperialism. They are antagonists. The relationship *is war*, within which the process of legitimization is reduced to camouflaging naked opportunist calculation.

In short, we referred to organizational offenses, upon which Buback<sup>7</sup> based the entire charge, in the only possible manner, via propaganda.

But we also do this in the sense of Blanqui<sup>8</sup>; knowing that all revolutionary organizing will naturally be a crime as long as the old order of bourgeois property and modes of production, that makes us criminals, is not replaced by the new order, that of the appropriation, by society, of social production.

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<sup>6</sup> Federal Republic - Federal Republic of Germany (FRG), West Germany.

<sup>7</sup> Siegfried Buback - head of Federal Prosecutors. Assassinated on April 7th 1977 by the Commando Ulrike Meinhof of the RAF.

<sup>8</sup> August Blanqui — 19th- century French revolutionary who advocated the construction of an armed clandestine movement as the nucleus for revolutionary activity.

The law, as long as there are classes and the domination of human beings by human beings, is a question of power.