

THE STAMMHEIM MODEL

Judicial Counterinsurgency

by Michael Ryan

[This article was published in New Studies on the Left, Vol. XIV, Nos. 1 & 2 (1989). The author wrote it after a period of living in West Germany in the mid-eighties.]

On May 4, 1988 Julio Rosado, a member of the *Movimiento de Liberación Nacional* (MLN), spoke in Montréal, addressing the topic *Resistance and Repression in Puerto Rico*. Talking about the Lexington Control Unit, in which Puerto Rican Prisoner of War Alejandrina Torres and two political prisoners, Silvia Baraldini¹ and Susan Rosenberg, were being held, Rosado said something i'd heard before and have heard since. He referred to Lexington as "the Stammheim Model," in reference to the high security unit housing political prisoners, primarily members of the Red Army Faction (RAF), in Stuttgart, West Germany.

Having made several extended visits to West Germany and spoken to individuals involved in various aspects of prisoner support I felt Rosado and others making this claim were correct in some essential ways. However, what does such a statement mean to the average North American listener? Very little i surmised. One might have a vague idea from films such as Margarethe von Trotta's *Marianne and Julianne* (a film that was subject to much criticism in West Germany) or Reinhard Hauff's *Stammheim* (a film that was treated as blatant counterinsurgency and targeted for attack upon its release in West Germany). At best, one might have read a short but limited article or interview at some point which allows some extrapolation as to the meaning of "the Stammheim Model."

As I began to look at the issue, to search for a way to clarify what exactly this model entailed, i began to find the context in which said model had to be placed, if we were to begin to understand it, was much broader than my previous understanding had allowed.

Stammheim is not simply an architectural construct, a building; of that fact I had always been clear. Nor, however, is Stammheim simply a model for imprisonment. It is that and much more. Stammheim is a terrain of struggle between western imperialism and international anti-imperialism. As it was formulated by Andreas Baader² in 1974:

¹ Silvia Baraldini, an Italian citizen, who was charged in connection with a Brinks Robbery conducted by members of the Revolutionary Armed Task Force, a black led mixed race guerrilla organization active in the US in the eighties, until it was decimated by arrests, was returned to her native Italy to serve out the rest of her sentence in 1999, following a decade-long campaign to have her repatriated.

² Andreas Baader was a founding member of the West German anti-imperialist guerrilla organization the Red Army Faction (RAF) and one of the people that Stammheim was originally designed for.

*(T)he dead-wing is only a means in a strategy, isolation is only a terrain...
(I)solation is only the **reaction** of the prison system.³*

Stammheim was and is the logical, perhaps inevitable, result of the restructuring of western Europe in general and West Germany in particular following the second World War. If it is a model prison, and I believe it is, it is a model prison of a model state, "Modell Deutschland," a state conceived and constructed as part of NATO's post-war period.

Yes, Stammheim is all that and more. Stammheim, the Stammheim of von Trotta's *Marianne and Julianne*, of Reinhard Hauff's *Stammheim*, the Stammheim of countless left analyses in West Germany, is a vital moment in the conflict between western imperialism and international anti-imperialism. Stammheim is a decisive point in the struggle between these two forces on the judicial plane. This conflict established a balance of power between the anti-imperialist movement and the West German state. One of the elements is the so-called "Stammheim Model." If this model is to have any meaning it must be understood within the totality of its historical and social context.

What follows is neither a complete history nor a definitive analysis, it is simply an attempt to establish the parameters of this "Stammheim Model." As an example of what might be called judicial counterinsurgency, Stammheim presents much worthy of our attention.

Modell Deutschland - The Economic Miracle

The defeat of Nazism in West Germany in May 1945 spelled the end of Germany's national sovereignty. It also spelled the beginning of the U.S. imperialist "Cold War" against the Soviet bloc. Germany was to become an important chip, both militarily and economically, a position it continues to occupy today. As Werner Hülsberg has noted:

In spite of the Chinese and Vietnamese revolutions, the theatre of the Cold War was Europe. The division of Germany was a "natural consequence" of the strategic goal of U.S. imperialism.⁴

The strategic goal was, in keeping with the Truman Doctrine, the creation of an anti-communist bulwark in Germany. The vehicle for this project was the so-called Marshall Plan, a blueprint for the economic and military reconstruction of West Germany, spearheaded in the U.S. Congress by one General George C. Marshall. Through the "European Relief Program" the West German economy was to be rebuilt in such a way that it:

³ Bakker-Schut, Pieter (ed.), **Das info: Briefe der Gefangenen aus der RAF, 1973-1977**, Neuer Malik Verlag, Kiel, 1987, p. 51.

⁴ Hülsberg, Werner, *The German Greens: A Social and Political Profile*, Verso, London & New York, 1988, p. 16.

- guaranteed the expansion of U.S. economic influence in Europe
- was the foundation of the military and political integration of Western Europe into the anti-communist bloc.
- facilitated, through the control of the German economy by U.S. capital, the Americanization of European societies, especially West Germany, by American culture and American technology. Thus the “American way of life” was imported as an unquestionable prototype.⁵

In short, West Germany, demolished by war and in social and economic chaos, was offered reconstruction, rapid economic growth, and integration into the Allied Bloc in exchange for the use of its territory as a front line state in the cold war with the USSR.

By the time West Germany was ushered into full statehood in 1949 its role had been clearly defined.

The coming into force of the constitution, the “basic law,” in May 1949, and the elections in August of the same year were a pure formality. The de facto division of Germany was given formal constitutional status and the erection of the anti-communist bulwark was given legitimation.⁶

For U.S. imperialism, West Germany was to be more than a physical bulwark against the “encroaching red menace;” West Germany was to be western imperialism’s visible model of the economically and socially “progressive” nature of capitalism. *Modell Deutschland* (Model West Germany), as it was to be known, was to serve as an example to other west European states and as a taunt to the working class on the other side of the “Wall.”

Through the financial assistance offered by the Marshall Plan, West Germany was able to construct an economy that throughout the fifties, sixties, and seventies truly was the envy of other western capitalist states. In every area of the economy West Germany shone. Unemployment declined consistently from 11% in 1950 to 3.7% in 1958. The rate of investment grew from 19.1% in 1950 to 26.5 % in 1965. Even with the recessions of the seventies it wasn’t until 1976 that the rate of growth had fallen back to 20%. In 1960 when France was showing a rate of investment of 17.4% and both Britain and the U.S. only registered 16%, West Germany was already showing an investment rate of 24%. With the construction of the Berlin Wall in August 1961, which served to stem the flow of economic refugees from the east, West Germany managed full employment. West Germany’s growth rate was 15% in 1955. As a result of the recession of 1957-58 and that of 1963 the growth rate had declined to 6.6% by 1963, but was back up to 9.4% by 1965. In concrete terms this “economic miracle” meant an increase in net salaries of 143% from 1950 to 1962 and a parallel increase in the income of independent entrepreneurs of 263%. As Werner Hülsberg notes:

⁵ Women Against Imperialist War (Hamburg), “War on Imperialist War,” in Prairie Fire Organizing Committee, *War on War Makers: Documents and Communiques from the West German Left*, p. 21

⁶ Hülsberg, op. cit., p. 17

It is against this background that we must see the tragedy of the integration of the West German working class into the capitalist system and the loss of political strength.⁷

Throughout the fifties and sixties all was peaceful on the labour front. Throughout this period the Social Democratic Party (SPD) and the trade union leadership worked hand in glove with capital to contain any nascent unrest, the SPD pushing forward social programs, such as improved pension and medical plans, in exchange for moderation in wage demands. However, with the oil crisis of 1973, the SPD was forced to institute an austerity program. Nonetheless, it was not until 1975-76 that wages suffered a real decline for the first time, spelling the end of the “miracle.”

NATO: The U.S. Makes the FRG an Offer It Can't Refuse

As was noted earlier, the Marshall Plan was not simply an economic project, but had a very important military component. From the very beginning it was intended that West Germany be a military outpost of U.S. imperialism in Western Europe. This, in fact, is indicated not only in the virtually simultaneous foundation of both NATO and the Federal Republic of Germany (FRG) in 1949, but in the very nature of the FRG as a state. The FRG was not given formal sovereignty until 1955, and then only on the condition that it become part of NATO. Further the FRG is legally bound not to withdraw from NATO. And perhaps most significantly, the commanding officer in NATO also becomes the commander-in-chief of the West German army in the case of a military conflict. As Rudolph Augstein, the editor of the influential bourgeois weekly *Der Spiegel*, stated in 1955:

The new German army has not been founded to guarantee the safety of Bonn; rather the new state has been founded to be able to build up an army against the Soviet Union.⁸

And this function is much more than theoretical. Germany has more than one hundred U.S. bases on its territory. During the Vietnam War the U.S. headquarters in Heidelberg coordinated the B-52 bomb attacks. Rapid deployment forces are stationed in the FRG. The intervention into Iran in May 1980 was launched from Rammstein, West Germany. The so-called *Startbahn West* (Runway West) in Frankfurt is NATO's key take-off point for interventions into the Middle East and Africa. All U.S. bases have extra-territorial status and function under U.S. law. They are, of course, also the site of CIA interventions in the FRG and in Western Europe in general. According to “Operation Plan 101-1” the

⁷ Ibid, p. 25. (All statistics from Hülsberg, except where otherwise noted.)

⁸ Women Against Imperialist War, op. cit., p. 22.

U.S. commander-in-chief in Europe is legally entitled to intervene in cases of internal unrest in West Germany. As well, West Germany is an important site for tactical nuclear weapons, and even today the U.S. does not inform the West German government exactly how many of these weapons are on its territory.

While economic aspects of the Marshall Plan were carried out with little or no opposition, the rearming of West Germany, not surprisingly when one considers the outcome of both World Wars, met with intense opposition. In 1949 only 6.9% of West Germans were in favour of rearmament. By 1952 this amorphous anti-rearmament sentiment had consolidated into a broad based movement, including the West German Communist Party (KPD), trade unions, socialist youth groups, church groups, pacifists, and, at times, albeit ambivalently, the SPD.

When the SPD government responded favourably to a U.S. “offer” of tactical nuclear weapons the reaction was swift. Members of West Germany’s largest union, the “Public Services, Transport and Communications Union” (ÖTV) voted 94.9% in favour of a strike against nuclear armament. The president of IG Metall, West Germany’s most powerful union, called for warning strikes. In Munich eighty thousand people demonstrated against nuclear armament. Opinion polls showed 52% of the population supporting an anti-nuclear general strike. The SPD and trade union brass moved to squash this mass movement, threatening to grow out of control, proposing a referendum instead of a general strike. The government took this referendum proposal to Constitutional Court, where it was ruled unconstitutional. The ploy had worked; by 1959 the anti-nuclear movement had dissipated. *Modell Deutschland* had weathered its first political storm.

But the first seeds of the conflict that would smash *Modell Deutschland*’s progressive image had been planted.

Security State: A Model for Repression

While both the economic and military aspects of *Modell Deutschland* were, to a greater or lesser degree, formulated in and in some cases against public sentiment, the model had another equally important aspect, which was much more subterranean in its formulation. Ona Zukumpft⁹ describes it this way:

*Finally, the last part in the **Modell Deutschland** comes out of the tube: **Sicherheitsstaat**, or the Security State. The instructions say it is to be nested within the macro-courthouse and that it has the feature of remaining invisible so long as the circle of prosperity and social peace is rotating fluidly.¹⁰*

⁹ A play on words meaning *no future* in German.

¹⁰ Zukumpft, Ona, “Modell Deutschland: A Good Future for Us?” in *The German Issue: Semiotexte*, Vol. 4, No. 2, New York, 1982.

It is this aspect of *Modell Deutschland* that bears most directly on the topic under discussion here. Werner Hülsberg has stated:

*(A)lliance with the United States, **anti-communism** and the economic miracle were the three pillars of West German society...(bold lettering mine).*¹¹

As we shall see, this anti-communism was far from simply a conceptual formulation; rather the legal structure of West German “constitutional democracy” has from its inception aimed to prevent and/or annihilate all left opposition (while consistently treating neo-nazi opposition much less harshly).

When the FRG was founded in 1949 the penal code of the Third Reich remained in force. The Korean War, which began on June 25, 1950, offered the fledgling state the opportunity needed to introduce sweeping anti-communist legislation. Speaking in defense of draconian “internal security” provisions, Minister of Justice Dehler said in the *Bundestag* (Parliament) on September 9, 1950:

*(W)e don't need to go as far as Korea. The evil is so close. We have what is happening in the Eastern Zone. Over there every instrument of propaganda and subversion is being used to bring about the disintegration and collapse of the Federal Republic. In my view we cannot look on passively. The battle-cry is not “Hannibal at the gates” but “the Trojan horse in our midst.”*¹²

On July 11, 1951 the Basic Law, including state security measures, passed into effect. Dehler described the target of these measures varyingly as “ideological high treason,” “ideological subversion,” and “ideological sabotage.” In short, thought crime. These measures have less in common with measures consistent with liberal constitutional democracy and more in common with the Nazi laws of the mid-30s.

The immediate target of these statutes became clear with due haste. On November 23, 1951, when the Basic Law was barely four months old, the federal government applied to the Constitutional Court to have the KPD proscribed. (This at a time when the KPD held 15 seats in the *Bundestag*.) The KPD's program opposed the integration of the FRG into NATO and as late as 1952 openly called for the revolutionary overthrow of the Adenauer government. This platform, however, clearly didn't have major political support; in 1952 the KPD had only polled 2.2% of the electoral vote.¹³

The trial of the KPD began on November 11, 1954. Sensing the direction things were going in, the KPD distanced itself from revolutionary politics in public statements in early 1956. It was already too late, however. On August 17, 1956 the KPD was illegalized. Subsequent to the ruling there were hundreds of arrests.

¹¹ Hülsberg, op. cit., p. 15.

¹² Cobler, Sebastien, *Law, Order and Politics in West Germany*, Penguin Books, 1978, pp. 73-74.

¹³ , Wolfgang, Helmut Ridder, Otto Schonfeldt (eds.), *KPD Verbot oder mit Kommunisten leben*, Rororo Taschenbuch Verlag, Hamburg, 1968, p. 38.

It is worth noting in passing that neither the NPD, the key neo-nazi party, which fields candidates in elections, nor the associations of former SS officers have ever been illegalized.

However, the Basic Law cast its net much wider than the KPD. On August 2, 1954 the high court ruled that the organization and promotion of demonstrations, meetings, and strikes could also constitute treason. Throughout the fifties socialist and communist organizations were charged with every possible offense that could be deemed to constitute treason or high treason during the anti-rearmament movement.

The high court's June 4, 1955 ruling on the constitutionality of the general strike exemplifies the essential nature of the Basic Law.

A strike restricted in area, or limited to a particular, non-vital branch of industry or activity will not normally constitute the use of force against organs of the constitution, since compulsion cannot be achieved in this way. With mass or general strikes, however, it is different. In a highly industrialized and thickly populated country like the Federal Republic the provision of the necessary goods and services for the population requires the smooth interaction of the most diverse institutions, enterprises and activities. If essential parts of this complicated mechanism are put out of action over a large area or for any length of time, or if, as with a general strike, there is a paralysis of the whole of public and economic life, the orderly functioning of the government system becomes impossible, and chaotic conditions must necessarily result.... The general ban on political strikes is based on §105 StGB, "The exercise of compulsion against organs of the constitution."¹⁴

On October 19, 1954 the federal high court had already ruled, as regards strikes in general:

No action in a strike which goes beyond the cessation of work and violates interests protected by the law is justified by the so-called strike law¹⁵

SDS and the Birth of the Extra-Parliamentary Opposition

The Socialist Student Union (SDS), the student wing of the SPD, was founded in 1946 and functioned primarily as a training ground for the future elite of the party. Helmut Schmidt, West Germany's first Social Democratic chancellor, was, for instance, the first president of the SDS. The SDS maintained this status for more than a decade after its formation, but in the context of the anti-rearmament movement a shift began to occur. In 1958 the various forces making up the left wing of the SDS won the leadership. Ill-formed and ill-defined,

¹⁴ Cobler, op. cit., p. 80

¹⁵ Ibid, pp. 183-184.

this left gained its cohesion from a growing anti-SDS sentiment based on anti-nuclear politics, which were increasingly driving a wedge between the SPD and the various left forces, including the left-wing of its own base.

Between 1958 and 1961 the SDS took a series of positions that placed it in opposition to the SPD. As well as anti-nuclear and anti-military positions, they adopted a position supporting self-determination for Algeria. In May of 1960 students loyal to the SPD formed the Social Democratic Student Union (SHB) after having received official recognition from the SPD in February of that year. In October 1961 SPD left wingers formed the Society for the Promotion of Socialism (SF). Faced with growing dissent within its own ranks the SPD decided it was time to move. The SF and SDS were purged; a move which completed the alienation of the critical intelligentsia and youth from the party.

For several years following the expulsion, the SDS was silent, turned inward, struggling to elaborate a consistent analysis and strategy. When the SDS returned to the public forum it was as a consciously anti-imperialist organization influenced by the experiences of China, Cuba, Algeria, and Vietnam. When Congolese President Moïse Tshombe, the man responsible for the murder of Patrice Lumumba¹⁶, visited the FRG at the end of 1964 the SDS organized a demonstration. In the period that followed the SDS, based on university campuses, became the key organization in the growing and increasingly militant protest against the war in Indochina.

The economic crisis of 1966-67, which pushed unemployment to over a million for the first time, led to the formation of the so-called "Grand Coalition" of the SPD and the Christian Democratic Party/Christian Socialist Party (CDU/CSU), creating a situation where former resistance fighter and SPD chief Willi Brandt was the vice-chancellor alongside the old Nazi Georg Kiesinger and the extreme right-winger Franz Josef Strauss was Minister of Finance alongside the SPD's young luminary, Karl Schiller, who held the Economics portfolio. The disenchantment of West Germany's youth was complete. The Extra-Parliamentary Opposition (APO) was born.

The growing revolt was focused in West Berlin, where a group of students, gathered around Rudi Dutschke and Bernd Rebehl, were questioning not only the economic system, but the very nature of society itself. The structure of the family, the factory, and the school system were all challenged. Communes and housing associations began to spring up. The women of the SDS challenged the male leadership and orientation within the SDS and the APO, setting up women's caucuses, daycares, and women's centres. The counter-culture allied itself to the political insurgency. Political protests encompassed traditional demonstrations, as well as sit-ins, teach-ins, and happenings. So called "Republican Clubs" were set up in virtually every town and city as centers for discussion and activity. On February 17 and 18, 1967 this movement reached what was perhaps its peak when five thousand people attended the "International Congress on Vietnam," which brought representatives from the anti-imperialist movement throughout the world to West Berlin. The congress closed with a demonstration of more than twelve thousand people.

¹⁶ Patrice Lumumba was a left wing leader of the Congolese national liberation movement. When the Congo won its independence in 1960 he was made its first premier. He was assassinated in 1961.

On June 2, 1967 the state counter-attacked. A demonstration outside the “German Opera,” protesting a state visit from the Shah of Iran, was brutally attacked by the police. Many protesters were hospitalized, some for several days, and a young student, Benno Ohnesorg, a member of the “Evangelical Student Association,” who was attending his first demonstration, was shot in the back of the head and killed. A young nurse who tried to treat him was savagely beaten. Following mass protest the director of the police, Duensing, was forced out of his job, Senator for Internal Affairs Buensch and the Mayor of Berlin, Albertz, both resigned. An uneasy calm reigned in the wake of these events. The stage was set for a definitive explosion.

The explosion was not long in coming. On April 11, 1968 Josef Bachmann, a young right wing worker, shot Rudi Dutschke three times, once in the head, once in the jaw, and once in the chest. Dutschke, who was recognized as the key theoretician of the SDS and the APO, had been a target of a massive anti-communist smear campaign in the media, particularly in a chain of papers owned by arch-reactionary Axel Springer. For four days demonstrations turned into showdowns with the police. Thousands were arrested, hundreds were hospitalized, and two people were killed. On May 1, fifty thousand people demonstrated in West Berlin.

In response to this challenge the *Bundestag* passed the so-called “Emergency Powers Act” on May 11. While the *Bundestag* was speeding the Act through sixty thousand people gathered outside to protest against its inauguration. This law was meant to open up the movement to greater intervention. Article 10 of the Basic Law was altered to allow the state to tap phones and observe mail unhindered by previous stipulations requiring that the targeted individual be informed. Provisions were introduced in particular for the telephone surveillance of people suspected of preparing or committing “political crimes,” especially those governed by the catch-all Paragraph 129 of the penal code, illegalizing the “formation or support of a criminal association.” The “Emergency Powers Act” also inaugurated the use of clandestine photography, “trackers,” and the so-called “V-men¹⁷,” undercover informants and provocateurs.

In the same time period, as was the case with most western “democratic” powers, financial support for police forces involved in political control began to increase in an unprecedented way. The following charts demonstrate this quite graphically.

1. Federal Criminal Investigation Bureau¹⁸

Year	Posts	Total Expenditure (DM 000,000)	Comparative Figures
1965	818	13.9	

¹⁷ The V stands for *Verfassungsschutz*, the undercover police force whose name translates literally as “protection of the constitution.”

¹⁸ Cobler, op. cit., pp. 171-172.

1966	832	16.0	Previous Estimates
1967	843	16.6	(1968-72)
1968	933	22.4	19.4
1970	1,211	38.9	22.4
1971	1,529	54.7	26.4
1972	1,585	75.2	40.0
1973	2,062	122.0	
1974	2,212	128.0	
1975	2,237	136.8	
1976	2,424	149.0	

% increase

1969-76 159.8 565.2

2. Federal Office for the Protection of the Constitution (*Vefassungsschutz*)

Year	Posts	Total Expenditure (DM 000,000)	Comparative Figures
1965	822	18.4	
1966	832	22.2	Previous Estimates
1967	949	22.7	(1968-72)
1968	986	23.6	26.7
1969	1,016	29.9	28.0
1970	1,088	34.0	29.4
1971	1,186	37.3	27.2
1972	1,259	48.1	
1973	1,459	62.1	
1974	1,559	74.5	
1975	1,585	76.9	
1976	1,628	80.8	

% increase

1969-76

60.2

170.2

In February 1970 when the SDS dissolved the APO was beginning to fragment, but not before altering the very nature of West German society. Hülsberg summarizes the impact of the APO this way:

*Among the consequences were the reform of education; a new **Ostpolitik**¹⁹; the deconstruction of the authoritarian patriarchal relations in the family, school, factory and public service; the development of state planning in the economy; a greater integration of women into professional life and a reform in sexual legislation. ... Secondly the APO also provided the impetus to a socio-cultural break with the past. There was a very rapid change in social outlook and behavior patterns. The old ascetic behavior based on the notion of duty came to an end. Along with a different conception of social roles came a new set of sexual mores and a dissolution of the old respectful and subservient attitude towards the state and all forms of authority. There developed, in other words, a new culture which was to pave the way for the new social movements of the 1970s and 1980s.²⁰*

Anti-Imperialism Goes Underground

The decline of the APO led to the formation of a veritable alphabet soup of Maoist and, to a lesser degree, Trotskyist sects, none of which was to last out the decade, as well as to the reformation of the banned KPD under a new name, DKP, but boasting the same program and leadership. As well, and most important to our discussion, a section of the movement chose to take the struggle against U.S. and West German imperialism underground.

This underground tendency had its earliest manifestation in the firebombing of a Frankfurt department store on April 3, 1968 to protest the war in Vietnam. On April 5 Horst Söhnlein, Thorwald Proll, Gudrun Ensslin, and Andreas Baader were arrested and charged with arson. They subsequently received a three year sentence. While out on bail Ensslin and Baader vanished. Baader was rearrested on April 3, 1970. Following Baader's arrest well-known left journalist Ulrike Meinhof applied for and received the right to work on a book about youth centers with Baader (an area in which they both had experience). For this work Baader was escorted under guard to the Free University library. On May 14 Meinhof, Irene Goergens, and Ingrid Schubert free Baader in an armed attack and the Red Army Faction (RAF) was born.

¹⁹ *Ostpolitik* was the name given to the official West German state policy towards East Germany and the eastern bloc in general.

²⁰ Hülsberg, op. cit., pp. 42-43.

For two years the RAF patiently constructed their organization, a period during which several clashes with the police occurred, leaving two members dead and many more in prison. Finally in May 1972 the RAF went into action in a series of events that were to become known as the “May Offensive.” On May 11, the day the U.S. blockade of Vietnam began, the RAF bombed the U.S. Army headquarters and the site of the National Security Agency (NSA) in Frankfurt, killing one American officer and injuring 13 others, as well as causing extensive damage. On May 12 the police headquarters in Augsburg and Munich were bombed in response to the May 2 shooting of RAF member Thomas Weisbecker. Thirteen people were injured. On May 16 the RAF placed a bomb in the car of high court judge Wolfgang Buddenberg, the judge responsible for all proceedings against arrested RAF members. Buddenberg’s wife was injured. On May 19 the Springer high-rise in Hamburg was bombed in retaliation for the consistent anti-left and counterinsurgency propaganda in the Springer press. Three warnings were ignored and, as a result, 34 employees were injured. On May 24 the RAF bombed the headquarters of the U.S. Army in Europe, in Heidelberg, in retaliation for the carpet bombing and mine blockading in North Vietnam. The computer was completely destroyed, three soldiers were killed and six others were injured.

Following this offensive the West German state mobilized one hundred and thirty thousand cops, supported by both West German and U.S. intelligence units, in a determined effort to destroy the RAF. On June 1 Holger Meins, Jan-Carl Raspe, and Andreas Baader were arrested following a shoot-out with the police. On June 7 Gudrun Ensslin was arrested in Hamburg. On June 9 Brigitte Mohnhaupt and Bernhard Braun were arrested in West Berlin. And finally, on June 15 Ulrike Meinhof and Gerhard Müller were arrested in Hanover. Following the successes of this counterinsurgency campaign the West German government felt confident it had decapitated the RAF.

Enter the Stammheim Model

Having captured the individuals they felt were the ideological leadership of the RAF, the West German state set in motion the second element of their counterinsurgency project, the so-called “Stammheim Model.” The removal of the perceived leadership of the RAF from the field of conflict was not sufficient. They were to be destroyed, rendered ineffective not only as combatants, but also as spokespeople for anti-imperialist resistance. If at all possible, they were to be deconstructed as human beings and reconstructed as representatives of the counterinsurgency project. If the latter was not possible, as a bare minimum, they were to be destroyed. The weapon for this campaign was complete and total isolation, both from each other and from the outside.

As early as June 7, 1972 the importance of isolation was enunciated by Horst Ehmke (SPD), the minister responsible for coordinating intelligence operations. He stressed the need to “completely break all solidarity (with the RAF), to isolate them from all others with radical opinions in this country. That is the most important task.”²¹

²¹ Ibid, p. 44.

As of April 11, 1973 Holger Meins was held in single isolation in a prison wing where the cells above, below, to the left, and to the right of him were empty. His cell was searched daily. He was denied all group activities including church. And he was shackled whenever he left his cell.

Andreas Baader was held under similar conditions from the day of his arrest (June 2, 1972) until November 11, 1974. His isolation was total; in that entire time he did not see another prisoner.

Ulrike Meinhof and Astrid Proll were both held in the so-called “dead wing.” The “dead wing” consists of acoustically sealed cells painted bright white with a single grated window. The cell is lit 24 hours a day with a single bald neon light. It is forbidden for the prisoner to hang photographs, posters, etc. on the walls. The only minimal contact with another human being is when food is delivered. Otherwise the prisoner lives 24 hours a day in a world with no variations. Meinhof was held in these conditions for two hundred and thirty-seven days following her arrest on June 15, 1972 and for shorter periods in December 1973 and February 1975. In the case of Astrid Proll, these conditions damaged her physical and mental health so badly that the state was obliged to release her to a sanitarium, from which she escaped, remaining free until she was arrested several years later in England.

As well as this internal isolation, the RAF prisoners were (and are) subjected to extreme isolation from the outside. They were limited to visits from lawyers and family members. Visits from family members were (and are) overseen by two state security employees who record all conversations. The contents of such conversations have been entered into trials, sometimes following analysis by a psychologist. All political letters, books, and packages are withheld.

Since 1975 all prisoners arrested under §129 in connection with “political crimes” are held under the so-called “24 Point Program.” This program specifies, among other things, that the prisoner is banned from all common activities. The prisoner receives one hour of solitary yard time per day, which is immediately interrupted if s/he fails to heed an order, insults a staff person, or causes any damage. The prisoner may keep twenty books in her/his cell. Visits are limited to people cleared by the authorities and are for a maximum of thirty minutes each (the standard is two such visits a month). It is prohibited to discuss activities of the so-called “terrorist scene” or its support groups (the latter is a grab bag for all left organizations), prison revolts, or hunger strikes. All visitors are searched, and this extends to lawyers as we shall see.

In a statement regarding these isolation wings Till Meyer and Andreas Vogel²², both having been subjected to these conditions for years, wrote:

²² Till Meyer and Andreas Vogel were members of the West Berlin-based anarchist, anti-imperialist organization the 2nd of June Movement. Named after the date of the shooting of Benno Ohnesorg in 1967, this group was first heard from in June 1972. On June 2, 1980 a communiqué was released dissolving the 2nd of June Movement and regrouping its members within the RAF. Although the dissolution was controversial and some prisoners still qualify themselves as members of the 2nd of June Movement, many prisoners and members living underground clearly accepted the decision. The 2nd of June Movement has never claimed responsibility for another action to the best of my knowledge.

With the isolation wings, years of isolation has been carried to the extreme and the process of extermination has been perfected: the perfection of spatial limitation and the total isolation, electronic observation with cameras and microphones (openly in each cell) - and we are guarded by special corps (corps who are trained in psychology and conditioned through BKA²³ training).²⁴

They further added:

*The isolation wings are the scope, means, and method of physical and psychological destruction - if one is eventually released, then s/he must be incapable of further resistance. **THAT IS THE FRONT LINE AGAINST WHICH WE ARE MOBILIZING, AGAINST WHICH WE ARE STRUGGLING.** Isolation wings are, as such, also a clear example of the conflict between the guerrilla and the imperialist state.²⁵*

Otherwise stated:

Isolation aims at desocializing prisoners from every social relationship including their history, their history above all. ... It makes the prisoner unconscious or kills her/him.²⁶

Wilfried Rasch, a prison psychiatrist who examined the Stammheim prisoners, had this to say about the isolation conditions in which they were held:

The high security wing has simply the quality of torture, that is to say, an attempt through special measures, as such, to achieve something amongst the prisoners through difficult or unbearable conditions, that is to say, a change of heart, a defection.²⁷

Even the visits which are permitted are designed to add to the prisoners' stress-level. Eberhard Dreher describes the closed visiting conditions as follows:

²³ The Bundeskriminalamt (BKA) or Federal Criminal Office is the West German equivalent of the FBI.

²⁴ *Der Blues: Gasammelte Texte der Bewegung 2. Juni*, Vol. 2, West Germany, p. 680.

²⁵ *Ibid*, p. 682.

²⁶ Bakker Schut (ed.), *op. cit.*, p. 218.

²⁷ *Der Blues*, *op. cit.*, Vol. 1, p. 341.

(T)he screen offers a pretense of contact, simultaneously limiting the contact to visual contact and making the contact unfamiliar due to the reflective quality of the glass. ... Further pain is created by the lack of air and the particular acoustics. The construction of ventilators would rectify this problem. ... To make oneself understood, one must speak very loudly. One's own voice within the aquarium-like cabinet is amplified into an acoustic mountain crashing down directly onto one's own head.²⁸

Dreher further describes the effect of one such visit with his lawyer as follows:

After ... 40 minutes, I had a splitting headache and, with the consent of my lawyer, had to break off the visit. I had a headache, needed air, was fed-up, wanted to be in my cell in peace.²⁹

In its July 8, 1978 “Decision” the “European Commission of Human Rights” noted the following effects on the health of Gudrun Ensslin, Jan-Carl Raspe, and Andreas Baader as a result of their prolonged imprisonment under conditions of single or small-group isolation:

(i) ***State of health***

In September 1975:

19. The applicants are in a state of physical and mental exhaustion (Dr. Mende). Their blood pressure is low. Their weight is about 70% of that of a normally healthy person of the same age and build (Dr. Müller). They present the following symptoms in varying degrees: problems of concentration, marked fatigue, difficulties of expression or articulation, reduced physical and mental performance, instability, diminished spontaneity and ability to make contacts, depression (especially noted by Dr. Rasch).

In April 1977:

20. The decline in both physical and mental health is very pronounced in Ensslin (concurring opinion by Dr. Rasch, Dr. Müller, and Dr. Schröder): loss of weight, very low blood pressure, premature aging, severe difficulties of expression and lack of concentration, motor disturbances. The deterioration in the condition of Baader and Raspe is perceptible, though less spectacular: Decrease in activity and spontaneity, emotional regression, problems of articulation, hesitancy in speech. They are nevertheless fit for detention.

²⁸ Ibid, p. 320.

²⁹ Ibid, p. 321.

(ii) **The Causes**

21. *The experts ascribe the applicants' state of health to a series of factors and circumstances: the particular conditions of their imprisonment, the length of the detention on remand, hunger strikes, tension generated by the trial and the applicants' wish to defend themselves, etc.. The importance attached to these different factors varies from one report to another.*

The particular conditions of imprisonment

22. *There is no sensory isolations strictly speaking, such as can be brought about by a substantial reduction in stimulation of the sensory organs. On the other hand, the applicants are subjected to evident social isolation. The international literature on criminology and psychology indicates that isolation can be sufficient in itself to gravely impair physical and mental health. The following conditions may be diagnosed: Chronic apathy, fatigue, emotional instability, difficulties of concentration, diminution of mental faculties, disorders of the neuro-vegetative system. Opinions differ on the precise scale of these phenomena. There are no reports in the literature of situations comparable to that of the applicants (Dr. Rasch), affording a better assessment of the psychiatric effects. From the standpoint of internal medicine, certain analogies can be found in case-studies of elderly and isolated persons, persons kept alive artificially in intensive care units, and long-term prisoners (Dr. Müller and Dr. Schröder). However, certain experts state that they have little personal experience of the physical and mental effects of normal imprisonment (Dr. Müller and Dr. Schröder).³⁰*

Although the commission found that “there is no sensory isolation strictly speaking,” the deterioration in the prisoners’ health speaks for itself.

If the results of imprisonment in the isolation wing are horrifying, isolation in the dead-wing is even more destructive. Ulrike Meinhof’s description of the result of her prolonged imprisonment in the Cologne-Ossendorf “dead-wing” bears printing in its entirety.

From the period June 16, 1972 to February 9, 1973:

The feeling, one’s head explodes (the feeling, the top of the skull will simply split, burst open) -

the feeling, one’s spinal column presses into one’s brain -

the feeling, one’s brain gradually shrivels up like, for example, a baked fruit -

the feeling, one is uninterruptedly, imperceptibly, under a torrent, one is remote-controlled, one’s associations are hacked away -

the feeling, one pisses the soul out of one’s body, like when one cannot hold water -

³⁰ European Commission of Human Rights, *Decisions and Reports*, 14, Strasbourg, June 1979, pp. 96-97.

the feeling, the cell moves. One wakes up, opens one's eyes: the cell moves; afternoon, if the sun shines in, it suddenly remains still. One cannot get rid of the feeling of motion

- One cannot tell whether one shivers from fever or from cold -

one cannot tell why one shivers - one freezes.

To speak at a normal volume requires an effort like that necessary to speak loudly, almost like that necessary to shout -

one can no longer identify the meaning of words, one can only guess -

the use of sibilants -s, -ss, -tz, -sch - is absolutely unbearable -

guards, visits, the yard seem to one as if they are made of celluloid - headaches -

sentence construction, grammar, syntax - can no longer be controlled.

When writing: two lines - by the end of the second line. one cannot remember the beginning of the first -

the feeling, internal burn-out -

the feeling, if one wants to say what's wrong, if one wants to let it out, it's like a rush of boiling water that scalds one forever, that disfigures -

raging aggressivity for which there is no outlet.

That's the worst.

Clear consciousness that one has no possibility of survival; a complete breakdown of the capacity to mediate this; visits leave nothing. A half an hour later one can only mechanically reconstruct whether the visit was today or last week -

compared to this, bathing once a week means; a momentary thaw, a moment of rest - to stop for a couple of hours -

the feeling, time and space are interlocked -

the feeling, to find oneself in an amusement park house of mirrors - to stagger -

Afterwards: awful euphoria, that one has heard something - beyond the acoustic day and night differentiation -

The feeling, time now flows, the brain expands, the spinal column sinks down after weeks.

The feeling, as if one's skin is thickening.³¹

Isolation Torture and International Law

Pieter Bakker Schut, a Dutch lawyer who has served as defense counsel for prisoners from the RAF and who is the author of the authoritative book regarding the counterinsurgency developments in Stammheim, which is simply titled *Stammheim*, notes that the isolation conditions in West Germany pose a problem on two different levels from a legal perspective, that is to say, on both the level of internationally recognized human rights, as well as on the basis of international law governing the treatment of prisoners.

³¹ Brückner, Peter, *Ulrike Maria Meinhof und die deutschen Verhältnisse*, Verlag Klaus Wagenbach, Berlin, 1976, pp. 156-157.

The *Universal Declaration of Human Rights*, ratified by the United Nations Organization (UNO) on December 10, 1948 states:

Article 5

*No one shall be subjected to torture or to cruel, inhuman, or degrading punishment.*³²

Article 1

*1. For the purposes of the Declaration, "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating him or other persons, ...*³³

This article was again ratified by the UNO in the *Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment* on December 10, 1984.³⁴

The UNO has further recognized the special danger of torture faced by political prisoners and addressed it in *Resolution 32/121*, ratified at the 105th Plenary Meeting, on December 16, 1977. That resolution reads in part:

Aware of the fact that in many parts of the world numerous persons are detained in respect of offenses which they committed, or are suspected of having committed, by reason of their political opinions or convictions,

Noting that these persons are often exposed to special dangers as regards the protection of their human rights and fundamental freedoms,

Realizing, therefore, that special attention should be given to the full respect of the human rights and fundamental freedoms of these persons,

(The General Assembly)

1. Requests Member States:

(B) *To ensure in particular, that such persons are not subjected to torture or other cruel, inhuman, or degrading treatment or punishment...*³⁵

The basic principles of the UNO Conventions and Declarations are echoed in the *European Convention on Human Rights*, ratified in Rome on November 4, 1950.

³² United Nations Organization, *Human Rights: A Compilation of International Instruments*, New York, 1988, p. 2.

³³ *Ibid*, p. 210.

³⁴ *Ibid*, p. 213.

³⁵ *United Nations General Assembly Resolutions, 31st-33rd Sessions, 1976-1979 & 8th-10th Special Session, 1978*, New York, 1979, p. 145.

Article 3

*No one shall be subjected to torture or inhuman or degrading treatment or punishment.*³⁶

Based on the principles outlined in the previously quoted documents and other similar documents, “Amnesty International” (AI) in 1973 pinpointed the following four elements constituting torture:

*In the first place the nature of torture assumes the **involvement of at least two persons**, the torturer and the victim, and it carries the further implication that the victim is under the physical control of the torturer. The second one is the basic one of the **infliction of acute pain and suffering**. ... Definitions that would reduce torture to physical assaults on the body exclude “mental” and “psychological” torture which undeniably causes acute pain and suffering, and must be incorporated in any definition.*

*Thirdly there is implicit in the notion of torture the effort by the torturer, through the infliction of pain, to make the victim submit, to “break him.” The **breaking of the victim’s will** is intended to destroy his humanity, and the reaction to the horror of this finds expression in various human rights instruments in such phrases as “respect for the inherent dignity of the person.*

*Finally torture implies a **systematic activity with a rational purpose**....³⁷*

As such AI adopts the following definition of torture:

(T)he systematic and deliberate infliction of acute pain in any form by one person on another, or on a third person, in order to accomplish the purpose of the former against the will of the latter³⁸

AI further notes:

(In a) situation of a public emergency or state of war (the European Convention on Human Rights) permits the suspension of most basic human

³⁶ Brownlie, Ian (ed.), *Basic Documents on Human Rights*, Clarendon Press, Oxford, 1981, p. 244.

³⁷ *Amnesty International Report on Torture*, Duckworth in association with Amnesty International Publications, London, 1973, pp. 30-31.

³⁸ *Ibid*, p. 31.

*rights. However, it specifically holds that “no one shall be subjected to torture or to inhuman or degrading treatment or punishment.”*³⁹

Finally AI concludes:

*It can safely be stated accordingly, that under all circumstances, regardless of the context in which it is used, torture is outlawed under the common law of mankind. This being so, its use may properly be considered to be a crime against humanity.*⁴⁰

Having defined torture and having concluded that it is uniformly in violation of all accepted international law, AI puts forward *Biderman’s Chart of Coercion*⁴¹ as a guide to activities that constitute so-called “clean torture.” Developed in the post-Korean War period, it catalogues eight such categories of behavior, which have as their objective the “brainwashing” of the detainee.

BIDERMAN’S CHART OF COERCION

General Method	Effects (Purposes)	Variants
1. Isolation.	Deprives victim of all social supports of his ability to resist. Develops an intense concern with self. Makes victim dependent upon interrogator.	Complete solitary confinement. Complete isolation Semi-isolation. Group isolation.
2. Monopolization of perception	Fixes attention upon immediate predicament; fosters introspection Eliminates stimuli competing with those controlled by the captor. Frustrates all actions not consistent with compliance.	Physical isolation. Darkness or bright light. Barren environment. Restricted movement. Monotonous food.
3. Induced debility, exhaustion.	Weakens mental and physical ability to resist.	Semi-starvation. Exposure. Exploitation of wounds. Induced illness. Sleep deprivation. Prolonged constraint. Prolonged interrogation.

³⁹ Ibid, p. 33.

⁴⁰ Ibid, p. 34.

⁴¹ Ibid, p. 44.

		Forced writing. Overexertion.
4. Threats.	Cultivates anxiety and despair.	Threats of death. Threats of non-return. Threats of endless interrogation and isolation. Threats against family. Vague threats. Mysterious changes of treatment.
5. Occasional indulgences.	Provides positive motivation for compliance. Hinders adjustment to deprivation.	Occasional favours. Fluctuations of interrogation attitudes. Promises. Rewards for partial compliance. Tantalizing.
6. Demonstrating “omnipotence.”	Suggests futility of resistance.	Confrontation Pretending cooperation taken for granted. Demonstrating complete control over victim’s fate.
7. Degradation.	Makes cost of resistance appear more damaging to self-esteem than capitulation. Reduces prisoners to “animal level” concerns.	Personal hygiene prevented. Filthy, infested surroundings. Demeaning punishments. Insults and taunts. Denial of privacy.
8. Enforcing trivial demands.	Develops habit of compliance.	Forced writing. Enforcement of minute rules.

In a 1986 report focusing specifically on the FRG, AI concludes:

(I)n view of the undisputed harmful effects of isolation on the health it is essential that the health of prisoners in isolation should be regularly monitored, even where it is claimed by the authorities that the conditions are self-inflicted, and that the prisoners concerned should have the option of consulting doctors outside the prison system.⁴²

Based on an understanding of their role as a metropolitan section of the international anti-imperialist guerrilla movement (a role reflected in the previously described attacks in response to the carpet bombing and the mining of harbours in North Vietnam) the prisoners

⁴² Amnesty International’s Current Work on the Federal Republic of West Germany, February 20, 1986, p. 7

of the RAF also demanded treatment as prisoners of war under the *Geneva Conventions of August 12, 1949*. Articles 3, 4, 13, and 130 of the *Geneva Convention Relative to the Treatment of Prisoners of War* are of particular interest for our purposes.

Article 3

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

*(1) Persons taking no active part in the hostilities, including members of the armed forces who have laid down their arms and those placed **hors de combat** by sickness, wounds, detention, or any other case, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any similar criteria.*

To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above mentioned persons:

(a) violence to life or person, in particular murder of all kinds, mutilation, cruel treatment and torture;

(b) taking of hostages;

(c) outrages upon personal dignity, in particular, humiliating and degrading treatment;

(d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

(2) The wounded and the sick shall be collected and cared for. An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to parties to the conflict.

The parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions in the present Convention.

The application of the preceding conventions shall not affect the legal status of the Parties to the conflict.

...

Article 4

All Prisoners of War, in the sense of the present Convention, are persons belonging to one of the following categories, who have fallen into the power of the enemy:

(1) Members of the armed forces of a Party to the conflict as well as members of militias or voluntary corps forming part of these armed forces;

(2) Members of other militias and members of other volunteer corps including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their territory, even if this territory is occupied, provided that these militias or volunteer corps, including these organized resistance movements, fulfill the following conditions:

(a) that of being commanded by a person responsible for his subordinates;

(b) that of having a fixed distinctive sign recognizable at a distance;

(c) that of conducting their operations in accordance with the laws and customs of war.

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Article 13

Prisoners of war must at all times be humanely treated. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited and will be regarded as a serious breach of the present Convention. In particular, no prisoner of war may be subjected to physical mutilation or medical or scientific experiments of any kind which is not justified by the medical, dental or hospital treatment of the prisoner concerned and carried out in his interest.

Likewise, prisoners of war must at all times be protected particularly against acts of violence or intimidation and against insults and public curiosity.

Measures of reprisal against prisoners of war are prohibited.

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Article 130

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the Convention: willful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, compelling suffering or serious injury to body or health, compelling a prisoner of war to serve in forces of the hostile Power,

*or wilfully depriving a prisoner of war of the a fair and regular trial prescribed by the Convention*⁴³

While at first glance, Article 4(A)(2)(b) and (c) might appear to pose some problems, the negatively restrictive nature of these clauses was recognized at a conference held in Geneva in May and June of 1971 to review the *Conventions*. Article 377 of the *Report* reads:

*The experts in favour of improved protections for guerrilleros felt that the two conditions of 4(A)(2), namely the requirements of a **permanent distinctive sign and the carrying of arms openly**, was in contradiction to the very nature of guerrilla warfare.*⁴⁴

The Prisoners Fight Back

Faced with isolation torture, a torture aimed at their destruction, the prisoners defined the conditions necessary for survival as follows:

*These two conditions (access and openness) are critical, because they are the only guarantee against collective brainwashing.*⁴⁵

In discussions with an AI representative the prisoners gave concrete form to these conditions. They demanded open wings with open doors, common organizations, social relationships within the prison, and the abolition of isolation from one another.⁴⁶

On January 17, 1973 forty prisoners from the RAF began a four and a half week hunger strike against prison conditions. Within the context of their understanding of the prison as a terrain of struggle, Holger Meins explains the role of the hunger strike this way:

*On the basis of their points of reference, within the prison, offensive actions can only have a defensive character and are, according to their content, defensive actions.*⁴⁷

Years later, Till Meyer, writing from the “dead-wing”, would express their goal this way:

⁴³ International Committee of the Red Cross, *The Geneva Conventions of August 12, 1949*, Geneva, pp. 77-79, 83, 133.

⁴⁴ International Committee of the Red Cross, *Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts (Geneva, 24 May - 12 June 1971): Report on the Work of the Conference*, Geneva, 1971, p. 68.

⁴⁵ Bakker Schut (ed.), op. cit., p. 211.

⁴⁶ Ibid, p. 213.

⁴⁷ Ibid, p. 142.

*Our demand - association of all prisoners - is the opposite of what the pigs offer us. Association means, above all, survival, collective political imprisonment, political identity, self-organization - while the dead-wing means annihilation.*⁴⁸

While the hunger strike did not achieve a definitive victory for the prisoners, it did manage to break the wall of silence surrounding prison conditions. (As I write, the prisoners are in the midst of their tenth collective hunger strike in sixteen years around these demands.)⁴⁹ In April 1973 the “Committee Against Torture,” an organization supported by a wide spectrum of the West German intelligentsia, was founded for the express purpose of focusing public attention on the struggle of the prisoners against the destructive prison conditions.

It was not long before the committee got its first opportunity for public activity. On May 8, 1973 eighty prisoners began a hunger strike. Four days later, on May 11, the committee held a public event at which Heinz Brandt, a member of the board of IG Metall, described the isolation conditions that the prisoners were subjected to as much worse, more dangerous, and more destructive than the conditions he had suffered in four years in a Nazi concentration camp. Dutch psychologist Dr. Sjef Teuns described isolation and sensory deprivation as programmed torture. Sociologist Dr. Christian Sigrist described the West German torture system as part of the worldwide counter-strategy against anti-imperialist combatants. The latter point was certainly as important to the prisoners as the former two. They did not view a purely human rights campaign as of even limited support, rather they viewed it as an attack on their fundamental principles.

(T)orture as a concept in and of itself and as the focus of a campaign is directed against the prisoners. Torture, as such, is not a concept for revolutionary struggle and can never organize useful protection for us, because torture is not viewed politically, but in moral terms, and appeals to those who can use it thusly. Torture as A CONCEPT FOR STRUGGLE, as such, as a concept FOR the prisoners, is only possible when its context is comprehended:

- *the conditions of imperialism, the power cartel against which armed struggle is directed*
- *our politics, which torture seeks to eliminate*
- *the state against which we are struggling.*⁵⁰

⁴⁸ *Der Blues*, Vol. 2, op. cit., p. 684.

⁴⁹ The tenth collective hunger strike lasted from Feb. 1 until May 12, 1989. It ended, as had all previous ones, without achieving the prisoners’ goal of free association amongst themselves.

⁵⁰ *Ibid*, pp. 682-683.

In a trial statement in June 1975 Andreas Baader found it necessary to criticize one of the defense attorneys, Otto Schily⁵¹, in this regard:

We certainly can't identify with the argument regarding torture as Schily formulates it in his petition. ... In not knowing what to do except torture when faced with revolutionary politics, the state proves itself to be an imperialist state. The indignation of the degenerate bourgeois anti-fascism only hides this fact. Bourgeois anti-fascism is so weak, so corrupted by social democracy, and so locked into revisionism that it can no longer express itself in a significant way.

And further:

*We cannot talk about torture without talking about the contents and strategy that will eliminate it, which is the **revolutionary** political strategy.*⁵²

On May 24 the prison authorities began withholding water from Baader, in what can only be understood as an attempt to kill him. After eight days without water and suffering kidney pains, a sore throat, and problems with his vision, Baader was forced to end his hunger strike. Apparently pleased with their success, the authorities targeted Bernhard Braun next, and on June 5 placed him in the so-called "dry cell." Nonetheless, the hunger strike continued until June 29, when the Karlsruhe Provincial Court ordered the release from isolation of two prisoners, Carmen Roll and Siegfried Hausner, both of whom had been injured in shoot-outs at the time of their arrest, and neither of whom could expect a full recovery in isolation conditions.

If You Can't Destroy It, Cut It Out

Having failed to destroy Ulrike Meinhof by subjecting her to two hundred and thirty-seven days in the "dead-wing," the state moved to directly and medically destroy her brain. On the basis of an operation to remove a tumour which Meinhof had undergone in 1962, the federal prosecutor theorized that her behavior might be the result of some problem with her brain. In a letter dated April 18, 1973 the federal prosecutor, Peter Zeis, asked a psychiatrist at the Hamburg University Clinic, Dr. Hermann Witter, to ascertain what interventions might prove necessary. In a letter dated May 10 Witter responded that he felt both x-rays and a scintigraphy would be necessary. On July 13 Federal Court Judge

⁵¹ It is worth noting in passing that the same Otto Schily went on to become a leading figure in the so-called "Realo" tendency of the German Green Party, the tendency seeking rapprochement with the SPD, before finally leaving the Greens to join the SPD.

⁵² *Textes des prisonniers de la "Fraction Armée Rouge" et dernières lettres d'Ulrike Meinhof*, Librairie François Maspero, Paris, 1977, p. 84.

Knoblich ruled that the state could proceed with these operations, even against Meinhof's will, and with the use of constraining devices or anesthesia if necessary. It was only massive public protest, including the protest of many doctors, which prevented the government from proceeding with its plan.

The Third Hunger Strike - The Death of Holger Meins

On September 13, 1974 forty prisoners of the RAF began their third collective hunger strike against prison conditions. In early October the president of the federal Supreme Court, Theodor Prinzig, ruled in favour of the force-feeding of Holger Meins, Jan-Carl Raspe, and Andreas Baader.

Force-feeding was not meant to save the lives of the prisoners but as a form of torture. Adelheid Schulz described the effects of force-feeding as "hours of nausea, a racing heartbeat, pain, and effects similar to fever. At times one experiences hot flashes; then one is freezing cold."⁵³ In the case of Meins, who died of starvation on November 9, force-feeding was clearly never meant for any purpose other than torture. For the last two weeks of his life he only received between 400 and 800 calories daily, and in the last four days of his life, he never received more than 400 calories a day.⁵⁴ For the prisoners and their supporters Meins' death was quite simply a murder in the context of a state security war against the prisoners.

On November 10, the day after the death of Holger Meins, the "2nd of June Movement" shot and killed the president of the West Berlin Supreme Court during a kidnapping attempt meant to avenge the death of Meins and support the demands of the hunger striking prisoners.

On November 26 the state responded to this with the so-called "*Aktion Winterreise*" (Action Winter Trip), targeting 23 people as members of a "criminal organization" and accusing the lawyers for the RAF prisoners or organizing an illegal communication network, the alleged role of which was to permit communication between prisoners, as well as between prisoners and active commandos on the outside. The state built up its "evidence" for these claims via a series of cell raids and raids of the offices and dwellings of lawyers. While the contents of letters and documents seized during the raids were manipulated in the media to present the image of a far-reaching "terrorist conspiracy" involving lawyers as well as their clients, the real goal of this frontal assault was clearly an attempt to deprive Gudrun Ensslin, Ulrike Meinhof, Jan-Carl Raspe, and Andreas Baader, the remaining four prisoners (Holger Meins now being dead) of what the state viewed as the leadership of the RAF, of lawyers as their trial approached. Through a barrage of new laws, "refinements" of existing laws, and the expulsion of lawyers, the state attempted to create and largely achieved a condition in which the trial proceeded with the prisoners ill- or undefended, and often without their personal participation. A general idea of the parameters of this campaign can be drawn from the complaint filed by Ensslin, Raspe, and Baader to the "European Commission on Human Rights." Although lengthy, it is succinct and I will quote the entire section dealing with the criminal proceedings here:

⁵³ *Von der Zwangernahrung zur "Koma-Losung,"* West Germany, September 1985, p. 25.

⁵⁴ Bakker Schut, Pieter, *Stammheim*, Neuer Malik Verlag, Kiel, 1986, p. 119.

29. *The applicants were arrested in June 1972 and charged with several murders committed in May 1972 in Frankfurt, Munich, Heidelberg and Augsburg.*

Under an agreement between the different prosecutors at the courts within whose areas these offenses had been committed, the case was removed to the Stuttgart Appeal Court and placed on the register of the 2nd Criminal Chamber of that Court.

On 4 February 1974, following staff movements involving several judges, Judge Prinzig, then President of the Juvenile Division of the Court, was appointed President of the 2nd Criminal Chamber, before which the trial was to take place.

1 January 1975, an Act of 20 December 1974 supplementing the 1st Act amending the Code of Criminal Procedure entered into force. The new or amended clauses are mainly concerned with the limit on the number of defense lawyers chosen [Section 137] and exclusion of defense counsel in cases of “serious presumption” of complicity or abuse of contact with the accused on remand [Section 138(a)] or where there are “justified grounds” for fearing that the defense counsel is a threat to the security of the State [Section 138(b)]. A defense counsel who has been excluded cannot defend the accused in other proceedings [Section 138 (a)]. Further, no defense counsel can assist several accused persons [Section 146], and the trial can henceforth take place in the absence of the accused if it is found, on the evidence of a medical expert, that he has “deliberately and culpably” brought himself to a state which precludes his attendance at the hearings [Section 231(a)], or if he is removed from the courtroom for “undisciplined behavior” [Section 231(B)].

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31. *Before the hearings opened, the applicants were deprived of the services of three of the four principal lawyers to whom they had entrusted their defense; only Mr. Schily was able to continue representing them. By an order of the Appeal Court of 22 April 1975, Mr. Croissant was permanently debarred from defending A. Baader, under the new Section 138(a) of the code of criminal Procedure, because he was suspected of supporting the criminal organization to which his client belonged.*

The appeal against this order was rejected on 20 May 1975 by the federal Supreme Court (3rd Criminal Chamber). In a judgment of 4 July 1975, a chamber of three judges of Federal Constitutional Court decided not to consider the constitutional appeal lodged by Mr. Croissant.

In similar circumstances, Mr. Groenewold and subsequently Mr. Ströbele were also debarred from defending Baader, even before the hearings began (orders of 2 and 13 May 1975 of the Appeal Court, judgment of 26 August 1975 of the Federal Supreme Court).

By order of 3 June 1975, the Appeal Court ruled that the exclusion of the lawyers Ströbele, Groenewold and Croissant also extended to the defense of Ensslin and Raspe. The appeals immediately lodged against this order were rejected on 22 October 1975 by the Federal Court of Justice.

32. The hearings opened on 21 May 1975.

After a short time, however, the applicants were incapable of following the discussion. Defense counsel then sought a ruling that the accused were unfit to attend the hearings.

Four experts were appointed by the Appeal Court by orders of 18 and 29 July. In their conclusions submitted on 10, 15, and 17 September, these doctors concluded that it was necessary to reduce the length of the hearings to a maximum of three hours each day. The Court did not think it possible to adopt so slow a schedule of work.

On 30 September 1975, the 40th day of the hearing, when it became impossible for the applicants to follow the discussion for more than three hours, the Appeal Court decided to continue the hearing in the absence, on the ground that the accused had by their own actions brought themselves to a state precluding their attendance at the hearings, within the meaning of the new Section 231 of the Criminal Code.

In support of this conclusion, the Court referred to the repeated hunger strikes, the refusal of any therapy administered by the prison doctors, the sleepless nights, the refusal of the accused to meet other prisoners and, in the case of C. Raspe, to take exercise with them.

The immediate appeal lodged against this order was rejected by a judgment of 22 October 1975 of the Federal Supreme Court. On 21 January 1976, the 2nd Chamber of the Federal Constitutional Court rejected the further appeal against that judgment as being manifestly ill-founded.

*33. On 4 November 1975, on the basis of the new Section 146 of the Code of Criminal Procedure, the Appeal Court refused to approve a new lawyer, Mr. Spangenberg, as defense counsel for Raspe, on the ground that he had already been appointed defense counsel for another member of the RAF due to appear before the Regional Court in Kaiserslautern. On the other hand, on an application by the Federal Public Prosecutor, the Court ordered Mr. von Plottnitz to be appointed **ex officio** Raspe's lawyer on 7 November.*

*Later, the **ex officio** appointment of Mr. Heldmann, which had been effective since July 1975, was revoked by the Court because he was not participating in the regular course of the proceedings (Order of 13 January 1977).*

*34. The trial continued in the absence of the accused, principally represented at the hearings by their lawyers appointed **ex officio**.*

During the month of July 1976, Judge Prinzig sent to Judge Meyer, a member of the 3rd Criminal Chamber of the Federal Supreme Court with appeal jurisdiction in these proceedings, photocopies of various parts of the

criminal file, which Judge Meyer passed on to the editor of a major daily newspaper.

The challenge of Judge Prinzig, submitted as a result of this incident, was rejected. Judge Meyer, for his part was transferred to another chamber of the Federal Supreme Court.

At the end of January 1977, after 174 days of hearings, the 85th challenge of Judge Prinzig was accepted. He was replaced as the President of the Chamber by Judge Foth.

Among the main witnesses for the prosecution were former members of the Baader-Meinhof group.

On the other hand, the Appeal Court refused to hear witnesses called by the defense to explain the political motives of the acts committed. For example, on 4 May 1976, the Court refused to hear the witnesses Osborne, Agee, Thomas and Peck, summoned by the defense and present in court.

35. After 191 days' hearings, the applicants were sentenced on 28 April 1977 to penal servitude for life for multiple murder and to 15 years penal servitude for attempted murder and the constitution of a criminal association. They submitted pleas of nullity to the Federal Court of Justice, but these proceedings were terminated by their deaths.⁵⁵

The Exclusion of Klaus Croissant, Christian Ströbele, and Kurt Groenewold

While an examination of the detailed way in which lawyers were systematically harassed, banned, disbarred, and in two cases driven underground, is too detailed for the space permitted here (I refer the interested reader with a grasp of German to Pieter Bakker Schut's *Stammheim*; see footnote 53), I will, however, deal with the attack on Klaus Croissant, Christian Ströbele, and Kurt Groenewold; not because it is particularly novel, but because it contains within it virtually every tactic used by the state against the lawyers and is, as such, useful in elaborating an understanding of the parameters of the campaign.

On October 16, 1974 the Federal Court filed for seizure of the defense correspondence between defense attorney Kurt Groenewold and the RAF prisoners on the basis that the attorneys were at the core of an illegal RAF information system. On December 13 Federal Prosecutor Siegfried Bubak made a similar demand regarding legal mail between the prisoners and defense attorneys Klaus Croissant and Christian Ströbele. In his closing statement Buback argued that Croissant was clearly involved in a "criminal association" with his clients. Buback based his argument on Croissant's use of the "terminology of left extremism, such as isolation torture, extermination conditions, brainwashing units, and the like." Buback further pointed, as evidence, to Croissant's public statements in support of the prisoners' hunger strike and regarding the events surrounding the death of Holger

⁵⁵ *European Commission on Human Rights*, op. cit., pp. 99-101.

Meins. On December 30 Second Senate Judge Theodor Prinzig ruled that Croissant was acting as “supporter” and “mouthpiece” for the prisoners and, as such, for a “criminal association.” Ströbele was also alleged to be a “member” of a “criminal association” for referring to himself as a “socialist and a political lawyer” and for expressing “solidarity with the thinking of the prisoners” whom he referred to as “comrades.”⁵⁶

On January 20, 1975 the weekly newsmagazine *Der Spiegel* ran an interview with Ensslin, Meinhof, Raspe, and Baader. On March 17 Croissant was excluded from representing Baader. The court listed three reasons for the decision. First, in November 1974 Croissant refused to share information which the lawyers were circulating amongst the prisoners with his client Bernhard Braun because of Braun’s decision to break his hunger strike. Second, Croissant had participated as a speaker in a solidarity evening for the hunger strikers on November 8, 1974; that is on the day before the death of Holger Meins. Third, Croissant had mediated for the prisoners in their negotiations with *Spiegel* regarding the aforementioned interview. All three constituted punishable offenses under §129 of the Criminal Code, the paragraph governing “support for a criminal association.”

On May 5, 1975 Groenewold was excluded as Baader’s lawyer on the basis of allegations that his office served as an “information central” to allow prisoners to communicate amongst themselves.

Finally, on May 6, 1975 Ströbele was excluded as Baader’s lawyer, again on the basis that he was key to an “information central.”

It is clear that this series of exclusions, as well as those that were to follow, were meant to serve two functions. The first and most apparent objective was to prevent the prisoners from adequately defending themselves. However, a second, and in some ways more insidious function was served by these exclusions. By cutting the prisoners off from lawyers of their choice, the courts were able to further the isolation of the prisoners, who, already isolated from each other, were dependent on sympathetic lawyers for human contact, as well as for ongoing information regarding developments outside of the prison and for a modicum of political discussion. The existence of a so-called “information central” was not only threatening because of the dialogue it permitted, but was also counter-productive to the state’s objectives simply because it allowed dialogue and, as such, opened a hole in the brutal isolation conditions the government was attempting to perfect.

Unsatisfied with simply excluding the lawyers, the state moved to make examples of them. On June 23 the homes and offices of Croissant, Ströbele, and Groenewold, and a fourth defense attorney, Marie-Louise Becker, were raided. Ströbele and Croissant were arrested. Ströbele was released in late July, but Croissant was held on the basis that he was a “flight risk.” It would appear that the only reason Groenewold was not arrested was that he was already subjected to a “*Berufsverbot*” (Professional Ban), a legal maneuver which excluded any person who was a member of a “communist” organization from

⁵⁶ Bakker Schut, op. cit., pp. 157-158.

holding any civil service job.⁵⁷ In August Croissant was released on 80,000 DM bail on the condition that he turn his passport over to the courts.

Following a period of intense 24 hours per day open surveillance Croissant was briefly re-arrested on July 16, 1976. The basis for the arrest was an alleged renewal of the fear that he posed a “flight risk,” based on the allegations of an ex-RAF supporter turned state witness in the trial of “Baader, *et. al.*” that Croissant was one of ten lawyers who were “active” RAF supporters.

In July 1977, subject to a *Berufsverbot* and facing a possible third arrest, Croissant fled to Paris, requesting political asylum at a press conference on July 7. Croissant put forward a number of reasons backing his request for asylum. He stated he was facing a third arrest and his *Berufsverbot* prevented him from defending himself. He further added that he could not defend his clients’ rights under the *Universal Declaration of Human Rights* except from outside the country. He outlined the all pervasive nature of the surveillance directed against him, including house, office, and phone bugs, as well as the use of surrounding buildings for physical surveillance. The surveillance included openly photographing everyone entering his office. He noted that the security services had also approached employees in his office offering to purchase information from them. He further added that the use of uniformed police to follow him to and from his office constituted psychological terrorism.⁵⁸

On September 30, 1977 a representative from the West German Federal Prosecutors Office flew to Paris with information “proving” Croissant’s role in the RAF. (This amounted to the fact that he performed an “information central” function for one of his clients, the aforementioned Bernhard Braun.) On November 17 he was sitting in Stammheim. Following a trial that lasted from March 9, 1978 to February 16, 1979, a trial in which he refused to distance himself from his former clients, but, rather, publicly identified himself with them on the ideological plane. Croissant was sentenced to two and a half years without parole and four years *Berufsverbot*. In June 1979 he was to participate in the fifth collective hunger strike.⁵⁹

In its ruling the court sent a clear message to anyone who might choose to represent a political prisoner.

A defense attorney is not only bound to defend the interests of his client using all legal means, but is also bound to protect the constitutional order and to conscientiously fulfill his duty as a lawyer. It is not part of the duties and the rights of a defense attorney to support and promote the self-

⁵⁷ Cobler, *op. cit.*, p. 64. (According to official records 1,500,000 investigations were carried out under this law from the beginning of 1973 until mid-1975. In 3000 cases “*Berufsverbot*” was applied. In the remaining 1,497,000 cases files were opened as a first step.)

⁵⁸ *Actualité de la Résistance Anti-Impérialiste*, no. 3, Paris, June 6, 1978, pp. 8 and 10.

⁵⁹ It is worth noting in passing that after the fall of the Berlin Wall and the collapse of the Soviet system in East Germany and throughout the former eastern bloc when the files of the Stasi, the former East German secret service, were made public it was discovered that Klaus Croissant had been on the Stasi payroll providing information on developments on the left in West Germany.

*conception and political identity of the clients which are directed against the established order or directed towards violence.*⁶⁰

The parameters were clear; any lawyers who chose to use defense to open space for political discussion were faced with illegalization, *Berufsverbot*, and potentially imprisonment. As Andreas Baader formulated it in July 1975:

*Socialist lawyers are in the grotesque position of being the last advocates of the bourgeois constitutional state.*⁶¹

Lorenz and Stockholm

In the early months of 1975 there were two actions in support of the prisoners.

On February 27, 1975 the 2nd of June Movement kidnapped high-ranking West Berlin CDU politician Peter Lorenz. The commando demanded the release of six prisoners being held in West Berlin's Moabit prison: Ingrid Siepmann, Verena Becker, Gabrielle Kröcher-Tiedemann, Rolf Pohle, Rolf Heissler, and Horst Mahler.⁶² They further demanded that each prisoner be given 20,000 DM and a safe flight to Aden. On March 3 the demands were met. Mahler, a former APO lawyer from West Berlin who had subsequently broken with his former comrades, chose to remain in prison. The same evening Lorenz was released unharmed.

On April 24, at approximately 11:00 AM, the Holger Meins Commando of the RAF took over the West German embassy in Stockholm, Sweden, taking twelve hostages. They demanded the release of twenty-six West German political prisoners including Ensslin, Meinhof, Raspe, and Baader. After twelve hours of negotiations the police stormed the building, setting off explosives that the commando had laid. One RAF member, Ulrich Wessel, and two embassy officials died in the incident. Another RAF member, Siegfried Hausner, died on May 5 due to lack of medical attention.

The Murder of Ulrike Meinhof

On May 9, 1976 the death of Ulrike Meinhof was announced. Ostensibly Meinhof had committed suicide by hanging following a period of extreme depression provoked by tension between herself and her co-defendants, particularly between herself and Andreas Baader.

⁶⁰ Bakker Schut, op. cit., p. 539.

⁶¹ Ibid, p. 316.

⁶² Heissler and Mahler were members of the RAF; the remaining four were members of the 2nd of June Movement. All six were prominent members of the West Berlin APO from which the 2nd of June Movement had grown.

The lawyers for the prisoners responded to the alleged suicide almost immediately, calling a press conference. One of Meinhof's attorneys, Michael Oberwinder, challenged the state's claim that Meinhof was suffering from extreme depression.

I myself talked with Ms. Meinhof ... last Wednesday ... regarding the suits. There was not the least sign of disinterest on her part, rather we had an animated discussion in the context of which Ms. Meinhof explained the group's point of view.

He further added:

If Federal Prosecutor Kaul, as it says here, speaks of a certain coldness between Ulrike Meinhof and Andreas Baader, that is a monstrous claim that doesn't correspond to reality.

Defense attorney Otto Schily further posed some interesting questions:

Why didn't they allow the attendance of a trusted doctor chosen by (Meinhof's) sister to participate in the autopsy? Why the suspicious haste regarding the autopsy?

The defense attorneys closed their press conference by calling for the formation of an independent international commission of inquiry.⁶³

Such a commission was formed and its results, delivered on December 15, 1978, ascertained beyond a doubt that Meinhof had been brutally raped and murdered.

In examining the autopsy report the commission uncovered a series of medical contradictions. A group of English doctors studying the autopsy reports noted that the usual signs of asphyxiation, the normal cause of death in a suicide by hanging, were absent:

The report mentions neither bulging of the eyes or tongue, nor a cyanosis (bruising) of the face, habitual signs of death by asphyxiation. In spite of the fracture of the hyoid bone at the base of the tongue, there is no swelling of the neck in the area of the mark left by the "rope made from a bath towel" from which the prisoner was hanging. The negative results are irregular for a death by asphyxiation, that is the least we can say. On the other hand, they fit a death by pneumo-cortic compression very well, that is to say a

⁶³ *La Mort d'Ulrike Meinhof: Rapport de la Commission internationale d'enquête*, Librairie François Maspero, Paris, 1979, PP. 9-10.

death by pressure on the carotid artery, which can provoke death by a reflexive cardiac arrest.

In short, the evidence indicates that Meinhof was strangled to death before being hanged. Further the autopsy results point conclusively to the fact that Meinhof was raped before she was murdered.

The two autopsy reports mention a marked edema in the external genital area and swelling of the two calves. The two reports mention an abrasion covered with clotted blood on the left buttock. The Janssen report also mentions an ecchymosis on the right hip. The chemical analysis for sperm had, according to the official statement, a positive result, in spite of the absence of spermatozoa.⁶⁴

A letter from Dr. Klaus Jarosch, a professor at the University of Linz, to defense attorney Michael Oberwinder, dated August 17, 1976, concurs with the opinion of the English doctors, stating:

It certainly does not appear to be a typical death by asphyxiation due to hanging....⁶⁵

Four different reports concur that Meinhof could not have used the prison towel in the way described to fashion a rope for hanging herself. Both the report of West German doctor Hans-Joachim Meyer⁶⁶, and that of the Stuttgart-based Criminological Technology Institute (KTU)⁶⁷ note the discrepancy in the length of the described rope and the length they achieved when attempting to simulate the conditions of the hanging. RAF prisoner Ingrid Schubert notes that a rope fashioned from identical prison bath towels failed to bear a weight of more than fifty lbs. in repeated tests.⁶⁸ Finally, a statement from the Stammheim prisoners notes that such a towel would not fit through the holes in the window grating.⁶⁹

As well, there were significant contradictions regarding a chair allegedly used in the hanging. The report of the legal doctor and that of the criminal police claim that the chair placed on top of a mattress was supporting Meinhof's left leg. The chair is not mentioned in the report of Schreitmüller, a prison functionary, who explicitly stated, "I did not see a chair." He even went as far as to state that the report of a chair, published in *Spiegel*, was

⁶⁴ Ibid, p. 25.

⁶⁵ Ibid, pp. 28-30.

⁶⁶ Ibid, pp. 36-37.

⁶⁷ Ibid, p. 45.

⁶⁸ Ibid, p. 45.

⁶⁹ Ibid, pp. 45-46.

false. Prison doctor Henck stated in his report, “The feet were 20 cm. from the floor.”⁷⁰ Police reports mentioned neither the chair nor the mattress. The prisoners, in their statement, note that a chair on such an unstable base would surely have tipped as a result of reflex motions, and that such reflex motions would have caused severe bruising of the legs.

As well, important objects were missing from Meinhof’s cell in the inventory taken following her death. A blanket she always used and the clothes she had been wearing during the day were not found in her cell. The question also arises as to why a woman intent on committing suicide would change before doing so.⁷¹

On the evening of her death the guard on duty removed all of the light bulbs from Meinhof’s cell, as was standard procedure. However, the May 10 inventory turned up a light bulb in Meinhof’s desk lamp. A test for fingerprints produced some partial prints, insufficient for positive identification, but in no way matching those of Ulrike Meinhof.⁷²

The way in which the autopsy was conducted also raises serious questions. Neither the prisoners nor their lawyers were permitted to see the body before the autopsy. Professor Rauschke, the specialist in legal medicine chosen to conduct the autopsy, did so in such a way that a second autopsy was impossible. (Rauschke was the same “specialist” who failed to note the lesions on Siegfried Hausner’s skull, lesions that indicated his death was the result of a baton beating following his arrest.) He also failed to carry out histological and histamine tests which would have irrefutably established whether or not the cause of death was suicide.⁷³

Roadblocks of the same variety were encountered as regards the inspection of the cell. State Security denied lawyers Klaus Croissant and Michael Oberwinder, as well as Meinhof’s sister, the right to attend the inventory. Two days after the death the entire cell, including the window grating, was painted. This is not standard procedure. It was not until after this that lawyers and relatives were permitted to inspect the cell.⁷⁴

Given the mass of evidence the Commission concluded:

*The totality of these contradictions, facts, and indications ... in the medical as well as the criminological field, exclude suicide as the cause of Meinhof’s death.*⁷⁵

Pointing to the following statement made by Horchem, the head of the *Verfassungsschutz*, at a congress in May of 1975:

⁷⁰ Ibid, pp. 46-47.

⁷¹ Ibid, pp. 47-49.

⁷² Ibid, pp. 47-48.

⁷³ Ibid, pp. 62-64.

⁷⁴ Ibid, pp. 64-65.

⁷⁵ Ibid, p. 50.

Through the lack of new ideologues of Ulrike Meinhof's quality the continuation of the phenomenon of terror could be curtailed.⁷⁶

The Commission concluded:

It isn't impossible that Ulrike Meinhof's death has its place within the project of the Secret Service strategy to combat the RAF. In which case it would be her "suicide" which has the role of making clear to everyone to what degree her politics and those of the RAF have reached a dead end, and by her "suicide" she herself has recognized this dead end.⁷⁷

The Commission further noted that the murder of Ulrike Meinhof would be far from inconsistent with past treatment of RAF prisoners. Both Andreas Baader and Ronald Augustin had been deprived of water for extensive periods during hunger strikes. As well, they noted that Holger Meins, Katharine Hammerschmidt (who was denied medical treatment for cancer), and Siegfried Hausner had all died as a result of medical mistreatment.⁷⁸

The timing of Meinhof's death also points to a counterinsurgency operation. On May 4 the prisoners filed demands for the production of evidence. The demands were aimed at unmasking specific political and union figures, and, in particular, at indicating that both Helmut Schmidt and Willi Brandt⁷⁹ had ties to the CIA. As the Commission noted:

It is clear that the confrontation would have reached its culmination at this point in the trial.⁸⁰

These demands, as it turns out, were based on the work Ulrike Meinhof. Documents pertinent to this subject, as well as those pertinent to other work she was doing, documents which she always kept with her, were never seen again after her death.

The prisoners would subsequently insist that even the concept of institutional murder regarding Meinhof's death was not precise enough. Rather, they argued, it was the execution of a revolutionary in the context of a military conflict.⁸¹

⁷⁶ Ibid, p. 81.

⁷⁷ Ibid, pp. 81-82.

⁷⁸ Ibid, pp. 74-75.

⁷⁹ Willi Brandt and Helmut Schmidt were respectively the first two leaders of the post-war SPD. Helmut Schmidt was the Chancellor of Germany when these events unfolded.

⁸⁰ *La Mort d'Ulrike Meinhof*, op. cit., pp. 80-81.

⁸¹ Ibid, p. 75.

The Fourth Collective Hunger Strike

On March 29, 1977 Gudrun Ensslin issued a statement announcing the prisoners' fourth collective hunger strike. In the statement the prisoners demanded application of the Geneva Convention, an end to isolation, association in groups of no less than fifteen, and an international investigation into the deaths of Holger Meins, Siegfried Hausner, and Ulrike Meinhof. The number of prisoners participating rapidly climbed to exceed one hundred, including some social prisoners (i.e., prisoners who are not in prison as a result of a conscious political decision, but who are in prison as a result of a social system that makes so-called crime inevitable; social prisoners are not subject to §129a or the 24 Point Program). The prisoners warned that they would respond to force-feeding with a thirst strike.

On April 7 Chief Federal Prosecutor Siegfried Buback was executed by the Ulrike Meinhof Commando of the RAF. Their communiqué held him responsible for the deaths of Meins, Hausner, and Meinhof, and indicated his key role in the counterinsurgency apparatus. In response the BAW (Federal Prosecutors Office) demanded and received the complete isolation of the prisoners from the outside world including their lawyers. Three days later the prisoners began a thirst strike and thirty-six RAF prisoners from other prisons joined the hunger strike. On April 20 nine prisoners in Hamburg were forcefully searched and then force-fed.

On April 28 the trial of Ensslin, Raspe, and Baader ended with the court finding them guilty on all counts. The court concluded that all three were involved in all six of the "May Offensive" bombings (see pp. 9-10). The court also claimed that both Ensslin and Baader had played a special role in the RAF, both before and after their arrests.

On the same day Amnesty International sent a letter to the West German government supporting the prisoners under the UNO guidelines prohibiting torture (see pp. 14-15). In so doing they added their voice to those of eighty theologians, one hundred and twenty-eight U.S. lawyers, one hundred French and Belgian judges and lawyers, and twenty-three English lawyers.

On April 30 the Minister of Justice for Baden-Wurttemberg ruled that the prisoners' demands for association be met. In response to these gestures the prisoners ended their hunger strike. Shortly thereafter work began on the seventh floor of Stammheim to allow the association of sixteen prisoners.

Throughout May, June, and July there were renewed partial hunger strikes due to lack of progress. On July 30 Jürgen Ponto, president of the Dresdner Bank, West Germany's second largest bank, and a personal advisor to Helmut Schmidt, was shot and killed in a failed kidnapping attempted by a RAF commando that included his goddaughter, Susan Albrecht, a former member of the "Committee Against Torture." Following Ponto's death attacks on the prisoners increased.

On August 8 the prisoners renewed their hunger strike in response to the attacks. Some of the prisoners escalated to a thirst strike almost immediately. On August 12 the state began force-feeding those prisoners who were thirst striking. Defense attorneys Arndt Müller and Armin Newerla began organizing a critical public response. Press conferences and

demonstrations were held in Amsterdam, Brussels, and Paris, with representatives from AI, the Human Rights League, and the International Lawyers Guild participating.

On the night of August 14/15 Müller and Newerla's office (previously Croissant's office, which they had taken over) was destroyed in a bomb attack. The BKA claimed the attack had been carried out by the RAF, but, as Müller and Newerla pointed out, it was certainly a police action as the police had the office under 24 hour a day surveillance.

On August 20 Newerla, who was a member of the "Third International Russell Tribunal," which was investigating "The Human Rights Situation in the Federal Republic of Germany," was arrested along with six other members. All seven were held for 24 hours, photographed, and fingerprinted.

It should be noted that these arrests were consistent with the strategy for disrupting the Tribunal developed in a secret paper prepared by the Ministry of the Interior, which has since been uncovered. The paper suggested influencing the outcome by infiltration; by influencing groups and individuals not to participate; by preventing the preparatory meetings and if possible the Tribunal itself; by withdrawing subsidies from groups that chose to participate; by influencing public opinion against the Tribunal; by subjecting participants to forfeiture of basic rights under Article 18GG; etc..⁸²

At the time of the arrests eighty copies of a magazine called *MOB*, which expressed a sympathy with the RAF, were found in Newerla's car. The BAW used these copies of *MOB* as a basis to initiate preliminary proceedings against Newerla on a charge of "support for a terrorist organization" (§129a). On August 30 Newerla was re-arrested. Although he claimed that he had not been aware that the copies of *MOB* were in the car and that he was unfamiliar with its contents, he was to remain in prison until 1981.

On September 2 the prisoners broke their hunger and thirst strike. In a short statement Jan-Carl Raspe said the attacks on Ponto and the BAW had created an environment in which the state held the prisoners as hostages and were ready and willing to kill them to set an example. He also noted the support of Amnesty International for the prisoners' demands as a positive breakthrough.⁸³

The German Autumn

The Autumn of 1977 was to see a cumulative point in the conflict between the West German state and the RAF, in the context of which the parameters of the struggle between the prisoners of the RAF and the state, parameters which continue to reign until today, were to be established. This moment in history, known as "The German Autumn," shook every sector of West German society to the core.

This definitive conflict began on September 5 when the "Siegfried Hausner Commando" of the RAF kidnapped Hanns-Martin Schleyer. Schleyer was the most powerful capitalist in West Germany at the time. He was the president of both the BDI (Federal Association of German Industrialists) and the BDA (Federal Association of German Employers). As a

⁸² *West Germany ... Prototype for the European State*, Black Beetle Coop, England, 1979, pp. 12-14.

⁸³ Bakker Schut, op. cit., pp. 474-475.

former Nazi SS officer, he was also a symbol of the recuperation of former Nazis into the post-war power structure.

The commando demanded the release of eleven prisoners, including Ensslin, Raspe, and Baader, and their transportation to a country of their choice. On September 6 the state released a statement indicating that they would not release the prisoners under any circumstances. On the same day a total *Kontaktsperre* (communication ban) was instituted against all political prisoners. The *Kontaktsperre* law deprived the prisoners of all contact with each other as well as with the outside. All visits, including those of lawyers and family members, were forbidden. The prisoners were also denied all access to mail, newspapers, magazines, television, and radio. In short, the prisoners were placed in 100% individual isolation. The justification offered for the *Kontaktsperre* was a claim by the state that the prisoners had directed the kidnapping from within their cells with the help of the lawyers. They claimed to have found a hand drawn map used in the kidnapping in Newerla's car on September 5. (Remember, Newerla had been imprisoned since August 30.) On September 10 lawyers lost their appeal of the *Kontaktsperre*. On October 2 the law entered into effect.

On September 9 the AFP⁸⁴ in Bonn received the first ultimatum from the commando holding Schleyer, setting a 1:00 PM deadline for the release of the prisoners. The state countered with a proposal that Denis Payot, a well-known human rights lawyer based in Geneva, act as a negotiator. Secret negotiations began the same day.

On September 30 Ardnt Müller, the last of the lawyers from Croissant's former office, was arrested. Accused of having worked with Croissant and Newerla to recruit for the RAF, he was imprisoned under *Kontaktsperre* conditions. The arrest was buttressed by the claim that on September 2 Müller had used Newerla's car, where the aforementioned map was found. (It was one day later that Croissant was arrested in Paris.)

On October 7, the thirty-second day of the kidnapping, newspapers in France and Germany received a letter from Schleyer, accompanied by a photo, decrying the "indecisiveness" of the authorities.

On October 13, with negotiations deadlocked, a Palestinian commando, the Commando Martyr Halimeh, hijacked a Lufthansa airliner traveling from Majorca, Spain to Frankfurt, West Germany, taking eighty-five passengers and five staff members hostage. At 4:00 PM the airliner landed in Rome to refuel and to issue the commando's demands. These were the release of the eleven RAF prisoners and two Palestinians being held in Turkey. At 8:45 PM the airliner landed in Larnaca, Cyprus, and at 10:50 PM they landed in Bahrain.

On October 14 at 6:00 AM the airliner landed in Dubai. At 9:26 AM Denis Payot announced receipt of a communiqué setting a deadline of 8:00 AM October 16 for all the demands to be met "if a blood bath was to be avoided."⁸⁵ The communiqué, signed by both the Commando Martyr Halimeh and the Siegfried Hausner Commando, was accompanied by a videotape of Schleyer. At 5:47 PM the West German government released a statement specifying that they intended to do everything possible to find "a reasonable and

⁸⁴ The Agence France Press (AFP) is a media news service.

⁸⁵ *Libération* (Special Issue), Paris, 1978, p. 27.

humanitarian solution” so as to save the lives of the hostages.⁸⁶ At 8:00 PM Hans Jürgen Wischnewski, Minister in Charge of Special Affairs, left Bonn for Dubai.

At 2:50 PM on October 15 Denis Payot announced that he had an “extremely important and urgent” message for the Siegfried Hausner Commando from the federal government in Bonn.⁸⁷ At 3:10 PM Wischnewski, on the site in Dubai, announced that there would be no military intervention. At 9:35 PM the West German media broke its silence (imposed by the state) for the first time since the kidnapping, showing a thirty second clip from the Schleyer video received the day before. At 11:00 PM the West German government announced that Somalia, South Yemen, and Vietnam had all refused to accept the RAF prisoners and the two Palestinians held in Turkey.

At 8:00 AM, October 16, the forty-first day since the kidnapping of Schleyer, the deadline established in the October 14 ultimatum passed. At 8:38 AM, in Geneva, Payot announced that he had received an “extremely important and urgent” message from Bonn.⁸⁸ At 10:43 AM the Turkish Minister of Finance and Defense announced that the Turkish government was prepared to release the two Palestinians should the West German government request it. At 11:21 AM the airliner left Dubai. At noon a second ultimatum passed. At 2:38 PM government spokesman Klaus Bölling declared that a “realistic” solution was still being sought. At 9:15 PM a plane carrying Wischnewski and a GSG-9 commando (West Germany’s crack ant-terrorist units) landed in Jiddah.

At 3:20 AM on October 17 the hijacked airliner landed in Mogadishu, Somalia. At 4:30 AM the dead body of Flight Captain Schumann was pushed from the airliner. At 6:50 AM the Commando on the airliner extended the deadline to 2:00 PM. At a 1:30 PM press conference Bölling stated that the goal of the authorities “has been and remains saving the lives of the hostages.”⁸⁹ At 1:50 PM the plane carrying Wischnewski and the GSG-9 commando landed in Mogidishu. At 2:00 PM the ultimatum deadline passed. At 2:00 PM Schleyer’s family released a statement announcing their willingness to negotiate with the kidnapers. At 8:20 PM Bölling issued a statement that the “terrorists” had no option but to surrender.⁹⁰ At 8:40 PM the West German government requested an international news whiteout of developments at the airport in Mogidishu. At 11:00 PM sixty members of the GSG-9 attacked the airliner, killing three members of the commando and gravely wounding the fourth. All hostages were rescued unharmed, with the exception of one man who had a heart attack.

At 7:00 AM, October 18 a government spokesperson publicly announced the resolution of the hijacking. At 8:01 AM Bölling announced the “suicides” of Gudrun Ensslin and Andreas Baader and the “attempted suicides” of Jan-Carl Raspe and Irmgard Möller. Raspe subsequently died of his wounds.

On October 19 at 9:45 PM police discovered Schleyer’s body in the trunk of a car in the French border town of Mullhaus. After forty-three days the most violent clash between the anti-imperialist guerrillas and the West German state had come to its bloody conclusion,

⁸⁶ Ibid, p. 27.

⁸⁷ Ibid, p. 27.

⁸⁸ Ibid, p. 27.

⁸⁹ Ibid, p. 28.

⁹⁰ Ibid, p. 28.

sending shock waves through every sector of West German society. The following day, almost as a statement of victory, the government lifted the *Kontaktsperre*.

In a paper entitled *The Guerilla Movement, Resistance and the Anti-Imperialist Front*, released in May 1982,⁹¹ the RAF summarized this conflict as follows:

In the summer of 77 the situation of the prisoners had grown to such a frenzy that we could no longer put off action of liberation. The prisoners were on a thirst strike and Gudrun was dying.

Since Stockholm the prisoners' question has become central in the guerilla-state offensive. We knew at this time an attack would be made from a relatively weak position; but we wanted this attack because the war is not a given between us and them, but exists only if one materially creates it in terms of the question of power. Since Stockholm the prisoners' question has become central to the guerilla-state offensive. A central question within which two elements, beginning from the demand for the liberation of prisoners, meet and crystallize: the rapport maintained between the guerilla and her/his imprisoned comrades, the relations between one and others who share the struggle, and the importance of each to the whole - and the power relations in general, because the guerilla materially and directly poses the question of state power, because the attack consciously aims to create the political crisis in suppressing one of the pillars of their power, as with Schleyer, (it is only here that the chance exists), and in thus making the internal structures of power become apparent by making a reaction obligatory.⁹²

The Stammheim Deaths

An examination of the contradictions surrounding the alleged “suicides” of Ensslin, Raspe, and Baader, contradictions no less numerous than in the case of Ulrike Meinhof’s death, leads once again to the unquestionable conclusion that the deaths were murders, not suicides.

Baader and Raspe died as a result of bullet wounds, Ensslin as a result of hanging, and the sole survivor, Irmgard Möller, suffered repeated stab wounds inflicted with a kitchen knife.

As the two men were alleged to have shot themselves, some explanation as to where the guns had come from was necessary. On October 27 a spokesperson for the administration at Stammheim offered the necessary explanation. He stated that it is “not out of the question ... that one of prisoners’ lawyers passed the contraband articles to a prisoner

⁹¹ This paper is also known as “The May Paper.”

⁹² RAF, “The Guerilla Movement, Resistance and the Anti-Imperialist Front” in Friends of Durrutti, *Resistance*, No. 7, Vancouver, 1984, p. 71.

during a visit.”⁹³ Such an act was not only “out of the question,” it was flatly impossible. Before entering the visiting area lawyers have to empty all of their pockets and give their jackets to an employee for verification; they are body searched physically and with a metal detector. Prisoners are stripped naked and inspected and given a new set of clothes when entering and leaving visits with lawyers. Further, due to the *Kontaktsperre*, the lawyers had been unable to see their clients after September 6.

As regards Andreas Baader, a plethora of other irregularities are apparent. Baader is supposed to have shot himself in the base of the neck in such a way that the bullet exited his forehead. Repeated tests have shown that it would be virtually impossible for an individual to position a gun against their own body in such a way. Equally curious, there were three bullet holes in the cell. One bullet lodged in the wall, one in the mattress, and the third, the cause of death, lodged in the floor. Are we to presume Baader missed himself twice? As well, Baader had powder burns from the recoil on his right hand. Baader, however, was left-handed, and would surely have used his left hand to shoot himself. In the case of Raspe no powder burns were found at all. Powder burns always occur when firing a weapon.

As well as conveniently explaining the deaths, the gun smuggling theory served two further purposes. As of that time, all lawyers’ visits have been through a screen, a process which allows greater ease of aural surveillance, as well as depriving the prisoners of one of their last direct human contacts. The guards are now allowed to look through lawyers’ files “to prevent smuggling.” As well, both Newerla and Müller were tried and convicted of weapon smuggling in their 1979 trial.

In the case of Gudrun Ensslin similar contradictions presented themselves. The chair she allegedly used to hang herself was too far away from her body to have been used and the cable supporting her body would not likely have tolerated the weight of a falling body. As was the case with Ulrike Meinhof, the histamine test that would have established whether Ensslin was dead before she was hanged was never undertaken.

In search of an explanation for this mass suicide the state suggested that the prisoners realized there was no hope for their liberation following the storming of the hijacked airliner in Mogidishu and consequently chose mass suicide rather than life imprisonment. This explanation raises two questions. How would the prisoners, given the *Kontaktsperre*, have known about the developments? And, further, how would they have organized a group suicide under such conditions?

On October 20 authorities claimed to have “discovered” a radio in Raspe’s cell, a cell which he had only occupied since October 4 it should be noted. We are apparently expected to believe that, using the wall sockets, the prisoners constructed an elaborate communication system that allowed them to monitor the radio broadcasts and to communicate with each other.

This is only the first in a series of very useful “discoveries.” On October 22 two hundred and seventy grams of explosives were “discovered” in the prisoners’ wing. On November 12 a razor blade and three detonators were “found” in Baader’s cell. Finally, on

⁹³ *Der Stammheimtod: Kampagne gegen das Modell Deutschland*, No. 4, Bochum, December 1977, p. 5.

December 12 a gun and ammunition were “found” in a cell formerly occupied by RAF prisoner Helmut Pohl. It is worth noting that the gun in question was a Colt .38, the model used by special police units.

Baader’s lawyer Hans-Heinz Heldmann, in the October 1977 issue of *Arbeiterkampf*, pointed to a curious and never adequately resolved mystery. At the time of his death, there was a large quantity of fine, light-colored sand on and in Baader’s shoes. The quality and quantity of the sand suggest that Baader had been flown to Mogidishu and then returned to Stammheim.⁹⁴

On October 27 Irmgard Möller, the only survivor from the alleged group suicide attempt, issued a statement claiming that she had not attempted suicide. She said that the last thing she heard before going to sleep on the night in question was two muffled explosive sounds. She was not aware of anything until she awoke some hours later feeling intoxicated and disoriented and having difficulty concentrating. She further stated that the prisoners had no contact with one another except by shouting through the air vents in their cells or when going by each other’s cells on the way to or from the yard. Finally, she said the prisoners had absolutely no idea of developments in Mogadishu.

Clearly the prisoners had anticipated the possibility of murders disguised as suicides. On October 7 Andreas Baader sent his lawyer the following letter:

As a result of the measures of the last 6 weeks and a few remarks from the guards one can draw the conclusion that the Administration of State Security, who - as a guard, who is now permanently on the 7th floor, has said - hope to provoke one or more suicides here, or, in any case, create the plausible appearance of such. In this regard, I stress: None of us - this is clear from the few words that we have been able to exchange at the doors in the last few weeks and from the years of discussion - have the intention of killing ourselves. Should we - again a guard - “be found dead,” we have been killed, as is the procedure, in keeping with the tradition of legal and political measures here.⁹⁵

Gudrun Ensslin had also written her lawyers stating:

I am afraid of being suicided in the same way as Ulrike. If there is no letter from me and I’m found dead; in this case it is an assassination.⁹⁶

Although no independent international commission was ever formed to investigate the Stammheim deaths, the commission investigating the death of Ulrike Meinhof was still

⁹⁴ Ibid, pp. 13-14.

⁹⁵ Republished in a variety of sources in October 1987, the tenth anniversary of “The German Autumn,” my copy is a photocopy of the original which was circulated informally.

⁹⁶ *Libération*

sitting at the time. They had several interesting comments. They noted that on both nights, May 8-9, 1976 and October 17-18, 1977, an auxiliary was in charge of surveillance rather than the usual person. They also noted that in both incidents the autopsies posed similar problems.

Regarding the incriminating evidence “turned up” by prison authorities during the cell searches they approvingly quote from the press release of Irmgard Möller’s lawyer, Jutta Bahr-Jendgen, of October 25, 1977:

*Why these inventories of the cells without neutral witnesses, without lawyers, these inventories which have produced receivers, radios, Morse code apparati, quantities of plastic explosives, and, why not?, atomic bombs?*⁹⁷

The Commission further notes the existence of an uncontrolled entrance to the seventh floor, which opened into the cell area, and which was not visible from the guard’s office. This entrance was not acknowledged by authorities until November 4, 1977. The Commission observes:

*This signifies that - as citizens have been saying for some time - the functionaries of the BKA, the BND, and the Secret Services have a constant, uncontrolled access to the cells.*⁹⁸

The cover-up was so glaring that the bourgeois daily, the *Frankfurter Rundschau*, wrote, in reference to the official investigation:

*The Parliamentary Commission is faced with ... three sorts of witnesses: those who know nothing, those who don’t want to know anything, and those who aren’t allowed to make a statement.*⁹⁹

As a perverse postscript to all of this Ingrid Schubert was found hanged in her cell in Munich-Stadeheim prison on November 11, 1977. On the Thursday before her death she had assured her lawyer that she had no intention of committing suicide. As in the case of Meinhof and Ensslin the autopsy did not indicate the usual signs of death by hanging.¹⁰⁰

⁹⁷ *La Mort d’Ulrike Meinhof*, op. cit., p. 67.

⁹⁸ *Ibid*, pp. 55-58.

⁹⁹ *Ibid*, p. 68.

¹⁰⁰ *Libération*, op. cit, p. 43.

Modell Deutschland: The Police State

When the dust settled after the events of 1977 the *Modell Deutschland* was unmasked, the “economic miracle” was dying fast, and the real meaning of *Modell Deutschland*, social control, was rapidly coming to the forefront.

While West Germany’s budget deficit in 1975 had only been \$25.7 billion U.S., by 1980, the deficit had climbed to \$237 billion U.S., the highest level since 1954.¹⁰¹ In 1980 unemployment topped one million and by 1981 it was 1.3 million or 6% of the work force.¹⁰² It has since climbed to 10%. By the mid-80s the FRG, the one time envy of the western world, was a third ranking economy, behind the U.S. and Japan.

If the economic decline was posing problems for the West German state, it was the social-revolutionary movements, with their roots in the APO, that threatened to create a unintegratable counter-force. In this regard Ona Zukumpft notes:

*Although there have been frequent challenges from a “misbehaving” rank and file to the bureaucratic disciplines of co-determination, the social partner to the state has in each case been able to arbitrate a way out, however temporary the solution. Such has not always been the case with demands and obstructions made by housing, women’s, anti-nuclear, anti-war, and multi-issue “alternative” movements. Here struggles with the **Modell** management are not over the size and shape of parts but over the parts themselves. In this sense they are non-negotiable. The macro-courthouse can no longer continue its sessions.¹⁰³*

She further adds:

*The open spaces staked out by squatted houses or by hut communities founded at the building sites of nuclear plants and NATO runways are significant not only because they have successfully blocked state priorities. The spaces of obstruction are at the same time a kind of counter-territory for the sustenance of new forms of social relations and of everyday life far from the lethal pragmatisms of the **Modell Deutschland**. Such a direct orientation of living space, space that has not been planned, space where little goes according to plan, space that goes against the plan, is bound to be “thwarting” for the master builders of West German prosperity. As the spaces of the new movements proliferated, the once safely administered margins were all of a sudden very close to home. With nothing to negotiate and with no way to talk, Schmidt ordered the distribution of “No*

¹⁰¹ Tinnin, David B., “The Miracle Economy Hits the Skids,” in *Fortune*, April 20, 1981, p. 147.

¹⁰² *Ibid*, p. 137.

¹⁰³ Zukumpft, *op. cit.*, pp. 270-271.

Trespassing” signs. Meanwhile the macro-courthouse made a fluid shift from “soft” legalization to “hard” criminalization.

*Of course, the **Modell Deutschland** had promised security from the beginning. Model security, far from a jaunt by the North Sea, was built from computerized political surveillance, the infiltration and harassment of movement spaces, anti-“terrorist” legislation, **Berufsverbot**, and a polished network of maximum security prisons, reprocessing centers for the most defective **Modell** parts. Within the politics of criminalization, the familiar apparatus has been mechanically applied to the new movements. Squatter houses are classified as breeding grounds for a “new terrorism,” the anti-nuclear movement is accused of threatening “civil war,” the whole generations of West German youth who have no future on a moped with their spouse are designated as “**chaoten**.” But even in the dispensation of its more glue guarantee, the integrated design of the **Modell Deutschland** turns back against its administrators. Since housing, airports, nuclear plants, happy couples, shopping centers and autobahns were all part of the same Good Citizen blueprint, the counter-territories of the new movements are naturally linked. The “tiny radical minority” won’t go away, is suddenly everywhere. The old security apparatus threatens to devour itself.¹⁰⁴*

In attempting to neutralize this increasingly threatening “alternative” movement, West Germany has created a security apparatus unparalleled in the western world, a security that has been referred to both as techno-fascism and “new” fascism (not to be confused with the neo-fascism descending from World War II Nazism), a fascism that functions on a vast network of intelligence, buttressed by wide-reaching judicial counterinsurgency. In an article, entitled *Inside the New Police State*, Winona LaDuke indicates the parameters of this “new” fascism, and points to its implications. She notes that:

(A)ll citizens are required - under penalty of law - to carry at all times a code-numbered official identification card. The code numbers are entered into a central security computer net (with terminals in most local police stations), allowing the modern German security police a means of maintaining the population guaranteed to turn former Gestapo operations green with envy.¹⁰⁵

On April 1, 1987 the West German state brought a new “improved” computer-readable plastic ID card on line. This card makes all necessary data available in seconds.

LaDuke also notes that the *Verfassungsschutz* has Special Circumstances Files on 2.5 million people or 1/24 of the population. To construct its files the *Verfassungsschutz* has

¹⁰⁴ Ibid, pp. 272-273.

¹⁰⁵ LaDuke, Winona, “Inside the New German Police State,” in *Akwesasne Notes*, Late Summer, 1984, p. 5.

30,000 paid informers. They keep micro-film lists of all people who borrow left books from libraries. The *Verfassungsschutz* even surveills elementary and high schools.¹⁰⁶

The BND has 7.5 million “subversives” on file; that is 1/16th of the population. To amass these files, the BND received a 1000% budget increase from 1970 to 1980.¹⁰⁷

In total the police have collected two hundred pieces of intelligence on every citizen using the most sophisticated computer system in the world.¹⁰⁸

The outcome of this vast security apparatus backed up with a draconian legal system can be seen in a 1983 list of political prisoners being held in isolation conditions in West German prisons. Of the seventy-four listed thirty-six are not from any underground organization. Nine of these thirty-six were arrested for participating in demonstrations, nineteen were arrested for alleged “support for a terrorist organization,” and eight are Turks who occupied the Turkish embassy in West Germany. Of those arrested for so-called “support,” some are “guilty” of nothing more than distributing leaflets supporting hunger-striking prisoners or printing propaganda deemed to be in support of a “terrorist organization.” In some cases people have even been targeted for reprinting bourgeois press reports of a so-called “terrorist” action.¹⁰⁹

Conclusion

As I stated in my introduction, if Stammheim is to be understood it must be understood in its historical and social context. This article has been an attempt to establish that historical and social context, to establish the place of the “Stammheim Model” within the larger *Modell Deutschland*. Having established that base I will turn my attention, in a forthcoming article, to the role of the federal “supermax” prison at Marion and the Lexington control model in judicial counterinsurgency in North America.

¹⁰⁶ Ibid, p. 5.

¹⁰⁷ Ibid, p. 5.

¹⁰⁸ Ibid, p. 5.

¹⁰⁹ *Info zu den Staatsschutzprozessen und zur Situation jetzt*, West Germany, December 1983, pp. 67-72.