



German History in Documents and Images

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Democracy in Jeopardy (October 29, 1962)

On October 10, 1962, the news magazine *Der Spiegel* published an article stating that the Bundeswehr was only conditionally prepared to defend the country against a nuclear attack [*bedingt abwehrbereit*]. The magazine was accused of treason. On Friday, October 26, 1962, the police stormed its offices and arrested publisher Rudolf Augstein. Conrad Ahlers, the author of the article and the magazine's deputy editor-in-chief, was arrested while on vacation in Spain. This article from the *Frankfurter Rundschau*, a left-of-center daily newspaper, uses evocative language to convey the threat posed to German democracy by the actions taken against *Der Spiegel* by the Federal Prosecution Office and the police.

With Cloak and Dagger

It had been fifteen years since World War I when the year 1933 went down in history. Today it is seventeen years since World War II, and we have reached the year 1962. We all know that history never repeats itself in its previous forms, and no false comparisons should be drawn here. But we are certain that the question today, here in this country, is: how long can the Germans stand the freedom that was granted to them.

No one who has been following the actions taken at the behest of the Federal Prosecution Office by the "Bonn Security Group" of the German Federal Office of Criminal Investigation against the publisher and editorial board of *Der Spiegel* news magazine could help but feel that on Friday night the "Second Postwar Democracy" chapter of contemporary German history was supposed to be slammed shut by a brisk German police operation. That the decisive act of this drama, the arrest of editor Conrad Ahlers, was carried out, at German request, by the police of fascist Spain, of all places, is more than just a coincidence, it is a sign.

So now when the doorbell rings early in the morning, we can no longer take comfort in the thought that it can only be the milkman or the boy with fresh rolls. When someone knocks on our door at midnight, we can no longer be sure that, at worst, it can only be a messenger with a telegram or a drunk neighbor at the wrong door. We have to reckon that it could be the political police on a cloak-and-dagger operation in search of national traitors. When we hear that children cried because their rooms were ransacked late at night for evidence that could be used against their parents, that galley proofs of articles were confiscated from editors and sent to censors, when it is said that the *Spiegel* editorial offices in Hamburg and Bonn were suddenly occupied by armed squads and a colleague could no longer reach his colleagues in the office

next door by telephone, then we can no longer be certain that it is a story from Moscow, Prague, or Leipzig, or from Berlin in 1944. But we should feel comforted, knowing that it is all happening in the name of and for the protection of freedom.

This description might sound exaggerated. Many will say: it is just an isolated incident. There will even be some who are totally myopic, and who gloatingly rub their hands since the target was Mr. [Rudolf] Augstein, who is not particularly well-liked in some places, and whose journalistic methods did not always win approval, even from critical minds. In the shadow of the Cuban Missile Crisis, others will say that one should make short work of traitors. But we say: Beware and nip this in the bud! In the Cold War, we should never allow ourselves to adapt the methods of our totalitarian adversaries to such an extent that we threaten the only thing worth defending.

Maybe the Federal Prosecution Office has evidence of treasonable activities of members of the *Spiegel* editorial board, evidence of which we are unaware. Maybe it sees reasons for permitting such actions against an organ of the free press, actions that could only be justified to smash an extensive espionage ring and a dangerous network of secret agents. [Wolfgang] Stammberger, the responsible minister of justice, will have to answer to the public and to his constituency for this. At any rate, the incriminating article alone cannot justify such actions. It could be that it constitutes treason on strictly formal grounds. That still remains to be seen. But there is hardly a student or an apprentice who could be made to believe that this article endangered the security of the Federal Republic of Germany. In any case, nothing in it is inconsistent with the average citizen's understanding of the current threat of a nuclear confrontation in densely populated Central Europe. Interior Minister [Hermann] Höcherl has made similar remarks to the public.

But there are strange coincidences in life. The police operation occurred almost three weeks after the article appeared but only two days after the end of the Fibag scandal in the Bundestag, which was triggered by articles published in *Der Spiegel*.¹ If, contrary to our beliefs, the article seriously threatened the security of the Federal Republic remains to be determined, whether Pankow's agents² or rather egregious sloppiness were responsible for the failure to stop its delivery to hundreds of thousands in time. So far there have been more national traitors among public servants and officers than among journalists. But the activities of an agency or the services of a military unit have never, as far as we know, gotten caught in the gears of a police operation in the way that the editorial board of *Der Spiegel* has now. The only operation of similar proportions was "Operation Volcano" in the 1950s,³ but at the time it quickly became clear that many of those arrested were innocent. The federal government was disgraced – and had to pay compensation.

¹ Among other things, the articles stated that Minister of Defense Franz Josef Strauß had been indirectly involved in some of the dealings that profited Fibag (*Finanzbau-Aktiongesellschaft*). – eds.

² Reference to the East German State Security Service (*Stas*). Pankow is a district in East Berlin. During the GDR, many high-ranking SED functionaries lived there. – eds.

³ The defection of an East German agent triggered Operation "Volcano," the roundup of East German agents in the Federal Republic. – eds.

If the *Spiegel* claim is true – and we do not doubt it – that the crucial passages in this article were presented to the responsible members of the Ministry of Defense beforehand, then, as a consequence of this operation, all journalists must resolve not to write another word about the German army as long as this legal uncertainty continues. And if one presumes that there were sound legal reasons for the police action against *Der Spiegel*, then one must say that formal law in Germany has never failed when it came to restricting freedom.

We are appealing to all journalists and publishers, and with them the whole democratic public, and asking them to be aware of the challenge facing them as a result of the events of Friday night. Freedom in this nation is only as strong as the will of the people to defend it internally and externally. Every democracy suffers the fate that its citizens allow it to suffer. There is still time to reassert not only the letter of the law but also the spirit of the constitution of this country through a powerful demonstration by all truly liberal forces.

Source of original German text: Karl-Hermann Flach, “Bei Nacht und Nebel” [“With Cloak and Dagger”], in *Frankfurter Rundschau*, October 29, 1962; reprinted in Irmgard Wilharm, ed., *Deutsche Geschichte 1962-1983. Dokumente in zwei Bänden* [*German History 1962-1983. Documents in Two Volumes*], vol. 1. Frankfurt am Main, 1989, pp. 36-38.

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