The Nature of the Stammheim Trial: The Prisoners Testify

All there is to say regarding our identity is that which remains of the moral person in this trial: nothing. In this trial, the moral person—this concept created by the authorities—has been liquidated in every possible way—both through the guilty sentence Schmidt has already pronounced and through the Federal Supreme Court decision relative to §231a[1] of the Penal Code in the recent hearing before the Federal Administrative Court, which, by ratifying the Federal Supreme Court decision, has done away with the legal fictions of the Basic Law.

Given that the prisoners do not have any recognized rights, our identity is objectively reduced to the trial itself. And the trial is—this much one should perhaps say about the indictment—about an offense committed by an organization. The charges of murder and attempted murder are based on the concept of collective responsibility, a concept which has no basis in law. The entire indictment is demagogy—and this has become clear, just as it has become clear (ever since his outburst during the evidentiary hearing) why Prinzing must exclude us. As a result, it must be demagogically propped up with perjury and restrictions on our depositions. And we see how Prinzing sees things in a way that allows for a verdict even though there is no evidence; and so it becomes clear why he previously, and now for a second time, felt obliged to decimate the defense with a volley of legislation and illegal attacks.

We have been amused by this for some time now.

We consider what is going on here to be a masterpiece of reactionary art. Here, in this "palace of freedom" (as Prinzing calls these state security urinals), state security is pitifully subsumed within a mass of alienated activities. Or in other words, it's as if the same piece is being played out on three superimposed levels of the same Renaissance stage—the military level, the judicial level, and the political level.

The indictment is based on a pack of lies.

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1 §231a and §231b allowed for trials to continue in the absence of a defendant, if the reason for this absence was found to be of the defendant's own doing—a stipulation directly aimed at the prisoners' effective use of hunger strikes.

After state security suppressed nine-tenths of the files—and, as Wunder stated, it wasn't the BAW, but the BKA: the BAW itself, according to Wunder, is only familiar with a fraction of these files—they have been obliged to work with lies.

One of the lies is the claim that one can, using §129, construct an indictment that can allow for a "normal criminal trial"—even though this paragraph, since it inception, that is to say since the communist trials in Cologne in 1849,[2] has been openly used to criminalize political activity, assimilating proletarian politics into criminality. So as to not disrupt normal criminal proceedings, they use the concept of "criminal association," a concept that historically has only come into play when dealing with proletarian organizations.

It is a lie to say that the goal of a revolutionary organization is to commit reprehensible acts.

The revolutionary organization is not a legal entity, and its aims—we say, its goals and objectives—cannot be understood in dead categories like those found in the penal code, which represents the bourgeoisie's ahistorical view of itself. As if, outside of the state apparatus and the imperialist financial oligarchy, there is anyone who commits crimes that have as their objective oppression, enslavement, murder, and fraud—which are only the watered down expressions of imperialism's goals.

Given the role and the function that §129 has had in class conflicts since 1848, it is a special law. Ever since the trial of the Cologne Communists, since the Bismarck Socialist Laws, since the "law against participation in associations that are enemies of the state" during the Weimar Republic, its legacy and essence has been to criminalize the extra-parliamentary opposition by institutionalizing anticommunism within parliament's legal machinery.

In and of itself, bourgeois democracy—which in Germany has taken form as a constitutional state—has always found its fascist complement to the degree that it legalizes the liquidation of the extra-parliamentary opposition, with its tendency to become antagonistic. In this sense, justice has always been class justice, which is to say, political justice.

In other words, bourgeois democracy is inherently dysfunctional given its role in stifling class struggle when different factions of capital come in conflict with each other within the competitive capitalist

2 Following the 1848 working class uprising in Germany in which prominent communists including Karl Marx and Friedrich Engels played an important role, a series of trials in Cologne was used in a partially successful attempt to destroy the Communist League, also known as the First International.

system. In the bourgeois constitution, it anticipates the class struggle as class war. Communists have always been outlaws in Germany, and anticommunism a given.

That also means that Prinzing—with his absurd claim that this is a "normal criminal trial" despite the fact that the charges are based on this special law—is operating in an absolute historical vacuum, which explains his hysteria. The BAW operates in a legal vacuum situated somewhere between the bourgeois constitutional state and open fascism. Nothing is normal and everything is the "exception," with the objective of rendering such a situation the norm. Even the state's reaction—which of course this judge fails to grasp—places our treatment in the historical tradition of the persecution of extra-parliamentary opposition to the bourgeois state. Prinzing himself, with §129, establishes the historical identity this state shares with the Kaiser's Reich, the Weimar Republic, and the Third Reich. The latter was simply more thorough in its criminalization and destruction of the extra-parliamentary opposition than the Weimar Republic and the Federal Republic.

Finally, this paragraph conveys the conscious nature of this political corruption of justice, as it violates the constitutional idea that "Nobody can be deprived of...," and because today, just as in the 50s, it lays the basis for trials based on opinions, that is to say, for the criminalization of opinions.

It is a paragraph that is dysfunctional, given that the bourgeois state claims that the bourgeoisie is by its very nature the political class. Within the bourgeois state's system of self-justification, it reflects the fact that the system—capitalism—is transitory, as their special law against class antagonism undermines the ideology of the bourgeois state.

As a special law, it cannot produce any consensus, and no consensus is expected. It equates the monopoly of violence with parliamentarianism and private ownership of the means of production. Clearly, this law is also an expression of the weakness of the proletariat here since 45. They want to legally safeguard the situation that the U.S. occupation forces established here, by destroying all examples of autonomous and antagonistic organization.

The entire construct, with its lies, simply reveals the degree to which the imperialist superstructure has lost touch with its own base, has lost touch with everything that makes up life and history. It reveals the deep contradiction found at the heart of the break between society and the state. It reveals the degree to which all the factors that mediate between real life and imperialist legality are dispensed with in this, the most

advanced stage of imperialism. They are antagonistic. The relationship is one of war, within which maintaining legitimacy is reduced to simply camouflaging nakedly opportunist calculations.

In short, we only intend to refer to the concept of an offense committed by an organization, which forms the entire basis for Buback's charge, and which—as it is the only way possible—has been developed through propaganda.

But we also do this in the sense of Blanqui: the revolutionary organization will naturally be considered criminal until the old order of bourgeois ownership of the means of production that criminalizes us is replaced by a new order—an order that establishes the social appropriation of social production.

The law, as long as there are classes, as long as human beings dominate other human beings, is a question of power.

The RAF Prisoners
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