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Censors are Self-conscious

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Dear Mr. Rogers:

Governments can produce a variety of reasons in defense of censorship. The one says it protects the state from hostile elements. Another says censorship is a useful means for keeping the public immune from unpleasant or "corrupting" information. Still others use it to guide public opinion - to "prevent confusion" among the people.

But it has been left to the Bonn Government of the German Federal Republic to seek reasons for censorship outside the frontiers of the country.

In so doing, the Adenauer Administration has illuminated a characteristic which some would call "typical" of the Bonn Government, if not typical of the German people as a whole.

This quality can be defined as a hyper-sensitivity to foreign opinion. It might also be called simply self-consciousness.

The first case in point dates back to the middle of April.

It was then that West Germany's biggest and most popular illustrated weekly, Der Stern, printed a banner story about the Shah of Iran and his unlucky wife, Soraya. The article reported that the Shah's divorce caused a state crisis. It went on to describe the Iranian Government as a hotbed of corruption. Finally, it accused the Shah of maintaining a string of mistresses.

This was not the first time that a German publication devoted itself to the case of Soraya and her ex-spouse. On the contrary, ever since the Shah took this born Berliner to wife, the Bundesrepublik's tabloid press has fed like a wolverine on the fabled pair. Until recently, the Iranians seemed to enjoy the publicity. However, Soraya's apparent inability to bear the Shah an heir and the consequent divorce changed matters. The Stern article really pried the type.

A month after its appearance, Iran's ambassador to Bonn, Khalil Esfandiary, made a formal protest to Foreign Minister Heinrich von Brentano. Ironically, the diplomat is Soraya's father. In a note to the Foreign Office, Esfandiary declared that the Stern article had struck at the "honor of the Shah and the Iranian Government." Moreover, the Persians demanded that the Bonn Government punish the magazine editors. Otherwise, Iran might be obliged to break off diplomatic relations.

Brentano immediately expressed his "deepest regret" and "sharpest disapproval" for the Stern report, and hastened to his boss, Konrad Adenauer.

He told the Chancellor that the Iranian ultimatum might have awful results if not accepted; that the Shah's government might even go so far as to recognize

the puppet regime of the "German Democratic Republic". Adenauer was impressed. He went before his cabinet with Brentano at his side and said:

"We must prevent Persia from going Communist. If the Persians continue to deal thus, then they will move away from the West and lean towards Moscow. Then there would be the greatest danger for NATO and the Near East."

Brentano seconded Adenauer with a heavy attack on the "irresponsible" West German press. He cited the Stern case and added that the royal house of Greece was also upset about a critical cartoon in the magazine Simplicissimus. The Foreign Office, he said, had already experienced difficulties because of unfriendly German articles about Evita Peron and Queen Juliana of Holland.

The solution, Brentano asserted, would be a law protecting foreign rulers from slander and libel in German publications. Therefore, he and his staff offered the following resolution for muzzling the press:

"Who publicly states or disseminates a degrading assertion of factual art which concerns the private or family life of a foreign head of state in a meeting or through distribution of writings, sound transmissions, pictures, or performances, or (publishes something) designed to disturb the foreign relations of the Federal Republic, will, without regard whether the assertion is true or not, be penalized with jail for up to two years, or with a fine. A submission concerning the truth of the assertion is inadmissible."

Only two ministers in the Adenauer cabinet hesitated to support this resolution, which was designed to become Paragraph 103a of the Federal law. Otherwise, the loyal followers of the Chancellor went down the line for the Brentano bill.

Apparently, the Administration had not reckoned with much resistance from the public or political opponents. They were soon disappointed.

The press screamed bloody murder in rare harmony. The German Press Council called the Brentano bill "undiscussable" and "grotesque". Professor Emil Dovifat, director of Berlin's Institute of Journalism and head of the Council declared: "Up to now we were very tame and reserved. But now we will act distinctly, and indeed on all fronts."

Perhaps the most eloquent attack on the so-called "Lex Soraya" came from the pen of Paul Sethe, the sagacious political commentator of the independent Hamburg daily, Die Welt. Sethe wrote:

"...Strongest anxieties arise, however, when one hears that the press shall not be allowed to present proof of the truth of its assertions to the court. That a newspaper should be punished because it said the truth is a suggestion that deeply disturbs one's natural sense of justice. All journalists who go at their work with extreme care when they describe unfortunate dealings and situations must feel themselves concerned and endangered..."

Sethe also charged the Adenauer Government with previous attempts to gag the press. He added: "The latest scheme speaks for the same basic concept of the task of the press: that it should cause the governing (ones) the least possible inconvenience."

Naturally, another stronghold of resistance to the Lex Soraya was the publishing house of the C.D.U. Bundestag deputy, Dr. Bucerius, whose biggest moneymaker is Der Stern. (Bucerius and his publications had already gotten in the hair of the Administration on other occasions.)

Meanwhile plenty of opposition to the Brentano bill had built up in the Social Democratic Party, the Free Democratic Party, and in the C.D.U. itself. Lex Soraya started off with a limp. Bitter protests sounded all through June and into July.

Then, on July 11, two important events occurred. First, the judicial committee of the Bundesrat (Upper House) unanimously rejected the Foreign Ministry's bill. This defeat, coupled with known opposition in the Bundestag, seemed to seal the fate of the unfortunate law.

Second, Konrad Adenauer called together his cabinet to defend the reputation and person of his controversial foreign minister. The Chancellor personally declared his support for Brentano and said that he enjoyed his fullest trust. He also spoke out against the mounting assaults on Brentano (some Bonn observers were already predicting his downfall as a result of the Soraya blooper). These attacks, said the Chancellor, were capable of injuring Germany's interests abroad. It was the second time that Adenauer had gone into the lists for one of his cabinet members.

On July 17, the Bundesrat met to consult on the Lex Soraya. Next day its members voted to reject the bill "on legal and constitutional grounds." Commenting on the decision, the State of Hesse said the law would have "impugned the basic rights of free opinion and a free press."

At this writing, the bill is still to be voted upon by the Bundestag. But it appears to be already dead.

Nevertheless, this attempt at censorship raises some interesting points. For one thing, it made clear that elements of the Bonn Government simply lack a fundamental respect for the inviolability of press freedom. For these elements, as Paul Sethe suggests, truth and the dissemination of it are merely matters of official convenience.

For another, West Germany's official psychosis about the nation's standing in foreign eyes was laid painfully bare.

It would be understandable if this complex could be traced simply and directly to feelings of guilt resulting from the Hitler Era. That might explain Chancellor Adenauer's recent concern about the effect of widely publicized press reports on this year's concentration camp trials.

But that does not explain why he and Brentano hastily tried to clamp down on the German press at the bidding of a Middle Eastern monarch. Nor does it explain why Adenauer should defend his foreign minister against criticism on the grounds that attacks on Brentano would tend to injure Germany's reputation abroad.

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Another case of this "What-will-the-neighbors-think?" involves the new German film, Das Mädchen Rosemarie. Here is the background:

Early this year, a notorious Frankfurt prostitute, Rosemarie Nitribitt, was found murdered in her luxurious apartment. Her premature demise was probably the most sensational crime in Germany's post-war period. For Rosemarie was part and parcel of the nation's economic miracle. She was a poor Westphalian blonde with a minimum of education. Somehow she managed to parlay her limited charms (she was no great beauty) into the big time. Her customers were coal and steel barons from the Ruhr, bankers, and insurance tycoons. I remember hearing about her in the winter of 1957 from a Frankfurt friend. She was well known.

Little wonder that numerous people found Rosemarie's death cause for alarm. The Frankfurt police made embarrassing discoveries when searching her effects - among them a neat file on her clientele. The police are still hunting the slayer, but nobody knows how hard.

Almost before the corpse was cold, the New Film Institute obtained rights for the Nitribitt story. Shortly thereafter a team of four scriptwriters led by the magazine writer Erich Kuby got busy on the scenario. This team combined experience of journalism, movie direction, and cabaret performance. They finished the script in record time.

The cameras started rolling in late spring, and by the middle of this month, the film was done. Even before the script was begun, the authors announced that they were using the Nitribitt affair as a theme for satirizing West Germany's fat-bellied and maggoty-minded prosperity.

This declaration of purpose tweaked some sensitive nerve-ends along the Rhenish Gold Coast - especially those in Bonn. There was much earnest questioning of Herr Kuby's good taste in the press.

By the time the film was in the can, a considerable number of countervailing forces had gathered to oppose the attack on the geese that lay Germany's golden eggs.

Meanwhile, the director of the New Film Institute, a certain Herr Horn, decided to make fireworks with his hot property. In mid-July, he invited an Italian commission from the Venice Film Festival to look at a half-finished copy of Das Mädchen Rosemarie. A half-finished copy of the film was sent to Venice. The Italians then wired the German Export-Union to ask whether they might examine the film. The Export-Union replied that the Venice authorities could certainly look at it; a positive or negative word from the German agency was impossible since it had not seen the film.

Shortly thereafter, the Biennale commission informed the movie company and the Export-Union that it had invited Das Mädchen Rosemarie to the festival.

This caused an atomic reaction in Germany, where nuclear explosions are still forbidden by law.

Herr Horn sent a copy of the Nitribitt film to the German Foreign Office. It was viewed there by a "scientific employee" of the ministry's Cultural Department, a Herr Dr. Rowas. This functionary resolved that the Frankfurt prostitute would never be revived on the Adriatic shores. Speaking for the ministry, Dr. Rowas passed the following sentence:

"The Foreign Ministry cannot watch idly when certain excrescences of our times are made into the main theme of a film which should then be shown as a representative contribution of Germany at foreign film festivals... The film reproduces the economic and social situation in the Bundesrepublik in a completely distorted manner."

Thus spoke the Government in the person of Dr. Rowas. He followed up with a threat to the German Export-Union that its state subsidies would be withdrawn unless the agency prevented the festival from showing "Rosemarie".

It was too late. Venice had accepted the film. They had a copy of the film. And there wasn't anything the Government or the Export-Union could do about it. Even an official protest with the Venice authorities would have been fruitless; one, because the festival does not present films as national entries, and two, because the Italians had already overridden Polish and Russian protests concerning their entries.

The pleasant climax to all the fuss was that Das Mädchen Rosemarie made a favorable impression on the critics at Venice on August 25. Festival visitors were especially taken by the satiric theme. There was general agreement among German commentators that no other post-war film had caught the shadowy side of the nation's prosperity so forthrightly. I saw the film with a friend the other night and we thought it was pretty tame.

There was, however, an anti-climax. Late this month, the main committee of the film industry's Voluntary Self Control voted two changes in "Rosemarie" prior to its showing in West Germany.

The first was that the film's foreword should say: "We are not grateful for the conditions that provoke this film... We feel it is necessary so that exceptions will not be misunderstood as the rule."

The second alteration was the removal of a scene which needled the new German army. The offending section, where soldiers march past some war ruins, contains a ballad with the lines: "We're still not fed up to the gills...".

Commenting on the Government's attempt to squelch the film, Die Welt's Georg Ramseger wrote: "Our state naturally had the opportunity to put a good face on a bad deal. But a good face is plainly always somewhat difficult in a young commonwealth..."

And Friedrich Luft wrote that the Government's action created material for a new contemporary satire, entitled: "Present-Undesired", or "Panic About Timely Films", or "Let the Dead Rest", or "Cursed Be He Who Beats the Bushes."

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One might be able to overlook these tries at censorship if they were restricted to the Bonn Foreign Ministry. In late July, however, the Ministry of Interior opened legal proceedings against a reporter on charges of high treason. This so-called Nayhauss Case is a weird example of the official attitude towards the press.

Mainhardt Count von Nayhauss-Cormons is a 32-year-old reporter for Der Spiegel, Germany's bumptious and popular news magazine. He is on the Bonn staff of the publication.

Sometime in February Nayhauss was tipped off to an amusing scoop concerning the Federal Office for Protection of the Constitution, Germany's boy scout version of an intelligence agency (its agents have a long reputation for scandalous blunders).

Back in December, the sleuths decided to celebrate the oncoming Christmas holidays with a spirited and spirituous party in their Cologne offices. According to Nayhauss's information, the seasonal mood seized the agents with such force that they moved the party into a local tavern. At a late hour they entered the night club "Hamburg Ahoi".

Soon the celebrators began discussing office affairs, in particular the re-organization of their bureau. All at once, an argument broke out. The spies started shouting at each other. Punches were exchanged. A secretary screamed. The club owner intervened with little success. By the time the battle subsided, some official secrets and many secret identities had been made public.

The result was that the bald boss of the Constitution protectors, Hubert Schrübbbers, threatened his employees with firing if they ever got liquored up in public again. His only other disciplinary action was to transfer the top man among the rowdies to Kassel.

Count Nayhauss reported all this in the February 19 edition of Der Spiegel.

Five months later, Minister of Interior Gerhard Schröder registered the treason charge against Nayhauss at Germany's highest court in Karlsruhe. This was the same Minister Schröder who had voted against the Lex Soraya in May, and who spoke up for "timely films" in the winter.

The treason charge was based on the accusation that Nayhauss allegedly violated the official secrets regulations by reporting on the Christmas party of the Constitution protectors - naming names and ranks.

In the first hearing at Essen, the judge offered Nayhauss exemption from punishment if he would name his informant for the Spiegel story. Nayhauss refused. (The Ministry of Interior had failed in its months-long attempt to discover the person who spilled the beans).

In the meantime, Nayhauss had proved to be even more uncomfortable for the Government. On March 12, Der Spiegel published his article about still another case where the Federal flatfoots had fouled up.

This time, Nayhauss wrote about strange Government stratagems with a Czechoslovakian refugee couple named Boris and Irena Cebotarev.

Last year the pair landed in West Berlin. They told refugee authorities here that they had been commissioned by the Czech secret service to do intelligence work in West Germany. Following this voluntary confession, they asked for political asylum.

A few days later, the Cebotarevs were turned over to American agents and flown to Frankfurt. After hearing their story, the Americans reportedly insisted that the pair return to Czechoslovakia and spy for the U.S. intelligence agencies. The Cebotarevs refused. Half a year passed, and the pair remained in American hands.

Then the intelligence officers got a new idea. Why not simply shove the couple into Communist territory? They got in touch with the Federal Office for Protection of the Constitution and asked them to do the dirty work. The German agents willingly accepted the plot - that is all except one.

When the time came to exercise the dumping maneuver, the Cologne office of the German Intelligence called up its branch at Hannover and ordered Criminal Commisar Schaffelder to pick up the Cebotarevs. He was then commanded to take them to the Soviet Zone border and drop them off.

Underway, Schaffelder discovered that the Cebotarevs had no idea that they were being shoved into the Zone and had no desire to leave the West. He checked with the Cologne office and obtained the same impression. Schaffelder refused to be a party to the plot. As a result, the Cebotarevs are still in the West today, presumably in a neutral country.

Count Nayhauss learned of this unusual case and wrote it up. His article also suggested that the Government had lent itself to a particularly crude kind of spywork and furthermore had failed to give political asylum to two people who really needed it.

Since then it has been learned that legal proceedings against the suspect parties in the Cologne intelligence bureau have been stalled. But late this month, a second charge of treason was leveled against Mainhardt Nayhauss by the Attorney General, on the basis of the Cebotarev story.

The same week that the first "treason" case against Count Nayhauss came to light, another titled journalist made an interesting comment on the subject. Writing in Die Welt, H. W. Count Finckenstein observed that under present German law, it is the Government that decides what constitutes a state secret. "Aristoteles," he added, "taught the division of powers. Here they are blended. The executive has thrown on the robe of the judge."

The West German press unanimously condemned the treason charges against Nayhauss. Moreover, numerous politicians have spoken up for the young Count and demanded that the Government take steps to clean up its intelligence bureau.

There is one other aspect of the Nayhauss affair which is pertinent to this discussion. That is the role of Der Spiegel in West Germany. Of all the anti-Administration publications in the country, this magazine is far and away the most potent and the most feared.

It has uncovered monstrous pork-barrel stories in the Bundeswehr, bribery cases involving top political figures, log-rollings, and other Government scandals. It devoted a scathing election to the aged Chancellor last fall. This summer, its title story on Heinrich von Brantano dealt a lethal blow to the Foreign Minister's political future.

Der Spiegel is smart-alecky and sometimes tasteless, like its American prototype, Time. But it differs from the older model in that the German magazine goes after a story like a Chicago newshound. It doesn't pull punches.

So Spiegel enjoys immense unpopularity in Bonn Government circles. And there is no doubt that the Adenauer Administration has been itching to get its hands on some Spiegel throats.

It made a poor choice in picking on the magazine's Bonn staff writer and his revelations concerning bungling Government spies. In addition, the Bonn Government has made itself suspect of a not very subtle attempt to muzzle an uncomfortable critic.

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With these three cases in mind, one cannot help feeling uneasy when reading of the Administration's latest ideas on controlling West German radio stations. On August 5, a high ranking C.D.U. politician let it be known that the Government intends to exercise certain controls on the radio transmitters in the different Länder (states).

The Government's wishes, said the spokesman, include the following: 1--Decisive influence on all transmissions to foreign countries. 2--Influence on the programs aimed at East Germany. 3--Programs where the Government position on various issues would be represented.

As things stand now, Germany's radio transmitters are the sole property of the individual states - a hangover from Occupation days when each Allied power set up its own stations. This had led to a healthy development of individualism among the stations, insofar as some have come under State governments where the C.D.U. is in the majority, while others have been in Social Democratic Länder.

The Bundestag is expected to make decisions on this matter during its fall session.

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There is no doubt the Government's censorship attempts in the three former cases has been a bit heavy-handed and narrow-minded.

They might be enough to cause a democrat discomposure if it were not for one fact: the West German press is alert to its rights and duties. So far it has not been shy about defending itself. It was the press that beat down the Lex Soraya bill. It was the press that helped fight off the "Rosemarie" vigilantes. It is the press that will probably get Count Nayhauss acquitted.

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In this context, it might be appropriate to recall what the German press was like in the heyday of censorship just two decades ago.

By that time, five years after Hitler took power, the Reich press had been welded into a propaganda tool. Not "merely" a propaganda tool mind you, for it was Joseph Goebbels who declared: "We have made the Reich by propaganda."

Last May, Adolf Hitler's secret address to the German press on November 10, 1938, was published for the first time in Germany. The Führer made the speech in Munich while the synagogue fires were still blazing.

In it, Hitler described his concept of the press as an "instrument" for steering public opinion and for making power politics. He spoke of the necessity for talking peace while preparing for war, of threatening the Czechs in German publications until their nerves broke, of the press as a means to an end.

He said the task of the press was this: "We must educate our Volk to absolute, stubborn, natural, reliable faith... in the final victory."

"In liberal countries," said Hitler, "the mission of the press is regarded as: Press plus people against the leadership. And with us it has got to be: Leaders plus propaganda and the press and so on before the people."

The recording of this speech indicates that the Herren Journalisten of the Third Reich greeted these views with loud applause, approving laughter, and bravos.

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Despite the abject partisan loyalty of a few publications in the Federal Republic, it seems certain that Germany's journalists will never again submit to being "instruments" or means to a governmental end. By and large, they are in the vanguard of the nation's movement towards a solid and lasting democracy.

However, it is apparent from the Government's recent attempts at censorship that numerous politicians in the Adenauer Administration have yet to learn what a democratic press consists of.

It would be going too far to assert that these politicians wish to make the press into a single-toned organ of the ruling party. That would require positive steps, and censorship is a negative action. Nevertheless, these unenlightened officials seem to think of the press as an instrument of convenience - one that should be put back in its case when sour notes come out.

That and the finicky complex about foreign opinion are items which officials in the provisional capital might do well to reconsider.

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