

Petition Submitted by the Federal Government to the Federal Constitutional Court Requesting a Ban on the Communist Party of Germany (KPD) (November 22, 1951)

Abstract

It was clear that the drafters of the Basic Law had learned the lessons of Weimar: for example, Article 21, Paragraph 2 allowed the Federal Constitutional Court to ban openly unconstitutional, antidemocratic parties and movements. On November 22, 1951, the Federal Government petitioned the court to begin proceedings against the Communist Party of Germany. The proceedings continued until 1956 and finally ended in a ban. In 1952, the court also declared the neo-Nazi Socialist Reich Party (SRP) unconstitutional.

Source

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On behalf of the Federal Government, I request to have the following declared:

1. The Communist Party of Germany (KPD) is ruled unconstitutional.
2. The Communist Party of Germany and all of its subsidiary organizations will be dissolved.
3. The creation of “front” or substitute organizations for the Communist Party of Germany or one of its subsidiaries will be prohibited.
4. The assets of the Communist Party of Germany and its subsidiary organizations will be confiscated for the benefit of the Federal Republic for purposes of the common good.

Justification

(A) The domestic aggression of the KPD in the Federal Republic

After the unconditional surrender of the German Wehrmacht, the rebuilding of a liberal democratic order in Germany began on May 8, 1945. However, new threats to the freedom of the German people and a new domestic aggression were already emerging: Walter Ulbricht, coming from the Soviet Union, had begun building a Communist party in Germany that was an exact replica of the Bolshevik model.

The efforts of the KPD to gain decisive influence on German politics through democratic means, namely the votes of their constituents, can be considered a failure today, since the KPD has sunk to the status of a mere splinter party nationwide. However, its dangerousness has not diminished. With constant support from the Soviet occupation zone it has, over the years, grown to such dimensions that the Federal Government deems it necessary to appeal to the Federal Constitutional Court.

In the Federal Republic, the steady decline in votes for the KPD proves that, despite great material difficulties, the population is immune to KPD propaganda. German citizens have realized that the Marxism-Leninism-Stalinism, which the KPD represents today, means the downfall of all human freedom, the very destruction of the individual in favor of an oligarchically run state collective. In Marxist-Leninist-Stalinist terminology, this oligarchy is called the “dictatorship of the proletariat.” According to

this political doctrine, the means to achieve this position of power is revolution, which is plotted against law and justice in whatever way is deemed appropriate for the respective situation.

The bearer of this revolutionary movement in the Federal Republic is the KPD, along with the auxiliary organizations it controls.

The Federal Government sees no need to engage with the (Marxist-Leninist-Stalinist) “revolutionary theory” that the German people have clearly rejected. But it does see it as its duty not to tolerate *any exercise of this theory in “revolutionary practice”* in the Federal Republic of Germany. For the exercise of this theory by the KPD means the impairment or the abolition of the fundamental liberal democratic order in the Federal Republic. Furthermore, it jeopardizes the continued existence of the Federal Republic of Germany.

The KPD is therefore unconstitutional in accordance with Article 21, Paragraph 2 of the Basic Law. The establishment of its unconstitutionality by the Federal Constitutional Court, in accordance with § 13 No. 2, §§ 43 ff., of the Law on the Federal Constitutional Court, is therefore requested.

Source: Gerd Pfeiffer und Hans-Georg Strickert, eds., *KPD-Prozess. Dokumentarwerk zu dem Verfahren über den Antrag der Bundesregierung auf Feststellung der Verfassungswidrigkeit der Kommunistischen Partei Deutschlands vor dem Ersten Senat des Bundesverfassungsgerichts*. Karlsruhe, 1956, vol. 1, p. 2-3.

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