

BARRED FROM TRAINING: A NEW DIMENSION OF **BERUFSVERBOT**

IN THE FEDERAL REPUBLIC OF GERMANY



LOTHAR LETSCHE, 33 years old, is a graduate of Stuttgart University in the Federal Republic of Germany, in the state of Baden-Württemberg. He studied with a scholarship from a foundation trust of the German Trade Union Confederation (DGB). In 1975 he took his examinations: in English language and literature, History, and Political Science.

As a student he was active in student politics and in the Union of Teachers and Scientific Workers (GEW, Gewerkschaft Erziehung und Wissenschaft). He was elected into student union bodies, the Faculty and University Senate, and into various committees of his union. In the words of his colleagues, he "distinguished himself as an example of commitment for the union" and won "recognition for his unbiased, competent work".

LOTHAR LETSCHE

Today, Lothar Letsche would like to be a teacher. But the school authorities in his home town do not permit him to complete his teacher training. A court has ruled that he cannot teach at any private school either. Not on the grounds of misconduct, but only for political reasons - as is openly admitted. Herr Letsche is, in fact, a typical victim of the so-called "degree on radicals in the public services" in the Federal Republic of Germany. One of the "cases" that show what the talk about "liberalization" of this decree is really worth.

There is no doubt as to his qualification. His examination results were good, and the Headmasters and Heads of Department of various British schools gave excellent reports about his work as a "Foreign Language Assistant". Herr Letsche had taught German for two years at Comprehensive Schools in Glamorgan and Oxfordshire.

OXFORDSHIRE EDUCATION COMMITTEE

Name: J. A. D. D. D.	Home School
Address: D. D. D.	Home
City: D. D. D.	County: D. D. D.

RE: Understanding of the particular systems of education
training known to the relevant stage was met

I was very happy to be associated with Herr Letsche
for the year he was with us, and I remember him as a
kind and valued colleague.

I personally endorse all that my colleague has
written.

J. A. D. D.
Headmaster

BARRED FROM TEACHER TRAINING

In April 1977 Herr Letsche applied to become a trainee teacher in Stuttgart. This practical training would have taken him one and a half years, and led to a final teachers' "state examination", which is required of all applicants for permanent teaching appointments.

But the application was turned down. He was summoned to a "hearing", at which representatives of the Oberschulamt (secondary school authority) questioned him on the following "findings", which had been "communicated by the Ministry of the Interior":



OBERSCHULAMT STUTTGART

Herrn Ulli F. Letsche, Lehrer/9/56

Heinrich-Heim-Str. 10, 7000 Stuttgart

Telefon (0714) 4444-100

Büro

Lehrer Letsche

Heinrich-Heim-Str. 10

7000 Stuttgart 96

Empfang, ab 9. August 1977

Telefon (0714) 4444-100

Fachbüro

hat, daß über die folgende Erkenntnis vorliegt:

"Herr Letsche war zwischen von 1969 bis 1974 Mitglied der "Deutschen Kommunistischen Partei" (DKP).

In Jahre 1969 leitete er für ein von der "Sozialistischen Deutschen Arbeiterjugend" (SDAJ) und dem "Spartakus - Assoziation marxistischer Studenten" (Spartakus-AS) gemeinsam herausgegebenes Flugblatt pressenrechtlich verantwortlich.

Im gleichen Jahre kamen in Frankfurt/Main vereinsrechtlich Flugblätter des Spartakus-AS, für die er ebenfalls pressenrechtlich verantwortlich leitete, zur Verteilung.

Herr Letsche kandidierte bei den Wahlen an der Universität Stuttgart an den Parteikartellen in Sommer 1972 für den "Marxistischen Studentenbund Spartakus" (MS Spartakus).

Am 18. März 1972 und am 16. März 1974 nahm er in Stuttgart jeweils an Jahreshauptversammlungen der MS-Studentenorganisationen Stuttgart/Württemberg teil.

Darüber hinaus er an 4. Bundeskongress des MS Spartakus am 8. und 9. Oktober 1973 in Köln-Mülheim teil."

Da die auf Grund der Erkenntnis des Innenministeriums und Ihrer Stellungnahme, vor allem Ihrer Selbstdarstellung, sich von den verfassungswidrigen Zielsetzungen der SDAJ, des MS Spartakus und der MS an abzuheben, somit nicht die Gewähr dafür bieten, daß Sie jederzeit für die freizeitsittliche demokratische Grundordnung im Sinne des Grundgesetzes eintreten, erfüllen Sie nicht die Voraussetzung für die Berufung in das Beamtenverhältnis gemäß § 6 Abs. 1 Nr. 2 SGB. Der Antrag auf Zulassung zum Vorbereitungsdienst für das Lehramt an Gymnasien wird daher mit Zustimmung des Kultusministeriums abgelehnt.

Dr. Hans
Vizepräsident

"...Herr Letsche was, at least from 1969 to 1974, a member of the German Communist Party (DKP).

- In 1969 he was responsible for a leaflet which was published jointly by the Socialist German Working Youth (SDAJ) and the "Association of Marxist Students Spartakus". In the same year, various leaflets for which he was also responsible were distributed in Frankfurt.

- Herr Letsche was a candidate of the Marxist Student League "Spartakus" in the elections for student union department committees at Stuttgart University in summer, 1972.

- On 18 March, 1972 and on 16 March, 1974, he attended the annual meetings of the Stuttgart/Filder local branch of the German Communist Party (DKP).

- He attended the 4th National Congress of the Marxist Student League "Spartakus" on 8/9 October, 1973, at Cologne-Mülheim ..."

It should perhaps be mentioned that all these organizations are perfectly legal. Their meetings and congresses are held in public, and their programmes submitted to public discussion.

No evidence for the alleged affiliations was ever produced. The authority did, however, produce photostats of various leaflets that had been mentioned in their letter.

One of them dealt with the fact that KURT KIESINGER - in 1969 Chancellor of the FRG - had at one time been member no.2,633,930 of the Nazi party. The leaflet said that under such circumstances the proposed special "state of emergency" powers for the government were potentially dangerous. Another leaflet had called for the support of a broad left alliance in the 1969 federal election campaign.

The Oberschulamt went on to say that in the light of these "findings" Herr Letsche could not "guarantee that he will take a firm stand for the free and democratic constitutional order of the Basic Law at all times".

A 'HEARING'

But Herr Letsche made his stand quite clear. He declared that he supports the constitutional order of the Federal Republic of Germany without reservation. He said that it was his main concern that the principles of the written Constitution (the "Basic Law") be put into effect. It was precisely for this reason that he committed himself for the social and economic demands of the trade union movement.

He told the officials about the history of his family. His parents had been booksellers and owned a Christian bookshop before the Second World War. Political persecution by the Nazis ruined their business. A Nazi court had sentenced his father to six years' imprisonment for anti-Nazi resistance (the Nazis called it "preparation for high treason"), and he was only liberated by the Allies in 1945. His wife - Lothar Letsche's mother - was repeatedly harassed by the Gestapo.

Herr Letsche said that he regarded the implementation of the written Constitution as particularly important, as it had been passed in 1949 and drawn the correct conclusions from the past. He declared his complete opposition to any type of violent and arbitrary rule that was contrary to human dignity, freedom and equality. "In this sense, I would call myself an opponent of any kind of dictatorship," he said.

He added that he was not prepared to answer any questions regarding his political affiliations, past or present. He insisted that discrimination on political grounds was outlawed by the "Basic Law", and that he would not fulfil any unconstitutional requests from any authority, not even for the sake of a career. Nor would he "distance himself" from Communists, as had been demanded of him: Communists had been imprisoned with his father and always helped his mother.

CASE TAKEN TO COURT

None of these arguments had any effect on the school authority. So Herr Letsche had to take his case to the Verwaltungsgericht (Administrative Court) at Stuttgart.

Now the Oberschulamt's lawyers unearthed new "reasons" for his "fitness" for teacher training. Quoting old Communist Party programmes, they pointed out the danger that Herr Letsche might work for a "progressive policy for education and culture", for "deep-going changes in the entire system of education and vocational training" and against "reactionary ideology" and that he might take part in "joint campaigns" for these objectives.

The court hearing was in May, 1978. Herr Letsche stated that is the lawyers' arguments were to be followed, all active members of the teachers' union would have to be dismissed instantly, as the union was known to fight for reforms in the educational system. He reaffirmed his stand for the Constitution and deplored that there were still so many former Nazis in position of authority. As examples he quoted two Christian-Democratic politicians who were personally responsible for his Berufsverbot:

- The then Prime Minister of Baden-Württemberg HANS PILBINGER was once a Nazi judge who passed death sentences.
- The Baden-Württemberg variety of the "decree on radicals" is often referred to as the "Schliess decree" - named after the former Minister of the Interior KARL SCHIESS. He was once known as "Swastika Charlie" because he was a nazi careerist.

The court hearing was attended by 70 people and featured in the local press. The arguments and action taken by the Oberschulamt received very unfavourable comment. The "Stuttgarter Zeitung" - by no means a left-wing paper - spoke of a "strange type of logicity" and "strange interpretation of the law".

But the court dismissed the case. It ruled that the action taken by the school authority was correct, and furthermore that it would be unlawful for any private school to employ Herr Letsche. "Political loyalty has always been a requirement for the public service," the court said. Always - even in the nazi era! It was alleged that Herr Letsche's views on the Constitution were "selective". His professors in History and Political Science had offered to testify in court on precisely that point, but the court declined to hear them.

Herr Letsche received many tokens of solidarity from individuals and organizations, both in the Federal Republic of Germany and abroad. Colleagues from the union, the Association of Victims of the Nazi Regime (VVR), the Scottish Campaign Committee against Berufsverbot wrote letters to the court. Trade union organizations publicized the case through leaflets and by writing to the press. The teachers' union covered all legal costs.

APPEAL PENDING

Since August 1978 an appeal has been pending at the appeal court:

| **Verwaltungsgerichtshof Baden-Württemberg** |
 Schubertstrasse 11, D-6800 Mannheim.

The reference number of the case is "AktENZEICHEN L IV 2903/78"

Herr Letsche is only one of the many victims of Berufsverbot. There are at least 20 cases in Stuttgart, including other graduates of the University who have been barred from teacher training for similar reasons.

This case is one of the first appeals against "educational bans" of this type that will be heard by this court. In the past, the Verwaltungsgerichtshof has turned down most appeals in Berufsverbot cases. On the other hand, it has ruled that the neo-nazi NPD shows "no hostility to the Constitution".

| Public opinion - expressed, for example, in letters to the court, may play an important part in determining the outcome of this case.