

Application for investigation and review under the Penal Code

Misuse of tax funds

Impermissible financing of party advertising

Submitted to the Berlin Public Prosecutor's Office on 21.3.2011

Dear Sirs,

One day after the end of the CDU Party Conference, the Chancellor addressed herself to her "fellow citizens".

Over the period from 17.11. – 22.11.2010, this letter was published in regional and national newspapers (e.g. FAZ), popular dailies (e.g. Bild), periodicals (e.g. Spiegel) and online (web portal of GMX). According to the information of the government, € 2.763 million were spent on insertion of the advertisement. These funds were taken from the general budget.

This "letter" is still being published on the government website, and is attached as an appendix. This "letter" has already been the subject of a parliamentary question from the Bündnis 90/Die Grünen faction. The government's reply (Bundestag record 17/4158) is also attached as an appendix.

The content of the "letter" consists of party advertising: "Now we must look ahead. Major tasks lie ahead of us. The Christian-liberal government is tackling them decisively." The obvious purpose of the letter is to advertise for the Christian-liberal government coalition.

Although party advertising is legitimate, and an essential component of public discourse and formation of public opinion, particularly in an indirect parliamentary democracy, the financing of such advertising is up to the relevant parties, and must be financed by them

(which is why parties are provided with state funds for this and other purposes through state party financing). Party advertising may therefore not be defrayed from general budget funds, which are intended exclusively for national purposes, and not for private party objectives.

This misuse of general budget funds is not only a politically questionable excess of so-called publicity work, but also throws up questions of criminal prosecution in view of the fact of breach of faith. The investigation of such possible breach is hereby expressly requested.

The government and the Chancellor are responsible for ensuring the constitutional use of tax funds. They act as “trustees” on behalf of the taxpayer. The de-facto diversion of tax funds from the general budget into a private “party budget” is incompatible with the trusteeship responsibility of the government and the Chancellor. The sum of € 2.8 million far exceeds the bounds of what is legally acceptable and reasonable.

You are cordially requested to keep the undersigned informed of the further course of the proceedings.

**ALLIANCE FOR DEMOCRACY**