



Free Speech Under Fire: C.J. Hopkins on German Prosecution for Political Satire

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American playwright and political satirist C.J. Hopkins discusses his ongoing prosecution in Germany for publishing a book whose cover—featuring a COVID mask superimposed over a swastika—is alleged to spread Nazi propaganda. Hopkins challenges the case as an abuse of law to silence political dissent and examines what his prosecution reveals about free speech in Western democracies.

SAŽETAK

C.J. Hopkins, an American writer and satirist living in Germany, recounts his legal battle over a book cover designed as political commentary on COVID-era authoritarianism. The cover deliberately mimics William Shirer's "The Rise and Fall of the Third Reich" but replaces the original swastika with a COVID mask, intended as a warning about government overreach. After tweeting the cover image during Germany's mask-mandate debate, Hopkins was charged with spreading Nazi propaganda—a charge he was initially acquitted of, but which was overturned on appeal. He now faces a new indictment for publishing the book itself. Hopkins argues the prosecution represents a perversion of German law to punish political criticism rather than genuine Nazi promotion, and he examines broader patterns of repression across Europe and the United States. He discusses the partisan blindness that prevents people from recognising common tactics of state suppression across different protest movements, the failure of mainstream journalism to defend press freedom, and the critical importance of resisting the erosion of free speech rights before they are lost entirely.

KLJUČNE PORUKE

Hopkins was prosecuted for tweeting cover art of his book and subsequently indicted for publishing the book itself, despite having been acquitted in the original trial—the appellate court reversed the acquittal without legal justification.

The cover design deliberately references William Shirer's "The Rise and Fall of the Third Reich" with a COVID mask superimposed over a swastika as political commentary on authoritarianism, not promotion of Nazism.

German law permits swastika imagery when used to criticize Nazism (as seen in Der Spiegel and other publications), but the court determined Hopkins's artistic expression was not "clearly enough" anti-Nazi, setting a subjective standard for protected speech.

The prosecution is an instrumentalisation of law to punish political dissent and criticism of COVID policies, not a genuine application of anti-Nazi statutes; no legitimate legal defense exists for the charges.

Governments across Europe and North America are sending a consistent message: democratic rights can be stripped away at will, and laws will be weaponised against any dissent—as illustrated by prosecutions of COVID dissenters, pro-Palestinian protesters, and journalists like Julian Assange.

Partisan thinking prevents people from recognising that the same repressive tactics are used against all forms of dissent regardless of political alignment; when power shifts, yesterday's persecuted become tomorrow's persecutors.

Free speech is foundational to all other rights and freedoms; once lost, it is extremely difficult to reclaim, making resistance to such prosecutions a responsibility for anyone with a platform.

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The Case of Political Expression on Trial

Well, if you want to know how far governments are willing to go to police speech, don't look to China—look to Germany. One of the countries that lectures the rest of the world about democracy and human rights is once again trying to prosecute a writer, not because he committed violence, not because he defrauded anyone, but because the government says his political expression, his writing, his art crossed the line. The real question is this: if a Western democracy can criminally prosecute an author for political satire, what does that say about the state of free speech in the West?

Background: A Writer Caught Between Legal Systems

C.J. Hopkins is an American playwright, novelist, and political satirist who has lived in Germany for years. He has already been dragged through the German court system over criticism of the government's Covid policies, and now faces yet another indictment connected to his book and the imagery associated with it. Hopkins began

by explaining the sequence of events that led to this latest prosecution. After returning exhausted from a book research road trip in the United States at the end of last year, he arrived home to find three armed police officers at his door. They raided his home, confiscating his computer and terrorizing his wife and their cats. The police were looking for evidence that he had published a specific book whose cover has been the subject of prosecutions for going on three years.

Hopkins received a new indictment just days before this interview. His lawyer received the document, and it represents a different approach from the previous prosecution. This indictment is based on two things: first, the fact that he wrote, published, and advertised his book—which is banned in Germany—and second, that he published an article on Substack after his original acquittal was overturned by the appellate court. In that column, he included the cover of the book and a few other images. This time, the prosecution has indicted him for publishing his book itself.

The Original Prosecution: Two Tweets and Cover Art

To understand the current situation, it is necessary to go back to the original prosecution. Hopkins had been charged with a crime based on two tweets containing cover artwork. The book in question is a collection of essays from 2020 and 2021—essays he wrote during the main part of what he calls the Covid era. The cover design was created by Anthony Fredda, a cover designer based in New York.

For the book cover, Hopkins and Fredda deliberately recreated the design of William Shirer's classic book "The Rise and Fall of the Third Reich." The original cover is all black with the title in red and a small white circle containing a swastika below the title. Hopkins's team took that design and put his title, "The Rise of the New Normal Reich," in all red. They then stretched a Covid mask over the top of that white circle with the swastika. When looking at the cover, one sees the Covid mask, and if you peer closely, you can see the swastika shimmering behind it. This was intended as a warning about the authoritarianism and totalitarianism that was accompanying the Covid years.

A few months after the book was published, Germany was debating whether to cancel its mask mandates. During this online debate, Hopkins threw a couple of tweets out there containing the cover art with the mask and swastika. One tweet simply stated that masks are a symbol of conformity—that's all they are. The second tweet quoted Karl Lauterbach, the health minister in Germany at the time, who was described as a fanatic wanting to forcibly vaccinate everyone and segregate the unvaccinated from society. Lauterbach had been quoted saying that "masks always send out a signal." Hopkins quoted him to make the point that masks are basically a sign of conformity to Covid measures.

Close to a year later, in 2023, Hopkins received a notice from the Berlin district prosecutor that he was being charged with a crime for these two tweets. He was accused of spreading Nazi propaganda.

The First Trial: Acquittal and Quick Judgment

The first trial lasted no more than an hour. There was no jury—just a judge. The prosecutor sat in a box behind a plastic Covid protection shield. The judge simply asked Hopkins questions: did you send these tweets? Yes. Is this your book? Yes. Hopkins read a statement that was published online, his lawyer said a few words, and that was essentially it. After a break to deliberate, the judge returned and acquitted him.

The judge did not like Hopkins and called him names, but she followed the law and acquitted him of the charges. However, the prosecutor was not satisfied with the acquittal. In Germany, the prosecutor can appeal an acquittal, which is exactly what happened here.

The Appeal: A Different Affair Entirely

The appellate trial was a completely different affair. The prosecutors informed the defense beforehand that the trial would be conducted under high-level security procedures typically used for terrorism cases. Everyone had to be body-scanned. No one was allowed to bring phones or computers. The press was not allowed to bring writing instruments into the trial. All witnesses and observers were separated behind bulletproof glass. It was, as Hopkins described it, a real show of force and intimidation tactics.

Despite these measures, there was substantial press attendance. The appellate trial featured a panel of three judges who had clearly made up their minds to punish Hopkins—this became obvious to everyone as soon as they walked in. The judges stared down from the bench; the prosecutor mumbled perhaps two incoherent sentences; and Hopkins made another statement, even stronger than his first one. The judges then read out their ruling and reversed his acquittal, finding him guilty.

Following this, Hopkins and his legal team filed an appeal with the Constitutional Court, Germany's Supreme Court, based on freedom of speech and freedom of the press, both of which are guaranteed in the German constitution. A couple of months before this interview, the Constitutional Court notified them that they would not review the appeal and would not provide any explanation whatsoever. Hopkins now has to return to court in October to the original court where he was acquitted, in order to be sentenced for what the state calls this crime.

The Judges' Reasoning: A Question of "Clarity"

The case the prosecution and appellate judges made was, by Hopkins's account, bizarre. No one could reasonably make the case that he is a Nazi supporter—he has spent his life writing anti-authoritarian literature, stage plays, essays, and novels, all matters of public record. The prosecution and appellate judges essentially acknowledged this point. Their argument, however, was that while they understood Hopkins was not a Nazi and did not intend to promote Nazi propaganda, the image of the mask over the swastika was not "clearly enough" expressing anti-Nazi sentiment. According to the judges, the piece of art needed to more explicitly convey opposition to Nazism to be protected speech.

Swastika Symbols and Legal Contradictions in Germany

Many people assume that displaying swastikas in Germany is absolutely illegal, but that assumption is not accurate. Der Spiegel magazine famously printed a large swastika on their cover, partially obscured by a German flag—a concept essentially identical to the artwork in question. A new book by Matt Kennard about US military and intelligence services recruiting criminals, gang members, and neo-Nazis features a large swastika on its cover with a small American flag overlaid on it. This book is legally available for sale in Germany on Amazon and in German bookstores. Government officials and celebrities have similarly disseminated images containing swastikas. The actual German law does not ban swastikas outright; instead, it prohibits them if used to support or promote Nazism. The prosecutor's argument is that the artwork on this particular book cover is not clearly and solely targeted at criticizing Nazism and neo-Nazis.

The court determined that the actual problem with the book cover is that it criticizes Covid measures and the government, not that it promotes Nazi ideology. While German law does prohibit promoting Nazism, this case does not involve promoting Nazism at all. The artwork compares government Covid policies to Nazi authoritarianism—essentially saying that Nazis are bad and that modern authoritarianism is also bad. There is no attempt to present Nazism as an ideology to be adopted or studied. Yet three judges concluded that the law was still broken and that Nazism was being promoted, which makes no legal sense.

The Perversion of Law as Political Punishment

The case does not make sense when examined through a legal lens because the law is being perverted and instrumentalized to punish criticism of authorities during the Covid era. There is no legitimate legal defense for what the authorities are doing; they are simply using their power to silence dissent. A prominent German legal expert on the law banning Nazi symbols has published numerous articles in German newspapers explaining how twisted this prosecution is and how the authorities are

instrumentalizing the law. However, no one will hold them accountable, and they have the power to act, so they do.

Article Five of the German Constitution, known as the Grundgesetz or Basic Law, guarantees freedom of speech and freedom of the press, and explicitly states that there shall be no censorship. Simultaneously, the speaker has been indicted for publishing a book that is essentially a history book. The appellate court upheld the conviction, and in October the speaker will return for sentencing. The original sentence was sixty days in jail or three thousand six hundred euros, though this could change at the judges' discretion.

The Progression of Prosecutions and Book Banning

The first prosecution involved two tweets, but the new prosecution also concerns the same book and cover. What is significant is that the speaker has been indicted for writing and publishing a book—that is literally what the indictment states. There are no nuances; the supposed crime is publishing a book. The book has been banned since the original case began. Amazon contacted the speaker and announced it would ban the book in Germany, Austria, and the Netherlands, clearly following direction from German authorities. The tweets in question were censored by Twitter, also following government pressure. A government intelligence agency reports such content to corporations and pressures them to remove it. The book was simultaneously pulled from German bookstores, becoming mysteriously unavailable without any official notice of a ban.

The prosecutor's argument is that the book was available to people in Germany and that it was promoted so that people in Germany could see the cover. The speaker was never formally notified of a ban, which has led to ongoing debate about whether the book is truly banned in Germany. However, the indictment itself now settles this question—the speaker is being prosecuted for publishing the book, confirming that it is banned. Meanwhile, Skyhorse Publishing in New York has offered to publish a second edition, which will be available worldwide within a month or two. Since Skyhorse is a publishing house in New York City and the speaker is a legal resident of Germany, the authorities can use this as a pretext to continue prosecution.

Broader European Trends in Free Speech Restrictions

Europe appears to be becoming increasingly restrictive regarding free speech. The UK and Germany seem to crack down most heavily, though other European countries have also taken aggressive action. France prosecuted the founder of the Telegram app for creating a platform used for communication, apparently holding him responsible for what users discuss on the app. The question arises whether certain countries are inherently worse than others, or whether Europe collectively lacks the concept of free

speech. Every time the speaker posts an update about the prosecution, people urge them to leave Germany, asking why they would stay in a country persecuting them.

The speaker understands this reaction but finds it disheartening. The instinct to run away from the authorities is understandable, but the speaker resists it. There is a reluctance to run from fights and to be driven out of a country where significant effort has been invested in integration. Many Americans do not realize that freedom of speech and freedom of the press are enshrined in the constitutions of all Western European governments, though not as strongly as in the United States, which has a First Amendment. Nevertheless, these freedoms are constitutional protections in European countries. However, the core point remains: this case is not about constitutions or legal statutes. The authorities are pursuing this prosecution not because the law demands it, but because they can.

The Message Governments Are Sending

My book, [The Rise of the New Normal](#), isn't specifically about Germany—it's about what's happening throughout the West. It covers the USA, Canada, France, Italy, the UK, and Germany. Germany is where I live, but what I've been writing about is a pattern occurring across all these countries. What's happening is that governments have been sending out a very clear message to all of us: those democratic rights you thought you had, we can take them away whenever we want, and we'll instrumentalize laws however we need to in order to punish people who stand up to us.

I don't mean to compare myself to Julian Assange, who went through much worse than anything I'm experiencing and is a far more important historical figure. But the point of what they did to Assange was clear: look at this, folks. Do you really want to challenge us? Do you really want to stand up and fight because we'll destroy you? That was one of the big points for many of us defending him. It wasn't about whether we liked him as a person or whether we thought what he published was right or wrong. The issue was that they were going after somebody for publishing information, and that affects all of us who do this type of work.

The Failure of Mainstream Journalism

What frustrated me most was how many mainstream journalists refused to even discuss Assange or defend him. They didn't seem to realize this wasn't about him as a person or whether they would have published the same material. The fact is, they're going after somebody for publishing information, and that affects the entire field. Now we're seeing them go after dissidents of all kinds—dissidents of war, dissidents of COVID, dissidents of any kind. The mainstream press seems so naive to think they're immune to this. They're only immune if they stick to the state-sanctioned narrative all the time, in which case the First Amendment is dead.

The Founding Fathers built in free speech for a reason. You have to be able to speak about what the powerful are doing and tell the truth about them in order to have a truly free society. We are obviously slipping away from that. Maybe we never fully had it. Maybe it's always been this bad—an argument could be made for that. But certainly we don't have what we think we had.

Standing on Principle Even in Doubt

I made an argument at some point to someone who was challenging me. I said: as long as the German government is going to continue to claim that it is a democracy operating under the rule of law, I am going to continue to act as if that's what it is, even if I don't believe it anymore. The point is, when we decide that we never really had those rights, that they don't exist, that it was all bullshit from day one—when we stop insisting upon those rights, it's over. The least we can do is force them to demonstrate their hypocrisy, to show that these rights and principles don't mean anything to them.

Patterns of Repression Across Movements

The message they've been sending is clear and repeated. When the truckers held a big occupation protest outside the Capitol in Ottawa about COVID measures, the government sent police to beat people and run them over with horses. COVID protesters were savagely beaten, and a couple were shot, I think in the Netherlands. Look at how the powers that be have responded to pro-Palestinian protesters. Unfortunately, people get locked into their partisan boxes and can't connect the dots.

Here in Germany, pro-Palestinian protesters have been brutalized just as much as COVID protesters were. They're being oppressed and persecuted the same way we COVID dissidents were. But people remain in their boxes and can't see it's the same pattern. They're coming after any form of dissent, any form of resistance. You're a pro-Palestinian protester? You're a dissident. It doesn't matter what your cause is—it's all resistance to them.

The Danger of Partisan Thinking

Another crucial thing to keep in mind, especially in the United States, is that power shifts constantly from left to right. Depending on who's in power, the other side is demonized and persecuted. People say, "Oh, well, it's not me, it's you. We should go after those crazy leftists and shut them up." But you won't be in power forever. They will be soon. And when they are, you become the target.

The powers keep switching hats while folks wave the flags of their teams saying, "Yeah, get 'em." But if we're violating democratic principles and fundamental rights, eventually it comes for everyone. The hats keep changing, and gradually our rights are being stripped away on both sides. We go back and forth cheering for the other

side's rights to be stripped away, then they take power and strip our rights away. It's a cycle, and I get frustrated. I'm desperate for more people to realize what's going on.

The Current Legal Situation

I just received an indictment a day ago. We don't know how the timeline will unfold. My attorney will file a response within a couple of weeks, the court will look at that response, and theoretically they could throw the whole prosecution out, which they should according to the law. Based on my experience, they probably won't. Then a trial date will be set and I'll be hauled back into court for another trial. It's bizarre because it's already a matter of public record that I've stated over and over: yes, I wrote the book, yes, I published the book, yes, I created the artwork. But they'll still haul me in for trial and it will go from there.

The Cost of Standing Up

The attorney fees have been significant. It's Europe, so it's nowhere near as expensive as in the US, but somewhere between 30,000 and 40,000 euros. That's still a ruinous sum for most people. Who could just come up with 30 or 40 thousand euros to defend themselves in court because the government decided to come after their viewpoints and opinions? It's outrageous.

However, I need to make a crucial point: the vast majority of those legal fees have come from my readers and people who are supporting this work. I cannot express my endless gratitude to those people. That is one really bright light in the middle of all of this. People flooded me with legal support, and that shows what's great about our community—people do rally together to support fundamental rights.

Why Free Speech Matters Most

We have to all fight together to maintain our ability to express our opinions and criticize the government. We cannot be a free people without that ability—that's an absolute fact. That's why the First Amendment is first of all the amendments. The Founding Fathers were smart enough to put it there. If you can't speak up against your government, then what are you? You're not a free people, that's for certain. None of the other rights matter because if you can't communicate, you're done.

I do want to make one point that goes back to the folks saying "get out of Europe" and "come back to the United States where we have the First Amendment and free speech." I would like them to pay more attention to what's happening in the US. There are a lot of cases where it's exactly the same situation. Yes, there's a First Amendment on paper. Yes, there's freedom of speech. But the Trump administration, if they want to crack down on somebody whose dissent they don't like, they're doing it. Why? Because it's not about the law—it's about power.

Power Over Principle

I just saw something the other day about the officer who shot the woman in Minneapolis in the face. He's running around free as a bird. These aren't legal arguments. What's happening is that authorities in Western countries are changing their behavior and sending us a message: we'll crush you, crush you literally. It's amazing how many people justified protest shootings while criticizing China for Tiananmen Square. They say, "Look what China did, we have to go after them because they kill protesters." But then I say, do you not hear yourself? When they say, "Well, but those protesters are different, they deserved it," it breaks my heart.

So many really loud voices among the COVID dissident community—when Trump took office again and started cracking down on immigration—started making the exact same arguments that the other side made during the COVID era to oppress and abuse us. It's not just hypocritical, it delegitimizes those of us actually invested in principles rather than in winning some relatively meaningless partisan fight.

The Tribal Trap

I've seen people who were in the anti-COVID, anti-mandate crowd suddenly adopt the same oppressive rhetoric. I was really disappointed with liberals during COVID. People who were always "my body, my choice" suddenly became "get the jab or you're cast out of society." I didn't expect that. Now it's the same thing on the right. People championing freedom of their own bodies, freedom from forced vaccination, are the same people cracking down on others. It's that tribal mentality, and that's why we can't seem to get ahead. It seems like human nature, and I don't know exactly how we overcome it.

Even with these court cases against me—with those three judges who already made up their minds that I'm guilty for publishing a swastika on a COVID mask—it all comes back to this fundamental question: do we actually believe in the principles we claim to believe in, or are we just fighting for our tribe?

The Human Impulse to Censor

People are human beings who decide emotionally that they don't like something and want to censor it. It seems like human nature to say: if I don't like it, we have to get rid of it. We have to fight back against that urge all the time. Even when we remind ourselves that you can't censor something just because you don't like it, there are so many instances where we catch ourselves making exceptions. We think, "Yeah, but this is different, right? This should be limited because this is different." It's just human nature to think this way, and we have to constantly fight back against it.

Escalating Legal Threats

Once you resolve one case, there's always the question of what comes next. You figure out one case and have to pay a fine to stay out of jail for it, and then another case emerges—maybe they say you have to go to jail for thirty days plus pay a fine or something else entirely. The pattern becomes clear: what is it they actually want from you? Do they want you to eradicate the book from existence? Unless you can do that, it seems like they're going to endlessly prosecute you for it. The court's papers discussing new charges have essentially threatened that the fines this time will not be small—it's going to be a much bigger fight.

What they appear to be looking for is either to crush the defendant, drive them out of the country, or to have them make a gesture of submission and bow down to their so-called authority. It seems like they would like the person to stop sticking their finger in their eye, which happens pretty much every time they take the next step.

Standing Up for Rights as a Responsibility

The decision to fight this prosecution from day one comes from a sense of responsibility. While not world famous, being semi-well known means there's an obligation to show people standing up and fighting for these rights. Once they're gone, they're really, really hard to get back. That's the whole reason for fighting—because people need to see resistance to these kinds of prosecutions. It's about recognizing that this is everyone's fight, not just an individual one.

How to Support and Stay Updated

People can go to the defendant's Substack, which is where news, updates, columns, and all information gets posted. There is no formal legal defense fund currently in place, though people have been sending donations anyway. A formal fund might be established once the new trial gets going and new fees come in, but the Substack is the best place to start for anyone wanting to follow developments or provide support.

The interview concluded with well-wishes for the upcoming legal battle, noting that the defendant's success would represent a win for everyone's free speech rights.

#Free speech and censorship

#Political prosecution and the abuse of law

#COVID-era government overreach

#Press freedom and journalism

#Authoritarianism in Western democracies

#Partisan tribalism and political repression

#Constitutional rights and their erosion