

German government expands political espionage powers

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5 August 2006

In the middle of July, the German grand coalition government of the Christian Democratic Union (CDU), Christian Social Union (CSU) and Social Democratic Party (SPD) passed a piece of legislation named the “counter-terrorism auxiliary law,” which drastically expands the powers of the domestic German Secret Services, the German Intelligence Service (BND, foreign intelligence) and the Military Defence Service (WAD).

The German secret services are already able to check on flight data, bank accounts, post office accounts, email and telephone data on the basis of a suspicion of terrorist activities. It can also tap telephones, film suspects and utilise undercover agents to spy on what it terms “anti-constitutional organisations.”

Now these powers are to be increased with the new legislation and new technology which will give the intelligence services automatic access to the central vehicle registration office, as well as the means to increasingly identify and tap mobile telephones.

In addition, the intelligence services will be able to pursue suspects beyond the borders of Germany through the implementation of secret European-wide search warrants. German intelligence officials will be informed as soon as the sought-after person enters a police control. German customs officials have also been given increased powers to inspect and check money transfers suspected of being used for “the financing of terrorism.”

In line with previous practice, information requests will be extended to all those suspected of “anti-constitutional activities” should these involve a “call for a readiness to use violence.” As examples, the government refers to “Islamic preachers of hate” or “extreme-right agitation.” A report by the Ministry of the Interior states: “The law thereby also includes in its focus ‘home-grown’ terrorism—including that of ‘ideological incitement’—without turning a blind eye to either the left or right.”

Germany’s postwar separation of the police and secret services is further weakened through the new legislation, which allows the secret services to pass on information to other state agencies on the basis of “the protection of the liberal democratic constitutional structure or other public security purposes.”

While the CDU and SPD celebrate the new regulations as “more effective counterterrorism,” the legal definition of “incitement of the masses” regards it as a misdemeanour, i.e., not a crime and certainly not a constitutional offence. If the new legislation were merely aimed at monitoring possible terrorists, then it would have been unnecessary to include “ideological offences” in the secret services catalogue.

The term “ideological incitement” has a long history in the German Federal Republic. It has been traditionally used by sections of the political elite, backed up by the media, to whip up prejudices against the most oppressed layers of society, poison any discussion on the consequences of government policy and open up the path to fundamental attacks on democratic and social rights.

Typical in this respect was the recent campaign against foreigners and Muslims who were alleged to be “unwilling to integrate.” A climate was established by layers within the CDU/CSU and other parties where extreme right-wing thugs were encouraged to undertake violent xenophobic attacks.

At the same time conservative politicians have again and again denounced and sought to criminalize any criticism of government policies by the political left as a form of terrorism. Less than a decade after the founding of the first German state, Chancellor Otto von Bismarck used two unsuccessful anarchist assassination attempts on the German monarch as the pretext for implementing his anti-socialist laws, which banned the Marxist SPD—although the party had clearly expressed its opposition to terrorism. It was also at this time that today’s criminal offence of “incitement of the masses” came into being, although the offence was originally described as “stimulating class warfare.”

Forty years later, in 1918, it was an already thoroughly degenerated SPD that organized a witch-hunt against “Bolshevik agitation and terror,” i.e., the newly formed German Communist Party (KPD). The resulting terror, however, came not from the KPD but from right-wing extremist German mercenaries whose wave of violence reached its peak with the brutal murder of communist leaders Rosa Luxembourg and Karl Liebknecht.

Shortly afterwards right-wing extremists attempted a series of assassinations of left-wing and liberal politicians. The most prominent victim was the German Foreign Affairs minister Walter Rathenau, whose murder caused widespread indignation. The German chancellor and Centre Party politician, Joseph Wirth, reacted to the murder, which followed a systematic campaign against Rathenau by the German national opposition, with his famous utterance: “There stands the enemy, which rubs its poison into the wounds of the people. There the enemy stands—and on this there can be no doubt: he stands on the right.”

Following the assassination of Rathenau the coalition government of the Centre Party and the SPD passed a law aimed at countering “ideological incitement” and the “home-grown terrorism” of the right wing. In practice, however, the government

proceeded to “turn a blind eye to the right” and the legislation was used almost exclusively against the political left and working class movement. Based on the experiences of the Weimar Republic, and in particular the fascist dictatorship, which established an omnipresent state security police, postwar Germany saw fit to separate the spheres of activity of the police and intelligence forces. This latest legislation signifies a large step towards abolishing the delineation between the two state agencies.

In similar manner today the German interior minister and the secret services declare their right to determine who is the “constitutional enemy,” i.e., all those who oppose current government policy. Any Marxist or left critic of the status quo must rapidly come to terms with the fact that he or she will be subject to state surveillance as a “constitutional enemy.”

The same applies to anyone criticising the activities of US troops in Iraq and Afghanistan, Israeli troops in Lebanon and Palestine or, in the future, the actions of German troops in the Congo. The state now has the power to extensively spy on broad sections of the population who will be unable to open a bank account, travel, use a telephone, or log onto the Internet without the danger of been followed and controlled at every step.

In line with the spirit of the new legislation, the Berlin senator of the interior, Erhard Körting (SPD), declared that steps would be taken to establish whether a peace demonstration held in Berlin last weekend to protest the Israeli invasion and war crimes in Lebanon constituted an “incitement.” His justification? Photos were shown on the demonstration of Lebanese Hezbollah head Hassan Nasrallah! It should be noted that the Hezbollah organisation is not banned from carrying out its activities in Germany. The CDU candidate for the state elections to be held in Berlin this September, Friedbert Pflüger, also supported the prosecution of demonstrators, declaring that “preachers of hate and supporters of terror” could not be tolerated in the German capital.

For the twisted logic of the security agencies it is only a small step from criticism of the state and government to acts of violence. In 2003 the Brandenburg state intelligence service (BIS) sought to make the WSWs indirectly responsible for an attack on the immigration offices in the city of Frankfurt-Oder, because the WSWs had previously criticized the immigration policy of the German government. At the time the BIS wrote: “The road to criminal acts is paved with such texts.” Only after a concerted political and legal campaign by the WSWs was it possible to prevent the BIS from spreading its slander—although the BIS refused to apologise for its actions.

The new extended legal powers apply not only to the BND but are also largely applicable to the Federal Intelligence Service and the WAD. The BND is primarily responsible for foreign espionage and has recently been hit by a series of scandals. It is currently under the spotlight and is alleged to have systematically spied on journalists and cooperated with the CIA in the kidnapping and torture of German citizens.

In this regard the *Süddeutsche Zeitung* wrote recently: “The secret service is taking over more and more tasks of the police and public prosecutor’s office without, however, being subject to the judicial controls which have been intended for the official security authorities, and also for the police and public prosecutor’s office.

The secret service becomes a secret police.... This law [the counter-terrorism auxiliary law] is part of a development which leads to merging of the police and secret services. It began in 1994: at that time the BND became the outsized ear of the police; it got the right to tape international telephone calls in the fight against drug criminality as soon as key words were uttered. The results were then passed on to other security authorities without the knowledge of the caller.”

While the author of the commentary, Heribert Prantl, a former public prosecutor, is able to accurately describe the various steps towards an authoritarian state that have been supported by all of Germany’s main parties, including the SPD, his proposals for an alternative are threadbare. Prantl demands simply that spying should be subject to the “control” of the courts and public prosecutors.

In fact, the government is intent on further dissolving the barriers between the police and secret services. According to the *Tagesspiegel* of July 30, German Interior Minister Wolfgang Schäuble (CDU), in collaboration with the SPD, is seeking to introduce a bill which “in relation” to the threat of international terrorism, will result in a common database for all of Germany’s police, custom, military and secret service agencies, as well as institutions and companies. Such data would also include information which is not relevant to a “criminal investigation” and comprise personal data, contacts, information on communication and accounts, means of transport, special abilities (in connection with possible terror offences) and details of residence—even if there is no evidence pointing towards possible criminal behaviour.

The broader background to this trend has nothing to do with combating the threat of “terrorism” but is a result of the increasing polarisation of society and the growing alienation of broad masses of the population from the political establishment. The German government knows that it can only implement its highly unpopular social agenda with ever more aggressive and undemocratic methods.



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