

German Interior Ministry plans to expand the powers of the secret police

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The Interior Ministry, currently headed by Wolfgang Schäuble, plans to expand the authority of the German state to spy on its own citizens. The domestic secret service will be given far-reaching powers and the separation of the police and secret services will be largely abolished.

The *Süddeutsche Zeitung* recently reported the existence of a six-page catalogue of demands, entitled “Preparations for Coalition” and dated September 22, that was approved by the head of the Department for Public Security, who serves under Schäuble. The interior minister has already combined the formerly separate departments of the police and the domestic secret service into the Department for Public Security.

August Hanning, Schäuble’s undersecretary and a former head of the secret service, declared that the document revealed by the *Süddeutsche Zeitung* concerned an “internal note of agreed and still open themes.” This suggests that it concerns both measures that have already been implemented and others that have not yet been imposed.

Neither the *Süddeutsche Zeitung* nor *Spiegel Online*, which also claims to have the document, have so far published it. Nevertheless, it is clear that the secret service will be granted new powers previously reserved for the police—with the difference that people spied upon by the secret service will never know of their surveillance, let alone be able to legally defend themselves against the state spying.

In future, the secret service will be allowed to search online data, something that until now only the Federal Criminal Investigation Agency (BKA) was permitted to do. Moreover, it will have access to data kept by telecommunications companies for up to six months that record details of calls—who called whom and the duration of the call, and, in the case of mobile phones,

information about the location from which calls were made. Information held by Internet service providers will also be available to the secret service. In the case of emails, this would include the time sent and the sender and recipient. The secret service will also have access to details of a person’s web surfing activities, including any downloads.

These powers include the ability to monitor journalists and attorneys. Legislation allowing the police and public prosecutors access to stored data is currently being reviewed by the Supreme Court. Furthermore, the secret service will in future be allowed to use cameras and microphones to monitor private dwellings.

So-called “genetic fingerprinting”—until now allowed only in cases involving a serious criminal offence and approved by court order—will become a standard feature of police powers involving suspect identification. The use of agent provocateurs and undercover informers is to be increased, and they will be permitted to commit crimes “typical” of the groups they penetrate. Thus, the perpetration of criminal offences will be officially condoned when carried out in service to the state.

The demands formulated in the Interior Ministry “catalogue” must be seen in relation to what has already been implemented. The anti-terrorism database that has existed since 2007 includes records on individuals compiled by 38 investigative authorities. At the beginning of this year, attempts were made by the Interior Ministry to extend the anti-terror data base to allow automatic data comparison by the various authorities.

In 1994, the Federal Intelligence Service (BND), the foreign secret service, was granted authority to tap international telephone conversations, even in cases involving commonplace criminal activities such as drug

trafficking. Since 1998, the “Großer Lauschangriff” (major wiretapping operation) has been in operation. Following criticisms by the Supreme Court in 2004, this operation was continued in a modified form by the Social Democratic Party-Green Party government of then-Chancellor Gerhard Schröder.

With the support of the Greens, the interior minister at the time, Otto Schily of the Social Democratic Party (SPD), pushed through legislation to secure new powers for the Federal Criminal Investigation Agency (BKA) and both the domestic and foreign secret services. Since then, the domestic secret services—the BND and the Military Intelligence Service (MAD)—have been able to obtain information from airline companies and banks, as well as postal, telecommunications and teleservice businesses. This power applies not only in cases of suspected terrorism, but also in the investigation of “anti-constitutional activities” within Germany. The authority to obtain data on the location of mobile phone calls was also extended.

The amended BKA legislation that came into effect this year, passed by the outgoing grand coalition government of the SPD and CDU (Christian Democratic Union), means that the authorities may for the first time initiate pre-emptive investigations—i.e., investigations in cases where there is no concrete evidence of a crime having been committed. The BKA was also granted the power to use secret video surveillance of private dwellings, as well as to eavesdrop on “contacts”—i.e., third parties who are acquainted with suspects only by chance.

The currently planned extensions to the legislation will once again drastically expand the police powers of the German state. The only things the secret service will not be permitted to do is interrogate, arrest and incarcerate citizens. This will be done by the police, who will be able to base their actions on secretly obtained information about every detail of a suspect’s private life. Legal challenges to such spying will be virtually impossible to mount.

The separation of the police and the secret service, together with constraints limiting the BKA’s responsibilities to the coordination of the state police authorities, have their origins in the founding of the German Federal Republic after World War II. Based on the experience of the Reich Security Office and the

Gestapo (state secret police) during the Nazi regime, it was decided that no comparably all-powerful authority would be allowed in West Germany. In Stalinist East Germany, however, the Stasi (state secret police) was firmly established. Now there is a systematic drive to create something similar in the reunified German state.

A state that no longer has anything to offer other than the enrichment of the banks, corporations and speculators at the expense of the working class majority inevitably views the population with distrust and hostility. The state consequently seeks to grant itself unlimited powers to monitor and spy upon the population.



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