

# German state exploits terror alert to expand police powers

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Two weeks have past since German Interior Minister Thomas de Maiziere warned of what he claimed to be a specific threat of terrorist attacks. Since then, the public has learned nothing more about the origin, nature or cause of the threat. A bomb, supposedly loaded onto a German plane in Namibia, proved to be a dummy. Nevertheless, leading government and opposition politicians are exploiting the terrorist alert to expand the use of armed police and attack democratic rights.

Infringements of personal liberties—such as a data retention law requiring telecommunications companies to store data on their customers—will now be pushed forward. The same applies to the deployment of armed forces within the country, which has also until now been hampered by opposition from the Supreme Court.

Federal police, the Federal Criminal Police Office, the intelligence service and other police agencies are to be expanded, restructured and closely linked in order to create a powerful, centralised juggernaut.

During Wednesday's general debate in the federal parliament, Chancellor Angela Merkel of the Christian Democratic Union (CDU) said that the terrorist threats were "unfortunately a reality." She immediately went on to outline the need for new legislation on data retention. A similar law, requiring telecommunications companies to retain the data of all telephone and internet connections for six months and pass it on to the police agencies on demand, had been blocked by the Federal Constitutional Court in March.

Hans-Peter Uhl, spokesman for the CDU/Christian Social Union parliamentary group, called for the authorisation of spying software. "Terrorist networks usually communicate using encrypted internet telephone calls," he said. "So we need to enable law enforcement and intelligence agencies to crack the encryption and eavesdrop on what is said."

Volker Bouffier, CDU vice-chairman and prime minister of Hesse, also demanded Thursday the legalisation of data retention and military deployment within Germany. "We have to prepare for an attack with the utmost seriousness," he told the *Hamburger Abendblatt* newspaper. "When the army can do something that the police can't and it is beneficial for national security, then military forces should be used, too." As an example, Bouffier cited the protection of property and the

"fending away and incapacitating" of aircraft.

Bouffier is not alone in these exhortations. Other CDU politicians and the Federation of German Criminal Detection have renewed their demand for the army to be allowed to deploy within Germany.

In late October, Lower Saxony's Interior Minister Uwe Schünemann (CDU) urged that the army be authorised to shoot down cargo aircraft with a bomb on board, if it was deemed necessary. His demand was based on the dubious parcel bombs, discovered at the time to have been sent by a courier service from Yemen to the US. According to Schünemann, plans for an appropriate constitutional amendment have already been drafted. "The plans are on the table; now we only need the resolution to act," he said.

The chairman of the parliamentary legal committee, Siegfried Kauder (CDU), has called for press censorship. After *Der Spiegel* magazine cited internal police sources to report on plans for an attack on the parliament building, Kauder declared, "The press should be required to hold back when the level of threat is as high as it is at the moment". Legal steps or media self-censorship are proposed to ensure that news outlets refrain from reporting on certain developments. To justify his demands, Kauder claimed, "If the press publishes reports about which sites are particularly vulnerable, that can also be an incentive for terrorists".

Berlin's Social Democratic Party (SPD) Interior Senator Ehrhart Körting did not go as far as Kauder. But he also described media reports on specific attack scenarios as "irresponsible". Such speculations were likely to complicate the work of security agencies, he said.

Last Friday, the *Rheinische Post* regional newspaper featured a report about an urgent letter sent by Interior Minister Thomas de Maiziere (CDU) to his colleague in the Justice Department, Sabine Leutheusser-Schnarrenberger of the Free Democratic Party (FDP). De Maiziere used the letter as an ultimatum, insisting that the justice minister give up her opposition to the secret surveillance of terrorist suspects.

More specifically, the letter concerned two terrorist suspects, against whom a Düsseldorf district court had ordered a so-called "telecommunication source surveillance". This involves the use of secretly implanted software to monitor telephone or

internet communications before they can be encrypted. The attorney general, in consultation with the justice department, is subsequently supposed to terminate the surveillance.

“Given the current conditions of threat,” writes de Maizière in his letter, “I believe it is unreasonable to deny law enforcement authorities due access to the highly conspirative communication channels used by suspected terrorists”. He goes on to urge that “immediate action on the part of your department is urgently needed” so that “the threat of information loss can be avoided”.

De Maizière’s letter aims to effect changes extending far beyond the specific case. Leutheusser-Schnarrenberger has been one of the main critics of the original data retention law and continues to oppose any renewed legislation. De Maizière, however, is an advocate of data retention. His letter and its distribution to the press are obviously intended to increase pressure on the “liberal” justice minister.

De Maizière’s letter was dated November 12—5 days before the first terrorist alert. When he issued the warning about terrorist attacks on November 18, he hypocritically declared: “For my part I want to avoid any impression that the situation is being exploited in any way for any right-wing political projects.” His letter proves the opposite.

De Maizière has the support of the SPD, which—together with the right-wing CDU/CSU alliance—voted for the failed retention law in 2007. The SPD’s vice chairman, Olaf Scholz, called on the government to finally submit a new law on data retention, promising his full cooperation: “The federal government can confidently rely on the SPD when it comes to the maintenance of internal security in the face of an obvious terrorist threat”.

In the parliamentary budget debate, Scholz advocated a common policy on the part of government and opposition “in relation to the complex issue of internal security” and called for an increase of the police force.

Left Party deputy Jan Korte expresses support for personnel in the security services who are “well-trained, well-equipped and receive enough sleep”. He specifically praised Interior Minister de Maizière, attributing to him a “new, thoughtful tone” in his political pronouncements.

The Left Party supports—as do the Greens—the secrecy of the federal government. Although the public has no way of confirming the truth of the terror alerts, Wolfgang Neskovic and Christian Ströbele—representatives of the Left Party and the Greens in the Parliamentary Control Committee—maintain strict confidentiality. At least according to official sources, members of the PKG are informed about the outcome of the work of the intelligence services.

The Left Party and Greens make no complaints about the intimidating presence of heavily armed police officers—at major railway stations, airports, Christmas markets and outside public buildings—fostering the image of a country in a state of emergency. Nor do they raise much opposition to the climate of snooping and denunciation provoked by the constant clamour

for “conspicuous people” to register with the security authorities.

In the TV show “Unter den Linden”, deputy leader of the Left Party faction Dietmar Bartsch explicitly praised the security measures operating in parliament and advocated postponing some of the parliamentary debates on the matter. “The mood is certainly gloomy because the warnings are obviously to be taken very seriously,” he said.

The government is also using the terror alerts to further the process of centralisation and expand the role of spy agencies.

The Military Counterintelligence Service (MAD) is to be dismantled and incorporated in the Office for Protection of the Constitution and the Federal Intelligence Service (BND). All these agencies will then be headquartered in a huge office block in the centre of Berlin, housing 4,000 employees and costing €1.6 billion.

Christian Ahrendt, parliamentary secretary of the Free Democratic Party (FDP) faction, told the *Neue Osnabrücker Zeitung* newspaper that this move had been agreed by deputies of the FDP and the CDU/CSU alliance in a secret parliamentary committee.

According to a report in the *Die Welt* newspaper, there are similar plans for the concentration of the police force. Interior Minister de Maizière intends to present proposals in December. Matters to be examined include the creation of a “financial police force”; the merging of the federal police, the Federal Criminal Investigation Agency (BKA) and parts of the customs and excise department; or alternatively the establishment of an expanded federal criminal investigation department.

The dividing lines between foreign and domestic intelligence agencies, between intelligence agencies and police, between criminal investigation and normal policing, and between federal and state police are being increasingly blurred in order to create a vast, uncontrollable repressive state apparatus.



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