Interior Minister de Mazière wants a “German FBI”

Dietmar Henning
17 December 2010

Interior Minister Thomas de Maizière (Christian Democratic Union, CDU) wants to merge the Bundeskriminalamt (BKA, Federal Criminal Investigation Office) and the Bundespolizei (Federal Police Force) into a new security authority along the lines of the FBI (Federal Bureau of Investigation) in the United States.

The basis for de Maizière’s plans to create an “super” federal police force are the proposals made by an expert panel headed by the former chief of the intelligence service, Eckart Werthebach (Christian Democratic Union, CDU). The panel also includes the former Chief Federal Prosecutor Kay Nehm, the former BKA chief Ulrich Kersten and the former head of the Customs Criminal Office Karl-Heinz Matthias.

The so-called Werthebach Commission met in April to review the work of the federal security authorities and presented its 151-page report last week. The report favours uniting the BKA and the Bundespolizei under one roof. Such a model would end “conflicts” between competing authorities, Werthebach said in justification.

The report of his Commission also proposes to merge two special task forces, the Central Customs Support Group (ZUZ), which was founded in 1994 to combat organized transnational crime, and the counter-terrorism unit GSG 9.

Politicians from the CDU parliamentary group supported the plans for the merger of the BKA and Bundespolizei. “The minister has our support,” said the domestic policy spokesman Hans-Peter Uhl (CDU). The chair of the Committee on Internal Affairs Wolfgang Bosbach (CDU) spoke of “the greatest police reform in the post-war period.”

De Maizière said the proposals were “remarkable, convincing and worth pursuing.” He will decide in the spring whether to establish such a new authority. Contrary to the advice of the Commission, he wants a rapid merger rather than a more gradual process of combination.

The merger of the Bundespolizei and BKA into a new Federal Police Force is unconstitutional in two regards. At present, the constitution insists on the separation of police and secret service, and places responsibility for the police on the individual Bundesländer (states). A Federal Police Force with extensive powers would violate both principles, which were enshrined in the post-war constitution on the basis of the experiences with the Nazi Gestapo (Secret Police).

In a January 1998 decision, the Supreme Court highlighted that the Federal Border Guard and the BKA could not transformed into a federal police force in competition with the existing police. The establishment and management of police authorities are a core task of the states, the court found. The BKA and the Bundespolizei should, according to the judges, preserve their “character” as forces with limited responsibilities.

These constitutional provisions are the grounds why both de Maizière and Werthebach stress that the new authority would not be a “German FBI” and would not claim new powers. But in reality, their proposals run in precisely that direction.

In one passage in the report of the Werthebach Commission it states, “the (new) Bundespolizei could be active in almost all areas of crime fighting.” This is justified by the “global challenges of the future” that required “especially a flexible workforce.”

The interior minister is even contemplating a police authority whose powers go beyond those of the FBI. When asked why the new force would not follow the American model, de Maizière said, “The FBI is purely a criminal investigation force”.

Today’s Bundespolizei was created in 2005 on the initiative of the Social Democratic Party-Green Party government of Chancellor Gerhard Schroeder and Interior Minister Otto Schily (both SPD), out of the Federal Border Guard and the Railway Police. It reports to the

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interior ministry and has about 40,000 staff, including more than 30,000 fully trained police officers.

In addition to the original tasks of the Federal Border Guard, monitoring Germany's borders by land, sea and air, and the maintenance of rail transport, the Bundespolizei has taken over more and more domestic police duties. It is responsible for pursuing violent crime, theft and criminal damage in and around trains and railway lines. The aviation security law gives it control over civilian air traffic. In Berlin, it guards the buildings of federal bodies such as the Chancellery and the federal ministries.

But the purview and territorial jurisdiction of the Bundespolizei remains limited. By merging with the BKA, these restrictions would disappear. In cases involving alleged international terrorism, drugs and arms trafficking, as well as money laundering, the BKA already has full investigative powers throughout Germany. It also carries out intelligence tasks and coordinates the communications of the various police authorities. The BKA even provides bodyguards for the Chancellor, the President, the federal ministers and state guests. The BKA headquarters in Wiesbaden currently has 5,500 employees.

In the formation of the BKA by the old Nazi Paul Dickopf in the 1950s, the requirement for a separation between intelligence and police bodies was widely ignored. Dickopf wrote that his plan to build the BKA would not "bring anything new, but was the ideal solution to the future development of the police of 1936/37 to 1945." (Dieter Schlenk, "Auf dem rechten Auge blind—Die braunen Wurzeln des Bundeskriminalamts" ["Blind In the Right Eye—the Brown Roots of the Federal Criminal Investigation Office"] p. 144). Officials from the Secret Service transferred into the BKA and vice versa, and the databases of the two authorities were merged (until 1971).

The further development of the BKA and the Federal Border Guard and the Bundespolizei saw more and more democratic and constitutional principles being sacrificed to the security interests of the state. It is a "history of the continuous development of powers that began with the emergency laws of 1968", writes Heribert Prantl in the *Süddeutsche Zeitung*.

Especially in the 1970s, the powers and jurisdiction of the BKA were extended enormously under its then president Horst Herold, using the pretext of the fight against the terrorism of the Red Army Faction (RAF). After the terrorist attacks of 11 September 2001 in the US, the Federal Border Guard then expanded its operations, manpower and powers. Piece by piece, the BKA and Bundespolizei were granted new responsibilities and powers.

The Werthebach Commission claims the new federal police force would not receive any additional powers. The main objective of the restructuring are said to be the elimination of overlapping responsibilities, and savings. But according to Prantl, "The planners are relying on the normative force of facts. Once such a super police force is established, it will also take on new powers".

The creation of the new Bundespolizei establishes a huge, uncontrolled security apparatus, where the dividing lines are becoming increasingly blurred between foreign and domestic intelligence, between the intelligence service and police, between those responsible for criminal investigation and the ordinary police, between federal and state police. Nevertheless, Interior Minister de Maizière is convinced that the reform can be implemented without a constitutional amendment.

The real reason for the establishment of a German FBI is the tense social and political situation in Germany, the consequence of the continuing welfare cuts and the shifting of the cost of the bank rescue packages onto the backs of working people. Here too, the US serves as an example. Since 2001, with the Department of Homeland Security, a huge "national security apparatus" has arisen, which monitors and spies upon the majority of the populace.

This path is now being followed by the German ruling class, a class, which time and again, has proven that it will scuttle the democratic rights of the population in order to defend its wealth and privileges.

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