

# German government thwarts investigation of NSA scandal

Sven Heymanns  
3 May 2014

On the day of Chancellor Angela Merkel's trip to the US, the German government made clear that it would thwart any further investigation into the spying activities of America's National Security Agency (NSA).

While Merkel was being welcomed at the White House Friday by President Barack Obama, the Bundestag (parliamentary) Committee of Inquiry into the NSA received a government file on the questioning of whistle-blower Edward Snowden. Over 27 pages, the government made unmistakably clear that under no circumstances would it permit the questioning of Snowden on German soil, claiming it would endanger the "welfare of the state."

The *Süddeutsche Zeitung* cited the last draft of the document as saying that inviting the former NSA contractor would be inconsistent with "important political interests of the Federal Republic of Germany" and would permanently threaten its relationship with the United States. Cooperation between the German secret services and their US counterparts could be limited, "at least temporarily," as a result of Snowden appearing in Germany. On these grounds, the government brief concluded that "the interests of seeking clarity must yield to the welfare of the state."

This position is remarkable. It openly subordinates the interests of the people, whose personal lives are being spied on, to the interests of the state. The legal duty of the federal prosecutor to investigate the accusation of mass spying is simply brushed aside. As in a despotic regime, the criterion of "what is good for the state" is being elevated above the law and the Constitution.

It is within the powers of Federal Public Prosecutor Harald Range to seek legal proceedings against US agencies quite independently of the Bundestag

Committee of Inquiry into the NSA. However, as the *Süddeutsche* reported, it has been known for weeks in government circles that a stay on such proceedings has been prepared and Range has only to sign it.

The government's position goes even further. It is threatening parliamentary deputies seeking to invite Snowden to give testimony with legal consequences. This, according to a story in *Spiegel Online*, is based on a report by a Washington law firm warning the members of the Committee of Inquiry that they are putting themselves in legal jeopardy if they question Snowden, regardless whether the questioning takes place in Moscow, Berlin or anywhere else.

According to this report, the questioning itself is a punishable offence if the "main culprit"—a reference to Snowden—is prompted to disclose secret information. This could be regarded as the "theft of state property." It might even be considered a "conspiracy." The parliamentarians involved must reckon with the possibility of being arrested should they visit the US in the future. The American authorities, moreover, are "not bound" to recognize their parliamentary immunity, according to the *Spiegel Online* story.

This is the type of threat against elected members of parliament usually associated only with authoritarian dictatorships. It is an attempt to intimidate all those who are seeking to uncover the misdeeds of the secret services. The message is clear: those who oppose the interests of the state security apparatus will be dealt with harshly.

With its position on the questioning of Snowden, the German government is underscoring that, in the interests of preserving its strategic alliance with the United States, it accepts and supports Washington's spying activities.

Already in the wake of Snowden's initial revelations

last June, the German government showed it had no serious intention of pressing for a real clarification. Only when it became known that Chancellor Merkel's own mobile phone was being tapped did some government representatives express anger. There was talk about the German Secret Service needing to place the American and other embassies and facilities on German soil under observation. There were also demands for a no-spy agreement between the US and Germany.

Just a year later, such proposals have evaporated into thin air. The calls for even a token no-spy agreement have ended. A proposal for the observation of American facilities in Germany has lain untouched in the chancellor's in-box for months, according to the *Süddeutsche*. Even the promises by Obama that the chancellor's telephone will no longer be tapped are worthless, since the US secret services are listening in on the phones of her interlocutors.

The German government is impeding the investigation of the NSA affair because any further revelations would threaten its strategic interests. Instead, it is using its alliance with the US to build up its own position as a great power.

There are two major motives at work. On the one hand, Snowden's exposures have revealed the close collaboration between the German and American secret services. Germany's Foreign Intelligence Service (BND), Military Intelligence Agency (MAD) and domestic Secret Service daily exchange enormous quantities of data with their US counterparts. This collaboration makes it possible for them to avoid national legal restrictions. Both Germany and the US have no interest in limiting this cooperation in any way.

This was symbolized by the arrival several weeks ago of the first BND agents into the newly built Secret Service Headquarters in central Berlin. In Europe's largest office building, some 6,000 employees are at work spying on the world's population in close collaboration with their colleagues in other secret services.

On the other hand, the German government does not want to antagonize the US in the midst of their joint anti-Russian operation in Ukraine. In Kiev, the US and the EU under German leadership have brought a right-wing regime to power that rests openly on fascist forces. Their actions are a deliberate provocation

against Russia and have the potential to unleash a nuclear Third World War.

This offensive is part of Germany's new foreign policy, which has the declared aim of intervening sooner and more decisively in international conflicts in order to defend the interests of German imperialism on a world scale. As the chancellor said on her own web site in regard to her trip to the US, the United States and the EU are working "closely together in the Ukraine crisis." She added, "All measures are agreed between the partners."



To contact the WSW and the  
Socialist Equality Party visit:

**[wsws.org/contact](http://wsws.org/contact)**