

The return of the state secret police in Germany

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Last week's edition of *Der Spiegel* published over 50 NSA documents that had been handed to the media by former National Security Agency (NSA) contractor Edward Snowden last year. These top secret documents make clear the extent of the close collaboration between the US intelligence agency and the German foreign intelligence service (BND) and domestic intelligence agency (BfV).

They contradict the claims by leading officials in the security apparatus and the interior ministry that they were surprised and shocked over the extent of the NSA's activities in Germany. The *Spiegel* documents reveal that the BND and BfV, as well as ministerial representatives, were well informed about the capabilities and activities of the NSA.

Germany's intelligence agencies apparently even pressed for closer cooperation with the NSA. The BND and BfV used the NSA's spying activities on German territory to vastly expand their own operations and create a security apparatus that forms a state within the state and is free from any democratic control.

Der Spiegel wrote, "The documents paint a picture of an omnipotent American agency, which has developed increasingly close ties to German agencies over the past 13 years and at the same time massively expanded its presence." In the Federal Republic, there was "a secret NSA surveillance apparatus like in no other country in Europe", which was concerned "not only with the desire for security, but also the striving for total control." The NSA reported having a dozen active collection points in Germany in 2007.

In the opinion of *Der Spiegel*'s editors, the documents suggest that the intelligence gathered in Germany is used for the arrest or killing of alleged terrorists. "Does Germany therefore serve as a bridgehead for America's deadly operations against suspected terrorists?" the editors ask. "Do the CIA and American military use data collected by the NSA in Germany for their drone operations?" The NSA did not respond to questions from *Der Spiegel*, but the sole conclusion suggested by the facts is that the answer is "yes".

The NSA's activities exposed in the secret reports are

illegal under German law. "Is it conceivable that the German government knew nothing about these NSA activities on German territory?" *Der Spiegel* went on to ask, before answering, "hardly imaginable". The NSA had not only been active in Germany for decades, but it works in close consultation with the BND, which has its supervisory body in the chancellor's office.

In a document with the title "NSA's intelligence relationship with Germany", from January 17, 2013, the NSA describes the long-term collaboration with the BND, BfV and the federal office for IT Security (BSI). According to the document, the collaboration with the BND began as early as 1962 with "extensive analytical, operational and technical exchanges."

The document states, "NSA welcomed BND President [Gerhard] Schindler's eagerness to strengthen and expand bilateral cooperation." The German agencies had proven their own initiative and self-determination in the task of supporting America's requirements, to improve their own SIGINT capabilities and to increase the exchange of information.

SIGINT is the abbreviation for signals intelligence, meaning the securing of information through the interception of electronic data, such as the interception of satellite signals or the wiretapping of communication cables.

Die Zeit also reported in detail about the document, writing, "In it there are multi-clause sentences like 'NSA also has held several multilateral technical meetings with BND/BfV/NSA/CIA to introduce SIGDEV methodology and tradecraft to improve the BfV's ability to exploit, filter, and process domestic data accesses and potentially develop larger collection access points that could benefit both Germany and the US'."

The cooperation between US and German intelligence agencies went so far that the BND pressured the German government to loosen data protection in order that it could work more closely with the NSA, at least according to the American intelligence agency. The document states, "The German government modified its interpretation of the G-10

Privacy Law, protecting the communications of German citizens, to afford the BND more flexibility in sharing protected information with foreign partners.”

Under the “key issues” in the document, it states, “In May 2012, NSA turned over full responsibility of the FORNSAT collection mission to the BND, allowing NSA’s representational team to cultivate new cooperative opportunities with Germany.” FORNSAT stands for foreign satellite collection, i.e., surveillance.

In a secret report from 2007, the NSA wrote that the installation and integration of German systems had significantly improved the collection and development of high priority targets. The new or improved capabilities were, according to the document, automatic surveillance systems, meta-data collection, the processing of voiceover IPs, and metadata collections from mobile phone networks. To achieve this, NSA workers had taught their BND colleagues the theory and practice to improve their capabilities in network analysis.

In addition, the document referred to the DISHFIRE databank where the NSA holds data intercepted from SMS messages. The Joint SIGINT Activity (JSA), the NSA and BND’s joint technical intelligence operation, based in Bad Aibling, had opened up new data streams for the NSA’s databank. JSA sends 330,000 pieces of data from SMS messages daily to DISHFIRE.

The NSA’s illegal practices were therefore not only known to Germany’s security agencies. They were also directly involved in these surveillance operations. The BND, BSI, the Military Counter-Intelligence Service (MAD) and BfV exchange countless quantities of data on a daily basis with their US allies. Neither the US nor the German government has any interest in limiting this cooperation in any way. The new German government has done everything it can thus far to prevent the exposure of the NSA affair.

Nonetheless, they were forced to agree to the establishment of the NSA parliamentary investigative committee, and at the beginning of June general state prosecutor Harald Range was compelled to announce an investigation into the wiretapping of Chancellor Angela Merkel’s mobile phone.

The publication of the NSA documents, which have been in the possession of *Der Spiegel* for some time, comes in this context. In the media, business circles and sections of the political establishment, demands for more independence from the US and self-determination for the intelligence agencies have emerged.

This is not connected with stronger parliamentary control or a restriction of the surveillance apparatus. On the contrary, the criticism of NSA surveillance is linked with the call for a “strengthening of German defence” (*Die Ze* it

editor Josef Joffe).

This demand is symbolised by the transfer of the BND’s agents to a new centre in central Berlin this summer. In the largest office block in Europe, more than 4,000 agents will be tasked with spying on the world’s population in close collaboration with other intelligence agencies.

The strengthening of the BND and other intelligence agencies is connected with a wide-ranging restructuring of the entire security apparatus. Under the pretext of combating terrorism, the powers of the police and intelligence services have been vastly expanded over the past decade. In 2004, the joint centre for defence against terrorism (GTAZ) was established, which brought representatives of all Germany’s intelligence agencies under one roof.

In a specially erected building in Berlin Treptow, the BfV, BND, the federal criminal agency (BKA), the federal police, the MAD, the customs regulatory agency, the federal prosecutor, the federal office for immigration and refugees, as well as all 16 state surveillance agencies and criminal agencies cooperate closely. All of the authorities involved have access to the BKA’s “anti-terrorism database”.

The separation of police and intelligence services established in the German constitution, a key lesson drawn from the crimes committed during the Nazi dictatorship, has practically been eliminated. The structures of a police state, which views every citizen as a potential enemy of the state and spies on them, are becoming ever more visible.

This is apparent above all on the question of war. The German population has responded with overwhelming hostility to the announcement from President Joachim Gauck, Social Democrat Foreign Minister Frank-Walter Steinmeier, and Defence Minister Ursula Von der Leyen that Germany’s era of military restraint was over and that it would intervene independently and with self-confidence in crisis regions.

The government has not only responded to this opposition with a comprehensive propaganda campaign, but also by strengthening the security apparatus and building up state structures. The return of German militarism thus goes hand in hand with the construction of a police state with powers increasingly reminiscent of those possessed by the Gestapo under the Nazis.



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