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Germany's Hypocrisy on NSA Surveillance

The country has rallied around Snowden, but its government isn't innocent.

By David Francis



German Chancellor Angela Merkel doesn't appreciate having her cellphone targeted by the NSA, but it's not like her country isn't engaged in spying.

Photo by Antoine Antoniol/Getty Images

Many American allies are still seething over the steady stream of revelations about the depth and breadth of the National Security Agency's surveillance network. None is more upset than Germany.

German outrage was simmering even before reports in late October that the NSA had targeted German Chancellor Angela Merkel's cellphone. After, it boiled over. Merkel called President Obama to confront him over the spying. American officials were summoned to the Bundestag (the German parliament), and German intelligence came to the White House to complain. Wells of trust built up since the end of the Cold War quickly ran dry. And according to reports in a German newspaper this week, the spying continues: An anonymous NSA employee told the German publication *Bild am Sonntag* that the United States is now monitoring Merkel's advisers. Obama, who in 2008 was greeted as a hero by hundreds of thousands of people during his first European speech in Berlin, is now considered by many to be a villain.

On the other hand, a survey conducted by public broadcaster ARD and *Die Welt* newspaper shows that six out of 10 Germans consider Edward Snowden, the man responsible for opening the rift between their country and the United States, a hero. Only 14 percent believe Snowden is a criminal. He's met with Green politician Hans-Christian Ströbele, who passed a letter from Snowden to Merkel. Snowden has also offered to testify in front of German parliament on NSA security practices, an offer the Bundestag is still mulling over.

In the four months since the Merkel-cellphone dustup, Germany has taken a number of steps to better secure its data from the prying eyes of the NSA. Last week Merkel announced that she is backing proposals from German companies like Deutsche Telekom, which have offered to create data networks meant to keep Europe's data in Europe. Right now the majority of European data travels through American servers, making it susceptible to NSA surveillance. She also revealed plans to launch a broad counterespionage offensive against the United States and the United Kingdom.

"We will, above all, discuss which European providers we have who offer security for our citizens," Merkel said on her weekly podcast recently. "So that you don't have to go across the Atlantic with emails and other things, but can build up communications networks also within Europe."

Germany would like the world to believe in a simple narrative regarding privacy and surveillance: Unlike the NSA, Germany does not spy on its citizens, and it respects privacy rights.

But, like most things in Germany, it's more complicated than that. Germany does monitor citizens and foreign nationals living within its borders—it just does so quietly. German intelligence officials meet regularly with American counterparts and share information on domestic and international threats. Germany's domestic intelligence agency, the Bundesamt für Verfassungsschutz (Federal Office for the Protection of the Constitution), and its foreign intelligence agency, the Bundesnachrichtendienst (Federal Intelligence Service), then use this information to police extremist activities within their borders.

German security services keep their work quiet in large part because of German history. In the last century, Germans were subject to surveillance from two of the most ruthless groups in modern history: the Nazis and then the Stasi, the Soviet secret police in East Germany. One of the reasons Merkel was so incensed by being targeted by NSA surveillance is that she grew up under the Stasi's watch in East Germany. The fact that her American and British allies were doing the same thing made it all the more insulting—to her and to her compatriots.

Germans also have a conflicted relationship with war and threats to their homeland. When it comes to both, Germany is a nation with its collective blinders on. Germany is constitutionally prohibited from fighting an offensive war, yet its troops have been fighting and dying in Afghanistan for more than a decade. And despite the fact that polls show more than 50 percent of Germans view Islam as a threat to the German way of life, few approve of the surveillance methods used to stop extremism.

The most glaring fact that Germans ignore is how much their government works with the NSA. Reports last summer in *Der Spiegel*—ironically, the same magazine that published some of the first NSA-Snowden accusations—indicated that Germany and the NSA work closely, and that German intelligence services were eager and willing to work with the Americans. (You can read the details of the extent of cooperation [here](#).)

Jens Stomber is the NSA issues coordinator for the German Pirate Party, a group that's the equivalent of the American far left and has been gaining popularity across Europe. He thinks Merkel's heralded German data network plan is redundant. "The NSA has a cooperation with the German secret service, so they would get that data anyway by doing this cooperation. I don't think that they really care about what kind of network it is. So, they will simply collect and back data in the German network," Stomber told Russian radio after Merkel made her new proposal.

Merkel has denied any knowledge of cooperation with the NSA, and the German public lost interest in it. But this partnership is an open secret among German politicians and the European hacking community.

Last fall I met with Linus Neumann, Karsten Nohl, and Ben Schlabs, three white-hat hackers who work at Security Research Labs in Berlin. They said that German cooperation likely goes far beyond what's already been revealed.

"The German services are cooperating with NSA big-time," Neumann said. "I mean, they have weekly meetings a couple of miles from here. ... They do all kinds of surveillance on users as part of their daily work. So we basically have the same issues here." Neumann, who is German, said that he believes that his government also oversteps its authority. "Of course

Germany's also doing some kind of surveillance, and this surveillance is probably very intrusive and not constitutional," he said. (The German government did not respond to a request for comment.)

Neumann's claims are supported by revelations about U.S.-German intelligence collaboration. According to *Der Spiegel*, German intelligence agencies have been using a program called XKeyScore to collect metadata within Germany. Last April a high-ranking delegation of German intelligence officials met with officials from the NSA to discuss cooperation. The *Washington Post* reported that in 2008, German intelligence accidentally sent American intelligence 300 phone numbers of American citizens, raising suspicions that the numbers were being tapped. This, combined with Neumann's accusation, lends credence to the sentiment expressed by National Intelligence Director James Clapper when the Merkel-cellphone scandal broke: Everyone is doing it. The NSA is just better at it than anyone else.

Now, the German intelligence services could use the same justification for this surveillance as the NSA does: It stops terror attacks. And you can't argue with Germany's success on this front.

Unlike the United Kingdom and Spain—victims of large-scale post-9/11 terrorist plots in which dozens died—Germany has not been attacked. In fact, its security services have been quite effective at stopping attacks before they start. They've done it while grappling with an increasingly marginalized and growing Turkish immigrant population, a ripe breeding ground for extremism. (And remember: Some of the 9/11 hijackers plotted from the Al-Quds mosque in Hamburg before coming to the United States.) For instance, in 2007, German authorities, with assistance from the CIA, were able to stop a series of coordinated bombings by a homegrown extremist cell with ties to al-Qaida across Germany after the NSA intercepted emails from Pakistan to Germany. German police arrested 28-year-old Fritz Gelowicz and 22-year-old known only as Daniel S. Both were German nationals who had recently converted to Islam. Two other suspects were later arrested.

In 2011 German authorities arrested three people they claimed were connected to al-Qaida. Then-interior minister Hans-Peter Friedrich called these individuals a "concrete and imminent danger," adding, "this proves that Germany continues to be in the cross hairs of international terrorists, and we need to remain vigilant." A second group connected to al-Qaida was arrested later that same year. After the first of Snowden's revelations, Friedrich even credited NSA information with stopping five terror attacks within Germany. (He later backed off that claim, refusing to give a specific number to a parliamentary inquiry.)

But SRLabs' Neumann is skeptical about these claims. "I am not sure whether this surveillance has ... led to any success. Nobody knows. It may have, it may not have. And even if it [has], I'm not sure whether it is justified by that success," he said. "I firmly believe that this type of surveillance is a larger threat to democracy and society than a successful terrorist attack."

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