

# The German “Verfassungsschutzbericht”

A quantitative analysis of textual data

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## Introduction

The Federal Republic of Germany has chosen an unusual approach in the structure of its domestic intelligence services. Instead of having one agency, it has 17.

This is because, on par with the federal government, every German state maintains its own interior intelligence service.

These agencies are called „Landesamt für Verfassungsschutz“ on the state level, and „Bundesamt für Verfassungsschutz“ at the federal level. Their main objectives are the prevention of acts of terror, the observation of forces which are deemed antidemocratic or extremist, and counterespionage. They are, however, only allowed to collect information; arrests and comparable measures must be made by the police.

As a part of their work, these agencies have to release a report every year, called „Verfassungsschutzbericht“. In this report, they lay out which groups were subject to surveillance, and for which reason. In addition, the threat these groups pose is assessed.<sup>1</sup>

In recent years, the *Verfassungsschutz* has been subject to public scrutiny because of a perceived bias. In particular, the agency was accused of destroying evidence and turning a blind eye towards the extreme right.

To check if this claim could hold significance, the following research question has been formulated:

*„Considering both the statistics of politically motivated crime and the ‚Verfassungsschutzbericht‘ itself, is a statistically significant bias of the German ‚Verfassungsschutz‘ observable?“*

## Theoretical Background

The theoretical background is based on one assumption: The more politically motivated crime a certain group commits, the more the *Verfassungsschutz* should observe, and therefore mention that group in the *Verfassungsschutzbericht*. If the percentage of mentions and the percentage of politically motivated crime committed by that group were not to match by a wide margin, this could be an indicator of bias in the *Verfassungsschutz*.

Therefore, the h1-hypothesis would be: *“There is a disproportionate amount of mentions of one side of political extremism in the Verfassungsschutzbericht when compared to the statistics on politically motivated crime.”*

The h0-hypothesis assumes that politically motivated crime and mentions are proportional.

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<sup>1</sup> ‘Verfassungsschutz-bericht 2018’, Bundesamt für Verfassungsschutz, 30 September 2019, <https://www.verfassungsschutz.de/de/oeffentlichkeitsarbeit/publikationen/verfassungsschutzberichte/vsbericht-2018>.

## Methodology

### Data and Sources

The data used for the analysis is sourced from the publications by the 16 intelligence services on the state level, in addition to the report from the federal level. All of these publications were downloaded from the respective websites.

The dictionary used was constructed by the author, and is available on *github.com*. The link is available in the chapter “Literature”. Statistical programming was conducted in R.

The statistics on politically motivated crime were used to compare them with the findings from the reports.<sup>2</sup> They will be abbreviated with “Statistics on PMC” in this paper.

### Data Preparation and Computation

In all reports, the appendices were removed. These contain a list of banned political organisations, as well as -on occasion- the laws governing the agencies. The appendices were removed because they might impact the result in an unpredictable and unbalanced manner.

The reports by the *Verfassungsschutz* were loaded into a data matrix, then inserted into a corpus. This corpus was tokenized, punctuations and stopwords were removed.

Then, the individual tokens were looked up according to the dictionary. Two variables counted the number of mentions of the left and right side of the political spectrum. These variables were combined into a matrix and visualized with a simple plot.

The same procedure was applied a second time for all reports without the federal level, and a third time for only the federal level. This was done in order to generate additional data regarding the difference between the federal level and the state level, for two reasons:

*First*, federal and state level agencies could be governed by different political parties and interest and therefore have different interests;

*Second*, the federal report also serves as a summary of data from the state agencies. This summary could leave out important details for the sake of a more compact report.

The results of the mentions were then tested against the number of crimes committed on each side of the spectrum in a proportionality test.<sup>3</sup>

Finally, the corpus containing all reports was also separately segmented into sentences, and these sentences were analysed for keyness<sup>4</sup>; both for left- and right-wing mentions.

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<sup>2</sup> Bundesministerium des Inneren, für Bau und Heimat, ‘Politisch Motivierte Kriminalität Im Jahr 2018’, accessed 29 July 2020, [https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/2019/pmk-2018.pdf;jsessionid=C3F0BF017EFC53647D3A871F0062AAC7.2\\_cid373?\\_\\_blob=publicationFile&v=4](https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/2019/pmk-2018.pdf;jsessionid=C3F0BF017EFC53647D3A871F0062AAC7.2_cid373?__blob=publicationFile&v=4).

<sup>3</sup> 2-sample test for equality of proportions with continuity correction.

<sup>4</sup> The most frequent words used in connection with keywords from the dictionary

## Results

After running the R-script, the results were as follows:

The number of mentions in all reports, including the federal report, were 5353 mentions of left-wing extremism to 10568 mentions of right-wing extremism, totalling in a ratio of 1.97 (rounded). This is depicted in figure 1. The proportionality test against the statistics on PMC resulted in a p-value of less than  $2.2e-16$ , which is far below the significance level of 0.05 and therefore proves the  $H_1$ -hypothesis.

Without the federal report, the mentions were 4808 (left wing) to 9933 (right wing), the ratio amounted to 1: 2.07 (rounded). This is visualized in figure 2. A proportionality test was not possible because the amount of mentions was too small to be compared with the PMC statistics.

Considering only the federal report, left extremism was mentioned 596 times, right extremism 635 times. The rounded ratio was 1.07, which is remarkably distinct from the other levels of analysis mentioned before. A proportionality test was not possible for the same reason as mentioned above.

The result of the keyness-analysis as described in “Methodology” can be found in figures 4 and 5. Because they do not directly impact the hypothesis, they will be analysed further in the chapter “Interpretation”.

## Interpretation

Considering the results, a bias of the *Verfassungsschutz*, or at least the agency’s conception of the *Verfassungsschutzbericht*, seems likely.

This is proven by the statistically significant disproportionality of the overall number of words regarding the different sides of the political spectrum when compared to the statistic on politically motivated crime.

Strikingly, the report by the federal agency showed an almost equal number of mentions, even though the extreme right committed more than double the amount of PMC the extreme left did.

A further look into the statistics on PMC also revealed that right wing extremists committed more than double the amount of physical violence against people, including six attempted and one successful murder, compared to none on the left side of the spectrum. This raises questions about the focus of the agency, since it is also part of the German security apparatus; with one of its main objectives being the protection of the population.

The missing proportionality could be attributed to political leadership. Since 1982, the Federal Ministry of Interior -which is responsible for the *Verfassungsschutz* on federal level- was always led by a conservative CDU/CSU-politician, with the only exception being the seven years from 1998 to 2005.

The CDU/CSU has a remarkable anti-communist past<sup>5</sup>, but also shows continuity in that regard: In the February of 2020, its state association for Thuringia voted for a candidate also supported by the populist right-wing AfD, throwing state politics into a month-long crisis. The CDU had decided earlier to cooperate with neither extreme left nor extreme right<sup>6</sup>, but only upheld that decision for the extreme left.

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<sup>5</sup> Axel Schildt, ‘Kommunismus: Wer sich nicht entscheidet, ist Staatsfeind’, *Die Zeit*, 19 October 2015, sec. Wissen, <https://www.zeit.de/zeit-geschichte/2015/03/kommunismus-konrad-adenauer-antikommunismus-brd-propaganda>.

<sup>6</sup> CDU Deutschland, ‘Unsere Haltung zu Linkspartei und AfD’, 2 December 2020, [https://www.cdu.de/system/tdf/media/dokumente/cdu\\_deutschlands\\_unsere\\_haltung\\_zu\\_linkspartei\\_und\\_afd\\_0.pdf?file=1](https://www.cdu.de/system/tdf/media/dokumente/cdu_deutschlands_unsere_haltung_zu_linkspartei_und_afd_0.pdf?file=1).

Also, the same party's federal minister of the interior had decided to exercise surveillance over democratically elected politicians and parties in the past; a practice which was ruled unconstitutional.<sup>7</sup> Scholars have attacked this practice as well.<sup>8</sup>

It could be hypothesized that the CDU/CSU uses the *Verfassungsschutzbericht* (in parts) to portray political enemies in negative ways. However, this would need to be proven in a more comprehensive analysis.

When looking at the keyness-analysis, the bias of the *Verfassungsschutzbericht* becomes more evident: Out of the 20 words most significantly used in context with mentions of left extremism, 3 are related to violence either directly or implicitly. On the right, there is only one.<sup>9</sup>

On the other hand, 5 out of the 20 words for the extreme right have subculture as their subject. On the left, there was only one use of terms related to subculture. This could also point towards a different perception of both extremists' spectrums by the *Verfassungsschutz*.

Taking into account everything mentioned until now, both the current reporting practices and the ongoing expansion of competences – like the recent decision to allow that agency to use malware<sup>10</sup> – seem questionable, and reforms mandatory. These will be described in the next chapter.

## Conclusion

In conclusion, the *Verfassungsschutzbericht* exhibits a clear bias towards mentioning left extremism disproportionately often. Also, the quality of mentions implies a bias. Therefore, its current form needs to be revised.

One way to reduce bias would be external review: In this scenario, the *Verfassungsschutz* reports all important data to an independent institution, which then proceeds to write the *Verfassungsschutzbericht*. Unfortunately, this approach could not fix biased practices in the agency itself.

Therefore, the author proposes a more comprehensive effort: The institution which are tasked with parliamentary supervision of the intelligence agencies (*Bundestag* on federal level, *Landtag* on state level) should aim to create an independent investigatory commission tasked with supervising the individual decisions of the agencies in regard to political bias. Also, this commission could provide researchers with additional data. The author recognises the need to keep certain information regarding the work of intelligence agencies secret, so this commission would be rather small and bound by law to not spread highly classified information.

In addition, there should be a serious review of the current practices and permissions the *Verfassungsschutz* has, especially regarding the use of computer viruses and embedded agents. Also, any expansion of the current competences should be met with scepticism, since these do not seem to be used equally across the political spectrum.

Even without additional data, a long-term analysis of the *Verfassungsschutzbericht* would be an effective tool in identifying additional trends, as well as in acquiring more significant data.

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<sup>7</sup> Deutsche Welle (www.dw.com), 'Die Linke und der Verfassungsschutz – eine unendliche Geschichte | DW | 30.07.2019', DW.COM, accessed 29 July 2020, <https://www.dw.com/de/die-linke-und-der-verfassungsschutz-eine-unendliche-geschichte/a-49788214>.

<sup>8</sup> Eckhard Jesse, 'Ist die Beobachtung der Partei DIE LINKE durch den Verfassungsschutz rechters?', in *Verfassungsschutz: Reformperspektiven zwischen administrativer Effektivität und demokratischer Transparenz*, ed. Hans-Jürgen Lange and Jens Lanfer, Studien zur Inneren Sicherheit (Wiesbaden: Springer Fachmedien, 2016), 55–74, [https://doi.org/10.1007/978-3-658-09617-5\\_5](https://doi.org/10.1007/978-3-658-09617-5_5).

<sup>9</sup> See figure 4 and 5

<sup>10</sup> Markus Beckedahl, 'Verfassungsschutzgesetz - Keine Staatstrojaner für den Verfassungsschutz!', *netzpolitik.org* (blog), 8 June 2020, <https://netzpolitik.org/2020/keine-staatstrojaner-fuer-den-verfassungsschutz/>.

## Literature

All the files used in and created for this paper are available at

[https://github.com/Enklus/polcom\\_vsb](https://github.com/Enklus/polcom_vsb).

Additionally, the following documents were used:

- Beckedahl, Markus. 'Verfassungsschutzgesetz - Keine Staatstrojaner für den Verfassungsschutz!' *netzpolitik.org* (blog), 8 June 2020. <https://netzpolitik.org/2020/keine-staatstrojaner-fuer-den-verfassungsschutz/>.
- Bundesministerium des Inneren, für Bau und Heimat. 'Politisch Motivierte Kriminalität Im Jahr 2018'. Accessed 29 July 2020. [https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/2019/pmk-2018.pdf;jsessionid=C3F0BF017EFC53647D3A871F0062AAC7.2\\_cid373?\\_\\_blob=publicationFile&v=4](https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/2019/pmk-2018.pdf;jsessionid=C3F0BF017EFC53647D3A871F0062AAC7.2_cid373?__blob=publicationFile&v=4).
- CDU Deutschland. 'Unsere Haltung zu Linkspartei und AfD', 2 December 2020. [https://www.cdu.de/system/tdf/media/dokumente/cdu\\_deutschlands\\_unsere\\_haltung\\_zu\\_linkspartei\\_und\\_afd\\_0.pdf?file=1](https://www.cdu.de/system/tdf/media/dokumente/cdu_deutschlands_unsere_haltung_zu_linkspartei_und_afd_0.pdf?file=1).
- Jesse, Eckhard. 'Ist die Beobachtung der Partei DIE LINKE durch den Verfassungsschutz rechters?' In *Verfassungsschutz: Reformperspektiven zwischen administrativer Effektivität und demokratischer Transparenz*, edited by Hans-Jürgen Lange and Jens Lanfer, 55–74. Studien zur Inneren Sicherheit. Wiesbaden: Springer Fachmedien, 2016. [https://doi.org/10.1007/978-3-658-09617-5\\_5](https://doi.org/10.1007/978-3-658-09617-5_5).
- Schildt, Axel. 'Kommunismus: Wer sich nicht entscheidet, ist Staatsfeind'. *Die Zeit*. 19 October 2015, sec. Wissen. <https://www.zeit.de/zeit-geschichte/2015/03/kommunismus-konrad-adenauer-antikommunismus-brd-propaganda>.
- Bundesamt für Verfassungsschutz. 'Verfassungsschutz-bericht 2018', 30 September 2019. <https://www.verfassungsschutz.de/de/oeffentlichkeitsarbeit/publikationen/verfassungsschutzberichte/vsbericht-2018>.
- Welle (www.dw.com), Deutsche. 'Die Linke und der Verfassungsschutz – eine unendliche Geschichte | DW | 30.07.2019'. DW.COM. Accessed 29 July 2020. <https://www.dw.com/de/die-linke-und-der-verfassungsschutz-eine-unendliche-geschichte/a-49788214>.

Appendix

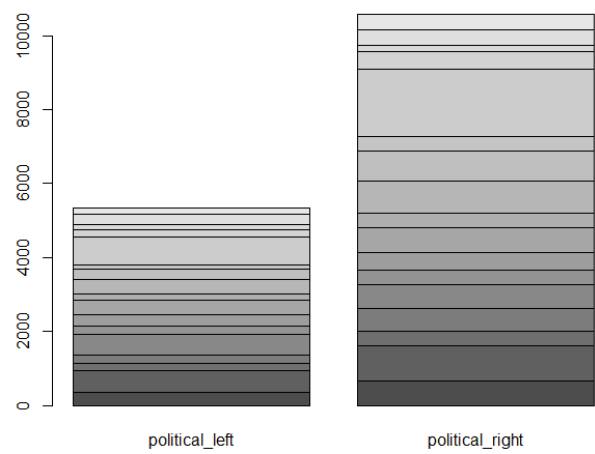


Figure 1: Overall mentions

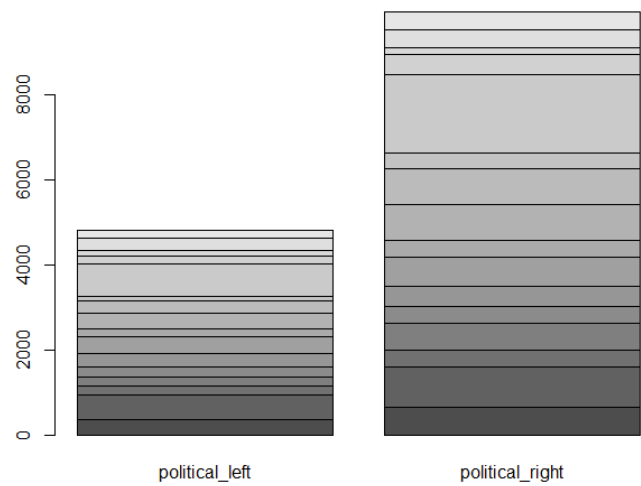


Figure 1: Mentions without federal

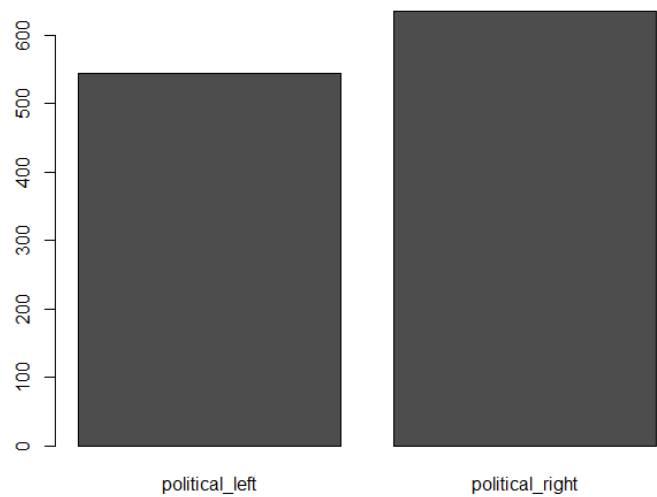


Figure 3: Only federal



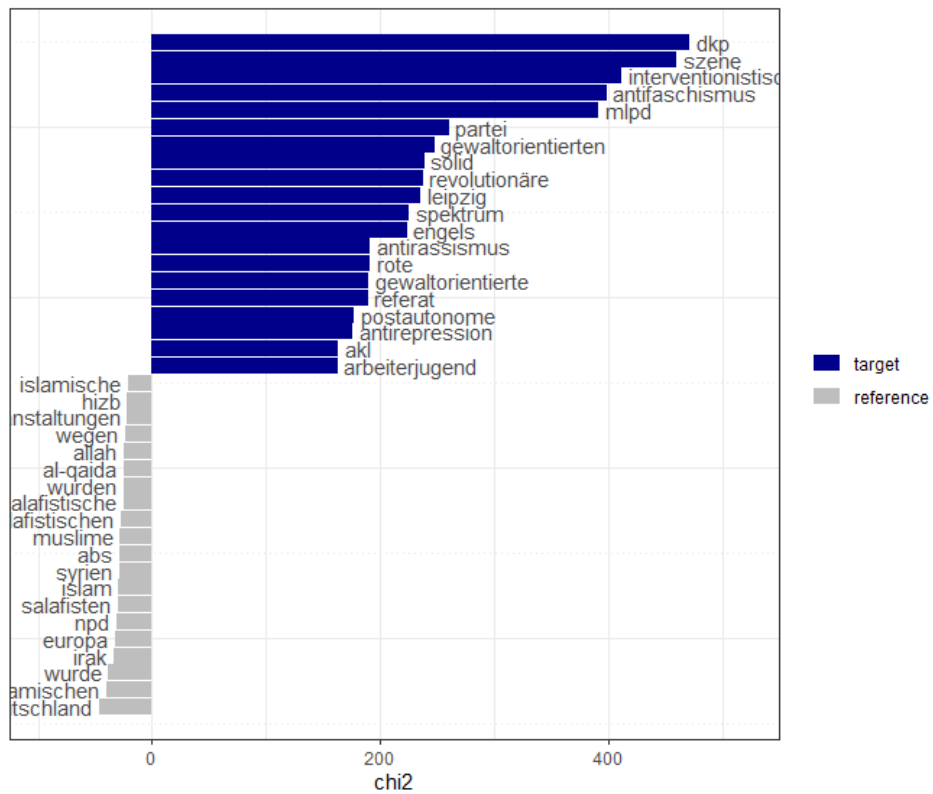


Figure 4: Most frequent contextual words - left wing-

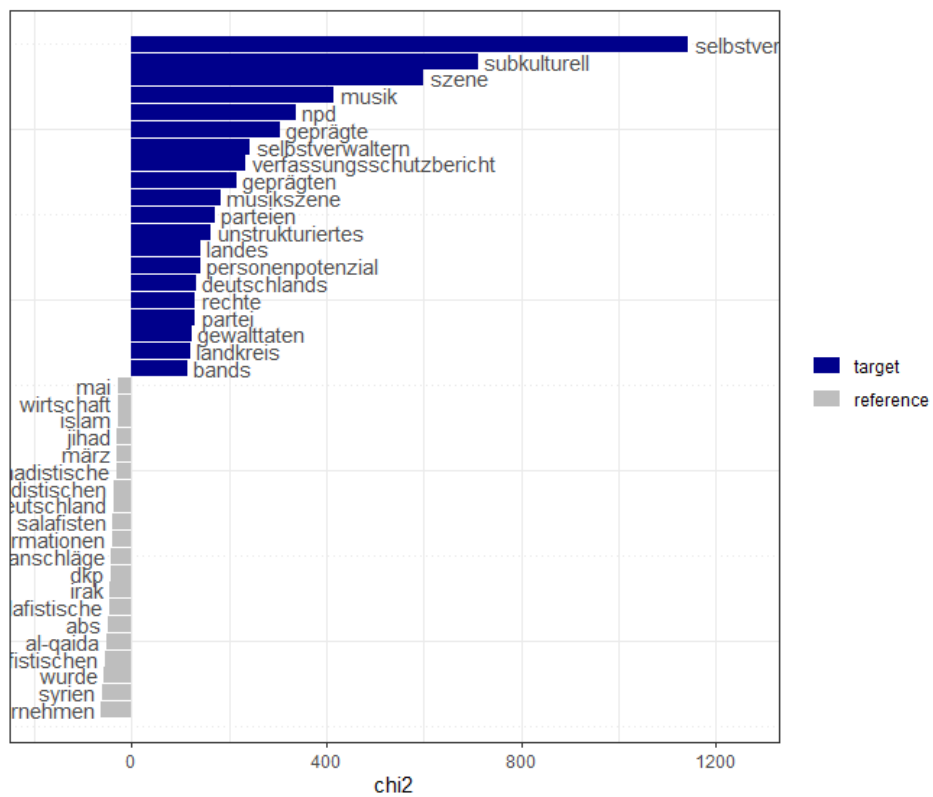


Figure 5: Most frequent contextual words - right wing-