



Written by [Joe Wolverton, II, J.D.](#) on March 30, 2010

Europol Granted Frightening Investigative Power

Her Majesty's subjects in the United Kingdom are now subject to the prying eyes and ears of a European intelligence agency with powers that rival Hitler's infamous Gestapo, the Cold War-era KGB, and its progeny the East German Stasi.

Europol (a portmanteau of the European Police Office) was formally instituted in 1993 under a provision of the Maastricht Treaty and it became fully functional as of July 1, 1999. The agency is the European Union's intelligence agency and as such conducts investigations across the 27 member states of the European Union.



Until recently Europol has operated essentially as an extension of the various national intelligence and law enforcement communities already handling police and intelligence duties throughout the EU. Furthermore, Europol's constitutional status made it more or less answerable (and practically subordinate) to the pre-existing national crime fighting and intelligence gathering organizations. No more. As of this year, the Hague has endowed Europol with the plenary powers of a full EU agency, with all the attendant rights and privileges.

A few of those privileges are particularly distressing to Britons. According to the terms of its new status as the "official" criminal intelligence-gathering branch of the EU government, "[Europol now benefits from increased powers](#) to collect criminal information and a wider field of competence in supporting investigations." Among these increased powers is the power to access the voluminous personal data stored on the computers of Scotland Yard if agents suspect a person may be participating in a "preparatory" act that may lead to criminal behavior.

As has been reported in [The New American](#), the database of information compiled and stored by the government of Prime Minister Gordon Brown is the most extensive in any developed nation. The database was established in 1995 and is the world's largest. It contains the DNA material of over five million Britons, a figure that represents 8 percent of the population of England and Wales. The recording system was initially developed, ostensibly, to aid the police in the investigation of crime scenes and function as a "vital crime-fighting tool" in tracking down elusive offenders.

Now, every byte of that very personal information is available to Europol, without regard for the national laws of the United Kingdom. The relevant data to which Europol now has unfettered access includes political affiliation, routine, places frequented, DNA, tax obligations, voiceprints, and sexual preference. In fine, everything stored on those massive mainframes is now firmly within the province of distant Europol investigators.

The standard for granting Europol access to the personal data of Britons is much different from that governing their own national law enforcement. According to terms of Title VI of the Maastricht Treaty, the Europol Convention, and the new directives, a mere suspicion of likely criminal behavior in the following vague areas will trigger Europol investigation: racism, environmental crime, xenophobia,



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computer fraud, and crimes against the environment.

You read that correctly, Europol can now extract “behavioral data” on any citizen of any member state that it suspects — rightly or wrongly — is likely participating in any of the above listed “serious crimes.”

Fears of the alienation of the right of freedom of speech are sweeping across the United Kingdom. The vagueness of the provisions governing the scope of Europol’s mandate is particularly threatening, as the power to monitor and investigate crimes against the environment might include the investigation and subsequent arrest of someone brave enough to question climate change, for example.

“I am horrified,” said Paul Nuttall, chairman of the UK Independence Party. “We thought [Prime Minister] Gordon Brown’s big brother state was bad enough but at least we are going to kick him out in May. These guys [Europol] we cannot sack until we leave the EU,” he continued.

Nuttall’s fears are echoed by James Welch, the legal affairs director of Liberty, a UK-based civil liberties watch dog. “We have huge concerns that Europol appears to have been given powers to hold very sensitive information and to investigate matters that aren’t even crimes in this country. Any extension of police powers at any level needs to be properly debated and scrutinised [sic],” he stated.

Welch and his crew are a day late and a pound short for expecting the oversight of EU police power according to the laws and customs of the people of the United Kingdom or their elected representatives in Parliament. Those days are over and will never return unless the UK leaves the EU. Despite the zeal for devolution that has recently flourished in the UK, the sort of devolution that would see the United Kingdom parting company with its continental cousins is a republican pipe dream.

Another insidious aspect of Europol’s recent graduation to full agency standing is the concomitant removal of oversight afforded member nations over its funding and staffing. As of now, Europol will enjoy absolute independence from all national governments and will receive financial support solely from the mother ship in Brussels and its strength and survival will depend on its EU masters and will not be subject to any check from vexed constituent states.

There is legitimate concern across the UK that the ill-defined boundaries of Europol powers will permit the incremental increase in the agency’s investigatory endeavors. There is a streak of independence an imperial mile wide in the United Kingdom and distrust and dislike of all things European is rampant. Many vocal critics of the European Union and the UK’s membership therein are fearful of the Gestapo-like might of Europol.

“There is a real danger,” warned Sean Gabb, director of the Libertarian Alliance, “that opposition to EU policies could make an individual liable to arrest. We now live in a pan-European state so it was to be expected that it would have a federal police force with power over us [Britons].”

May Americans take wary note of the relatively quick and surreptitious creation and subsequent expansion of the powers of a transnational police force with powers beyond those granted by the laws and constitutions of constituent countries. One need only survey the sad history of other nations across the Anglosphere to predict our own future if we do not steadfastly oppose entrance into any multinational pact with power and purview beyond the metes and bounds of the U.S. Constitution.

While it is certain that proponents of these trade associations and economic zones will highlight the narrow confines of their provinces, it is equally certain that if you give a globocrat an inch he will take a mile and what is merely economic today, will be totalitarian tomorrow. Just ask the United Kingdom.

Photo: Europol Building in The Hague



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