



Written by [Warren Mass](#) on January 25, 2016

## French President Criticized for Move to Renew State of Emergency

The office of French President Francois Hollande released a statement on January 22 that said Hollande will seek to renew the state of emergency his government imposed following the November 13 attacks in Paris that killed 130 people. Hollande will ask his Cabinet on February 3 to approve a draft law to extend the measures for another three months.



Following those deadly attacks by ISIS militants, the French government initiated stringent emergency measures, including an increased police presence, additional transportation security, heightened electronic surveillance, and — perhaps most significantly — the authority to raid premises without a warrant.

The statement from Hollande’s office was released echoed another by French Prime Minister Manuel Valls, who told the BBC at the World Economic Forum in Davos that France would “use all means” at its disposal to combat terrorism “until we can get rid of Daesh,” another name for the Islamic State.

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The Paris-based Agence France-Presse (AFP) news agency reported on January 24 that the current three-month state of emergency expires on February 26, and an extension of it would give the French government “time to adopt reforms to enshrine new security measures into the constitution.”

AFP quoted a statement from French Human Rights League (LDH) spokesman Patrice Spinozi, who said: “The political trap of a state of emergency is closing on the government [because] there will always be a good reason to keep” it in place.

The Paris-based news website The Local quoted a statement from Pierre Laurent, national secretary of the Communist Party, which it said was made following talks that Laurent had with Hollande at the Elysee Palace: “The president confirmed to us that several texts would be presented to cabinet on February 3, including for a three-month extension of the state of emergency.” It is perplexing as to why the French president should have shared such important information with the head of France’s Communist Party, considering the long history communists around the globe have had of supporting terrorism — including Islamic terrorism in the Middle East.

A January 25 report in South Africa’s *News 24* cited an open letter to Hollande published by Council of Europe Secretary General Thorbjorn Jagland on January 22, in which Jagland said he was concerned about France’s expanded executive powers and that they should be balanced with the protection of freedoms. “I would like to draw your attention to the risks that could result from the prerogatives conferred on the executive by the provisions that apply during the state of emergency if they are not



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accompanied by appropriate safeguards,” wrote Jagland.

The threat of terrorism is, of course, a worldwide one, and various governments have responded to the threat differently. A danger that is potentially even worse than the effects of terrorism, itself, however, is that authoritarian government officials will exploit the terrorist threat to increase the powers of government and limit freedom — all in the name of the “war on terror.”

We can look at our own government’s response to the terrorist attacks of September 1, 2001 as an example of how our government assumed a wide range of new powers in the name of national security. Congress rushed to pass legislation to strengthen security, but also centralized a great deal of power in Washington, when both houses passed the USA PATRIOT Act on October 24 and 25, 2001. President George W. Bush signed the act into law on October 27.

The PATRIOT Act was strongly opposed by only one senator, Russ Feingold (D-Wis.) who was the only senator to vote against the bill. Among the provisions of the act most often cited by its opponents were its authorization of indefinite detentions of immigrants; its authorization of law-enforcement officers to search a home or business without the owner’s or the occupant’s consent or knowledge; the expanded use of National Security Letters, allowing the FBI to search telephone, e-mail, and financial records without a court order; and the expanded access of law-enforcement agencies to business records, including library and financial records.

Another significant change in the structure of the federal government in response to the 9/11 attacks came with the passage of the Homeland Security Act of 2002 on November 25, 2002, which established the Department of Homeland Security. The act consolidated 22 U.S. executive branch organizations into a single Cabinet agency. An example was U.S. Customs, which was originally in the Treasury Department because its main function was to collect tariffs and catch smugglers attempting to evade paying the tariffs. It was divided into U.S. Customs and Border Protection and U.S. Immigrations and Customs Enforcement, both part of Homeland Security.

One of Homeland Security’s most visible (and intrusive) agencies is the Transportation Security Administration (TSA), those people who inspect travelers and their luggage — sometimes in an overly familiar manner — at every commercial airport in the land. Until the establishment of the TSA, most Americans had never witnessed such stringent personal inspections before boarding a form of transportation, except while watching old movies set in Nazi Germany in which soldiers barked at passengers: “Let me see your papers!”

Perhaps the biggest objections to the increased government powers that resulted from the PATRIOT Act were related to the government’s increased surveillance and collection of phone records.

With the passage of time, even the PATRIOT Act’s lead sponsor, Representative Jim Sensenbrenner (R-Wis.), who introduced the act in the House on October 23, 2001, developed severe reservations about how that legislation has been applied. “As the author of the Patriot Act, I am extremely troubled by the FBI’s interpretation of this legislation,” Sensenbrenner wrote to Attorney General Eric Holder on June 6, 2013. He continued: “The [FBI’s] broad application for phone records was made under the so-called business records provision of the Act. I do not believe the broadly drafted FISA [Foreign Intelligence Surveillance Court] order is consistent with the requirements of the Patriot Act. Seizing phone records of millions of innocent people is excessive and un-American.”

Because of these reservations, Sensenbrenner introduced a bill called the USA Freedom Act on April 28, and posted a message about the act on his website, claiming that it would end the bulk collection of



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Americans' communications records under Section 215 of the PATRIOT Act, and eliminate other abuses, as well.

The USA Freedom Act was passed by the House on May 13, the Senate on June 2, and signed into law that same day by President Obama — which should have signaled those concerned about the government's centralization of power that the act was not a remedy for the abuses.

Former Representative Ron Paul (R-Texas) voiced these objections to the legislation in an [article posted by \*The New American\* on May 5](#):

A look at the USA FREEDOM Act's details, as opposed to the press releases of its supporters, shows that the act leaves the government's mass surveillance powers virtually untouched.

The USA FREEDOM Act has about as much to do with freedom as the PATRIOT Act had to do with patriotism. If Congress truly wanted to protect our liberties it would pass the Surveillance State Repeal Act, which repeals the PATRIOT Act. Congress should also reverse the interventionist foreign policy that increases the risk of terrorism by fostering resentment and hatred of Americans.

When we asked John McManus, president emeritus of The John Birch Society, for his views on the restrictions imposed on personal freedom in both France and the United States in response to terrorism, he told us:

When he was a top aide for Barack Obama, Rahm Emanuel (now Chicago's mayor) stated, "A crisis is a terrible think to waste."

Those who seek more government, even total government, take advantage of crises whenever they occur — naturally or contrived. France is now experiencing what we in America have suffered when a crisis like 9/11 occurred. We have seen more intrusive government, just as France is now getting. French leaders aren't wasting their crisis.

History shows us that totalitarians have never wasted a crisis to increase their power and control. When a fire destroyed the German Reichstag (parliament) building in Berlin on February 27, 1933, the German legislature passed, and President Paul von Hindenburg signed, the Enabling Act of 1933. The act gave the German Cabinet — which for all practical purposes meant Chancellor Adolf Hitler — the power to enact laws without the consent of the Reichstag.

The tragic aftereffects of that consolidation of power — including World War II and the Holocaust — are now known to everyone.

Fortunately, the U.S. Constitution (especially our Bill of Rights) provides more ironclad protection against government's abuses of its citizens' rights than did the old Weimar Constitution governing Germany in 1933. But our Constitution will protect us only as long as we zealously safeguard it. That is one reason why *The New American* now prefers the term "constitutionalist," rather than "conservative" when describing the ideal statesmen to protect our freedom.

Photo of French police: [Maya-Anaïs Yataghène](#) from Paris, France

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