

French National Assembly Passes Draconian Electronic Surveillance Law

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The French National Assembly overwhelmingly passed the Intelligence Law on Tuesday, retroactively sanctioning mass spying carried out by the intelligence services. The reactionary and antidemocratic law formally sets up the surveillance infrastructure for a police state in France, allowing the government to collect data on the entire population.

All the parties of the political establishment supported the law, which was approved 438-86, with 42 abstentions. It was overwhelmingly backed by both the ruling Socialist Party (PS) and the conservative Union for a Popular Majority (UMP). Some Green and Left Party delegates voted against, secure in the knowledge that the law would pass overwhelmingly.

The Senate is due to begin examining the law on May 20 and is expected to approve it before the Constitutional Council examines it.

Prime Minister Manuel Valls (PS) personally appeared at the National Assembly to defend the bill. Admitting that “it is exceptionally rare for a prime minister to present a bill to the representatives of the nation,” he said that he was doing so “to insist on the law’s importance.”

During parliamentary debate last week, Valls sought to intimidate deputies critical of the bill by saying that they were refusing to “defend the Republic.” All but accusing opponents of the bill of treason, Valls declared that the decision to vote for or against the law would separate “those who have a sense for the state from those who sometimes do not.”

The French ruling class is seizing on the attacks on the anti-Islam *Charlie Hebdo* magazine in January to rapidly push through far-reaching measures. By voting for the law, the state is sanctioning powers that even supporters of the law admit were illegal, though broadly used. Last month, *Le Monde* wrote that “this text, which legalizes forty years of illegal practices by the secret services and tries to somewhat control them, was in the works for years.”

Thus, for years, the intelligence services have employed criminal practices to spy on everyone, without criticism from the parliament, which obeys the orders of the police and intelligence services. The law will now function to protect and offer legal cover to these same intelligence officials.

The law obliges Internet Service Providers to provide their clients’ data in real time. Electronic surveillance will be stepped up, with the mass collection of metadata. Cameras and microphones can also be exploited for spying purposes. Communications between two people in France, as well as communications between people in France and abroad, can be

recorded.

An automated national judicial file for perpetrators of terrorist violations will conserve these data for 20 years, and 10 years for minors. Prison officials will also have the right to use these techniques legalized by the bill, turning them into an extension of the intelligence services.

The law also legalizes the use of IMSI-Catchers—false cell phone towers that allow authorities to identify and track physical movements of any cell phone user near the device. Previously, the use of such devices was illegal under French law.

The current law breaks with legality by hiding and justifying illegal conduct taking place without the knowledge of the population. This will only encourage the intelligence services, which know that they are protected by the state, to break through the weak limits that the law unconvincingly claims to impose upon them.

In fact, the law gives the secret services virtually unlimited powers. The National Commission of Control for Intelligence Techniques (CNCTR) will be composed of six magistrates of the Council of State and of the Court of Cassation, of three deputies and three senators from the government and the opposition, and one “technical expert.” This body replaces the current National Commission for Control of Security Intercepts (CNCIS).

The CNCTR can give advisory opinions to approve more intrusive spying, but in urgent cases operational chiefs or even agents of the intelligence services can skip the formality of obtaining the CNCTR’s advice, with the authorization of the prime minister.

The CNCTR thus serves as a pseudo-democratic cover for mass surveillance by the secret services.

The vote for the intelligence law took place behind the back of the French people. Besides a few criticisms that substantial powers were being granted to the intelligence services, the vast political implications of the law were neither mentioned nor debated.

One of the few more substantial statements on the law came from UMP deputy Alain Marsaud who, though he supported it, admitted: “This law does not have enough built-in controls. The capacity for intrusion it grants is enormous. Our life will not be the same before and after it passes, because everything we say will be monitored. This law can allow the creation of a political police, the likes of which we have never seen.”

The passage of the intelligence law, which has been openly compared in the press to the USA Patriot Act, is a warning to the working class. The ruling class is breaking with democratic forms of rule. Following the model employed in all the major capitalist countries, France is responding to the growth of social antagonisms through mass spying and a wholesale assault on democratic rights.

The French ruling class is seeking to implement the illegal and unconstitutional methods perfected by the US National Security Agency, as exposed by Edward Snowden. The NSA collects and monitors the communications data of the American people and of billions of other people around the planet, outside of any democratic control.

The immense expansion of the powers of the spying apparatus is part of a general militarization of French society. After the January terrorist attacks on *Charlie Hebdo*, the

state has deployed 10,000 troops inside France itself.

The “war on terror” proclaimed by the Bush administration nearly 15 years ago was used by the American ruling class as the ideological framework for never ending war abroad and the destruction of democratic rights at home. It is now the modus operandi for country after country.

On Wednesday, a day after the vote in France, the Canadian House of Commons voted to approve the Anti-Terror Act, which gives the Canadian Security Intelligence Service and police vast new powers, including the ability to disrupt activity declared to endanger “national security” and engage in preventive arrests and detention without charges.

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