

Cheminade Strikes Back With Political Drive

by Our Paris Bureau

PARIS, March 14—The French Interior Ministry has intervened to deprive former Presidential candidate Jacques Cheminade of EU172,000 of the EU249,000 legally owed to him as reimbursement for his campaign expenses in last year's election campaign. The National Commission for Campaign Accounts and Political Finances (CNCCFP), which regulated the candidates' campaign expenses in 2012, had officially certified Cheminade's campaign accounts, and said he was entitled to receive the reimbursement of EU249,000. Nonetheless, before the money was delivered, the Interior Ministry intervened to collect the EU172,000 from that sum.

The Ministry claimed that it was seizing the funds as "compensation" for the EU150,000 advanced to Cheminade's 1995 Presidential campaign, plus EU22,000 in interest and fines for non-payment. This leaves the candidate with only EU77,000, an amount which is insufficient to allow him to pay back his campaign commitments to Solidarité et Progrès, the party he founded in 1996, and which had lent Cheminade most of the money he was able to invest in the campaign.

It is on the basis of the outrageous decision of the Constitutional Council's October 1995 decision that the funds are being withheld. At the time, the Council had decided to throw out Cheminade's account, allegedly because the candidate had taken no-interest loans from individuals, which the Council ruled had amounted to donations that were above the legally allowed amounts.

A Triple Scandal

The scandal is a triple one.

First, the French Civil Code says that loans can be *with or without interest*. Therefore, the Constitutional Council judges of 1995 did not take into account the

established law, when they ruled to deprive Cheminade of his legal rights.

Second, these judges had validated the campaign expense accounts of two other major Presidential candidates, former Prime Minister Edouard Balladur and former President Jacques Chirac, which they knew or suspected to be fraudulent. Balladur had illegally deposited close to 10 million French francs in cash into his campaign bank accounts without any credible justification. He, and his then-campaign manager Nicolas Sarkozy, are currently under investigation for this. It is suspected that this cash deposited in Balladur's accounts came from kickbacks for large state contracts involving the sale of frigates and submarines to Saudi Arabia (Sawari II contract) and Pakistan (Agosta contract). Cheminade had denounced this involvement of arms sales as early as 1996.

Third, Roland Dumas, François Mitterrand's former foreign affairs minister and then president of the Constitutional Council, on a France 2 TV broadcast on May 4, 2011, explaining the Council's 1995 decision against Cheminade, said that Chirac and Balladur had been "adroit" in the way they justified their accounts, and Cheminade was "not as adroit." If "being adroit" is a basis for a legal judgment, then there is no true state of law in France. Two judges from the 1995 Constitutional Council have since then publicly declared that they are ashamed of their behavior in 1995, admitting they had allowed themselves to be manipulated by Dumas.

How French Campaign Funding Works

To better understand the case, the following should be added. In France, the state reimburses the campaign expenses of all candidates, up to a ceiling which is determined in proportion to the vote obtained, and provided those expenses are finally certified and come from loans, not from donations. Cheminade, in both his campaigns in 1995 and in 2012, was the candidate whose spending had been by far the most modest. The other candidates, including the "official" extreme-left- and extreme-right-wing candidates, had been financed mainly by bank loans. Given that Cheminade has been championing a Glass-Steagall Act and a ban on speculative financial practices, no bank came forth with loans for his campaign. This is why, in his case, loans could only come from a political party, other forms of loans, by private per-



EIRNS/Julien Lemaître

Former French Presidential candidate Jacques Cheminade is fighting back against the illegal seizure of his campaign funds by the Interior Ministry. He is shown here outside the Constitutional Court in Paris, in March 2012.

sons or firms, being prohibited.

Now, the Interior Ministry, despite the fact that everybody in France knows what has just been said to be true, has decided to seize the funds owed to Cheminade from 2012, for his “mistake” of 1995. Eighteen years later, not taking into account that the process of the election of 2012 has nothing to do with that of 1995, and in disrespect of the principles inscribed in the Preamble of the French Constitution and the 1789 Declaration of the Rights of Man and of the Citizen.

Legally, the problem is that the decisions of the Constitutional Council—no matter how ignominious—cannot be appealed, as, for example, rulings by U.S. Supreme Court. Therefore, the Interior Ministry can claim to only “follow up.” Cheminade’s legal team has nonetheless questioned, if not the decision itself, the way the sums demanded from Cheminade had been collected. The campaign has also introduced a “QPC,” (priority question of constitutionality), challenging the constitutionality of the 1962 law as applied to Cheminade in 1995. This procedure was only recently adopted: Since 2006, the 1962 law has been changed to bring it into conformity with the right to appeal any decision, even of the Constitutional Coun-

cil when it makes a political decision, a principle from which Cheminade could not have benefitted in 1995.

A Two-Pronged Counterattack

The Interior Ministry decided to act even though there are these two juridical procedures ongoing, while the Administrative Court of Appeal, in charge of deciding those two cases, which was supposed to have made its decision before December 2012, continues to postpone its judgment.

Anybody in his right mind can smell the odors of a state scandal in this “affaire.” Many Deputies, Senators, and politically responsible

individuals have admitted so, privately and publicly, as in two cases before the French National Assembly and Senate!

Therefore, while the juridical counteroffensive obviously has to be maintained, the arena of the case is political. That is why Solidarité et Progrès has launched a two-pronged counterattack:

- 1) a drive to collect 20,000 contributions, to stop the party from being bankrupted;
- 2) a petition drive demanding that Interior Minister Manuel Valls withdraw his decision, which he is always empowered to do.

The drive is being run by the S&P [website](#) and newspaper *Nouvelle Solidarité*; the [petition](#) can be found on the [change.org](#) website.

The petition so far has gathered 1,500 signatures, including those of a number of mayors, and by well-known personalities, such as the son of the late Patrice Lumumba, the Republic of the Congo’s first elected President.

Solidarité et Progrès and Cheminade are now more visible and well-known in France than ever before. The target is to first collect tens of thousands of signatures from French citizens. A decision about an international mobilization will be taken in a later phase.