Stop Ashcroft's 'Himmler II' Bill—While You Still Can

by Lyndon H. LaRouche, Jr.

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Imagine!

The United States' war-machine invades Iraq. Baghdad is bombed simultaneously with thousands of cruise missiles. Violent anti-American demonstrations break out around the world. Bloody rioting threatens to topple several Middle Eastern governments. Then, a series of terrorist incidents hit U.S. facilities and personnel abroad. Television screens around the world brutalize the eyes of viewers with images of dead children in Baghdad. Around the world, the unrest and rioting builds up.

Imagine?

What will happen next? Imagine!

Attorney General John Ashcroft is on television to announce that the FBI has foiled a major terrorist plot inside the United States, a plot which he alleges would have killed thousands of Americans. He paints a picture of something on a scale equal to the Sept. 11, 2001 events. Ashcroft declares that U.S. law enforcement and intelligence agencies require strengthened powers to prevent terrorist attacks under these wartime conditions. Today the President will submit new emergency anti-terrorism legislation to Congress for immediate passage.

That evening, President Bush will address the nation, to demand that Congress immediately pass the "Domestic Security Enhancement Act of 2003," or members of Congress will be held accountable for the deaths of thousands of Americans, in attacks which he says terrorists are now planning on U.S. soil.

Panicked members of Congress will rush through the new anti-terrorist legislation. Only a handful of dissenting votes will resist. Most members have been too terrified to read the bill that they just passed. The new law gives sweeping new powers to the Justice Department and FBI, the same kinds of powers which Carl Schmitt's *Notverordnung* doctrine delivered to Adolf Hitler on Feb. 28, 1933. After that, the members of the Congress will never vote against any bill which Ashcroft demands.

The connection is not accidental. Attorney General Ashcroft was indoctrinated in this by disciples of Chicago University professor Leo Strauss, who owed his own career to that same Carl Schmitt. Ashcroft, like Vice President Dick Cheney, uses the exact same, Leo Strauss-copied arguments of Carl Schmitt, the same arguments which transformed Hitler into a dictator on Feb. 28, 1933. With the passage of that Act, the United States would have given rebirth to Nazi Heinrich Himmler's police-state/concentration-camp system inside the U.S.A. itself.

What 'Patriot II' Would Do

None of the above is fiction; it is real, and ready to go. For months, staffers in John Ashcroft's Justice Department have been drafting and putting the finishing touches on a sequel to the 2001 "USA/Patriot Act"—which has become known as "Patriot II," or better named "Heinrich Himmler II." When members of the Senate Judiciary Committee inquired as to rumors that a new anti-terrorism bill was being drafted, the Justice Department lied, denying that any such legislation was in preparation.

Don't be surprised! In January 2001, during the fight to block the confirmation of John Ashcroft as U.S. Attorney

General, Lyndon LaRouche warned that, under crisis conditions, Ashcroft would be used to force through dictatorial measures comparable to the 1933 Nazi emergency laws in Germany—the infamous *Notverordnungen.* LaRouche warned that it was not simply Ashcroft's role as head of the Justice Department that would be so dangerous, but his role as a leading member of a crisis-management team in the Administration as a whole.

That has been borne out, by, for example, Ashcroft's role in crafting the Pentagon's "enemy combatant" justification for holding terrorist suspects—including U.S. citizens—incommunicado in military custody, removing them from the jurisdiction of the civilian courts. Likewise, Ashcroft's role in the unwarranted spreading of panic and hysteria by the new Department of Homeland Security, as in Nazi Germany.

Ashcroft is aiming at you.

Don't think for a moment that the new powers being sought by Ashcroft are only aimed at foreign terrorists and immigrants. While the first, post-9/11 round of dragnets and secret detentions chiefly targetted Arabs and Muslims in the United States, the proposed "Patriot II" would give the Justice Department the power to wield those same powers against all U.S. citizens. For example:

1. It loosens the present requirements of the Foreign Intelligence Surveillance Act (FISA) pertaining to "national security" wiretaps and break-ins. Currently it is required that the target be shown to be an agent of a "foreign power" or organization. In the new bill, the definition of "foreign power" can include unaffiliated individuals who are *not* shown to be acting on behalf of a foreign government or international organization.

2. Individuals could be subject to FISA surveillance simply if they are suspected of gathering information for a foreign power; the existing requirement that the activities potentially violate Federal law, is eliminated.

3. Purely domestic activity could be the subject of secret "national security" investigation. A new category of domestic security, or domestic intelligence-gathering, is created, which allows secret surveillance; this includes "conspiratorial activities threatening the national security interest"—a category so incredibly broad that political activity could easily fall under it.

4. The standards for "pen registers" (obtaining a record of phone numbers called by an individual, and records of Internet-mail addresses used or websites visited by an individual) are enormously loosened, so that the target need not have any connection to terrorism. All that is necessary is that the target be used "to obtain foreign intelligence information."

5. An American citizen could be stripped of his citizenship and expatriated, if the Justice Department "infers" from his conduct that he is giving material support to an organization designated as "terrorist" by the government—even though the person believed he was supporting legitimate activity.

A lot more dangerous than Saddam Hussein: Attorney General John Ashcroft has denied to Congressmen the existence of "Patriot II" police-state prosecution legislation; but the bill's provisions are known, and war or terrorism may immediately be used to spring it on Congress.

Blanket of Secrecy Over the Law

The "Patriot II" bill would also wipe out some traditional due-process guarantees, invade personal privacy, and further throw a blanket of secrecy over legal proceedings:

1. The use of secret arrests and detentions, and the exemption of records of arrests and detentions from public disclosure, will be expanded.

2. In cases involving classified information, the use of *ex parte* and *in camera* proceedings—in which prosecutors can secretly submit information to the court—is allowed upon a prosecutor's request. Thus, an accused person or his lawyer is unable to challenge the goverment's information, because it is given to the judge in a closed, back-room proceeding.

3. The use of so-called "Administrative Subpoenas" and "National Security Letters," allowing the government to obtain financial and other types of records without a court order, will be expanded, and disclosure of such a non-court subpoena is prohibited.

4. Presently, a person receiving a grand jury subpoena and testifying before a grand jury is permitted to publicly discuss the fact that he has been subpoenaed, and what happened in the grand jury. The new bill would gag such witnesses, and prohibit them from responding to false information or smears leaked to the press by prosecutors—a common occurence. A witness could not talk to his family, friends, news media, or even his Congressman.

5. The new law will instantaneously wipe out a number of court orders limiting spying and surveillance of political activity, which were the result of lawsuits arising out of unconstitutional, "Cointelpro"-type police and FBI programs in the 1960s and 1970s.

Ashcroft's Indoctrination

Do you wish to see into the strange mind of Attorney General Ashcroft? What ticks there? Look at the late Chicago University's leading fascist ideologue, Ashcroft's Professor Leo Strauss.

The state of mind behind such proposals, is indicated by the following background, here presented only in bare outline.[1] Recent news stories in Germany and the U.S.A. named John Ashcroft as one of a number of prominent protégés of the late philosopher Leo Strauss. Others named were: now-Deputy Defense Secretary Paul Wolfowitz (a leading advocate of war against Iraq for the past 12 years); Supreme Court Justice Clarence Thomas; neo-conservative warhawk William Kristol of the *Weekly Standard;* former Secretary of Education William Bennett; and *National Review* publisher William Buckley.

Although Strauss was nominally a Jewish refugee from Nazi Germany, he was actually one of a network of Frankfurt School Jews, such as Theodor Adorno and Hannah Arendt, who, lacking the prerequisites of a Nazi Party card, left to spread their decadent philosophy against the United States which they hated as "The New Weimar." Strauss came to the United States in the 1930s under the personal sponsorship of Carl Schmitt, the "Crown Jurist of the Third Reich," who provided the legal rationales for the devolution of Weimar Germany into the dictatorial Nazi state.

Strauss, in his long academic career in the United States, never abandoned his fealty to the three most notorious shapers of the Nazi philosophy: Friedrich Nietzsche, Martin Heidegger, and Schmitt. Carl Schmitt, in his 1932 book *The Concept of the Political,* contended—as do the Straussians today—that it is essential to define an "enemy" for the population to fight; only a belief in a mortal enemy can unify the population, and invest a regime with meaning. Today, for John Ashcroft, not only do the "terrorists" constitute that required enemy; but also, those who complain about his police-state methods.

Recall Ashcroft's statement during a Senate hearing in December 2001: "To those who scare peace-loving people with phantoms of lost liberty, my message is this: Your tactics only aid terrorists, for they erode our national unity and diminish our resolve. They give ammunition to America's enemies."

Ashcroft's "Himmler II" legislation would give draconian, Gestapo-type powers to the Justice Department, to deal with those whom the Attorney General defines as giving aid to terrorists by opposing the Administration's war drive, or by complaining of "lost liberty."

While you are still a citizen, make the Congress stop him, now!

1. For more background, see articles recently posted on www.larouchein2004.org and www.larouchepub.com.

Can Bush, Rumsfeld Be Tried for War Crimes?

by Edward Spannaus

What the United States did, on the evening of March 19, in launching an imperial, "preventive" war on Iraq, is unquestionably in violation of the Charter of the United Nations and other agreements by which the United States of America, as a signatory, is bound. Indeed, UN Secretary General Kofi Annan repeatedly stated in the days leading up to the U.S. attack, that a unilateral attack by the United States on Iraq would be a violation of the UN Charter.

Were the unlawful actions of the United States to stand as a precedent, the United Nations, which America was instrumental in initiating and founding at the end of the Second World War as a means for preventing war, would lie in shambles, and relations among nations would be reduced to a Hobbesian "war of each against all" in which raw power, not morality or legality, would be the only currency. With the UN unable to protect smaller nations from the U.S. superpower, countries are less likely to bring disputes to the UN Security Council; and, drawing the obvious lesson in the contrasting U.S. treatment of Iraq and North Korea, they will see the acquisition of nuclear weapons as the only means of deterring the United States and getting respect.

The Bush Administration is obviously well aware that this war has no basis in legality. The legal justifications being cynically offered by the Administration are so transparently fraudulent, and rejected by most of the world, that its spokesmen can only be hoping that most citizens will not get behind the headlines and the sound-bites; above all, that they will not act as real citizens, taking personal responsibility for the fate and future of the nation.

The White House Legal Brief

At the March 13 White House press briefing, for example, spokesman Ari Fleischer was asked about the legality of the war, and responded by reading a prepared legal opinion, apparently coming from the State Department Legal Adviser.

Fleischer first read: "The United Nations Security Council Resolution 678 authorized use of all necessary means to uphold United Nations Security Council Resolution 660 and subsequent resolutions and to restore international peace and security in the area. That was the basis for the use of force against Iraq during the Gulf War." (In fact, Resolution 678 authorized the use of force only for the purpose of expelling