

## Dems Must Follow LaRouche's Lead, Sink Alito Nomination

by Jeffrey Steinberg

On Jan. 19, Attorney General Alberto Gonzales issued a 42-page unclassified legal opinion defending the Bush Administration's indefensible illegal spying on Americans. The Gonzales document represented one of the most radical and Sophistic assertions of the Carl Schmitt doctrine of unbridled Presidential dictatorship—otherwise known as the *Führerprinzip*—claiming that the President's authority as Commander-in-Chief allows him to take actions which are “beyond Congress' ability to regulate,” and “affords the President, at minimum, the discretion to employ the traditional incidents of the use of military force,” including the full range of National Security Agency (NSA) capabilities to conduct domestic spying.

Informed of the Gonzales document, Lyndon LaRouche declared: “This proves the case. This document, probably dictated by Vice President Dick Cheney and his chief of staff and general counsel David Addington, simply confirms that this Administration is in the hands of a fascist cabal. Nobody who is concerned and thinking clearly can, in their right mind, support the nomination of Samuel Alito to the United States Supreme Court under these conditions.” LaRouche pondered, “Is President Bush prepared to ask for the resignation of his Attorney General, over this flagrant violation of the spirit and letter of the U.S. Constitution?”

LaRouche had earlier suggested that, given time, the Cheney cabal would respond to the growing opposition to the Alito nomination with some arrogant “flight forward” act, which would highlight just how dangerous the Alito nomination was to the survival of the Republic. Not only did the Gonzales memo, released to Senate Majority Leader Bill Frist (R-Tenn.) and Minority Leader Harry Reid (D-Nev.), publicly display precisely such arrogance. The very day that the Gonzales document was being released, Vice President Che-

ney travelled to New York City, to deliver a speech at the Mont Pelerin Society-linked Manhattan Institute for Policy Research, in which he defiantly defended the NSA spying and lied that “the activities conducted under this authorization have helped us to detect and prevent possible terrorist attacks against the American people. As such, this program is critical to the national security of the United States. . . . These actions are within the President's authority and responsibility under the Constitution and laws, and these actions are vital to our security.”

Cheney's speech in New York, and the public release of the “in your face” Gonzales memo, kicked off an all-out White House drive to break resistance to their drive for fascist dictatorship and ram through the Alito nomination. President Bush scheduled a visit to the National Security Agency, and Gen. Michael Hayden, the former NSA Director, who is now the Deputy Director of National Intelligence under John Negroponte, and Attorney General Gonzales all scheduled high-profile Washington speaking appearances on the eve of the Senate Judiciary Committee vote on Alito.

### A Nazi Majority on the Court

The same day that Cheney was ranting in Manhattan, LaRouche was interviewed on Wisconsin Public Radio by host Duke Skorich. LaRouche used the occasion to spell out again, as he did in a Jan. 11, 2006 international webcast from Washington, D.C., why the Alito nomination must be defeated, and why he now worries that some Democrats may cave in, in the face of the greatest threat to the U.S. Constitution in generations:

“We have a group in the United States,” he warned, “which was organized around the University of Chicago—some years ago, in the early '80s—which is called the Feder-



White House photo/Eric Draper

*Judge Samuel Alito with President Bush at the Oval Office on Jan. 9, before the hearings at the Senate Judiciary Committee were set to begin. Defeating Alito's nomination, said LaRouche, is "the test of whether the nation has the moral fitness to survive."*

alist Society, which is sort of an insult to the founders of the nation. But, the Federalist Society was organized around the ideas of a leading Nazi figure, Carl Schmitt, who was the man who crafted the law, the legal decision which both allowed Hitler to become a dictator, instead of just a Chancellor; and which later authorized, and endorsed the murders of people, such as the former Chancellor and some other people, by Hitler's forces—their actual murder.

"Now, this idea, which they call here—they're calling it the 'unitary executive' and other things—is simply the same policy that Carl Schmitt used to bring the Nazis into dictatorial powers, in 1933 actually, in February 1933, in Germany. And Hitler stayed a dictator until 1945, until he was dead. So, this kind of thing is being brought into the United States at this time."

### The Democrats' Response

"Now," LaRouche continued, "what you have is, you have a problem in the Congress: The Democrats are putting up a show on this thing, but it's not—at the present time, it's not too clear cut. They're going to the mat and saying they're against Alito, they're asking questions. But, here's a guy, Alito, who's lying his head off about what his policies are—he's really playing kabuki theater, with the Congress—and the leaders know it. But they also know that a number of the members of the Congress are soft-shoeing it on this one, that they're going to go through the motions of protesting against

Alito, but then, reluctantly confirm him, when it comes down the line.

"The problem is, if you have five people on the Supreme Court, out of nine, who are part of the Federalist Society, or supporters of the Federalist Society, you have a potential Nazi coup, coup d'état, any time Cheney wants to pull it inside the United States. This is something which I'm fighting, and some others are fighting—I think Harry Reid, the Democratic Leader in the Senate, there's no question, is fighting this. But around him, there's a certain amount of softness.

"Many of these Democrats coming back to the Senate from their vacation, their year-end affairs, are not clear. They're also being muscled by the Republicans who threaten them, that if they are fussy, that they'll lose the next re-election, or things like that. Some of the Democratic Party people are soft-shoeing it: They don't realize that this is one of those times, you don't play games; you don't 'go along to get along.' This is one of the times, when, really as a matter of principle, you stand up to the principle and say, 'We're not going to have a Nazi organization, or a pro-Nazi organization, so declared, controlling the U.S. Supreme Court.' And that's the issue."

LaRouche continued, in response to a followup question about the Senate Judiciary Committee confirmation hearings:

"The problem is, is that—you know, they went with Harriet Miers; the Democrats made an agreement with the Republicans and with the White House: They said, 'Okay, we'll pad the approval of Roberts, but don't shove something on us we can't support, the next time.' Now, Harriet Miers was not a source of objections from the Democrats. But then, they [the Administration] dumped Miers, and brought in Alito, who is objectionable. But then, you have some Democrats who really are a little bit soft. And they don't understand, clearly—maybe, they don't wish to understand, in some cases—but they don't understand, clearly, what we're up against: We're up against the potentiality, which is coming out of the international financial crisis, that somebody's going to try to do what they did in the 1930s! Set up dictatorship. Because, they *don't want* democratic processes interfering with what dictators want to do with the economy, and with other things.

"You have this pressure on Iran, the question on Syria, so forth—more wars, more wars! And the fear we have in Washington, is that, were Alito confirmed, that Cheney and company would push ahead, we'd get those 'more wars' which are now waiting for us, in Syria, in Iran, and so forth. It's an extremely dangerous situation, particularly as today, and yesterday, you have this crisis on the Japan stock market. Which could be—that is, 'could be'—these things are not so simple, you can say 'yes' or 'no'—but it could be the trigger that could set off a world financial collapse."

### Filibuster!

As LaRouche noted, some leading Senate Democrats are committed to an all-out battle to defeat the Alito nomination by filibuster. On Jan. 18, one week after the LaRouche web-

cast kicked off a nationwide drive to sink Alito, Senate Democrats caucused for the first time since the holiday recess. Following the strategy session, a number of Senate Democrats, led by Leader Reid; Richard Durbin (Ill.); Patrick Leahy (Vt.), the ranking Democrat on the Senate Judiciary Committee; and Edward Kennedy (Mass.), delivered a series of coordinated public statements, all rejecting the Alito nomination, and zeroing in on precisely the “unitary executive” and Federalist Society issues that LaRouche had highlighted.

In a press conference on Jan. 19, Senator Durbin directly addressed the central issue of a Democratic filibuster: “A week ago, I would have told you it’s not likely to happen,” Durbin said. “As of now, I just can’t rule it out. I was surprised by the intensity of feeling of some of my colleagues. It’s a matter of counting. We have 45 Democrats, counting [Independent] Jim Jeffords, on our side. We could sustain a filibuster if 41 Senators . . . are willing to stand and fight.

“We’re asking Senators where they stand,” he continued. “When it reaches a critical moment when five Senators have said they oppose a filibuster, it’s off the table. It’s not going to happen. But if it doesn’t reach that moment, then we’ll sit down and have that conversation.”

“That conversation” not only must occur. If the republic is to survive the Cheney-led drive for dictatorship, all Democrats, along with those Republicans who cherish the Constitution more than they fear Cheney, must defeat the Alito nomination by an up-or-down vote or a filibuster. LaRouche called it “the test of whether the nation has the moral fitness to survive.”

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## Documentation

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### Legislators Go on Record Against Alito Nomination

*Missouri State Rep. Juanita Head Walton (D-81), joined by a group of other legislators and elected officials, issued the following statement on Jan. 19, 2006:*

We call upon the Senate of the United States to reject the nomination of Federal Judge Samuel Alito to the Supreme Court. If need be, we call upon the Senate to conduct a filibuster to block his nomination. Mr. Alito is unfit to be a member of our nation’s highest court in these “times that try men’s souls.”

Mr. Alito’s views on race and women’s rights are antagonistic to both the highest value of this nation, and to already existing Supreme Court rulings that guarantee protection of these basic constitutional rights.



EIRNS/James Cameron

*Missouri State Rep. Juanita Walton is organizing state legislators and other officials to demand that the U.S. Senate reject Alito’s nomination.*

Mr. Alito further disqualifies himself with his egregious support of the views of the Federalist Society, an institution with which he is publicly identified. The Federalist Society was created twenty years ago under the direct influence of ideas promulgated by Carl Schmitt, the Crown Jurist of the Nazi regime.

Mr. Alito openly supports the idea of the “unitary executive,” which is the core dogma of the Federalist Society. This idea was originally known as the “Fuehrerprinzip” under the Hitler regime, and stated that the head of state can assert absolute power during periods of so-called emergency. The policies of the executive do not have to withstand the scrutiny of the Congress or the Supreme Court, and simply are the law. This policy has already been adopted wholesale by the Bush/Cheney Administration with their promotion of NSA spying, torture, and other abhorrent policies typical of dictatorships. This has brought our nation to the brink of totalitarian rule.

We stand with Democratic leader Lyndon LaRouche and others who denounce this policy and Mr. Alito. At a recent meeting in Washington, Mr. LaRouche challenged the Senate to reject Mr. Alito’s confirmation. “I see strong men and women I’ve regarded as strong, in the Senate—flinching! When the issue is: Are you willing to defend this nation from a takeover by Nazism? The issue is not opinion, the issue is Hitler. And we can’t have him here. Will they capitulate and let this Alito pass? If they do, the existence of this nation is in jeopardy. Everything hangs on it.”