

Federalist Society Infiltrates Germany

by Rainer Apel and Anton Chaitkin

A leading German politician, spotted carrying around a copy of Adolf Hitler's *Mein Kampf* in public, maybe even in the national parliament—could that be possible in the Germany of today? Or, a leading legal expert, even a member of the German Supreme Court, walking around with a copy of Nazi “crown jurist” Carl Schmitt's writings on the infamous 1935 Nuremberg racial laws? Could that happen, 61 years after the end of the Third Reich, after six decades of an official ban on Nazi writings?

Well, there are people at work who apparently want Germany to develop in this direction. And, there are still many adherents of Schmitt in Germany, also in establishment media like the Frankfurt bankers' daily mouthpiece, the *Frankfurter Allgemeine Zeitung*, which frequently runs articles and commentaries on Schmitt—both critical and apologetic. It was in that Frankfurt daily, that readers were informed in a one-page article on Dec. 14, 2006, that the Federalist Society, a bridgehead of the American neo-cons, plans establishing a branch in Germany. Branches already exist in London, Paris, and Brussels. According to the article, the chief promoter of the Society's plan to establish a foothold in Germany, is the U.S. attorney John P. Schmitz. The Society's pet project, the “unitary executive” principle, already in practice for some time in the Bush-Cheney Administration, resembles the Nazis' *Führerprinzip* (leader principle), which Carl Schmitt played a key role in formulating, which states that the leader reigns above all law.

John P. Schmitz is the man who recruited his “old friend” Friedrich Merz, a former deputy chairman of the Christian Democrats' group in the German national parliament, into the international law firm Mayer, Brown, Rowe & Maw (which Schmitz works for). Merz, one of the most hard-line German neo-cons, made headlines in 2005, when he tried (but failed, fortunately) to arrange the hostile takeover of the German stock exchange in Frankfurt/Main, by the British hedge fund TCI.

With Schmitz, one gets into a really nasty political neighborhood: He was deputy counsel, under C. Boyden Grey, to then-Vice President George H.W. Bush, playing a role in the defense of the elder Bush in the Iran-Contra scandal. Schmitz is married to a sister of Jeb Bush's wife, Columba. John Schmitz and his brother Joseph E. Schmitz are both longtime



U.S. attorney John P. Schmitz (left) is the chief promoter of the Federalist Society's plan to establish a foothold in Germany, to promote the judicial program of the Nazi crown jurist Carl Schmitt.

leaders of the Federalist Society, in affiliation with the ultra-right Catholic networks around Supreme Court Justice Antonin Scalia and right-wing journalist William F. Buckley.

John Schmitz was himself a law clerk to Scalia. His brother Joseph was a former law clerk to Judge James Buckley (William F.'s brother) and a member of the Sovereign Military Order of Malta; he is currently chief of operations for the parent company of Blackwater, the giant mercenary firm founded by the religious-right billionaire Erik Prince. In 2001, Joseph Schmitz was Inspector General at the Pentagon under Donald Rumsfeld, before going to Blackwater.

The Schmitz brothers' father, John G. Schmitz, was a Congressman from Orange County, California, a notorious far-right figure, and the 1972 American Independent Party Presidential candidate, who died in 2001. The senior Schmitz told a TV interviewer in 1982 that it might be time for a military coup in the United States, like Gen. Augusto Pinochet's coup in Chile. His friend, columnist Joseph Sobran, quoted Representative Schmitz saying "there is nothing wrong with the Jesuits that a good Inquisition wouldn't cure."

Christendom College

In 1966, John G. Schmitz hired as an aide the radical rightist Warren Carroll, who had been active in neo-fascist anti-Kennedy circles in Dallas, Texas. Schmitz counselled the "deist" Carroll in religion, converting him to Catholicism and serving as Carroll's godfather. Carroll went on to found Christendom College in Front Royal, Virginia—a center for Carlist, pro-Franco Catholic fascist networks associated with the Buckley family (see *EIR*, April 19, 2002). Warren Carroll gave the eulogy at John G. Schmitz's funeral in 2001, and the Schmitz family (including Federalist Society brothers John P. and Joseph E.) asked that donations be made in their father's name to Christendom College.

John P. Schmitz is a longtime leader and board member of the Aspen Institute Berlin, a center of anti-LaRouche intrigues in Germany. Schmitz's colleague Jeffrey Gedmin, the

director of Aspen Institute Berlin, is also head of the New Atlantic Initiative for Lynne Cheney's American Enterprise Institute. Furthermore, the counsellor for the Federalist Society, T. Kenneth Crib, is president of William F. Buckley's Intercollegiate Studies Institute and head of the Collegiate Network, which runs dozens of rightist newspapers on American college campuses in concert with Lynne Cheney and David Horowitz (*EIR*, Oct. 13, 2006).

As a matter of fact, the Society already has a footprint on the territory of Germany, through the German offices (Munich, Frankfurt, and Hamburg) of its main base in London, the law firm Latham & Watkins. On the American side of its operations, Latham & Watkins includes several prominent neo-cons, such as Michael Chertoff, Secretary of Homeland Defense; and Philip Perry, also in the Department of Homeland Defense—and husband of Elizabeth Cheney, daughter of the U.S. Vice President. Elizabeth Cheney Perry is herself Deputy Assistant Secretary of State for Near Eastern Affairs.

Latham & Watkins has left its mark in the sphere of speculative-monetarist destruction of real U.S. industry. As the law firm pointed out in its annual report for 2005, its "success stories" for that year include activity related to the (manipulated) bankruptcy of Delphi, the chief auto-parts supplier to General Motors. "In what is the largest bankruptcy filed by a manufacturing company in U.S. Chapter 11 history, Latham is acting as counsel to the Official Committee of Unsecured Creditors in the pending bankruptcy proceedings of Delphi Corporation and its co-debtors," the annual report said. "As counsel to the committee, Latham will represent and protect the interests of all of Delphi's general unsecured creditors. The team will be involved in every aspect of the ongoing matters, including the treatment and resolution of Delphi's pension and labor issues, the treatment and resolution of creditor claims against Delphi, any related litigation, and the ultimate negotiation and implementation of any plan of reorganization."

Latham's other "2005 success stories" include representing accounting firm Arthur Andersen LLP before the U.S. Supreme Court, in which Andersen was cleared of charges of "obstruction of the SEC's investigation of the collapse of Enron Corporation," stemming from a 2002 Houston Federal court case.

The Houston criminal conviction of Arthur Andersen was for "corruptly persuading" its employees to "discard Enron-related documents," i.e., to shred them.

Meanwhile, Joseph P. Schmitz represented Enron in Germany, until the pirate firm collapsed.

The above-mentioned Friedrich Merz, Schmitz's partner, is out to shred the public health system of Germany, through Merz's new role as chief coordinator of the Christian Democrats for Health Reform. And that might be the "pilot project" that Federalist Society insiders say has been prepared for launching in Germany, as the first step to establish the Society here.