

Gingrich foments insurrection against the U.S. Constitution

by Edward Spannaus

As the *Feature* articles in this issue on Newt Gingrich and “anticipatory democracy” demonstrate, what we are witnessing today in Washington is a foreign-directed attack against the United States. It is nothing less than an insurrection against the federal government. Under wartime conditions, to paralyze the government in this fashion would be an act of treason.

As Jeffrey Steinberg shows, the kooky “post-industrial” futurism retailed by Newt Gingrich is a product of the Tavistock Institute—Britain’s psychological-warfare center of operations against the United States and Western Judeo-Christian civilization. There is nothing spontaneous, “sociological,” or even American, about Gingrich’s ideology and the “New Age Conservative” movement which dominates the freshman class in the House of Representatives.

No reader of *EIR* over the past year should be shocked by the idea that this is an assault on the Constitution itself. We have documented numerous times already, that Gingrich’s mentor Alvin Toffler dismisses the Constitution as an outmoded document that was possibly useful in the 19th century, but which is ill-suited to the requirements of the post-industrial, Third-Wave era. And *EIR* has already shown as well, over the past year, that central elements of the Gingrich-Gramm “Contract with America” constitute a direct assault on the Constitution and the clear intent of the Framers. (See, for example, *EIR*, Jan. 20, 1995, “GOP Contract with America Aimed at U.S. Constitution.”)

Moreover, since the current round of government shutdowns began, President Clinton has repeatedly made the point that what the congressional Republicans are doing is an attempt to circumvent the requirements and procedures of the U.S. Constitution. Since they are unable to muster sufficient support in the Congress itself to force through their drastic

budget cuts and their tax-cut bonanzas, they are instead trying to blackmail the President into adopting their programs by shutting down the government.

What is implied by this, is that if this insurrection continues, with its daily increasing threat to the general welfare of the nation, the President may in turn be forced to exercise the inherent constitutional powers of his office, and to respond with much stronger steps than he has to date.

The constitutional mandate

Under the Constitution, it is the responsibility of the Congress to set taxes and other revenue-producing measures in order “to pay the Debts and provide for the common Defence and general Welfare of the United States.” These provisions of the Constitution did not just wander in. As Alexander Hamilton and others argued repeatedly, the great defect of the Articles of Confederation was that the national government had no revenue, nor means of acquiring it; in fact, a minority of the *states* could effectively veto any measures to fund the national government, including military operations.

A strong national (federal) government was essential, if the new United States were to defeat the never-ceasing efforts of Britain to return it to colonial status. “Under a vigorous national government,” Hamilton declared in the *Federalist No. 11*, “the natural strength and resources of the country, directed to a common interest, would baffle all the combinations of European jealousy to restrain our growth.”

(This is not an irrelevant or outdated point, when a foreign-directed conspiracy, centered in two of London’s institutions—the Mont Pelerin Society and the Tavistock Institute—is not only attempting to weaken the U.S. economy, but to shut down the U.S. government altogether.)

Likewise, the Constitution gave substantial powers to the

Executive. The President has the responsibility to function as commander-in-chief of the Armed Forces, to conduct foreign policy, and, above all, “to take Care that the Laws be faithfully executed.” First and foremost among those laws, is the U.S. Constitution itself, whose great purposes include providing for the common defense, promoting the general welfare, and securing the blessings of liberty to this and future generations. When the President takes his oath of office, he swears to “preserve, protect and defend the Constitution of the United States”—not to present a seven-year balanced budget to the Congress.

Now, if Congress passes a law, and the President vetoes it (which has happened a number of times with the 104th Congress), the proper procedure under Article I, Section 7, is for Congress either to override the veto, or pass another law and send it to the President.

There is nothing in the Constitution which says that the Congress should cut off funds and shut down the government, in order to compel the President to bend to the will of the Legislative branch. Especially when the intent of a faction within the Legislative branch is to undermine and destroy that very government.

Indeed, the whole spirit of the Constitution runs in precisely the opposite direction: that the reason for the powers granted to Congress is to permit the Congress to raise revenues, and authorize expenditures, which promote the general welfare. Moreover, the explicit intention of the federal Constitution was to provide for a vigorous national government which would use its powers to promote the agricultural and industrial development of the nation. To undermine that, is to undermine the spirit and purpose of the Constitution; thus, today, we see the “Red Guard” faction of the House of Representatives using unconstitutional means, to accomplish their unconstitutional ends.

What the President could do

Throughout history, Presidents have taken strong executive action in the face of threats to the existence of the Republic. Abraham Lincoln is perhaps the best example; not the least noteworthy of such actions was his military executive order freeing the slaves—which was emphatically *not* accomplished by an Act of Congress.

The highest and soundest grounds for strong executive action under such circumstances are what are sometimes called the President’s “inherent” or “implied” powers to protect and defend the Constitution of the United States. But in addition to this, there are also supplementary legislative grounds under which the President can declare a national emergency.

When Franklin D. Roosevelt took office in March 1933, the preceding Hoover administration was still wedded to a balance-the-budget, cut-spending approach, while production, trade, and employment continued to plummet. FDR’s first action was to halt transactions in gold and to declare a

national bank holiday; the legal authority on which he based this was the wartime Trading with the Enemy Act of 1917—although there was no shooting war involving the United States in March 1933.

One year ago, on Jan. 24, 1995, President Clinton declared a national emergency to deal with the threat of terrorism directed against the Middle East peace process, declaring such to be “an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.”

Then on Oct. 22, 1995, the President declared a national emergency with respect to narcotics trafficking, and he issued Executive Order 12978 which directed a series of actions aimed at money laundering by drug traffickers.

In both of these instances, the President drew upon the same statutes: the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and the International Emergency Economic Powers Act (IEEPA) (50 U.S.C. 1701 *et seq.*).

The National Emergencies Act places no restrictions on the ability of the President to declare a national emergency. The IEEPA—which replaced the old Trading with the Enemy Act—pertains to financial transactions involving a foreign country or a foreign national, and need not even be invoked in the current situation.

There is no doubt that the actions of the Congress in refusing to fund vital functions of the United States government, constitute a threat to national security as well as to the general welfare.

- The President’s conduct of foreign policy is impaired by Congress’s failure to appropriate funds for the State Department and for U.S. embassies and diplomatic missions abroad. Even sensitive diplomatic communications carried out by the State Department are threatened by the current funds cutoff.

- Law enforcement, both domestic and international, is being impeded. Interpol is handling only emergency cases and is building up a backlog of 200 cases a day. Federal law enforcement agents, investigators, and prosecutors do not have the funds to travel and conduct investigations and prosecutions. Federal prisons are losing the ability to pay for food and other services. The federal courts may have to cease jury trials, and release criminal defendants, in the latter part of January.

- The Centers for Disease Control are unable to monitor the rapidly spreading influenza epidemic, and, even more dangerous, are unable to track and analyze new virus strains coming in from abroad.

- Numerous other situations, such as cessation of toxic waste cleanups, and inability to respond to workplace health and safety situations, also abound.

The reality is that a foreign-inspired cabal in the Congress has deliberately flouted the Constitution and created a condition of national emergency. It is now within the power of the President to take whatever action is necessary to defend the nation and the Constitution.