

Obama Backs Nazi Doctrine, Grabs Judicial Authority for Himself

by William F. Wertz, Jr.

April 9—The impeachment of Barack Obama as President of the United States has become more urgent than ever, as Obama has made it evident that he is a serial violator of the Constitution he swore an oath to uphold.

Most recently, Obama argued that it would be unprecedented for the “unelected group of people” on the Supreme Court to overturn his health-care law, and that the very idea of “judicial review” on the part of the court would represent “judicial activism.” Obamacare is modeled on Hitler’s T4 euthanasia program.

In response to the President’s attack, on April 3 a panel of the U.S. Court of Appeals for the Fifth Circuit, consisting of Judges Jerry Smith, Emilio Garza, and Leslie Southwick, ordered the Department of Justice to submit a three-page, single-spaced statement to the court, explicitly referencing Obama’s statements, and explaining whether the DOJ agreed with the President.

Attorney General Eric Holder submitted a response that did *not* explicitly address the President’s remarks about “unelected” judges, and instead argued: “The Department has not in this litigation, nor in any other litigation of which I am aware, ever asked this or any other Court to reconsider or to limit long-established precedent concerning judicial review of the constitutionality of federal legislation.... At no point has the government suggested that the Court would lack authority to review plaintiffs’ constitutional claims.... The question posed by the Court regarding judicial review does not concern any argument made in the government’s brief or at oral argument in this case....”

This was not the issue. The issue was whether the DOJ agreed with *the*

President’s comments against the Supreme Court’s authority to overturn Obamacare on Constitutional grounds—not what was stated in the government’s brief or in its oral argument.

Holder compounded his contempt for the court by concluding: “The President’s remarks were fully consistent with the principles described herein.”

A Record of Sophistry

This was not Holder’s first defense of the President’s violation of the Constitution.

On March 5, he gave a speech at Northwestern University Law School in which he defended the assassination of U.S. citizens. The speech itself was given as a pretext to avoid releasing the memoranda prepared by the Department of Justice and other branches of the Executive in defense of the assassination of Anwar al-Awlaki, an American citizen, in Yemen on Sept. 30, 2011.

The Fifth Amendment protects all citizens from being “deprived of life, liberty, or property without due process of law.”

In his speech, Holder assures us that such assassinations without due process are “appropriate and lawful,” although they should not be called assassinations, because “assassinations are unlawful killings. Here, the U.S. government’s use of lethal force in self-defense against a leader of al Qaeda or an associated force who presents an imminent threat of violent attack would not be unlawful—and therefore would not violate the Executive Order banning assassination or criminal statutes.”

Holder then argues that the threat does not have to be imminent: “The



Nazi crown jurist Carl Schmitt

Constitution does not require the President to delay action until some theoretical end-stage planning—when the precise time, place, and manner of an attack become clear. Such a requirement would create an unacceptable high risk....”

Next he claims that the President is not required to get permission from a Federal court before taking such action against a U.S. citizen. “This is simply not accurate. ‘Due process’ and ‘judicial process’ are not one and the same, particularly when it comes to national security. The Constitution guarantees due process, not judicial process.”

For Holder, a recommendation by a secret committee appointed by the President to use lethal force against an American citizen, followed by a decision on the part of the President to implement that recommendation, without the citizen having the right to defend himself in a court of law, constitutes due process. Apparently it is enough for the President to act as accuser, judge, jury, and executioner.

Obama has also demonstrated contempt for the Legislative branch, in violation of the Constitution, in events over the past year:

- In the case of Libya, he violated the Constitution, which specifies that Congress alone has the authority to declare war. The President went so far as to argue that the war in Libya did not involve hostilities, and that therefore he had no obligation to bring the issue before the Congress.

When ten Democratic and Republican Congressmen brought a suit against the President on June 15, 2011 for depriving the Congress of its constitutional responsibility, Attorney General Holder defended the President’s lawless action.

- The President signed the Defense Appropriations Act of 2011, which allows the indefinite detention without trial of American citizens by the military, a provision that was included in the bill at Obama’s insistence.

These steps taken by Obama and defended by Holder are an attempted coup against the Constitution.

The Nazi Precedent

The arguments used to rationalize Obama’s actions are reminiscent of the arguments made by Nazi crown jurist Dr. Carl Schmitt in defense of Adolf Hitler in 1934.

On March 23, 1933, the Reichstag (parliament) passed the Enabling Act which established the Hitler

dictatorship, by granting the Executive the authority to enact laws without the participation of the Reichstag.

A little more than a year later, on “the Night of the Long Knives,” June 30-July 2, 1934, Hitler ordered the murder of factional opponents including Ernst Roehm and the leadership of the Sturmabteilung (SA). The purge was legalized the next day with a one paragraph “Law Regarding Measures of State Self-Defense.”

These actions were defended by Schmitt. In defense of the latter action, Schmitt published an article on Aug. 1, 1934 entitled “The Leader Defends the Law.” His argument was:

“The Leader takes the lessons of German history seriously. That gives him the right and the power to establish a new State and a new order. The Leader defends the law against the worst abuse, *when at the moment of danger he directly creates law by virtue of his leadership as the supreme judicial authority....* The true Leader is always also Judge. From the Leadership flows the judgeship. Whoever wants to separate the two from one another or even oppose them to each other makes the Judge either into the counter-Leader or into the tool of a counter-Leader and seeks to unhinge the state with the help of the judiciary.... In truth the action of the Leader ... is not subject to the judiciary, but rather was itself the supreme judiciary.... In the greatest emergency, the highest law proves of value and the highest degree judicially of the avenging realization of this law appears.... We must not blindly adhere to the juristic concepts, arguments and precedents that an old and sick epoch created.... The Leader determines the content and the scope of his course of action himself” (emphasis added).

The failure to effectively oppose Hitler’s violation of the German Constitution, which resulted in the elimination of both the Legislative and Judicial branches of government and their replacement by a unitary Executive, led ineluctably to World War II.

Today, we are once again on the brink of a world war unless decisive action is taken to uphold the U.S. Constitution.

The only effective way to defend the Republic is to deliver a decisive blow to the intentions of the British Empire and its drive for World War III, by removing Obama from office now, using the very U.S. Constitution to do so, which he is thoroughly committed to abrogating on behalf of his British puppeteers.