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## Book Review

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# Case for Impeachment: Does Obama Really Have the Power To Say What the Law Is?

by William F. Wertz, Jr.

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### **Impeachable Offenses: The Case for Removing Barack Obama from Office**

by Aaron Klein and Brenda J. Elliott  
Washington, D.C.: WND Books, 2013

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The strength of this book is that it presents as grounds for the impeachment of Barack Obama, that he has systematically violated the Constitution, which not only he swore an oath to uphold, but which every member of the Congress and Senate has done as well. To put the latter on notice, Rep. Steven Stockman (R-Tex.) purchased and distributed copies of the book to every member of Congress.

The authors thus distinguish themselves from those in the House and the Senate who, faced with this evidence, have thus far refused to take the appropriate action, and either defend Obama or propose legislative fixes to particular abuses of power by Obama, while ignoring the fact that the very survival of the nation requires, not stop-gap measures which leave the criminal in place, but rather his removal from office.

In addition to Article II, Section 4 of the Constitution, which stipulates “high crimes and misdemeanors” as the basis for impeachment, the authors cite Alexander Hamilton’s explanation of impeachable offenses from Federalist No. 65 as “those offences which proceed from the misconduct of public men, or in other words from the abuse or violation of some public trust. They are of a nature which may with peculiar propriety be denominated political, as they relate chiefly to inju-

ries done immediately to the society itself.”

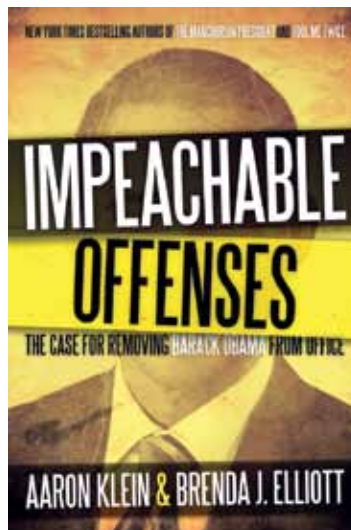
The book’s authors then detail the “injuries done immediately to the society itself” by Obama. While the overall case presented is sound, unfortunately, the cataloging of such injuries becomes somewhat of a grab-bag and fails to present the fundamental case argued by Lyndon LaRouche (see LaRouchePAC webcast on Nov. 15, <http://larouchepac.com/node/28894>), that under Obama the very capacity of the nation to survive and progress has been systematically undermined, on behalf of an imperial Anglo-Dutch financial oligarchy which is committed to reducing the U.S. and world population by genocidal means, including hyperinflation, austerity, and war.

Although the authors present ample grounds for Obama’s impeachment, they fail to communicate the urgency of acting now. On Nov. 20, LaRouche stated: “Given the fact that we are on the verge of the complete breakdown of the economy, we cannot tolerate a chaotic situation under this President. Therefore, there must be an impeachment now. There are plenty of grounds to do so—the paramount reason is that the United States must be saved.”

### **The Offenses**

The impeachable offenses presented by the authors are as follows:

1. Obamacare;
2. The granting of de facto amnesty for millions of illegal aliens;
3. Aiding an Islamist revolution and arming our most dangerous al-Qaeda enemies in Libya and Syria;



4. Gun-running to Mexican drug cartels under Operation Fast and Furious;

5. Creating a virtual surveillance regime by gathering intelligence on citizens and compiling massive databases of public and private records;

6. Misuse of public funds to fund green enterprises;

7. Conducting an international drone campaign in violation of the Fifth Amendment to the U.S. Constitution and international law;

8. Conducting a U.S.-NATO military campaign against Muammar Qaddafi without Congressional approval;

9. Use of a constitutionally questionable globalist military doctrine known as Responsibility to Protect (R2P) to carry out such war; and

10. Tacitly supporting a Muslim Brotherhood revolution.

### **The Real Benghazi Scandal**

The authors document, in a sub-section entitled “Arming Al-Qaeda,” that Obama provided weapons to the al-Qaeda-affiliated Libyan Islamic Fighting Group, through Qatar, and that the CIA annex in Benghazi, Libya, “served as an intelligence and planning center for US aid to rebels in the Middle East, particularly those fighting the regime of Bashar al-Assad of Syria.” The aid “included weapons shipments coordinated with Turkey, Saudi Arabia and Qatar.”

They note the fact that on Sept. 10, 2012, al-Qaeda leader Ayman al-Zawahiri released a video calling for attacks on Americans in Libya to avenge the death of Abu Yahya al-Libi.

However, the authors stick too closely to a Republican electoral story line in arguing that U.S. Ambassador Christopher Stevens went to Benghazi at the urging of Secretary of State Hillary Clinton in order to turn the mission there into a permanent post, and that the talking points given to then-UN Ambassador Susan Rice, which omitted reference to al-Qaeda’s involvement in the attack, and falsely claimed that the attack was a protest over an anti-Muslim video, were designed to “protect the State Department.”



*Murdered Libyan leader Muammar Qaddafi’s tent in Tripoli burns, Aug. 24, 2011. The U.S. war against Libya was unconstitutional, conducted without approval of Congress.*

This conclusion is actually contrary to the main thrust of their argument, which is that Stevens was in Benghazi in connection with the Obama policy of sending weapons and jihadists from Libya to Syria, which he was coordinating with Saudi Arabia. In respect to the talking points, they fail to mention an e-mail from then-CIA Director David Petraeus, in which he stated that the talking points were “the NSS’s [National Security Staff’s] call,” which points the finger at then-White House counterterrorism advisor John Brennan and the White House staff, as opposed to the State Department.

In respect to Syria, the authors reveal that the lawyer for a U.S. charity, the Syrian Support Group, which received a waiver from the U.S. Treasury Department to raise money for the al-Qaeda-linked Free Syrian Army, is the Chicago lawyer Mazen Asbahi, the former director of Muslim outreach for Obama’s 2008 Presidential campaign.

### **From Fast and Furious to Gun Control**

The authors’ treatment of Operation Fast and Furious is disappointing, in that it accepts the story line that the illegal provision of weapons to the Mexican Sinaloa drug cartel was motivated primarily by a desire to impose gun control in the United States, in violation of the Second Amendment to the Constitution. Although the authors accuse the Obama Administration of obstruction of justice, and Attorney General Eric Holder of “possible perjury,” they, like the House Oversight

Committee, let Obama off the hook. There is evidence that the entire policy was run from the White House, but the leads were never pursued. The individual in charge of Operation Fast and Furious in the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) in Arizona, special agent in charge William Newell, was in direct contact with White House NSS official Kevin O'Reilly, acting on behalf of John Brennan. The Oversight Committee threatened to subpoena him if he did not voluntarily testify, but never did so.

The Obama Administration's complicity in drug-money laundering by the Sinaloa Cartel under the eyes of the Department of Justice, as exposed by the *New York Times*, was also not pursued by the Oversight Committee.

The arming of the Sinaloa Cartel is an impeachable offense, in that the President made himself an accessory to murder. Moreover, in the case of Operation Fast and Furious, the question must be asked whether Obama had a deal with the Sinaloa Cartel to illegally fund his Presidential campaign. The Sinaloa Cartel is well established in Chicago, Obama's hometown and the North American hub of its operations. In fact, 70-80% of the drugs in Chicago are controlled by the Sinaloa Cartel, and last February, the Chicago Crime Commission named the head of the Cartel public enemy number 1, a distinction last held by Al Capone.

### **Backdoor Amnesty Already Here**

The authors point out that Article I, Section 8 of the U.S. Constitution gives Congress the power to "establish a uniform Rule of Naturalization." Their argument is that by failing to enforce immigration laws, Obama has bypassed Congress. They also cite Article II, Section 3, which states that the President's role is to "take Care that Laws be faithfully executed."

Questions of immigration should be decided by the Congress as per the Constitution. It should only be added that the problem of illegal immigration from Mexico, in particular, ultimately derives from the free-trade (NAFTA), pro-drug economic policy which has destroyed our neighbor to the South, even as it has destroyed our own economy.

While it is true that Obama acted unilaterally on immigration, as he has on other matters, the authors fail to address the more profound Constitutional issue, which is the doctrine of the Unitary Executive, which derives from the legal theories of the Nazi crown jurist Carl Schmitt.

In the chapter on gun control, they cite statements by former Obama advisor Cass Sunstein opposing the idea that the Second Amendment protects an individual's right to have guns. But more to the point, in a later chapter, they quote Sunstein saying that "interpretation of federal law should be made not by judges but by the beliefs and commitments of the U.S. President and those around him"—the Unitary Executive.

This concept is Obama's operative anti-Constitutional principle, which underlies all his violations of the Constitution. It is a legal theory advocated by a small coterie of law professors, all from Harvard and the University of Chicago, like Obama, including Adrian Vermeule, Eric A. Posner, and Sunstein.

Schmitt's doctrine in defense of Hitler was that the Executive is the judge and the legislature, contrary to what has become known in the U.S. as the Madisonian concept of the U.S. Constitution, which entails checks and balances among three branches of government.

On Aug. 1, 1934, Carl Schmitt wrote in an article entitled "The Leader Defends the Law": "The true Leader is always also Judge. In truth the action of the Leader is not subject to the judiciary, but rather was itself the supreme judiciary." Similarly, Sunstein wrote a 2005 paper in the *Yale Law Journal* entitled, "Beyond Marbury: The Executive's Power To Say What the Law Is."

Every unconstitutional action by Obama and every defense of such actions by Eric Holder, Cass Sunstein, et al. is premised on this Nazi doctrine, whether it be the alleged right of the Executive to spy on Americans without a warrant, to kill Americans without due process, to detain Americans indefinitely without trial, to arm enemies of the United States, to ration health care, etc.

### **Empowering Enemies Domestically and Abroad**

The authors point to the fact that the Obama policy in the Middle East and North Africa has been to ally with and foster the Muslim Brotherhood. They note that both John Brennan and Obama's Deputy National Security Advisor Denis McDonough have addressed the Islamic Society of North America (ISNA), which was founded in 1981 by the Saudi-funded Muslim Students Association (MSA), which itself was founded by the Muslim Brotherhood. In July 2011, Obama's faith advisor, Eboo Patel, spoke at the main event of a convention held by the MSA, appearing on a panel alongside Tariq Ramadan, grandson of the founder of the Muslim Brotherhood.

As in the case of Benghazi, they level a diversionary electoral attack on Hillary Clinton, raising the question of whether the Department of State has been penetrated by the Muslim Brotherhood, while failing to address as fully as they could Obama's own long-standing connection to Saudi Arabia and his policy during the so-called Arab Spring of supporting the Muslim Brotherhood and al-Qaeda.

For example, evidence has emerged that Obama received support from Saudi Arabia to attend Harvard Law School. In 1987, Bill Ayers, the co-founder of the Weathermen terrorist group in 1969, reportedly asked Khalid Abdullah Tariq al-Mansour (a.k.a. Donald Warden) to raise money for Obama's Harvard Law School education. In an appearance on the New York-produced "Inside City Hall" television show, former borough president of Manhattan Percy Sutton said that al-Mansour had asked him to write a letter of recommendation to Harvard Law School for Obama. Sutton said al-Mansour was raising money for Obama and that al-Mansour was the "principal advisor to one of the world's richest men," Saudi Prince Alwaleed bin Talal.

Evidence has also emerged that one of the cutouts used by Obama in support of the Muslim Brotherhood has been his half-brother Malik Obama. Appearing on *Bitna al-Kibir*, a TV show in Egypt, Tahani al-Gebali, Vice President of the Supreme Constitutional Court in Egypt, stated that "Obama's brother is one of the architects of investment for the international organization of the Muslim Brotherhood."

Several prominent Egyptian media sources have reported that Malik Obama is being investigated in Egypt. Complaints have been filed with Egypt's Prosecutor General Hisham Barakat that call for Malik Obama to be put on Egypt's terror watch list and brought in for questioning about his role in financing terrorism.

Malik Obama's activity is coherent with Obama's policy, as elaborated in a Presidential Study Memorandum and a Presidential Policy Directive to support the Muslim Brotherhood revolutions in Egypt, Libya, Tunisia, and Syria among other locations.

The authors are right that Obama has allied with the enemies of the United States in the form of al-Qaeda and the Muslim Brotherhood, but they fail to address the core issue, which is his alliance with Saudi Arabia, the biggest sponsor of state terrorism in the world. Obama's protection of Saudi Arabia is epitomized by his refusal to declassify the 28-page chapter of the Congressional Joint Inquiry report into 9/11, which deals

with the involvement of Saudi Arabia in the attacks on the U.S. Obama, like G.W. Bush before him, despite having promised the families of the victims of 9/11 during his 2008 Presidential campaign that he would declassify this chapter, has protected the perpetrators of 9/11, while allying with them to overthrow secular governments which had nothing to do with it.

### **Cronyism, Corruption, and Clean Energy**

This chapter is among the weakest. Although there is undoubtedly cronyism and corruption in the Obama green energy policy, as seen in the case of Solyndra, the real issue, not addressed by the authors, is that Obama is destroying the U.S. economy by accelerating the shift from higher energy-flux density, capital-intensive forms of energy production, including nuclear fission and coal-fired plants, to wind and solar power, which are incapable of sustaining the existing population, let alone a growing population, at a decent standard of living. More fundamentally, Obama has sabotaged the development of fusion energy and has undermined NASA, both of which represent the future of humanity.

### **Obama's Surveillance Regime**

The authors maintain that Obama has expanded warrantless surveillance exponentially, and that as a result, we now live under a "virtual surveillance regime," citing revelations of National Security Agency (NSA) surveillance originating with Edward Snowden and publicized by Glenn Greenwald.

The NSA is an agency of the Department of Defense and is headed by a general officer. Its charter specifically disallows surveillance of people within the United States. Moreover, in doing so, it acts in violation of the *Posse Comitatus Act of 1878*, which prohibits participation by the U.S. military in "search, seizure, arrest, or other similar activity" on the Federal government's behalf.

Interestingly, it was co-author Aaron Klein who broke the story about how Obama's then-regulatory czar, Cass Sunstein, wrote an academic paper suggesting that the government should "infiltrate" social network websites, chat rooms, and message boards. Such "cognitive infiltration," Sunstein argued, should be used to ban "conspiracy theorizing" (so much for the First Amendment). The authors point out that among the beliefs Sunstein said should be banned as a "conspiracy theory," is advocating that the theory of global warming is a fraud.

## The Emerging Police State

The authors quote Mark Levin, former Reagan Justice Department official and author of *Ameritopia: The Unmaking of America*, who said on Feb. 15, 2013 that he thought that law enforcement and national security agencies were planning on the basis of a scenario involving a financial collapse: “I’ll tell you what I think they’re simulating: the collapse of our financial system, the collapse of our society and the potential for widespread violence, looting, killing in the streets, because that’s what happens when an economy collapses. I’m talking about a collapse when people are desperate, when they can’t afford food and clothing, when they have no way of going from place to place, when they can’t protect themselves.”

This is the closest that the authors come to addressing the genocidal consequences of Obama’s policy of doing the bidding of Wall Street at the expense of the population. The point being that the police-state measures being taken by the Department of Homeland Security, detailed by the authors, are not aimed at preventing terrorism, but rather at policing the American population on behalf of our real enemy, the Anglo-Dutch financial oligarchy, which has wiped out even our ability to feed ourselves in the face of an ongoing financial collapse brought about by its monetarist policies.

## The Drone Nation

The authors point out that four Americans have been killed by U.S. drones—three of them, Anwar al-Awlaki, his 17-year-old son, and Samir Khan, by Obama. Ahmed Hijazi was killed in 2002 by the Bush Administration. All four of these murders were carried out in violation of the Fifth Amendment guarantee of due process. The authors cite Obama’s defense, as enunciated by Eric Holder, who claimed that Obama has the right to carry out such extrajudicial murders of American citizens when an “imminent threat” of violent attack against the United States is evident. In the same speech, Holder re-defined the word “imminent” to argue that “the Constitution does not require the President to delay action until some theoretical end-stage of planning, when the pre-



White House Photo/Pete Souza

*President Obama signs the Affordable Care Act into law, March 23, 2010. The authors cite Obamacare as an unauthorized expansion of Executive power.*

cise time, place and manner of an attack become clear.”

They also point out that the International Covenant on Civil and Political Rights, to which the U.S. is a party, prohibits “arbitrary” deprivation of life. But then they cave in by giving space to columnist Charles Krauthammer, who argues that the drone war is legal, as was the killing of al-Awlaki.

## Obamacare: Expansion of Power

While first citing various objections to Obamacare, including illegally bypassing Congress, taxation without representation, violation of states rights, etc., the authors then address the policy of rationing and death panels, focusing on the establishment of a Patient-Centered Outcomes Research Institute for the purpose of carrying out “comparative clinical effectiveness research.” They also point out that Obamacare allows the Secretary of Health and Human Welfare to limit any “alternative treatments” of the elderly, disabled, or terminally ill, if such treatments are not recommended by the new research institute. Finally, they cite the Independent Payment Advisory Board as the intended mechanism for rationing.

## ‘Anti-War’ President’s Unconstitutional War?

In the final chapter of the book, the authors cite Obama’s violation of Article I, Section 8 of the Constitution, which states that “Congress shall have the power . . . to declare war.” In the case of Libya, the authors attack the doctrine of “Responsibility to Protect” or R2P, which

was used to justify the unconstitutional war in Libya.

They trace this doctrine to George Soros and his Open Society Institute, as well as to Samantha Power whom Obama named chief of the White House Atrocities Prevention Board, before making her the U.S. Ambassador to the UN. The doctrine actually traces back to a speech given by Tony Blair in Chicago in 1999, during which he put forward the idea of humanitarian interventionism, in violation of national sovereignty. Blair explicitly attacked the Treaty of Westphalia, which ended the Thirty Years War in 1648, based on the principle of national sovereignty.

The authors then undercut their own argument by writing: “We are not here necessarily arguing that Obama’s use of R2P is itself an impeachable offense.” The fact is that the doctrine of limited sovereignty and R2P does violate the principles of the U.S. Declaration of Independence, the U.S. Constitution, and the UN Charter.

## Conclusion

In conclusion, the authors argue: “Our work clearly shows that President Obama is deeply and fundamentally subverting the United States Constitution and the power of his office.”

While the book presents valid arguments for Obama’s impeachment, it fails to present an absolutely compelling case for action now.

The fundamental issue is that Obama is systematically subverting the U.S. Constitution in behalf of a foreign power, the Anglo-Dutch financial oligarchy, which is committed to destroying the United States and killing the American population, just as it is killing the populations of Europe through genocidal hyperinflation and austerity, green energy policies, and perpetual warfare which could reach the point of thermonuclear war. The legal doctrine Obama uses to defend his criminal actions is itself an impeachable offense, the same doctrine that Carl Schmitt espoused to defend Adolf Hitler as judge, jury, prosecutor, and executioner.

These, as Alexander Hamilton specified, are indeed “injuries done immediately to the society itself.”

As stated at the outset, complaining about particular abuses and introducing legislative measures designed to impede particular offenses, while avoiding the systemic nature of the problem, is a losing strategy. It would be comparable to introducing legislation to prohibit burglaries at the Watergate Hotel, or perhaps to limit the hours during which Nero can play his fiddle. The present authors have not taken that cop-out.

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