

Judge Samuel Alito and The ‘Führerprinzip’

by Jeffrey Steinberg

On Jan. 5, 2006, in a front-page story, the *Wall Street Journal* identified Judge Samuel Alito, President George W. Bush’s nominee to replace Justice Sandra Day O’Connor on the U.S. Supreme Court, as a leading proponent of the savagely unconstitutional doctrine of the “unitary executive.” The idea of the “unitary executive,” which forms the core dogma of the ultra-right-wing Federalist Society, to which Judge Alito belongs, is more properly identified by its modern historical name—the *Führerprinzip*, authored by the Nazi regime’s anointed “Crown Jurist” Carl Schmitt. Schmitt’s doctrine, that the charismatic head of state *is* the law, and can assert absolute dictatorial authority during periods of emergency, has been used to legitimize every totalitarian regime in the West, from Hitler, to Gen. Francisco Franco in Spain, to Gen. Augusto Pinochet in Chile, to President George W. Bush and Vice President Dick Cheney in the United States.

The *Wall Street Journal* quoted Judge Alito from a November 2000 speech, delivered, appropriately, before a Federalist Society convention in Washington, D.C. The Constitution, Alito declared, “makes the President the head of the Executive Branch, but it does more than that. The President has not just *some* executive powers, but *the* executive power—the whole thing.”

Judge Alito elaborated, “I thought then”—referring to his 1980s tenure at the U.S. Justice Department’s Office of Legal Counsel—“and I still think, that this theory best captures the meaning of the Constitution’s text and structure,” adding that, in his view, the Framers “saw the unitary executive as necessary to balance the huge power of the legislature and the factions that may gain control of it.”

After reviewing the *Wall Street Journal* account, Lyndon LaRouche declared, “If Judge Alito does in fact adhere to the views reported in the *Wall Street Journal*, he should not be allowed near any court—certainly not the United States Supreme Court—except as a defendant.” LaRouche insisted that

Alito’s nomination must be decisively defeated in the Senate, or the Supreme Court will fall fatally into the hands of a cabal of outright “Schmittlerian” Nazis, led by Antonin Scalia, Clarence Thomas, John Roberts, and Alito—all members of the self-avowed “conservative revolutionary” Federalist Society.

LaRouche counterposed the outright Nazi doctrine of the Federalist Society proponents of the “unitary executive” (*Führerprinzip*) to the American System principles invoked by President Franklin Delano Roosevelt, when he was confronted with the awesome responsibility of preparing the United States for world war. On Sept. 8, 1939, at a press conference following his Proclamation of Limited Emergency, as war was erupting in Europe, FDR assured the American people, “There is no intention and no need of doing all those things that could be done. . . . There is no thought in any shape, manner, or form, of putting the Nation, in its defenses or in its internal economy, on a war basis. That is one thing we want to avoid. We are going to keep the nation on a peace basis, in accordance with peacetime authorizations.”

Cheney and 9/11

FDR’s respect for the U.S. constitutional system of checks and balances, and separation of power, stands in stark contrast to the assault on the Constitution, launched by Vice President Cheney even before Sept. 11, 2001.

As LaRouche prophetically warned, in testimony delivered on Jan. 16, 2001 to the U.S. Senate Judiciary Committee, opposing the nomination of John Ashcroft as Attorney General, the Cheney-led Bush Administration came into office committed to government-by-crisis-management, modelled on the Hitler Nazi dictatorship in Germany. LaRouche warned that the Bush Administration would seek, at the first opportunity, a “Reichstag Fire” justification for dictatorship, all based on the legal theories of Hitler’s Carl Schmitt. It was Schmitt,

who wrote the legal opinion, based on the “unitary executive,” *Führerprinzip*, that justified Hitler’s declaration of emergency dictatorial rule on Feb. 28, 1933—twenty-four hours after the Reichstag, the German parliament, was set ablaze by agents of Hitler’s own Herman Göring.

The aftermath of 9/11 proved that LaRouche was 100% right. On Dec. 19, 2005, in a press conference aboard Air Force Two, Vice President Cheney flaunted the fact that he came into office in January 2001, committed to rolling back the legislative safeguards, passed by Congress and signed into law by Presidents Gerald Ford and Jimmy Carter, in the aftermath of the Watergate scandal and the revelations about illegal FBI and CIA spying on American citizens. In calling for a rollback of those post-Watergate “infringements” on Presidential power, Cheney was, in effect, declaring war on the most sacred principles written into the U.S. Constitution.

Cheney’s stooge, President Bush, certified his own adherence to the same *Führerprinzip* when he recently signed the defense budget, and invoked the “unitary executive” right to ignore the bill’s explicit ban on torture. The McCain Amendment, banning torture of American-held prisoners in the “Global War on Terror,” was passed by an overwhelming, veto-proof bipartisan majority in both the House and the Senate, yet the President asserted his “constitutional” authority as commander-in-chief, to ignore Congress.

Pinochet and Hitler

Despite the events of 9/11, the Synarchist bankers behind Cheney did not fully succeed in their scheme for dictatorship and the overthrow of the Constitution. Both the Congress and the American people put up sufficient resistance to partly stymie the efforts to impose crisis-management-style Executive branch rule-by-decree. The May 2005 bipartisan “Gang of 14” Senate revolt against Cheney’s so-called “nuclear option” to strip the Senate of its Constitutional role of “advise and consent” represented a particularly significant setback for the Synarchist cabal.

But the Cheney gang’s vision for America shows clearly in Chile, a South American nation targetted for “the Hitler treatment” by a cabal of American-based Synarchists, led by Felix Rohatyn, Henry Kissinger, and George Shultz (see accompanying article). Chile under the 1970s and ’80s dictatorship of General Pinochet offers the clearest picture of what Cheney et al. still intend to impose on the United States—if given the opportunity. The defeat of the Supreme Court nomination of Judge Alito offers the immediate opportunity to deliver a killer blow to Rohatyn, Shultz, and Cheney’s scheme.

The Other Sept. 11

On Sept. 11, 1973, Gen. Augusto Pinochet led a military coup that ousted the legitimately elected government of President Salvador Allende. The Pinochet coup would unleash several decades of terror, which would spread to other parts of South and Central America, through a Henry Kissinger-

approved regional death-squad program called “Operation Condor.”

Among the American bankers and government officials who ran the Pinochet coup, from the outset, were:

- Felix Rohatyn, the Lazard Brothers banker and ITT director. Rohatyn, a protégé of leading World War II-era Synarchist banker André Meyer, orchestrated the 1971 ITT takeover of Hartford Insurance, and, along with ITT Chairman Harold Geneen, helped oversee the overthrow of Allende from his post on the ITT board. Two years after the Pinochet coup, Rohatyn would impose the same Hitlerian/Schachtian austerity policies on New York City, through his chairmanship of the Municipal Assistance Corporation (“Big MAC”).

- George Shultz, Richard Nixon’s Treasury Secretary, who orchestrated the breakup of FDR’s Bretton Woods system on behalf of the Synarchist bankers, travelled to Chile, following the Pinochet coup, and gave his personal imprimatur to the regime’s radical free-trade economic policies, including the looting-by-privatization of the country’s pension system. The same privatization of Social Security was attempted by the Bush Administration last year—with Shultz’s enthusiastic backing. Himself a product of the University of Chicago Economics Department of Milton Friedman and the “Chicago Boys” who ran the economic policy of the Pinochet dictatorship, Shultz has been the behind-the-scenes Svengali of the Bush-Cheney Administration, steering it in an explicitly “Pinochet” direction, promoting a bankers’ dictatorship of radical free-trade/globalization looting, utilizing unbridled police state power to achieve his aims.

- Henry Kissinger, the National Security Advisor and Secretary of State to President Nixon, who enthusiastically promoted the Pinochet coup, at the very moment that he was formulating National Security Study Memorandum 200 (NSSM-200), which asserted Anglo-American Cold War ownership of the planet’s strategic raw-materials wealth and an aggressive corollary doctrine of drastic population reduction, through wars, disease and famine—all targetted at the Third World. Kissinger was the principal American government official behind Operation Condor, a right-wing death-squad apparatus that ran a “strategy of tension” terror war against the sovereign republics of South American, which spilled over into continental Europe, particularly Italy. One of Kissinger’s primary assets in Operation Condor was the Propaganda Two (P-2) Freemasonic Lodge of World War II-era fascist Licio Gelli.

The Chile of the Pinochet dictatorship, steered from Wall Street and the Nixon Administration by Rohatyn, Shultz, and Kissinger, is the model for what these same individuals and the Synarchist bankers cabal they represent, have in mind for the U.S.A.—if they are not stopped.

Carl Schmitt

These are the issues before the U.S. Senate in the case of Judge Alito. The doctrine of the “unitary executive” promoted by Alito is a carbon copy of the doctrine of law devised by

Carl Schmitt to justify the Hitler dictatorship of February 1933 and the Pinochet dictatorship of Sept. 11, 1973. In both the Hitler and Pinochet cases, Schmitt was “on the scene.” As the leading German jurist of the 1920s and ’30s, Schmitt wrote the legal opinion justifying Hitler’s Reichstag Fire coup. Schmitt argued that the “charismatic leader” derives unbridled power from “the people” in time of crisis, and that any form of government, based on a system of checks and balances, consensus, and separation of power, is illegitimate, because it stands in the way of the absolute ruler’s responsibility to “protect the people.”

In the case of the Pinochet coup in Chile, Schmitt’s student-protégé Jaime Guzman, argued that the government had to use violence to impose order. Guzman was the sole source of legal justification for the Pinochet coup and dictatorship, and he insisted that violence was a precondition for success. In effect, Schmitt acolyte Guzman ran fascist Chile—in the name of the same doctrine of “unitary executive” power that Schmitt had earlier codified in the *Führerprinzip*. It is the same doctrine that Cheney et al. seek to impose today on the U.S.A.

This is fascism—pure and simple—and it must be crushed, now, if the United States is to survive as a constitutional republic.