

# Ashcroft as Attorney General Threatens Constitutional Rule

*This testimony in opposition to the nomination of John Ashcroft to the post of U.S. Attorney General, was delivered to the Senate Judiciary Committee, Jan. 16, 2001, by Dr. Debra Hanania Freeman as spokesperson for Presidential candidate Lyndon H. LaRouche, Jr. The draconian emergency measures announced by Ashcroft and FBI Director Robert Mueller on May 29, 2002, following a fraudulent "crisis management" debate over Sept. 11 and threats of new terrorist attacks, prompts EIR to republish most of this prescient testimony now. It was published in full in EIR, Jan. 19, 2001.*

My name is Dr. Debra H. Freeman. I appear before the Committee as the national spokesperson for Lyndon H. LaRouche, Jr., to voice the strongest possible opposition to the nomination of John Ashcroft as the next Attorney General of the United States. My opposition to Mr. Ashcroft's confirmation is shaped by two considerations that go beyond the normal factors that one would weigh, in considering a candidate for the top law enforcement post in the U.S. Federal Executive Branch.

The first of those factors is the extraordinary global financial and monetary crisis that will be the first and overriding order of business confronting the incoming Bush Administration, as even President-elect Bush and Vice President-elect Richard Cheney have limitedly acknowledged in public statements. The scope of the onrushing world financial and economic crisis, however, goes far beyond anything that anyone in the incoming Administration now anticipates, and it will require a dramatic reversal of most of the policy axioms that have governed U.S. official policy over the past 35 years, if the United States is to survive in its present, albeit weakened, Constitutional form. Unlike the so-called "Asia Crisis" of 1997-98, and the so-called "Russia" and "Brazil" crises of 1998-99, the epicenter of the current phase of global monetary and physical economic disintegration is the advanced sector, specifically the United States, with our skyrocketing balance of trade deficit, negative household savings, and collapsing real industrial output. Thus, the crisis phase that we have now entered has the most profound implications for the well-being of the American population, and goes to the heart of our domestic tranquility and the common good.

The second factor, in this context, is the role that the next

Attorney General will play, as a leading member of the Executive Branch crisis team, dealing with the global financial and monetary crisis, and the other consequent regional and domestic crises, that will arise from these extraordinary circumstances. As the chief law enforcement official of the Federal Executive Branch, the next Attorney General will have responsibilities in this broader crisis-management team setting, that will often supersede his more immediate role within the Justice Department and subsumed Federal law enforcement agencies, proper. Thus, no assessment of Mr. Ashcroft's qualifications can be competently made, without first considering his role within a Presidential team, focussed on dealing with this now unavoidable series of crises.

## The Administration's Choices

The incoming Administration will be faced, immediately, with the choice between: 1) abandoning the current economic and monetary policy axioms and returning to policies that, in the past, have led the United States and the world out of the path of disaster, as during the Presidency of Franklin D. Roosevelt; or, 2) under the guise of "crisis management," imposing a form of brutal bureaucratic fascism on the United States, that bears striking similarities to the conditions under which Adolf Hitler seized power in Germany in 1933. It was Hitler's "crisis management" of the Reichstag fire and other events, real and manufactured, that established the dictatorship that no one in Germany had anticipated, even weeks before the coup was carried out. Unlike "normal times," the realities of the present crisis period mean that there is no middle ground between these two polar extremes. The luxury of "muddling through" for the next four years is no longer on the table.

These rather blunt words are necessary at this time. They underscore the danger represented by the confirmation of John Ashcroft, under circumstances compounded greatly by the Scalia-Rehnquist majority on the current U.S. Supreme Court, which further increases the danger of a Hitler-style crisis-management dictatorship. Lyndon LaRouche discussed this specific danger, during a Jan. 3, 2001 public symposium in Washington, D.C., in response to a question from members of the U.S. Congress. I quote from Mr. LaRouche's response to the question about the Ashcroft nomination:

"First of all, when Bush put Ashcroft in, as a nomination for the Justice Department, he made it clear, the Ku Klux Klan was riding again. That's clear. Now, maybe Bush didn't know what he was doing. But somebody in the Bush team did. And a lot of them had the voice to say something about it. Ashcroft was an insult to the Congress. If the Democrats in the Congress, capitulate to the Ashcroft nomination, the Congress is finished.

"This is pretty much like the same thing that Germany did, in Feb. 28, 1933, when the famous *Notverordnung* (emergency decree) was established. Just remember, after the Reichstag burning, the Reichstag fire, that Göring, who commanded at that time, Prussia—he was the Minister-President of Prussia at the time—set into motion an operation. As part of this, operating under rules of Carl Schmitt, a famous pro-Nazi jurist of Germany, they passed this act called the *Notverordnung*, the emergency act, which gave the state the power, according to Schmitt's doctrine, to designate which part of his own population were enemies, and to imprison them, freely. And to eliminate them. This was the dictatorship. . . .

"If you give those kinds of powers, of a Justice Department, to that Ashcroft, and what he represents, under that flag, you don't have any justice left in the United States. . . .

"We're going into a period in which either we do the kinds of things I indicated in summary to you today, or else, what you're going to have, is not a government. You're going to have something like a Nazi regime. Maybe not initially at the surface. What you're going to have is a government which cannot pass legislation, meaningful legislation. How does a government which cannot pass meaningful legislation, under conditions of crisis, govern? They govern in every case in known history, by what's known as crisis management. In other words, just like the Reichstag fire in Germany.

"What you're going to get with a frustrated Bush Administration, if it's determined to prevent itself from being opposed, you're going to get crisis management. Where members of the special warfare types, of the secret government, the secret police teams, will set off provocations, which will be used to bring about dictatorial powers and emotion, in the name of crisis management.

"You will have small wars set off in various parts of the world, which the Bush Administration will respond to, with crisis-management methods of provocation. That's what you'll get. And that's the problem. And you have to face that. You've got to control this process now, while you still have the power to do so. Don't be like the dumb Germans, who, after Hitler was appointed to the Chancellorship, in January 1933, sat back and said, 'No, we're going to defeat him at the next election.' There was never a next election—there was just this '*Jawohl*,' for Hitler as dictator. Because the *Notverordnung* of February 1933, *eliminated* the political factor."

Mr. Ashcroft has a long-standing record of public policy positions that contradict the fundamental Constitutional provisions of the General Welfare Clause of the Preamble, that

demand of the Federal Government, nothing less than the zealous pursuit of the inalienable rights of every individual citizen to "life, liberty and the pursuit of happiness." As Missouri Attorney General, as Governor, and later as U.S. Senator, Mr. Ashcroft has fought against the rights of all Americans to equal educational opportunities, he has been a zealous advocate of the death penalty, has placed states' rights above the proper role of the Federal Government, and has labored to undermine the U.S. Constitution through a series of efforts to remove safeguards against frivolous or radical amendments.

### **An Unfortunate Legacy**

One of the unfortunate legacies of the Clinton Administration is that the Department of Justice and the Federal Bureau of Investigation, today, enjoy greater unchecked bureaucratic power than at any time in recent memory. Early efforts by the Clinton Administration to curb the excessive powers of the DOJ and the FBI, built up during previous administrations, were successfully thwarted, to the point that the Presidency, itself, became a first-order target of Federal law enforcement agencies, rendering later reform impossible. In the past, I have presented testimony before this Committee, documenting the shameful pattern of judicial abuses by the FBI and the Department of Justice Criminal Division, in Operation Fruehmenschen (which targetted thousands of African-American elected officials for judicial frame-up), in the Waco and Ruby Ridge massacres, and, most emphatically, in the railroad prosecution of Lyndon LaRouche and dozens of his political associates. The LaRouche case was described by former U.S. Attorney General Ramsey Clark, in 1995 testimony before an independent commission on Justice Department tyranny: "I believe [the LaRouche case] involves a broader range of deliberate and systematic misconduct and abuse of power over a longer period of time in an effort to destroy a political movement and leader, than any other Federal prosecution in my time or to my knowledge."

In 1998, a bipartisan majority of members of the House of Representatives backed the McDade-Murtha bill, which attempted to place serious constraints on the Justice Department, the FBI, and other Federal law enforcement agencies—to prevent the continuing pattern of official criminality and abuses, targetted against American citizens. That effort was only partially successful. Much remains to be done to assure that the U.S. Justice Department no longer serves as a government-sponsored political police and assassination bureau.

Were John Ashcroft to be confirmed as Attorney General, he would only augment the horrible abuses of power and criminal tyranny, already rampant within the Justice Department and FBI bureaucracies, especially under the global crisis conditions I have outlined above. For all of these reasons, the appointment of John Ashcroft must be rejected by this Committee.

Thank you.