

Obama Is Under Fire For Violating the Constitution

by Nancy Spannaus and Edward Spannaus

July 11—President Barack Obama, already under fire from all sides of the political spectrum for violating the U.S. Constitution and War Powers Act by launching war against Libya without Congressional authorization, was threatened with impeachment for another of his policies this week. Republican lawmakers say that they will file impeachment charges if the President claims the authority of the 14th Amendment to raise the debt ceiling, thereby going around the Congress.

What Obama and Treasury Secretary Tim Geithner are in fact doing, is using the threat of default, or of preventing default, by using Clause 4 of the 14th Amendment, to protect London's and Wall Street's illegitimate debt. Obama and Geithner have done everything in their power to oppose the Constitutional method of dealing with the debt—the restoration of Glass-Steagall—and are instead using the threat of default to ram through killer austerity, in violation of the Constitution's commitment to the general welfare.

Meanwhile, Obama's flagrant violation of the Constitution and the War Powers Resolution, by deploying U.S. armed forces and conducting war against Libya without Congressional authorization or a declaration of war, is continuing, despite de facto repudiation of his policy by both the House of Representatives and the Senate. Most stunning was the fact that Senate Majority Leader Harry Reid had to pull the resolution of support for the Libya adventure, which had been put forward by Senators John Kerry and John McCain, on July 5, because he realized he could not win the vote to proceed with the measure.

Yet, the President continues to argue, as in his press conference July 6, that he doesn't have to justify his actions with reference to the Constitution, but can act on

his own, allegedly for "humanitarian" missions.

The question on the table is: When will lawmakers put aside their partisan concerns, and take measures to remove this President from office, either by impeachment or by the threat of impeachment?

Institutional Opposition, Plus

The Constitutional question around Obama's personal decision (in his role as a British puppet) to go to war against Libya, is one that refuses to go away. It continues to bring calls for impeachment from Republicans and Democrats alike, although no legislator has yet started the official process rolling.

After the President's Libya policy was trounced in the House of Representatives in the June 24 debate on a resolution "approving" the war (see *EIR*, July 1), Obama insisted on trying to get a win in the Senate. Stepping up to his defense were Kerry and McCain, who introduced a resolution of "support" for the Libya War, which was supposed to substitute for the Constitutional procedure Obama had ignored.

The Kerry-McCain resolution came up for debate in the Senate Foreign Relations Committee hearings on June 28, on the constitutionality of the Libya War, which had been scheduled at the demand of Ranking Member Richard Lugar (R-Ind.), and Senators Bob Corker (R-Tenn.), and James Webb (D-Va.). Speaking for the President in this hearing was State Department legal counsel Harold Koh, a de facto agent of British operative George Soros, who had played a major role in providing the legal justification for the illegal war. Koh was shameless in his presentation and answers to questions from the Senators, emphasizing that the decision to launch this war was a question of "policy," not constitutionality, and trying to reduce the whole matter to a range of technicalities.

Corker exposed Koh’s sophistry with one cogent intervention, where he remarked that, by Koh’s argument, the U.S. could drop an atom bomb on Tripoli and it wouldn’t count as involving the U.S. in a war, because no Americans would be killed. His questions about the debate within the Administration over the legality of the war—it is known that the Justice Department’s Office of Legal Counsel (OLC) and the General Counsel of the Defense Department disagreed with Koh—were not answered. And it was pointed out, that the White House barred the OLC and DOD lawyers from testifying at the Senate hearing.

In desperation to get the resolution passed, Kerry accepted four amendments presented by one of his leading critics, Senator Lugar, including one that said the War Powers Act *did* apply to the Libya operation. The

resolution passed 14 to 5, with Lugar and four other Republicans still voting against it (see LaRouche, “Is It Not Treason?” p. 49).

But when the Administration and Kerry tried to get the full Senate to pass the resolution, on July 5, after Obama had had Majority Leader Reid cancel their recess, they fell flat on their faces. After a short debate, in which Lugar again savaged the Administration for its unconstitutional behavior (see box), Reid decided not to go ahead with a cloture vote—obviously figuring that he would lose it.

Eminently Impeachable

The record of Obama’s impeachable offenses is the proverbial mile long, as *EIR* has pointed out for more than a year, but up until now, partisan considerations

Lugar: The President Has Violated the Constitution

The following is excerpted by Sen. Richard Lugar’s July 5 remarks on the floor of the U.S. Senate:

President Obama’s assertion that he does not need a congressional authorization to wage war in Libya represents a serious setback to the constitutional limits on Presidential war powers. Historians will point out that this is not the first time that a President has gone to war unilaterally. But saying that Presidents have exceeded their constitutional authority before is little comfort. Moreover, the Libya case is the one most likely to be cited the next time President Obama or a future President chooses to take the country to war without congressional approval.

Declarations of war are not anachronistic exercises. They force the President to submit his case for war to Congress and the American public. They allow for a robust debate to examine that case, and they help gauge if there is sufficient political support to commit American blood and treasure. And they define the role and strategy of the United States. Neither U.N. Security Council resolutions nor adminis-



tration briefings are a substitute for a declaration of war or other deliberate authorizations of military operations...

The Founders believed that Presidents alone should not be trusted with war-making authority, and they constructed checks against executive unilateralism. James Madison, in a 1797 letter to Thomas Jefferson, stated, “The Constitution supposes, what the History of all Governments demonstrates, that the Executive is the branch of power most interested in war, and most prone to it. It has accordingly with studied care, vested the question of war in the legislature.”



White House/Pete Souza

President Obama's high-handed repudiation of the U.S. Constitution and the War Powers Act have rendered him eminently qualified for impeachment. It's time he began rehearsing his resignation speech.

on both the Democratic and Republican sides have prevented effective actions from being taken. Many Republicans have failed to act, because they see Obama—a British puppet carrying out Wall Street dictates—as their close ally, as in the murderous budget deals he's made with the Republican House leadership over the last six months. The Democrats have shied away from action on the excuse that “party unity” has to be maintained, particularly going into the 2012 election.

We summarize the record here:

- Already in April 2009, Obama was engaging in actions to destroy the sovereignty of the United States, when, at the London G20 meeting, he agreed to actions, including the expansion of “special drawing rights,” which gave the International Monetary Fund increased power over the economy of the United States and other sovereign nations.

- Obama's shutdown and destruction of the NASA manned space flight program, on behalf of the British, triggered Lyndon LaRouche's first formal call for the impeachment of Obama, in February 2010. In his Feb.

3 call, LaRouche declared: “President Barack Obama's stated intention to shut down and destroy the NASA program at its root, when added to the Hitler-like health-care policy, and the general, destructive features of all other leading Obama policies, is one step too far to bear. . . . Our industries have gone, the security of our food supplies has been undermined, and now the last bastion of the means of technological progress, the space program, is scheduled for obliteration.”

- Obama's health-care plan, modelled on Hitler's T-4 policy, in its scheme to deny medical care and treatment to certain categories of people, constitutes a crime against humanity under the Nuremberg Principles, to which the United

States is bound by law and treaty.

- Obama's violation of the separation of powers, by means of unilateral executive actions, in violation of U.S. law including treaty law, has exceeded even that of the Bush-Cheney Administration in many respects.

- He has continued the use of signing statements, and has made dozens of appointments of special “czars” and recess appointments, to circumvent Congressional oversight and the Senate confirmation process.

- He has expanded domestic surveillance and wire-tapping; has continued the use of abusive detentions and interrogations of prisoners taken in the “War on Terror”; and has expanded the use of targeted assassinations, including claiming the right to kill American citizens abroad without due process.

- He has effectively legalized torture and prisoner abuse, in violation of U.S. law and treaty obligations, by directing his Justice Department to cover up hundreds of cases of abuse and torture, and even deaths, from the Bush-Cheney years.