

16. STATE OF THE UNION AND THE CONSTITUTION

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Former Senator Schmitt Outlines America's Path to National Socialism

Americans lost two more large slices of their liberty with enactment of 2010 healthcare and financial legislation. Even given electorate's long and sad history of voluntarily, incrementally, and unconstitutionally giving up liberties to the Federal Government in exchange for personal security and insulation from personal responsibility, this loss breaks the heart: for the first time in America, liberty disappeared by political fiat and against the will of the people.

The previously faint but obvious path of the United States toward national socialism has suddenly become a super-highway. Reversing direction requires concerted, immediate action in the courts, push-back by the States, and passive resistance by the people. Using the term "national socialism" for where we are headed may make some uncomfortable, but it has historical precedent in referring to the logical end-point of current governing trends. A possible alternative term for where we are being taken would be "authoritarian capitalism," as now practiced in China, but that term does not yet have as good historical examples of the potential consequences of these trends as do analogies with the "national socialism" that swept Europe in the last Century.

Although national socialism clearly has atrocious legacies of genocide, aggression, and terrorism under the despotism of Hitler and the Third Reich, the term actually refers to a philosophy of authoritarian government that took hold in Germany early in the 20th Century. Once national socialists took control, the German government dominated individual liberties and the decision-making of private business and industry. Soon, that business and industry became an implementing arm of the domestic repression and the international ambitions of the Third Reich. Our concern today should be that "regulation" of individual liberties and "control" of the private sector now has become the often publicly stated goals of the current Congress and President in the United States.

The seeds for national socialism's destruction of liberty in Germany germinated in Bismarck's nationalization of healthcare in 1883-1889 and, of course, continued to a disastrous conclusion under Hitler. By 1920, the National Socialist German Workers' Party already advocated the following themes, now familiar as trends in the United States: creation of a managed economy with an extensive welfare state; anti-capitalism with profit-sharing between government and industry; nationalization of financial

institutions; central government control of education, press, and culture; government control of elections and the media; incitement of class and religious conflict; anti-Christianity and anti-Semitic policies; and personalization of leadership. Pervasive Statism of this nature stands only a short distance from the total Statism of Lenin and actually has little to distinguish it from the latter in terms of consequence.

The following political activities should reinforce concerns about other national socialistic trends in the United States, particularly over the last 30 years:

1. *Usurpation of Financial Markets:*

The Bush and Obama Administrations' and the Congress' violation of the Constitution through many targeted actions against financial institutions constitute a lack of equal protection of the law guaranteed by the 5th and 14th Amendments. These actions include selective usurpation of the normal process of bankruptcy; passage of selective laws restricting the private sector's legitimate decision-making; discriminatory decisions on which institutions would be allowed to fail; imposition of taxpayer bailouts (TARP) on institutions that did not want them; continued control of the financial and business decisions of remaining institutions; and favoritism in the subsidization of the housing finance disasters called Freddie Mac and Fannie Mae.

2. *Manipulation of Housing Markets:*

The Congress' and the Carter and Clinton Administrations' long term, unconstitutional (Article I and equal protection) manipulation of housing

markets and banking decisions. These non-market-based incentives planted the seeds for the sub-prime mortgage market meltdown as normal determinations of lending risk ceased for all but the most conservative, small banks.

3. *Control of the Private Sector:*

The Obama Administration's and the Congress' unconstitutional (Article I and equal protection) usurpation of the normal process of bankruptcy for General Motors and Chrysler. Those companies have been transformed into federally controlled entities with both financial and regulatory advantages over competitors. In the process, senior debt holders had their property unconstitutionally taken in favor of a gift of ownership to organized labor. Although a year after the fact, the Supreme Court reversed this unconstitutional precedent that countered the 5th Amendment's prohibition against "deprivation of...property, without due process of law..." it did not reverse its actual effects. Expect this ploy to be tried again as has been the case with continued attempts to impose a moratorium on off-shore drilling for oil.

4. *Nationalization of Healthcare:*

The Obama Administration's and the Congress' unconstitutional nationalization of healthcare and health insurance. Their plan includes, among many unconstitutional provisions, the forced purchase of insurance, violation of Americans' human rights to privacy, thought, and decision-making (9th Amendment) and the constitutionally protected independent powers of States (10th Amendment). Control of healthcare costs has disappeared as cost considerations have been removed completely

from most patients' decisions on what services to seek.

5. *Control of Life or Death Decisions:*

The Obama Administration's unconstitutional (equal protection and 9th Amendment) acceleration down the slippery slope of imposing government between doctors and patients in decisions on treatment and, indeed, on life or death. Authoritarian use of age to select who lives or dies far too closely resembles selection on the basis of race, ethnicity, or any other arbitrary criteria that became European national socialism's most insidious legacy.

6. *Control of Energy Production:*

The Obama Administration and the Congress' moves toward control of energy producing and energy consuming portions of the private sector. Selective loan guarantees related to domestic energy are unconstitutional on their face (lack of equal protection). Carbon emission controls have no valid justification constitutionally (Article I), scientifically, or economically.

7. *Regulatory Law-Making:*

The Congress' continued and accelerated, unconstitutional transfer (Article I, Section 8, Clause 18) of its specific constitutional law-making authority to the Executive's regulatory agencies.

8. *Increases in Debt and Taxes:*

The Obama Administration and the Congress' intentional destruction of the U.S. economy through massive increases in debt, tax, and regulation. This unconstitutional path (undermining national security and the general welfare) defies common sense relative to that of stimulating financial recovery by historically successful, permanent tax reductions.

Destructive policies currently in place or planned, undertaken in the name of "wealth redistribution," form the cornerstone of all varieties of socialism. Currently, they have resulted in continued high private sector unemployment, unrestrained growth of the federal government and its unions, government and union dominance over management, and a massive destruction of American wealth and incomes.

9. *State-Committed Media:*

The state-committed media's full-throated support of the current President's agenda to control personal behavior and private sector decision-making. In addition, the state-committed media supports proposals to silence or regulate alternative media sources and broadband communications as well as generally limit the 1st Amendment's freedom of political speech.

10. *Denigration of Judeo-Christian Values:*

The Congress' and the state-committed media's concerted effort to demonize and unconstitutionally discriminate (9th Amendment) against education and personal achievement, marriage, and other Judeo-Christian values.

11. *Control of Education:*

The Administration's declared intent to continue unconstitutional (10th Amendment) federal coercion of public education systems while unconstitutionally limiting parental choice (9th Amendment).

12. *Control of the Census:*

The assumption of control of the Census by the White House, with acquiescence by the Congress, in order to politically control the population count of various demographic groups and the subsequent allocation of Congress-

sional Districts. Under Article I, Section 2, Clause 3, this action violates the Constitutional responsibility of the Congress, "...in such Manner as they shall by Law direct," to oversee this critical function in a representative democracy.

13. *Cult of Personality*: Early and continuing attempts by the Administration and the state-committed media to create a cult of personality and charismatic authority around the President and to characterize policy disagreements as personal and racial attacks.

The remaking of America is the stated goal of the President and the Congressional majority. If America is to avoid the disastrous consequences of sailing toward the unconstitutional shoals of national socialism, the election

of 2010 must be the point of tacking back into the political winds generated by the Congress and the President. This election must provide the majorities necessary to first, nullify the socialist legislation passed by the current Congress and second, to bring the Constitution back in control of America's government. Letting the current Congressional Leadership and this President continue to drive the ship-of-state no longer can be an option if we wish to preserve liberty and prosperity for our children and ourselves.

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