

***Legal expert Michael Ratner calls the legal arguments made in the infamous Yoo memos, "Fuhrer's law."***

The memos lay the legal groundwork for the president to send the military to wage war against U.S. citizens; take them from their homes to Navy brigs without trial and keep them forever; close down the First Amendment; and invade whatever country he chooses without regard to any treaty or objection by Congress.

I thought this was -- and is -- certainly one of the biggest stories of our lifetime, making the petty burglary of Watergate -- which scandalized the nation -- seem like playground antics. It is newsworthy too with the groundswell of support for prosecutions of Bush/Cheney crimes and recent actions such as Canadian attorneys mobilizing to arrest Bush if he visits their country.

The memos are a confession. The memos could not be clearer: This was the legal groundwork of an attempted coup. I expected massive front page headlines from the revelation that these memos existed. Almost nothing. I was shocked.

I call it "Fuhrer's law." What those memos lay out means the end of the system of checks and balances in this country. It means the end of the system in which the courts, legislature and executive each had a function and they could check each other.

What the memos set out is a system in which the president's word is law, and Yoo is very clear about that: the president's word is not only law according to these memos, but no law or constitutional right or treaty can restrict the president's authority.

What this actually means is that the president can order the military to operate in the U.S. and to operate without constitutional restrictions. They -- the military -- can pick you or me up in the U.S. for any reason and without any legal process. They would not have any restrictions on entering your house to search it, or to seize you. They can put you into a brig without any due process or going to court. (That's the Fourth and Fifth amendments.)

The military can disregard the Posse Comitatus law, which restricts the military from acting as police in the the United States. And the president can, in the name of wartime restrictions, limit free speech. There it is in black and white: we are looking at one-person rule without any

checks and balances -- a lawless state. Law by fiat.

Who has suspended the law this way in the past? It is like a Caesar's law in Rome; a Mussolini's law in Italy; a Fuhrer's law in Germany; a Stalin's law in the Soviet Union. It is right down the line. It is enforcing the will of the dictator through the military.

[Full story...](#)