

Let's Have a Referendum On the Lisbon Treaty!

by Helga Zepp-LaRouche

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Reactions from various quarters to the German Federal Constitutional Court's ruling on the EU's Lisbon Treaty and the accompanying enabling law,¹¹ demonstrate that the opponents of Germany's sovereignty, and its constitution, clearly have no intention of halting their efforts to trample over both. There can only be one response: A referendum must be held on the Lisbon Treaty.

The Karlsruhe-based Constitutional Court's June 30 ruling, which declares that the Lisbon Treaty is in harmony with Germany's Basic Law [its constitution], but only in the court's interpretation issued in this ruling, is an important affirmation of the principle of the national sovereignty of European states—even though, of course, Germany, in fact, has no sovereignty at present—and is a definitive rejection of the idea that the European Union is a federal state. Even more important, is the resounding slap in the face which the Court delivered to the lower and upper houses of parliament, the Bundestag and Bundesrat, both of which, in their vote on the accompanying law, instead of expanding and strengthening their rights, had handed them over, lock, stock, and barrel, to Brussels. Karlsruhe ruled that they acted unconstitutionally, and it mandated a reformulation of the accompanying law, so that it complies with the Karlsruhe Court's 150-page interpretation.

Thus, Germany's highest court has ruled that a law voted up by 515 representatives of the Bundestag—representatives whose most fundamental obligation, according to Article 38 of the Basic Law, is to represent

1. See Helga Zepp-LaRouche, "Pre-emptive Obedience: German Parliament Violates Constitution," *EIR*, July 17, 2009.

the people—was unconstitutional. That is truly monstrous. But, has there been any debate on this, or even a single in-depth commentary in the media (our own excepted)? No, nothing. Does that say something about the condition of democracy in Germany? Yes, quite a lot: With their vote, those 515 representatives have made themselves unelectable, one and all, in the eyes of anyone to whom freedom and democracy aren't just empty words.

In the middle of the Summer recess, on Aug. 26, the members of the Bundestag were recalled for a special session, to comply with the government's desire to get the entire matter cleared away quickly, so that it could be a *fait accompli* prior to Ireland's second referendum on the Treaty, on Oct. 3. The Social Democratic Party (SPD) opposed the Christian Social Union's (CSU) attempt to once again simply append to the bill, in the form of an explicit resolution, the Karlsruhe ruling that, in Germany, the Treaty is valid only in the Court's interpretation. Thomas Oppermann, speaker of the SPD Bundestag caucus, joked about CSU head Horst Seehofer's self-degradation from "a Bavarian lion into a European doormat." Which is simply the SPD's way of proclaiming its own transformation from a party of working people, into a party whose concept of the state is best termed "Leviathan."

The European Union, under the Lisbon Treaty, continues to represent the policy of globalized free trade, which has been responsible for today's systemic crisis. As much as the CSU's Peter Gauweiler deserves credit for his constitutional challenge, he is now absurdly participating in the construction of the legend around the CDU and the CSU, by comparing Chancellor Angela Merkel's policy of spending billions of taxpayers' money to finance the banks' financial toxic waste, to former Chancellor Helmut Schmidt's courageous actions in Mogadishu.²² The illusion that Frau Merkel has dealt with the matter competently, and that the crisis is now past, will be extremely short-lived.

Mass-Strike Process in the U.S.A.

If our upcoming government were to react to the mass unemployment and corporate bankruptcies ex-

2. In late 1977, Palestinian terrorists hijacked a Lufthansa jet and landed in Mogadishu, Somalia. Chancellor Schmidt sent in an anti-terrorist unit which killed three hijackers and freed all hostages unharmed.

pected this Autumn, by attempting to implement massive austerity, then domestic tranquility in Germany will be disrupted just as surely as it already has been shattered in the United States. America is now the scene of a protest movement comparable only to the East German population's uprising in the Autumn of 1989. As then, the U.S. population's long-pent-up dissatisfaction with the government's policies, is coinciding with a state of national bankruptcy.

In the case of the German Democratic Republic, it was the seemingly secondary issue of freedom to travel, which brought the people out onto the streets, just at the point when the G.D.R.'s economy had gone bankrupt.

In the United States, it is people's rage over having to pay for the \$25 trillion bailout of ailing banks—costs which are to be fobbed off onto citizens by cutting health-care expenditures by 30%. Forty-eight of the 50 U.S. states are insolvent, and real unemployment is around 30%; and a large percentage of the unemployed are not receiving any benefits, because of the states' insolvency. This year alone, it is expected that an additional 2.5 million families will lose their homes. Assistance for low-income households has been radically cut, even though these people's very lives depend on those payments.

In the eyes of the American people, the Obama Administration and the U.S. Congress have lost the "mandate of Heaven." The names Larry Summers, Tim Geithner, and Ben Bernanke (whom Obama has just re-appointed as Federal Reserve chairman) stand for the continuation of the Bush Administration's policies. So, now, in hundreds of town meetings, some with up to 3,000 participants, the people are rising up against this policy, and are demonstrating: "We are the people!"

This mass strike in the United States is currently the world's most important political factor. If this protest movement succeeds in driving Wall Street's minions, and health-care economists such as Ezekiel Emanuel and Peter Orszag, out of the Administration, and in putting the policies of Lyndon LaRouche, in the tradition of Franklin D. Roosevelt, onto the agenda, then it will be possible to establish a new financial architecture on the international level. Anyone here in Europe who believes, on the other hand, that Europe will remain unscathed by the U.S. bankruptcy and the collapse of the U.S. dollar, is simply blinded to reality by their own anti-American ideology.

What Will Europe Do?

It ought to be clear that, up to now, no initiatives are to be expected from Europe toward solving the systemic crisis—a crisis which Lothar de Mazière³³ has recognized—so long as Europe's states remain under the Brussels dictatorship. The extent to which the Karlsruhe ruling has become a thorn in the side of that dictatorship, was most recently demonstrated by a memorandum signed by 30 lawyers, demanding that limits be imposed on the Federal Constitutional Court's powers. The fact that Karlsruhe has reserved its right to be the ultimate arbiter on questions of EU policy within Germany, they say, has made a future legal conflict with the European Court of Justice all but inevitable. And therefore, in the event that Karlsruhe were to declare specific EU decisions unconstitutional, there would be a threat from the EU of drastic financial actions.

But it doesn't even occur to the 30 lawyers that the German government would be legally bound by the Karlsruhe decision *not* to permit unconstitutional decisions to reach the European Council in the first place. It is indicative that, among these lawyers, are Professors Ingolf Pernice and Franz Mayer, who had argued the German government's case in favor of the Lisbon Treaty before the Karlsruhe Court. It's quite doubtful that these professors are now acting independently of those who sign their paychecks. Such is the answer, so far, to the Constitutional Court's at least partly good and important ruling!

Considering the fact that Tony Blair, appearing at a conference in Italy of Communion and Liberation (Comunione e Liberazione), attempted to profile himself as *the* Christian politician and the future EU President (but not as inventor of the lies that led to the Iraq War!), then it should be clear that this EU policy is truly a threat to us.

Judging from the behavior of the greater part of the Bundestag and the government, we can draw only one conclusion: We urgently need a referendum on the EU Treaty. Future events will, in any event, make it clear that Germany must assert the right which international law gives it, to withdraw from all EU treaties, because continued acquiescence to neo-liberal policies is incompatible with our nation's fundamental self-interest.

3. Christian Democrat Lothar de Mazière was East Germany's last prime minister. He recently compared the current collapse of global current financial system to communist East Germany's systemic collapse.