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A More Powerful President Is the Last Thing We Need

by Anthony Gregory

Vice President Richard Cheney [recently credited](#) George W. Bush with restoring the presidency to its proper station of authority and power. According to Cheney, the American presidency declined in its prestige and status in recent years, especially during the Nixon, Ford, and Carter administrations, and has only been fully recovered with the current chief executive.

This is very unsettling, especially for those who believed Republicans had some understanding and respect for the constitutional structure of American government, as it was framed by the Founding Fathers.

Originally, the president was meant to be an executive officer with limited powers who was confined mostly to carrying out the legislative mandate of Congress, which was itself strictly limited to its enumerated functions in Article I, Section 8. Other than that, the president had the power to appoint ambassadors and other officials, veto legislation, and perform a few other tasks, most of which were subject to congressional ratification. Congress was to be superior to the president in legislative matters and yet inferior to the people, and the three branches of government were meant to constantly hold each other in check, limiting each other's powers rather than enhancing them. Congress was also supposed to hold the power of overriding presidential veto by supermajority and, whenever the president seriously transgressed his authority or behaved criminally, to draw up articles of impeachment and expel him from office.

The Founders were perhaps most adamant about limiting the war-declaring powers to the legislative branch, with the president having the power to wage war only after war has been officially declared by Congress.

Presidents such as Abraham Lincoln, Teddy Roosevelt, Woodrow Wilson, Franklin Roosevelt, Harry Truman, and Lyndon Johnson expanded and exalted the presidency far beyond its intended limits, each time legislating and regulating from the Oval Office and subverting the Constitution and congressional checks and balances.

George W. Bush has also been particularly flagrant in respect to the constitutional limits on his power. He has signed and enforced unconstitutional legislation, violated the rule of law in the

War on Terrorism, detained people without trial or due process, and subverted the Bill of Rights with the USA PATRIOT Act, the Homeland Security Bill, various executive orders, and his administration's treatment of designated "enemy combatants." In his recent inaugural speech he indicated that he intends an even more interventionist foreign policy than we already have, none of which is likely to be consistent with the procedural safeguards or purpose of the Constitution.

The lesson is clear: when a president is not limited in his power, the abuses of power and of our liberties will multiply without limit. How telling it is to have a glimpse into Cheney's outlook on all this.

Most disconcerting is Cheney's opinion that "there has been over time a restoration, if you will, of the power and authority of the president" as it relates to waging war and requiring congressional approval for military action.

Specifically, Cheney believes the Vietnam War unduly discredited the power of the president to wage war without a formal congressional declaration. He believes the 1973 War Powers Act is "unconstitutional" in the limits it places on the president, even though it was simply an attempt to reverse some of the damage done by the truly unconstitutional 1964 Gulf of Tonkin resolution that gave Lyndon Johnson a blank check to wage war. Cheney does not "think you should restrict the president's authority to deploy military forces because of the Vietnam experience," even though the president's military authority was already sharply restricted by the Constitution itself, which was ignored by Harry Truman in the Korean War and Johnson in the Vietnam War, and which has not been respected at all by Congress or the presidents since World War II.

Cheney also laments the loss of respect for the presidency that came as a result of the Iran-Contra scandal, which Cheney amazingly characterizes as a congressional attempt to "criminalize a policy difference." The cynicism here is breathtaking. The Reagan administration struck at the very foundations of constitutional checks and balances in the Iran-Contra affair, appropriating the power of the purse from Congress to secretly and illegally sell weapons to Iran and fund the Nicaraguan Contras, and contravening a direct refusal of Congress to participate in this military intervention. The Iran-Contra scandal *was* criminal, and probably supplied more serious grounds for impeachment than either Richard Nixon's Watergate cover-up or Bill Clinton's obstruction of justice in the Monica Lewinsky scandal.

In discussing Watergate, Cheney also appears to forget the more serious crime of Richard Nixon, which was considered during his impeachment hearings as a possible article of impeachment: the illegal and secret carpet-bombing of Cambodia, without a semblance of congressional or constitutional legitimacy.

"I'm not sure that [Watergate] justified reducing or restricting presidential power and authority or making changes in the fundamental institutional balance between" Congress and the

presidency, says Cheney, although even the Watergate scandal failed to restrain the presidency and limit it to the provisions of the Constitution.

Cheney resents some of the only occasions in recent history on which presidential power became questioned or curbed and when there seemed to be a chance that Congress and the people would begin to rein in the hyperinflated executive branch and bring it even a few steps closer to its constitutionally limited and proper functions.

What America really needs is a much smaller federal government, no larger or more powerful than authorized in the Constitution, no longer involved in health care, education, charity, corporate subsidies, gun control, drug policy, business regulation, retirement savings, trade protectionism, or foreign aid — let alone a global perpetual war to overturn every foreign regime the president doesn't like. We need our liberty restored and a presidency returned to the limits of the Constitution, not the unlimited power of the most ambitious and authoritarian presidents of the past. What we do not need is an even more powerful and unaccountable chief executive than we already have.

A powerful president practicing unauthorized activities probably poses the greatest of all threats to American liberty. That the vice president is happy about the “restoration” of the unrestrained and unchecked presidency would imply, at least for the political skeptic, that he is not too concerned or saddened by the corresponding loss of freedom we can expect from this continuing erosion of America's constitutional order.

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This article was originally published in February 2005.