

The Power of The President

The Liberals are, at last, beginning to wake up. For decades the Liberals and the Old Left have been regaling us with exaltation of the power, the glory, the grandeur of the President, especially in foreign and military affairs. The President was, uniquely and miraculously, the living embodiment of the Will of the People. Once every four years the individual American is allowed, nay exhorted, to troop to the polls, where he may pull down a lever beside the name of one out of two indistinguishable Personalities. After the winner is duly chosen by about one-fourth of the eligible electorate, the mantle of the Popular Mandate settles about his regal shoulders, and he is then to do as he pleases with us all until the hour of the next quadrennial extravaganza. The Liberals have been in the forefront of the advancement and glorification of this despotic process; anyone who dared to question or grumble at the burgeoning of unchecked power in the President was damned as an obstructionist, reactionary, and Neanderthal, heartlessly and wilfully attempting to block America's divinely-appointed path to her future destiny. And within the Pantheon of Presidents, the deified ones were the "strong" (i. e. war-making) Presidents--the Lincolns, the Wilsons, the Roosevelts, while the pacific and "do-nothing" Presidents were denigrated and scorned.

Too often it all depends on whose ox is being gored. World War II and the Korean "police action" were pre-eminently Liberal wars, and so the Liberals of course saw nothing wrong in them or in the Presidential powers that brought the wars about or were greatly intensified by the conflict. But the Vietnam War is a war of a different color, and many Liberals find that their chickens have truly come home to roost. Here and there Liberal voices are being raised, suddenly alarmed that some-

thing has gone wrong in the Paradise of presidential power.

The latest recruit to the growing body of the alarmed is the eminent Professor Hans J. Morgenthau of the University of Chicago, quondam adviser to Presidents and diplomats, apostle of the Cold War and of hard-nosed realpolitik. More than most of his fellow Liberals, Morgenthau realizes not only that the Liberal-propelled process has gone too far, but even more that something is fundamentally wrong in the political system itself. Thus, Morgenthau laments that: "What the Founding Fathers feared has indeed come to pass: The President of the United States has become an uncrowned king. Lyndon B. Johnson has become the Julius Caesar of the American Republic."¹ Furthermore, Morgenthau recognizes that it is precisely the U. S. Constitution that has furnished the necessary framework for this appalling development. Morgenthau writes:

The objective conditions for the ascendancy of presidential powers have been long in the making; they only awaited a President willing and able to make full use of them. . .

Thus the stage was set for a new Caesar to bestride it. Only Caesar was missing. Presidents Truman and Kennedy could not fill the role because they were unable to manipulate Congress, and President Eisenhower, even though he created the administrative machinery of the contemporary presidency, was not interested in using it for the actual enlargement of the President's powers. It is the signal contribution Lyndon Johnson has made to American political life that he has taken advantage of the objective conditions of American politics with extraordinary skill and with an extraordinary taste for power. He has well-nigh exhausted the possibilities of power of the modern presidency, dwarfing the other branches of the government and reducing the people at large to helplessly approving bystanders.²

We welcome Professor Morgenthau to the anti-presidential ranks; but, as is generally the case with Liberals, his analysis is not thoroughgoing enough, and his posi-

1. Hans J. Morgenthau, "The Colossus of Johnson City", The New York Review of Books (March 31, 1966), p. 11.

2. Ibid., p. 12.

tive proposals are far less penetrating than his analysis. All he can offer is to call briefly for more exertions by Congress and for a return to the "checks and balances" supposedly envisioned by the Founding Fathers. For far more light as well as heat on the American Constitution we must turn to the great and eloquent Patrick Henry, a radical not a liberal, and a man whose root-and-branch opposition to the Constitution envisioned what sort of political system that document would promote. In the course of his fiery and determined opposition to the Constitution at the Virginia ratifying convention, Patrick Henry thundered:

This Constitution is said to have beautiful features; but when I come to examine these features, sir, they appear to me horribly frightful. Among other deformities, it has an awful squinting. It squints toward monarchy; and does not this raise indignation in the breast of every true American? Your President may easily become King. . . . Where are your checks in this government? Your strongholds will be in the hands of your enemies. It is on a supposition that our American governors shall be honest, that all the good qualities of this government are founded; but its defective and imperfect construction puts it in their power to perpetrate the worst of mischiefs, should they be bad men; and, sir, would not all the world. . . . blame our distracted folly in resting our rights upon the contingency of our rulers being good or bad? Show me that age and country where the rights and liberties of the people were placed on the sole chance of their rulers being good men, without a consequent loss of liberty! . . .

If your American chief be a man of ambition and abilities, how easy is it for him to render himself absolute! The army is in his hands, and if he be a man of address, it will be attached to him. . . . I would rather infinitely. . . . have a King, Lords and Commons, than a government so replete with such insupportable evils. If we make a King, we may prescribe the rules by which he shall rule his people and interpose such checks as shall prevent him from infringing them; but the President, in the field, at the head of his army, can prescribe the terms on which he shall reign master, so far that it will puzzle any American ever to get his neck from under the galling yoke. . . . But, sir, where is the existing force to punish him? Can he not, at the head of his army, beat down every opposition? Away with your President! we shall have a King! The army will

salute him monarch; your militia will leave you, and assist in making him King, and fight against you; and what have you to oppose this force? What will then become of you and your rights? Will not absolute despotism ensue?³

3. Available in Samuel Eliot Morison, ed., Sources and Documents Illustrating the American Revolution (New York; Oxford University Press, 1965), pp. 330-31.

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