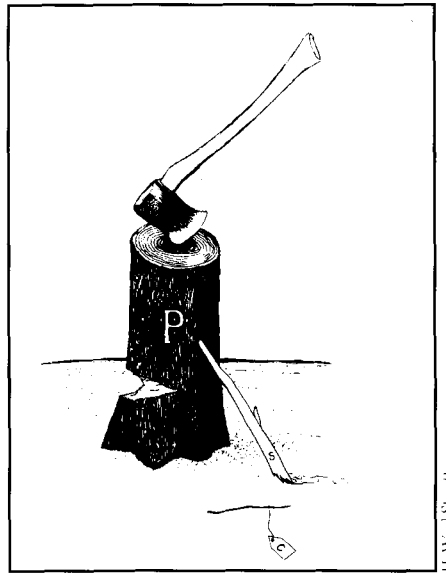


Down With the Presidency

by Llewellyn H. Rockwell, Jr.



The presidency must be destroyed. It is the primary evil we face, and the cause of nearly all our woes. It squanders the national wealth and starts unjust wars against foreign peoples that have never done us any harm. It wrecks our families, tramples on our rights, invades our communities, and spies on our bank accounts. It skews the culture toward decadence and trash. It tells lie after lie. Teachers used to tell schoolkids that anyone can be President. This is like saying anyone can go to hell. It is not an inspiration; it is a threat.

The presidency—by which I mean the executive state—is the sum total of American tyranny. The other branches of government, including the presidentially appointed Supreme Court, are mere adjuncts. The presidency insists on complete devotion and humble submission to its dictates, even while it steals the products of our labor and drives us into economic ruin. It centralizes all power unto itself, and crowds out all competing centers of power in society, including the church, the family, the business, the charity, and the community.

I will go further. The United States presidency is the world's leading evil. It is the chief mischief-maker in every part of the globe, the leading wrecker of nations, the usurer behind Third World debt, the bailer-out of corrupt governments, the hand in many dictatorial gloves, the sponsor and sustainer of the New World Order, of wars, interstate and civil, of famine and disease. To see the evils caused by the presidency, look no further than Iraq, where the lives of innocents were snuffed out in a pointless war, where bombing was designed to cause disease, and where women, children, and the aged have been denied essential food and medicine because of a cruel embargo. Look at the human toll taken by the presidency, from Dresden and Hiroshima to Waco and Ruby Ridge, and you see a prime practitioner of murder by government.

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Today, the President is called the leader of the world's only superpower, the "world's indispensable nation," which is reason enough to have him deposed. A world with any superpower at all is a world where no freedoms are safe. But by invoking this title, the presidency attempts to keep our attention focused on foreign affairs. It is a diversionary tactic designed to keep us from noticing the oppressive rule it imposes right here in the United States.

As the presidency assumes ever more power unto itself, it becomes less and less accountable and more and more tyrannical. These days, when we say "the federal government," what we really mean is the presidency. When we say "national priorities," we really mean what the presidency wants. When we say "national culture," we mean what the presidency funds and imposes.

The presidency is presumed to be the embodiment of Rousseau's general will, with far more power than any monarch or head of state in premodern societies. The United States presidency is the apex of the world's biggest and most powerful government and of the most expansive empire in world history. As such, the presidency represents the opposite of freedom. It is what stands between us and our goal of restoring our ancient rights.

And let me be clear: I am not talking about any particular inhabitant of the White House. I am talking about the institution itself, and the millions of unelected, unaccountable bureaucrats who are its acolytes. Look through the United States government manual, which breaks down the federal establishment into its three branches. What you actually see is the presidential trunk, its Supreme Court stick, and its Congressional twig. Practically everything we think of as federal—save the Library of Congress—operates under the aegis of the executive.

This is why the governing elites—and especially the foreign policy elites—are so intent on maintaining public respect for the office, and why they seek to give it the aura of holiness. For example, after Watergate, they briefly panicked and worried that they had gone too far. They might have discredited the

democratic autocracy. And to some extent they did. But the elites were not stupid: they were careful to insist that the Watergate controversy was not about the presidency as such, but only about Nixon the man. That is why it became necessary to separate the two. How? By keeping the focus on Nixon, making a devil out of him, and reveling in the details of his personal life, his difficulties with his mother, his supposed pathologies, etc.

Of course, this did not entirely work. Americans took from Watergate the lesson that Presidents will lie to you. This should be the first lesson of any civics course, of course, and the first rule of thumb in understanding the affairs of government. But notice that after Nixon died, he too was elevated to godlike status. None other than Bill Clinton served as high priest of the cult of President-worship on that occasion. He did everything but sacrifice a white bull at the temple of the White House.

The presidency recovered most of its sacramental character during the Reagan years. How wonderful, for the sake of our liberties, that Clinton has revived the great American tradition of scorning tyrants. In some ways, he is the best President a freedom-lover can hope for, more well-known for his private parts than his public policies. Of course, someday, Clinton too will ascend to the clouds, and enter the pantheon of the great leaders of the free world.

The libraries are filled with shelf after shelf of treatises on the American presidency. Save yourself some time, and do not bother with them. Virtually all tell the same hagiographic story. Whether written by liberals or conservatives, they serve up the identical Whiggish pap: the history of the presidency is the story of a great and glorious institution. It was opposed early on, and viciously so, by the Antifederalists, and later, even more viciously, by Southern Confederates. But it has been heroically championed by every respectable person since the beginning of the Republic.

The office of the presidency, the conventional wisdom continues, has changed not at all in substance, but has grown in stature, responsibility, and importance, to fulfill its unique mission on earth. As the duties of the office have grown, so has the greatness of the men who inhabit it. Each stands on the shoulders of his forerunners, and, inspired by their vision and decisiveness, goes on to make his own contribution to the ever-expanding magisterium of presidential laws, executive orders, and national security findings.

When there is a low-ebb in the accumulation of power, it is seen as the fault of the individual and not the office. Thus the so-called postage-stamp Presidents between Lincoln and Wilson are to be faulted for not following the glorious example set by Abe. They had a vast reservoir of power, but were mysteriously reluctant to use it. Fortunately that situation was resolved, by Wilson especially, and we moved onward and upward into the light of the present day. And every one of these books ends with the same conclusion: the United States presidency has served us well.

The hagiographers do admit one failing of the American presidency. It is almost too big an office for one man, and too much a burden to bear. The American people have come to expect too much from the President. We are unrealistic to think that one man can do it all. But that is all the more reason to respect and worship the man who agrees to take it on, and why all enlightened people must cut him some slack.

The analogy that comes to mind is the official history of the

Popes. In its infancy, the papacy was less formal, but its power and position were never in question. As the years went on and doctrine developed, so too did the burdens of office. Each Pope inherited the wisdom of his forbears, and led the Church into fulfilling its mission more effectively. But let us be clear about this. The Church has never claimed that the papacy was the product of human effort; its spiritual character is a consequence of a divine, not human, act. And even the official history admits the struggles with anti-Popes and Borgia Popes (and someday Vatican II Popes).

Catholics believe the institution was founded by Christ, and is guided by the Holy Spirit, but the Pope can only invoke that guidance in the most narrow and rare circumstances. Otherwise, he is all too fallible. And that is why, although allegedly an absolute monarch, he is actually bound by the rule of law.

The presidency is seemingly bound by law, but in practice it can do just about anything it pleases. It can order up troops anywhere in the world, just as Clinton bragged in his acceptance speech at the Democratic convention. It can plow up a religious community in Texas and bury its members because they got on somebody's nerves at the Justice Department. It can tap our phones, read our mail, watch our bank accounts, and tell us what we can and cannot eat, drink, and smoke.

The presidency can break up businesses, shut down airlines, void drilling leases, bribe foreign heads of state or arrest them and try them in kangaroo courts, engage in germ warfare, fire-bomb crops in Columbia, overthrow any government anywhere, erect tariffs, round up and discredit any public or private assembly it chooses, grab our guns, tax our incomes and our inheritances, steal our land, centrally plan the national and world economy, and impose embargoes on anything anytime. No prince or Pope ever had this ability.

But leave all that aside and consider this nightmare. The presidency has the power to bring about a nuclear holocaust with the push of a button. On his own initiative, the President can destroy the human race. One man can wipe out life on earth. Talk about playing God. This is a grotesque evil. And the White House claims it is not a tyranny? If the power to destroy the entire world is not tyrannical, I do not know what is. Why do we put up with this? Why do we allow it? Why is this power not immediately stripped from him?

What prevents fundamental challenge to this monstrous power is precisely the quasi-religious trappings of the presidency, which we again had to suffer through last January. One man who saw the religious significance of the presidency, and denounced it in 1973, was—surprisingly enough—Michael Novak. His study, *Choosing Our King: Powerful Symbols in Presidential Politics*, is one of the few dissenting books on the subject. It was reissued last year as—not surprisingly—*Choosing Our Presidents: Symbols of Political Leadership*, with a new introduction repudiating the best parts of the book.

Of course, none of the conventional bilge accords with reality. The United States President is the worst outgrowth of a badly flawed Constitution, imposed in a sort of coup against the Articles of Confederation. Even from the beginning, the presidency was accorded too much power. Indeed, an honest history would have to admit that the presidency has always been an instrument of oppression, from the Whiskey Rebellion to the War on Tobacco.

The presidency has systematically stolen the liberty won through the secession from Britain. From Jackson and Lincoln to McKinley and Roosevelt Junior, from Wilson and FDR to

Truman and Kennedy, from Nixon and Reagan to Bush and Clinton, it has been the means by which our rights to liberty, property, and self-government have been suppressed. I can count on one hand the actions of Presidents that actually favored the true American cause, meaning liberty. The overwhelming history of the presidency is a tale of overthrown rights and liberties, and the erection of despotism in their stead.

Each President has tended to be worse than the last, especially in this century. And lately, in terms of the powers they assumed and the dictates they imposed, Kennedy was worse than Eisenhower, Johnson was worse than Kennedy, Nixon was worse than Johnson, Carter was worse than Nixon, and Reagan—who doubled the national budget and permanently entrenched the warfare state—was worse than Carter. The same is true of Bush and Clinton. Every budget is bigger and the powers exercised more egregious. Each new brutal action breaks another taboo, and establishes a new precedent that gives the next occupant of the White House more leeway.

Looking back through American history, we can see the few exceptions to this rule. Washington made an eloquent Farewell Address, laying out the proper American trade and foreign policy. Jefferson's Revolution of 1800 was a great thing. But was it really a freer country after his term than before? That is a tough case to make. Andrew Jackson abolished the central bank, but his real legacy was democratic centralism and weakened states' rights.

Andrew Johnson loosened the military dictatorship fastened on the South after it was conquered. But it is not hard to make the country freer when it had become totalitarian under the previous President's rule. Of course, Lincoln's bloody autocracy survives as the model of presidential leadership. James Buchanan made a great statement on behalf of the right of revolution. Grant restored the gold standard. Harding denounced American imperialism in Haiti. But overall, my favorite President is William Henry Harrison. He keeled over shortly after his inauguration.

There have been four huge surveys taken of historians' views on the Presidents: in 1948, 1962, 1970, and 1983. Historians were asked to rank Presidents as Great, Near Great, Average, Below Average, and Failure. In every case, number one is Lincoln, the real father of the present nation. His term was a model of every despot's dream: spending money without congressional approval, declaring martial law, arbitrarily arresting thousands and holding them without trial, suppressing free speech and the free press, handing out lucrative war contracts to his cronies, raising taxes, inflating the currency, and killing hundreds of thousands for the crime of desiring self-government. These are just the sort of actions historians love.

The runner-up in these competitions is FDR, and Wilson and Jackson are always in the top five. The bottom two in every case are Grant and Harding. None bothered to rate William Henry Harrison.

What does greatness in the presidency mean? It means waging war, crushing liberties, imposing socialism, issuing dictates, browbeating and ignoring Congress, appointing despotic judges, expanding the domestic and global empire, and generally trying his best to be an all-round enemy of freedom. It means saying with Lincoln, that "I have a right to take any measure which may best subdue the enemy."

The key to winning the respect of historians is to do these things. All aspirants to this vile office know this. It is what they

seek. They long for crisis and power, to be bullies in the pulpit, to be the dictators they are in their hearts. They want, at all costs, to avoid the fate of being another "postage-stamp President." Madison said no man with power deserves to be trusted. Neither should we trust any man who seeks the power that the presidency offers.

Accordingly, it is all well and good that conservatives have worked to discredit the current occupant of the White House. Call him a philander, a cheat, and a double dealer if you want. Call him a tyrant, too. But we must go further. The answer to restoring republican freedom has nothing to do with replacing Clinton with Lott or Kemp or Forbes or even Buchanan. The structure of the presidency, and the religious aura that surrounds it, must be destroyed. The man is merely a passing occupant of the Holy Chair of St. Abraham. It is the chair itself that must be reduced to kindling.

It was never the intention of the majority of Framers to create the mess we have, of course. After the War for Independence, the Articles of Confederation had no Chief Executive. Its decisions were made by a five-member Confederation. The Confederation had no power to tax. All its decisions required the agreement of nine of the 13 states. That is the way it should be.

Most of the delegates to the unfortunate Philadelphia convention hated executive power. They had severely restricted the governors of their states, after their bitter experience with the colonial governors. The new governors had no veto, and no power over the legislatures. Forrest McDonald reports that one quarter of the delegates to the convention wanted a plural executive, based loosely on the Articles model. But those who planned the convention—including Morris, Washington, and Hamilton—wanted a single, strong executive, and they outmaneuvered the various strains of Antifederalists.

But listen to how they did it. The people of the several states and their representatives were suspicious that Hamilton wanted to create a monarchy. Now, there is much mythology surrounding this point. It is not that the Antifederalists and the popular will opposed some guy strutting around in a crown. It was not monarchy as such they opposed, but the power the king exercised. When they said they did not want a monarch, they meant they did not want a King George, they did not want a tyrant, a despot, an autocrat, an executive. It was the *despotic end* they feared, not the royal means.

Indeed, formally, the Constitution gives few powers to the President, and few duties, most of them subject to approval by the legislature. The most important provision regarding the presidency is that the holder of the office can be impeached. It was to be a threat constantly hanging over his head. It was, most Framers thought, to be threatened often and used against any President who dared gather more power unto himself than the Constitution prescribed.

In one famous outburst, Hamilton was forced to defend himself against the charge that the new office of the presidency was a monarchy in disguise. He explained the difference between a monarch and a President. But as you read this, think about the present executive. Ask yourself whether he resembles the thing Hamilton claimed to have created in the office of the presidency, or whether we have the tyrant he claimed to be repudiating. Among other points, Hamilton said in *Federalist* 69:

The President of the United States would be liable to be impeached, tried, and, upon conviction . . . removed

from office; and would afterwards be liable to prosecution and punishment in the ordinary course of law. The person of the king of Great Britain is sacred and inviolable; there is no constitutional tribunal to which he is amenable; no punishment to which he can be subjected. . . .

The President will have only the occasional command of such part of the militia of the nation as by legislative provision may be called into the actual service of the Union. . . . [The power] of the British king extends to the declaring of war and to the raising and regulating of fleets and armies—all which, by the Constitution under consideration, would appertain to the legislature. . . .

The President is to have power, with the advice and consent of the Senate, to make treaties, provided two-thirds of the senators present concur. The King of Great Britain is the sole and absolute representative of the nation in all foreign transactions. He can of his own accord make treaties of peace, commerce, alliance, and of every other description. . . .

The President is to nominate and, with the advice and consent of the Senate, to appoint ambassadors and other public ministers. . . . The king of Great Britain is emphatically and truly styled the fountain of honor. He not only appoints to all offices, but can create offices. He can confer titles of nobility at pleasure . . . and . . . [even] make denizens of aliens.

[The President] can prescribe no rules concerning the commerce or currency of the nation; [the king] is in several respects the arbiter of commerce, and in this capacity can establish markets and fairs, can regulate weights and measures, can lay embargoes for a limited time, can coin money. . . . What answer shall we give to those who would persuade us that things so unlike resemble each other?

Well, we can debate whether Hamilton was naive about the imperial office he was in fact creating or whether he was a despicable liar. But the fact remains that in his writings, despite his reputation as a backer of the exalted presidency, he is by today's standards a congressional supremacist. For that matter, and in comparison with today's presidency, so was the British king.

Most historians agree that there would have been no presidency apart from George Washington, who was trusted by the people as a true gentleman, and was presumed to understand what the American Revolution was all about. But he got off track by attempting to suppress the Whiskey Rebellion, although he at least acknowledged that his actions went beyond the strict letter of the Constitution. But though the presidency quickly spun out of control, at its antebellum worst it had nothing in common with today's executive state.

In those days, you could live your life and never even notice that the presidency existed. You had no contact with it. Most people could not vote anyway, thank goodness, and you did not have to, but certain rights and freedoms were guaranteed regardless of whoever took hold of this—by today's standards—largely ceremonial position. The presidency could not tax you, draft you, or regulate your trade. It could not inflate your money, steal your kids, or impose itself on your community. From the standpoint of the average American, the presidency was almost invisible.

Listen to what Tocqueville observed in 1831: “The President is . . . the executor of the laws; but he does not really co-operate in making them, since the refusal of his assent does not prevent their passage. He is not, therefore, a part of the sovereign power, but only its agent. . . . The President is placed beside the legislature like an inferior and dependent power.” The office of President of the United States is “temporary, limited, and subordinate. . . . [W]hen he is at the head of government he has but little power, little wealth, and little glory to share among his friends; and his influence in the state is too small for the success or the ruin of a faction to depend upon his elevation to power. . . . The influence which the President exercises on public business is no doubt feeble and indirect.”

Thirty years later, Lincoln destroyed all this, fundamentally changing the nature of the government, as even his apologists admit. He became a Caesar, in complete contradiction to most of the Framers' intentions. As Acton said, he abolished the primary contribution that America had made to the world, the principle of federalism. But that is an old story.

Less well known is how Wilson revived Lincoln's dictatorial predilections, and added to them an even more millennial cast. Moreover, this was his intention before he was elected. In 1908, while still president of Princeton, he wrote a small book entitled *The President of the United States*. It was a paean to the imperial presidency, and might as well be the bible of every President who followed him. He went beyond Lincoln, who praised the exercise of power. Wilson longed for a presidential messiah to deliver the human race.

“There can be no successful government,” Wilson begins, “without leadership or without the intimate, almost instinctive, coordination of the organs of life and action. . . . We have grown more and more from generation to generation to look to the President as the unifying force in our complex system. . . . To do so is not inconsistent with the actual provisions of the Constitution; it is only inconsistent with a very mechanical theory of its meaning and intention.” The President must be a “man who understands his own day and the needs of the country, and who has the personality and the initiative to enforce his views both upon the people and upon Congress. . . . He is not so much part of its organization as its vital link of connection with the thinking nation . . . he is also the political leader of the nation. . . . The nation as a whole has chosen him. . . . Let him once win the admiration and confidence of the country, and no other single force can withstand him, no combination of forces will easily overpower him. His position takes the imagination of the country. He is the representative of no constituency, but of the whole people. . . . the country never feels the zest of action so much as when its President is of such insight and caliber. Its instinct is for unified action, and it craves a single leader.”

“The President is at liberty,” Wilson continues, “both in law and conscience, to be as big a man as he can. His capacity will set the limit . . . he is the only spokesman of the whole people. [Finally, Presidents should regard] themselves as less and less executive officers and more and more directors of affairs and leaders of the nation,—men of counsel and of the sort of action that makes for enlightenment.”

This is not a theory of the presidency. It is the hope for a new messiah. That indeed is what the presidency has come to. But any man who accepts this view is not a free man. He is not a man who understands what constitutes civilized life. The man who accepts what Wilson calls for is an apostle of the total state and a defender of collectivism and despotism.

Conservatives used to understand this. In the last century, all the great political philosophers—men like John Randolph and John Taylor and John C. Calhoun—did. In this century, the right was born in reaction to the imperial presidency. Men like Albert Jay Nock, Garet Garrett, John T. Flynn, and Felix Morley called the FDR presidency what it was: an American version of the dictatorships that arose in Russia and Germany, and a profound evil draining away the life of the nation.

They understood that FDR had brought both the Congress and the Supreme Court under his control, for purposes of power, national socialism, and war. He shredded what was left of the Constitution, and set the stage for all the consolidation that followed. Later Presidents were free to nationalize the public schools, administer the economy according to the dictates of crackpot Keynesian economists, tell us who we must and who we must not associate with, nationalize the police function, and run an egalitarian regime that extols nondiscrimination as the sole moral tenet, when it is clearly not a moral tenet at all. Later conservatives like James Burnham, Willmoore Kendall, and Robert Nisbet understood this point, too.

Yet whom do modern conservatives extol? Lincoln, Wilson, and FDR. Reagan spoke of them as gods and models, and so did Bush and Gingrich. In the 1980's, we were told that Congress was the imperial branch of government because Tip O'Neill had a few questions about Reagan's tax-and-spend military buildup, and his strategy for fostering global warfare while managing world affairs through the CIA. All this was bolstered by books by Harvey Mansfield, Terry Eastland, and dozens of other neoconservatives who pretended to provide some justification for presidential supremacy and its exercise of global rule. More recently even Pat Buchanan repeated the "Ask not . . ." admonition of John F. Kennedy, that we should live to serve the central government and its organizing principle, the presidency.

What the neoconservative logic comes down to is this. The United States has a moral responsibility to run the world. But the citizens are too stupid to understand this. That is why we cannot use democratic institutions like Congress in this ambition. We must use the executive power of the presidency. It must have total control over foreign affairs, and never bow to congressional carping.

Once this point is conceded, the game is over. The demands of a centralized and all-powerful presidency and its interventionist foreign policy are ideologically reinforcing. One needs the other. If the presidency is supreme in global affairs, it will be supreme in domestic affairs. If it is supreme at home, there will be no states' rights, no absolute property rights, no true liberty from government oppression. The continued centralization of government in the presidency represents the end of America and its civilization.

A key part of the theory of presidential supremacy in foreign affairs is the idea that politics stops at the water's edge. If you believe that, you have given up everything. It means that foreign affairs will continue to be the last refuge of an omnipotent scoundrel. If a President can count on the fact that he won't be criticized so long as he is running a war, he will run more of them. So long as he is running wars, government at home cannot be cut. As Felix Morley said, "Politics can stop at the water's edge only when policies stop at the water's edge."

Sadly, Congress, for the most part, cares nothing about foreign policy. In that, it reflects the attitude of the American vot-

er. The exception is the handful of congressmen who do speak about foreign issues, usually at the behest of the State Department, the CIA, the Pentagon, and the increasingly global FBI. Such men are mere adjuncts of presidential power.

In fact, it is the obligation of every patriot not only to denounce a President's actions at home but to question, harass, and seek to rein in the presidency when it has sent troops abroad. That is when the watchful eye of the citizenry is most important. If we hold our tongues under some mistaken notion of patriotism, we surrender what remains of our freedoms. Yet during the Gulf War, even those who had courageously opposed this intervention in advance mouthed the old clichés about politics and the water's edge and "supporting our troops" when the presidency started massacring Iraqis. Will the same happen when the troops are sent to China, a country without a single aircraft carrier, in retaliation for some trumped-up incident in the tradition of the *Maine*, the *Lusitania*, Pearl Harbor, and the Gulf of Tonkin?

If there is ever a time to get behind a President, it is when he withdraws from the world, stops wars, and brings the troops home. If there is ever a time to trip him up, question his leadership, and denounce his usurpations, it is when he does the opposite. A bipartisan foreign policy is a Napoleonic foreign policy, and the opposite of that prescribed by Washington in his Farewell Address.

In the midst of America's war against Britain in 1812, John Randolph wrote an open letter to his Virginia constituents, pleading with them not to support the war, and promising them he would not, for he knew where war led—to presidential dictatorship: "If you and your posterity are to become hewers of wood and drawers of water to the modern Pharaoh, it shall not be for the want of my best exertions to rescue you from cruel and abject bondage."

Sixty years ago all conservatives would have agreed with him. But the neoconservative onslaught has purged conservatives of their instinctive suspicions of presidential power, and by the time 1994 had come around, conservatives had been thoroughly indoctrinated in the theory that Congress was out of control and that the executive branch needed more power. The leadership of the 104th Congress—dominated to a man by neoconservatives and presidential supremacists—bamboozled the freshmen into pushing for three executive-enhancing measures.

In one of Congress's first actions, it made itself subject to the oppressive civil rights and labor laws that the executive enforced against the rest of the nation. This was incredibly stupid. The Congress was exempted from these for a reason. It prevented the executive from using its own regulatory agencies to lord it over Congress. By making itself subject to these laws, Congress willingly submitted itself to implicit and explicit domination by the Department of Labor, the Department of Justice, and the EEOC. It imposed quotas and political correctness on itself, while any dissenters from the presidential line suddenly faced the threat of investigation and prosecution by those they were attempting to rein in.

The imposition of these laws against Congress is a clear violation of the separation of powers. But it would not be the last time that this Congress made this mistake. It also passed the line item veto, another violation of the separation of powers. The theory was that the President would strike out pork, pork being defined as property taken by taxation and redistributed to special interests. But since pork is the entirety of the federal government's \$1.7 trillion budget, this has given the President

wide latitude over Congress. It takes away from Congress the right to control the purse strings.

Also part of the Contract With America was term limits for Congress. This would represent a severe diminution of congressional power with respect to the presidency. After all, it would not mean term limits for the permanent bureaucracy or for federal judges, but only for the one branch the people can actually control. Thank goodness the self-interest of the politicians themselves prevented it from coming into being.

After that initial burst of energy, Congress surrendered everything to the Clinton White House: control of the budget, control of foreign affairs, and control of the Federal Reserve and the FBI. The Justice Department operates practically without oversight, as does the Treasury, HUD, Transportation, Commerce, the EPA, the SEC, the FTC, and the FDA.

Congress has given in on point after point, eventually even granting the presidency most of what it demanded in health-care reform, including mandated equal coverage of the mentally ill. Chalk it up to long-term planning. They came into office pledging to curb government, but are as infatuated with the presidency as Clinton himself. After all, they hope their party will regain the office.

Then the Republicans had the audacity to ask in bewilderment: Why did the President beat Dole? What did we do wrong? The real question is what have they done right? James

Burnham said that the legislature is useless unless it is curbing the presidency. By that measure, this Congress has been worthless. It deserves to lose its majority. And its party deserves to lose the presidency, whose powers they are so anxious to grab for themselves.

The best moments in the 104th Congress were when a few freshmen talked quietly of impeachment. Indeed, it is their responsibility to talk loudly, openly, and constantly of impeachment. Today's presidency is by definition in violation of the Constitution. Talk of impeachment ought to become routine. So should ridicule and humiliation. For if we care about liberty, our plebiscitary dictatorship must be reined in or tossed out.

John Randolph had only been a senator for a few days when he gave an extraordinary speech denouncing John Quincy Adams. "It is my duty," said Randolph, "to leave nothing undone that I may lawfully do, to pull down this administration. . . . They who, from indifference, or with their eyes open, persist in hugging the traitor to their bosom, deserve to be insulted . . . deserve to be slaves, with no other music to soothe them but the clank of the chains which they have put on themselves and given to their offspring."

John Randolph said this in 1826. This was a time, writes Tocqueville, when the presidency was almost invisible. If we cannot say this and more today, when the presidency is dictator to the world, we are not authentic conservatives. Indeed, we are not free men.

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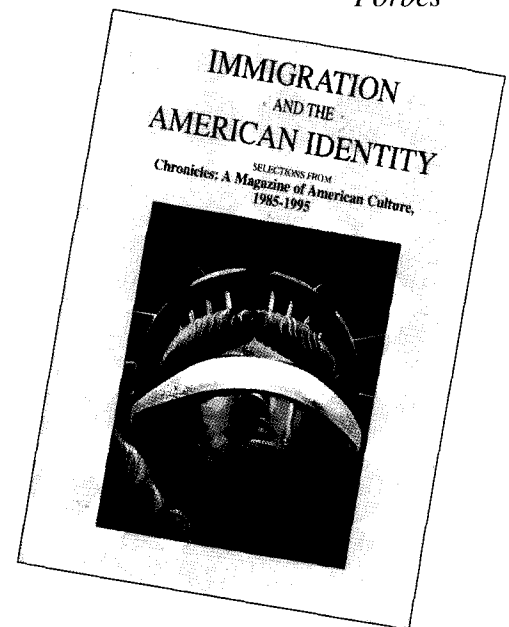
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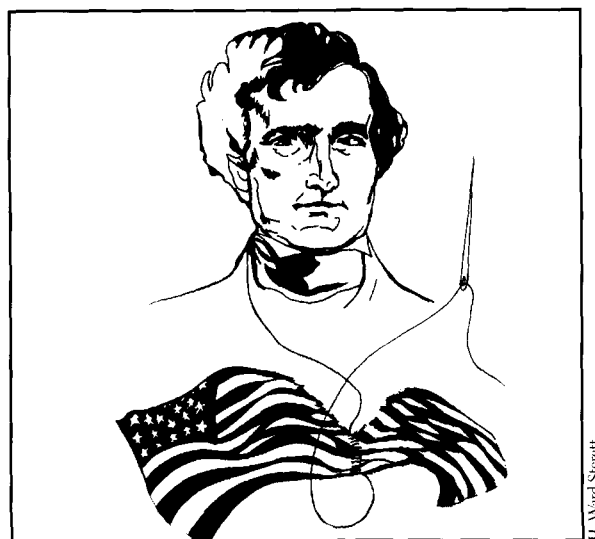
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Franklin Pierce and the Fight for the Old Union

by H. Arthur Scott Trask



If Franklin Pierce is remembered at all today it is as an inept, do-nothing President whose only accomplishment was to sign the Kansas-Nebraska Act of 1854. Historians generally cite this bill, along with the 1857 Supreme Court decision in the Dred Scott case, as evidence of the aggressive designs of the South to extend slavery throughout the Union. These historians characterize Pierce, as well as his successor James Buchanan of Pennsylvania, as ambitious and unprincipled Northerners who were willing to violate the Constitution and advance Southern interests in return for Southern political support for their presidential ambitions. The historians thus ascribe much of the blame for the sectional conflict to them. The real Franklin Pierce, however, is a figure far richer and more complicated than the historical caricature.

Pierce was one of the most consistent Jeffersonian republicans to occupy the White House in the early republic. He firmly believed that the federal government should be kept within the limits established by the Founders. Accordingly, he vetoed numerous internal improvement bills (what we would today describe as pork-barrel projects) on the grounds of their unconstitutionality and fiscal excess. He also believed strongly in the republican policy initiated by Jefferson and continued by his successors of "extending the area of freedom" by acquiring territory out of which new states could eventually be formed. Pierce tried to acquire Cuba, believing that it would enhance America's security by depriving any potentially hostile power of a stronghold close to her shores and by augmenting her agricultural and commercial prosperity by gaining land highly suitable for sugar, tobacco, and coffee plantations.

Pierce's designs on Cuba are cited as still more evidence that he was a pawn of the Southern slave interest, yet it needs to be remembered that scores of prominent Northerners advocated the annexation of Cuba on the grounds that it would benefit the whole Union. Pierce's administration was supported by the

important but now almost forgotten "Young America" movement. This group was made up of young nationalists and libertarians who favored republicanism, free trade, hard money, and continental expansionism. Like Pierce, they had no sympathy for the Abolitionist and Free-Soil movements which they regarded as manifestations of a puritanical and selfish Northern spirit that both envied the prosperity of the Southern agricultural economy and resented the commanding influence of Southern statesmen in the Union, an influence that was classically liberal and opposed to the mercantilism and statism favored by Northern industrialists and intellectuals.

Pierce's decision to sign the Kansas-Nebraska Act can be defended on a number of grounds. First, a consensus had developed among honest constitutional scholars both North and South that the famous Missouri line established by Congress in 1820 prohibiting slavery in the Louisiana territory north and west of Missouri was unconstitutional, for it had deprived the citizens of half the states the right to migrate to the territories with their property, a clear violation of the constitutional requirement that all citizens be equal under the laws of the Union. In addition, by in effect dictating to the territories and future states of the Louisiana Purchase the kind of social institutions they could form, Congress had made those future states less equal, free, and sovereign than the states east of the Mississippi. By repealing the Missouri Compromise, the Kansas-Nebraska Act overturned a precedent of 34 years standing, but to favor the original and proper understanding of the Constitution was pure Jeffersonianism. As a strict constructionist, Pierce had little choice but to sign the bill.

Second, Pierce believed that a failure to sign the bill would have been a sectional action in itself. The bill had created and opened for settlement two distinct territories—Kansas, made up of present day Kansas and eastern Colorado; and Nebraska, made up of present day Nebraska and the two Dakotas. It was the clearly understood, although unstated, intent of the act to satisfy both sections of the Union by creating for each a territory to which their citizens could migrate. Kansas, being directly

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