

We Affirm Resolved: On Balance, the current Authorization for use of Military Force gives too much power to the President.

## Contention One – Presidentialism

Justifications for presidential war powers institutionalize a myth of super-heroism, promising hopeful redemption in the face of perceived threats to national security. Constant shifts between empathy and bluster form an expansionist ideology that uses crises as key moments and practical opportunities to assert authoritarian rule. Identifying exceptional circumstances where war powers are justified creates an image of benign leadership that slowly eats away at the capacity for critical thinking and awareness. Our primary responsibility is to cultivate critical awareness and strategic resistance to the permanent expansion of the imperial presidency. Voting affirmative is an invitation to imagine things differently – to refuse uncritical acceptance of the president’s ability to resolve social problems on our behalf and instead take part in creating a new consciousness that contains our willingness to delegate responsibility for change onto institutional others.

**Healy 8** (Gene, senior editor at the Cato Institute, Contributing Editor Liberty Magazine, J.D., University of Chicago Law School, “The Cult of the Presidency”, Reason Magazine, June, <http://www.cato.org/publications/commentary/cult-presidency>)

**The chief executive of the United States is no longer a mere constitutional officer charged with faithful execution of the laws. He is a soul nourisher, a hope giver, a living American talisman against hurricanes, terrorism, economic downturns,** and spiritual malaise. He - or she - is the one who answers the phone at 3 a.m. to keep our children safe from harm. The modern president is America’s shrink, a social worker, our very own national talk show host. He’s also the Supreme Warlord of the Earth. This messianic campaign rhetoric merely reflects what the office has evolved into after decades of public clamoring. **The vision of the president as national guardian and spiritual redeemer is so ubiquitous it goes virtually unnoticed.** Americans, left, right, and other, think of the “commander in chief” as a superhero, responsible for swooping to the rescue when danger strikes. And with great responsibility comes great power. It’s difficult for 21st-century Americans to imagine things any other way. **The United States appears stuck with an imperial presidency, an office that concentrates enormous power in the hands of whichever professional politician manages to claw his way to the top.** Americans appear deeply ambivalent about the results, alternately cursing the king and pining for Camelot. But executive power will continue to grow, and threats to civil liberties increase, until citizens reconsider the incentives we have given to a post that started out so humble. Minimum Leader It wasn’t supposed to be this way. **The modern vision of the presidency couldn’t be further from the Framers’ view of the chief executive’s role.** In an age long before distrust of power was condemned as cynicism, **the Founding Fathers designed a presidency of modest authority and limited responsibilities. The Constitution’s architects never conceived of the president as the man in charge of national destiny.**

They worked amid the living memory of monarchy, and for them the very notion of “national leadership” raised the possibility of authoritarian rule by a demagogue ready to create an atmosphere of crisis in order to enhance his power. The constitutional office they designed gave the president an important role, but he’d have “no particle of spiritual jurisdiction,” the 69th essay of *The Federalist Papers* tells us. In *Federalist No. 48*, **James Madison assured Americans that under the proposed Constitution the “executive magistracy is carefully limited, both in the extent and the duration of its powers.”** Indeed, the very pseudonym the *Federalist’s* authors chose, “Publius,” says something about how hostile Founding-generation Americans were to the idea of one-man rule. Publius Valerius Poplicola, a hero of the Roman revolution in the 5th century B.C., was famous in part for passing a law providing that anyone suspected of seeking kingship could be summarily executed. Never were constitutional limitations more essential than when it came to using military power. Early Americans were no strangers to national security threats; in 1787 the U.S. was a small frontier republic on the edge of a continent occupied by periodically hostile great powers and Indian marauders. Yet the Constitution limited emergency powers and sharply rejected the idea that the president was above the law. “In no part of the Constitution,” Madison wrote in 1793, “is more wisdom to be found, than in the clause which confides the question of war or peace to the legislature, and not to the executive department.” In any other arrangement, “the trust and the temptation would be too great for any one man.” That sentiment crossed party lines. As Chief Justice John Marshall wrote in 1801, “the whole powers of war being by the Constitution of the United States vested in Congress, the acts of that body can alone be resorted to as our guides.” Today Americans expect their president to pound Teddy Roosevelt’s “bully pulpit,” whipping the electorate into a frenzy to harness power against perceived threats. But the Framers viewed that sort of behavior as fundamentally illegitimate. In fact, the president wasn’t even supposed to be a popular leader. As presidential scholar Jeffrey K. Tulis has pointed out, in the *Federalist* the term leader is nearly always used pejoratively; the essays by Madison, Alexander Hamilton, and John Jay in defense of the Constitution begin and end with warnings about the perils of populist leadership. The first *Federalist* warns of “men who have overturned the liberties of republics” by “paying obsequious court to the people, commencing demagogues and ending tyrants,” and the last *Federalist* raises the specter of a “military despotism” orchestrated by “a victorious demagogue.” Instead of stoking public demands for action, the chief magistrate was expected to resist “the transient impulses of the people” and use his veto to keep Congress within its constitutional bounds. That role didn’t require much speechifying. Early presidents rarely spoke directly to the public; from George Washington through Andrew Jackson, they averaged little more than three speeches per year, with those mostly confined to ceremonial addresses. In his first year in office, by comparison, President Clinton delivered 600. In the early State of the Union addresses to Congress, presidents knew better than to adopt an imperious tone. After his third SOTU, Washington wrote that “motives of delicacy” had deterred him from “introducing any topic which relates to legislative matters, lest it should be suspected that [I] wished to influence the question” before Congress. Yet the deference shown by Washington and his successor John Adams didn’t go quite far enough for our third president, Thomas Jefferson, who thought their practice of speaking before the legislature in person smacked of the British king’s “Speech From the Throne.” Jefferson instead inaugurated a new tradition of delivering the annual message in writing. For 112 years, that Jeffersonian tradition held sway, until the power-hungry Woodrow Wilson delivered his first State of the Union in person. The 19th century did see presidents occasionally taking independent action of enormous consequences: Jefferson purchased Louisiana without congressional approval, Madison seized West Florida in 1810, Andrew Jackson governed as an irritable populist, and Abraham Lincoln expanded presidential power dramatically throughout the course of the cataclysmic Civil War. Yet taken as a whole, the 19th-century presidency was a pale shadow of the plebiscitary office we know today. In a 2002 study tracking word usage through two centuries of SOTUs and inaugural addresses, political scientist Elvin T. Lim noted that in the first decades under the Constitution presidents rarely mentioned poverty, and the word help did not even appear until 1859. Nor did early presidents subscribe to the modern notion that it’s all “about the children”; they rarely even mentioned the little buggers. But Lim found that “Presidents Carter, Reagan, Bush, and Clinton made 260 of the 508 references to children in the entire speech database, invoking the government’s responsibility to and concern for children in practically every public policy area.” George Washington did mention kids in his seventh annual message, lamenting “the frequent destruction of innocent women and children” by Indian raiders. But that was a far cry from Bill Clinton in 1997, who declared in the State of the Union that “we must also protect our children by standing firm in our determination to ban the advertising and marketing of cigarettes that endanger their lives.”

Wail to the Chief A little-remembered vignette from the 1992 presidential race underscores how far we’ve traveled from the Framers’ unassuming “chief magistrate” - and how infantile our politics have become along the way. The scene was the campaign’s second televised debate, held in Richmond, Virginia; the format, a horrid Oprah-style arrangement in which a hand-picked audience of allegedly normal Americans got to lob questions at the candidates, who were perched on stools, trying to look warm and approachable. Up from the crowd popped a ponytailed social worker named Denton Walthall, who demanded to know what George H.W. Bush, Bill Clinton, and H. Ross Perot were going to do for us. “The focus of my work as a domestic mediator is meeting the needs of the children that I work with...and not the wants

of their parents," Walthall said. "And I ask the three of you, how can we, as symbolically the children of the future president, expect the three of you to meet our needs, the needs in housing and in crime and you name it." One wonders how some of the more irascible presidents of old would have reacted at the sight of a grown man burbling about childish necessities to the prospective national father. Yet under the hot lights of the 1992 campaign, Ross Perot said he'd cross his heart and take Walthall's pledge to meet America's infantile needs, whatever those were. Bill Clinton, being Bill Clinton, pandered. And Bush 41 spluttered through his answer thusly: "I mean I - I think, in general, let's talk about these - let's talk about these issues; let's talk about the programs, but in the presidency a lot goes into it. Caring is...that's not particularly specific; strength goes into it, that's not specific; standing up against aggression, that's not specific in terms of a program. So I, in principle, I'll take your point and think we ought to discuss child care - or whatever else it is." That wasn't just an example of the Bush family's famous locution problems; it's hard not to stammer when faced with the limitless and bewildering demands the public places on the presidency. How did we go from a reticent constitutional officer to the modern commander in chief, a figure who continually shifts back and forth between gushing empathy and military bluster, often within the same speech? As Tony Soprano might have put it, whatever happened to Calvin Coolidge, the strong, silent type? There is no single explanation for the presidency's growth. New communication technologies such as radio and television played a role, as did growing material progress, which made Americans less willing to suffer inconveniences and more receptive to the belief that public problems could be solved with collective action. Yet in each key period of the presidency's growth, we see a familiar pattern: expansionist ideology meeting practical opportunity in the form of successive national crises. The 100-Year Emergency Much of what's wrong with American government today can be traced to the Progressive Era, that period of reformist backlash against the Industrial Revolution that dominated the decades surrounding the turn of the 20th century. As the Progressives saw it, if the Constitution stood in the way of necessary reforms, then too bad for the Constitution. "We are the first Americans," a young scholar named Woodrow Wilson wrote in 1885, "to hear our own countrymen ask whether the Constitution is still adapted to serve the purposes for which it was intended; the first to entertain any serious doubts about the superiority of our institutions as compared with the systems of Europe." The Progressives were "the nearest to presidential absolutists of any theorists and practitioners of the presidency," wrote Raymond Tatalovich and Thomas S. Engeman in their 2003 book *The Presidency and Political Science: Two Hundred Years of Intellectual Debate*. For the new century's reformers, power wielded for national greatness was benign, checks on such power perverse. The Progressives had no use for the restrained oratorical traditions of the 19th century; it was the president's job to move the masses, unifying them behind calls for bold executive action. Their model and embodiment was Teddy Roosevelt, whom the Progressive journalist and *New Republic* founder Herbert Croly described as a "sledgehammer in the cause of national righteousness." When T.R. took the stage at the 1912 Progressive Party convention, he foreshadowed Obama's quasi-religious fervor and McCain's bellicosity, barking, "To you who strive in a spirit of brotherhood for the betterment of our Nation, to you who gird yourselves for this great new fight in the never-ending warfare for the good of humankind, I say in closing....We stand at Armageddon, and we battle for the Lord!" The most astute among the Progressives recognized that, given the American public's congenital resistance to centralized rule, a sustained atmosphere of crisis would be necessary to sell the expansion of White House power. Two world wars and one Great Depression did the trick nicely. T.R.'s activist, celebrity presidency heralded the coming of a new sort of chief executive, one who would evermore be the center of national attention, the motive force behind American government. With his expanded power, Roosevelt busted trusts, carried a big stick throughout the Americas with a newly imperial U.S. Navy, and issued nearly as many executive orders as all of his predecessors combined. Woodrow Wilson then proved what Progressives had long hypothesized: that soaring rhetoric combined with the panicked atmosphere of war could concentrate massive social power in the hands of one person. Over the course of his presidency he helped create the Federal Reserve, nationalized railroads, and used the Espionage and Sedition Acts (along with more than 150,000 vigilantes) to carry out the most brutal campaign against dissent in U.S. history. But it took FDR to eliminate the last remaining vestiges of the modest presidency. Roosevelt used Wilson's Trading With the Enemy Act to shut down all U.S. banks in 1933, grabbed the power to approve or prescribe wages and prices for all trades and industries, and authorized the FBI to spy on suspected subversives. He changed the Supreme Court from a bulwark against presidential overreach to an enabler. By the end of his 12-year reign, FDR had firmly established the president as national protector and nurturer, one whose performance would be judged in terms of what political scientist Theodore Lowi has identified as the modern test of executive legitimacy: "service delivery." In his 11th State of the Union address, FDR conjured up a second Bill of Rights, one whose guarantees would include "a useful and remunerative job" and the "right of every farmer to...a decent living." Depression-era economic controls and war-driven centralization had turned the American system of government, in Lowi's words, into "an inverted pyramid, with everything coming to rest on a presidential pinpoint." War was the health of the presidency during the long twilight struggle against the Soviet Union as well. "The worse matters get," Harry Truman's adviser Clark Clifford told him in 1948, "the more is there a sense of crisis. In times of crisis, the American citizen tends to back up his president." During the Cold War, presidents used the all-purpose rationale of national security to justify spying on

their political enemies. Richard Nixon might have been the most notorious abuser, with a series of dirty tricks and flagrant offenses that led to his downfall, but his predecessors also wielded the presidential bludgeon with gusto. When American steel companies raised prices in 1962, John F. Kennedy declared privately that “they fucked us, and now we’ve got to fuck them,” then (along with his attorney general, brother Bobby) ordered up wiretaps, Internal Revenue Service audits and early-morning raids on steel executives’ homes. During the 1964 presidential race, Lyndon Johnson used the CIA to obtain advance copies of Barry Goldwater’s campaign speeches, and the FBI to bug Goldwater’s plane. In the pre-Watergate age of the heroic presidency, public trust in government was at its height, and mainstream scholars lauded the presidency as an earthly manifestation of the living God. As political scientist Herman Finer put it in 1960, the office was “the incarnation of the American people in a sacrament resembling that in which the wafer and the wine are seen to be the body and blood of Christ.” The president, Finer said, was “the offspring of a titan and Minerva husbanded by Mars.” I Hate You; Don’t Leave Me After Vietnam and Watergate, America’s intoxication with the imperial presidency ended with a crushing hangover. A newly aggressive press and assertive Congress produced serial revelations of the executive abuses that blind trust had enabled. In the bicentennial year of 1976, Idaho Sen. Frank Church’s Committee to Study Governmental Operations With Respect to Intelligence Activities summed up the damage: “For decades Congress and the courts as well as the press and the public have accepted the notion that the control of intelligence activities was the exclusive prerogative of the Chief Executive and his surrogates. The exercise of this power was not questioned or even inquired into by outsiders. Indeed, at times the power was seen as flowing not from the law, but as inherent, in the Presidency. Whatever the theory, the fact was that intelligence activities were essentially exempted from the normal system of checks and balances. Such executive power, not founded in law or checked by Congress or the courts, contained the seeds of abuse and its growth was to be expected.” During the Eisenhower 1950s and the JFK/LBJ 1960s, the newly ascendant conservative movement coalescing around Barry Goldwater and William F. Buckley’s National Review was the most potent source of criticism of the imperial presidency. “Others hail the display of presidential strength...simply because they approve of the result reached by the use of power,” Goldwater wrote in his 1964 campaign manifesto, “This is nothing less than the totalitarian philosophy that the end justifies the means.” But enticed by the long-awaited prospect of an “emerging Republican majority” and turned off by the journalistic and congressional attacks on Nixon, conservatives learned to stop worrying and love the executive branch. During the post-Watergate reform era, two senior Gerald Ford White House aides named Dick Cheney and Donald Rumsfeld fought tooth and nail against what they felt were dangerous shackles on the executive branch, supported by a conservative commentariat that refocused its ire on the Democratic Congress and the left-leaning press. “I didn’t like Nixon until Watergate,” National Review stalwart M. Stanton Evans once quipped. Although Americans finally recovered their native skepticism toward power after Vietnam, Watergate, and the revelations of the Church committee, we never reduced our demands on the executive branch. The lesson we seemed to have learned from the legacy of abuses was to trust less, ask more. In 1998 the Pew Research Center noted that “public desire for government services and activism has remained nearly steady over the past 30 years.” Two years later, a report on a survey by NPR, the Kaiser Family Foundation, and Harvard’s John F. Kennedy School of Government put it pithily:

“Americans distrust government, but want it to do more.” The spirit of Denton Walthall lived on **in the years leading up to the terrorist attacks of September 11, 2001.** Superman Returns **The Bush administration’s extra constitutional innovations in response to those attacks are by now all too familiar.** John Yoo, David Addington, and other members of **the president’s legal team constructed an alternative version of the national charter, a “neoconstitution” in which the president has unlimited power to launch war, wiretap without judicial scrutiny, and even seize American citizens on American soil and hold them** for the duration of the War on Terror - in other words, **indefinitely - without ever having to answer to a judge.** Conventional accounts of the post-9/11 imperial presidency emphasize the role of dedicated ideologues within the administration, men and women who had long believed that post-Watergate America had swung the pendulum too far back, jeopardizing national security. There’s good reason for that emphasis, but the “cabal of neocons” narrative risks obscuring the role that public demands have played in driving the centralization of power. In his 2007 book *The Terror Presidency*, Jack Goldsmith, the former head of the president’s Office of Legal Counsel, describes the prevailing atmosphere within the executive branch after 9/11, one where the president’s men were acutely aware that all eyes were on the commander in chief. What is he doing to keep us safe? What more is he prepared to do? Goldsmith, a dissenter from the Bush administration’s absolutist theories of executive power, often clashed with Dick Cheney’s deputy David Addington, the hardest-driving supporter of those theories. But Goldsmith understood why Addington was so unrelenting: “He believed presidential power was coextensive with presidential responsibility. Since the president would be blamed for the next homeland attack, he must have the power under the Constitution to do what he deemed necessary to stop it, regardless

of what Congress said." That dynamic can lead to enhanced presidential power even in areas far removed from the War on Terror, as was demonstrated in the aftermath of Hurricane Katrina. In business or in government, responsibility without authority is every executive's worst nightmare. That was the political reality facing the Bush administration in late summer 2005, when New Orleans was under water and desperate for assistance. As Colby Cosh of Canada's National Post put it at the time, "the 49 percent of Americans who have been complaining for five years about George W. Bush being a dictator are now vexed to the point of utter incoherence because for the last fortnight he has failed to do a sufficiently convincing impression of a dictator." To be sure, the administration deserved plenty of blame for bungling the disaster relief tasks it had the power to carry out. But it soon became clear that the public held the Bush team responsible for performing feats above and beyond its legal authority. One almost had to feel sorry for Michael "Heckuva Job" Brown(ie), the disgraced former Federal Emergency Management Agency head, when he was obliged on Capitol Hill a month after the hurricane to inform an irate Rep. Chris Shays (R-Conn.) that in our federalist system, the FEMA chief has no power to order mandatory evacuations, or to become "this superhero that is going to step in there and suddenly take everybody out of New Orleans." "That is just talk," Shays responded. "Were you in contact with the military?" For a president beleaguered by public demands, seizing new powers can be an adaptive response. Small wonder, then, that the Bush administration promptly sought enhanced authority for domestic use of the military. Although few in the media noted the historical moment, the president received that authority. On October 17, 2006, the same day he signed the Military Commissions Act denying centuries-old habeas corpus rights to "enemy combatants," the president also signed a defense authorization bill that contained gaping new exceptions to the Posse Comitatus Act of 1878, the federal law that restricts the president's power to use the standing army to enforce order at home. The new exceptions to the act gave the president power to use U.S. armed forces to "restore public order and enforce the laws" when confronted with "natural disasters," "public health emergencies," and "other...incidents" - a catchall phrase that radically expands the president's ability to use troops against his own citizens. Under it, the president can, if he chooses, fight a federal War on Hurricanes, declaring himself supreme military commander in any state where he thinks conditions warrant it. That's the kind of executive power grab that happens when the public demands that the president protect Americans from the hazards of cyclical bad weather. 2009 and Beyond To understand is not to excuse: **No president should have the powers President Bush has sought and seized during the last seven years.** But after 9/11 and Katrina, what rationally self-interested chief executive would hesitate to centralize power in anticipation of crisis? That pressure would be hard to resist, even for a president devoted to the Constitution and respectful of the limited role the office was supposed to play in our system of government. In the current presidential race, none of the major-party candidates comes close to fitting that description. Aside from the issue of torture, there's very little daylight between John McCain and George W. Bush on matters of executive power. For her part, Hillary Clinton claims she played a key role in her husband's undeclared war against Serbia in 1999. "I urged him to bomb," she told Talk magazine that year. In 2003 she told ABC's George Stephanopoulos: "I'm a strong believer in executive authority. I wish that, when my husband was president, people in Congress had been more willing to recognize presidential authority." Barack Obama has done more than any candidate in memory to boost expectations for the office, which were extraordinarily high to begin with. Obama's stated positions on civil liberties may be preferable to McCain's, but would it matter? If and when a car bomb goes off somewhere in America, would a President Obama be able to resist resorting to warrantless wiretapping, undeclared wars, and the Bush theory of unrestrained executive power? As a Democrat without military experience, publicly perceived as weak on national security, he'd have much more to prove. As Jack Goldsmith put it in his 2007 book, "For generations the Terror Presidency will be characterized by an unremitting fear of attack, an obsession with preventing the attack, and a proclivity to act aggressively and preemptively to do so....If anything, the next Democratic President - having digested a few threat matrices, and acutely aware that he or she alone will be wholly responsible when thousands of Americans are killed in the next attack - will be even more anxious than the current President to thwart the threat." Law professors Jack Balkin of Yale and Sanford Levinson of the University of Texas at Austin are both Democrats and civil libertarians, so they take no pleasure in their prediction that "the next Democratic President will likely retain significant aspects of what the Bush administration has done." Indeed, they write in a 2006 Fordham Law Review article, future Democratic presidents "may find that they enjoy the discretion and lack of accountability created by Bush's unilateral gambits." Throughout the 20th century more and more Americans looked to the central government to deal with highly visible public problems, from labor disputes to crime waves to natural disasters. And as responsibility flowed to the center, power accrued with it. If that trend continues, responses to matters of great public concern will be increasingly federal, increasingly executive, and increasingly military. In the years to come, many Americans will find that the results of executive action are not to their liking. And if history is any guide, they'll respond by vilifying the officeholder and looking for another man on horseback to set things right again. In The Road to Serfdom, economist and political philosopher F.A. Hayek chastised the "socialists of all parties" for their belief that "it is not the system we need fear, but the danger it might be run by bad men." Today's "presidentialists of all

parties" - a phrase that describes the overwhelming majority of American voters - suffer from a similar delusion. **Our system, with its unhealthy, unconstitutional concentration of power, feeds on the atavistic tendency to see the chief magistrate as our national father** or mother, responsible for our economic well-being, our physical safety, and even our sense of belonging. **Relimiting the presidency depends on freeing ourselves from a mind-set one century in the making. One hopes that it won't take another Watergate and Vietnam for us to break loose from the spellbinding cult of the presidency.**

The Obama administration has transformed the cult of the presidency into a loaded weapon in an extra-constitutional arms race for control of life – the promise of executive salvation can never fully resolve our needs and yet such promises further solidify the presidency's dominance over the political.

**Healy 12** (Gene, senior editor at the Cato Institute, Contributing Editor Liberty Magazine, J.D., University of Chicago Law School, "Obama Has Taken the Cult of the Presidency to a Whole New Level", Reason Magazine, 10/23, <http://reason.com/archives/2012/10/23/obama-has-taken-the-cult-of-the-presiden>)

**When it comes to presidential cults, Barack Obama has turned out to be the gift that keeps on giving.**

To paraphrase Michael Corleone, "Every time I tried to get out ... he pulled me back in." As I explain in my new ebook, "False Idol," **"No federal chief executive in recent memory has done as much as the 'Yes We Can' president to stir Americans' longing for presidential salvation; nor has any recent president done quite as much to enhance the presidency's dominance** over American life." In an important new article for Newsweek, "President Obama's Executive Power Grab,"

Andrew Romano and Daniel Klaidman note that **Obama has "expand[ed] his domestic authority in ways that his predecessor never did."** Frustrated by congressional resistance to his agenda, he's pursued "government by waiver," reshaping welfare, education and immigration law via royal dispensations and decrees." Obama is drafting a playbook for future presidents to deploy in response: How to Get What You Want Even If Congress Won't Give It to You," Romano and Klaidman write. **The result is an**

**"extraconstitutional arms race** of sorts: **a new normal that habitually circumvents the legislative process envisioned by the Framers.**" Alas, there's no presidential "man on horseback" ready to ride in and restore normalcy. Presidential messianism infects the Romney camp, as well. On the stump and in his campaign ads, Gov. Romney insists that this is "an election to save the soul of America." In a recent speech at the Virginia Military Institute, he made clear that his ambitions went well beyond preserving the Constitution and faithfully executing the laws: "It is the responsibility of our president to use America's great power to shape history," he told the cadets. In Romney's answers to an executive-power questionnaire late last year, he suggested that **the president has great power indeed: He could launch a war without Congress, order the assassination of American citizens via drone-strike and use the U.S. military to arrest American citizens on American soil.** Romano and Klaidman

note that Obama "has been known, during discussions about executive authority, to worry about 'leav[ing] a loaded weapon lying around.'" **It doesn't seem Obama lost much sleep over it.** But for the rest of us, that metaphor ought to concentrate the mind wonderfully. Even rabid partisans ought to strive to see past the next election cycle and recognize that the powers forged in one administration usually do pass on to the next. "I've abandoned free market principles to save the free market system," President George W. Bush famously proclaimed in December 2008. By so doing, he made sure that President Obama would inherit staggering new powers over the U.S. economy, effectively becoming commander in chief of the American auto industry, and much else besides. Obama's successor -- whether eventual or

immediate -- will inherit an expanded National Surveillance State and a presidential "kill list" that includes American citizens. The "Cult of Obama" is fading. But **the powers we've ceded to the office will remain -- a loaded weapon for future presidents to wield.**

**Presidential war powers inflate the cult of the presidency – painting areas for presidential responsibility gives the expansion of wartime authority a dangerous twist. Treating the president as the symbol and solution for the nation’s woes creates rising expectations for authority, expectations that manifest themselves in unlimited adventurism and abuse.**

**Bandow 8** (Doug, senior fellow at the Cato Institute, specializing in foreign policy and civil liberties, former special assistant to President Reagan, “The Cult of the Presidency”, 6/14, <http://original.antiwar.com/doug-bandow/2008/06/13/the-cult-of-the-presidency/>)

both parties have combined to give the growth of government authority a dangerous twist: the aggrandizement of the executive. This has been a constant in wartime: Abraham **Lincoln**, Woodrow **Wilson**, and Franklin Delano **Roosevelt all used the alleged necessity**

**of war to justify enormous expansion of** not just their congressionally enacted powers, but also **their supposed**

**unilateral authority.** Last century Democratic presidents led the way in exalting the executive, but now the Republican Party, while endlessly blathering on about individual liberty and limited government, is claiming that the president is a democratically-elected king. The Republican worship of unilateral executive power has reached its apotheosis in the Bush administration. Taken seriously, **President**

**George W. Bush claims to have the right to ignore the Constitution** at home for as long as we are at war – which means **forever, since the “war on terrorism” has no obvious endpoint and the battlefield is the entire**

**world**, including the United States. Admittedly, President Bush so far has not fully exercised **these extraordinary powers**, which logically **include the authority to disband the Supreme Court and** prorogue **Congress for interfering with his attempt to protect America from terrorism.** But if the president can designate an American citizen arrested in America as an

enemy combatant to be held incommunicado by the military without access to legal counsel for years, then is there anything the president cannot do? Gene Healy, a scholar at the Cato Institute, tracks the growth in executive power in his new book, *The Cult of the Presidency*. The story he tells is extraordinary, and is extraordinarily important. Consider the role of the presidency intended by the nation’s founders, compared to what it is today. Healy opens with the claim by former Arkansas Gov. Michael Huckabee that “America needs positive, optimistic leadership to kind of turn this country around, to see a revival of our national soul.” Not restore our liberties and restraints on government. Not even reform public programs to meet pressing social needs. But revive America’s soul. Healy wonders what kind of crisis has Michael Huckabee as the solution. More seriously, he asks, “what sort of office did Huckabee imagine he was running for? Is reviving the national soul in the job description? And if reviving the national soul is part of the president’s job, what isn’t?” The answer, he concludes, is not much. And among the Democratic and Republican presidential candidates, only Rep. Ron Paul, the iconoclastic Republican candidate for president, believed his role was to fulfill the limited powers bestowed by the Constitution, rather than to console and uplift 300 million Americans. The essential point is that whatever the partisan differences between the two major parties – and the discourse has grown increasingly acrid – there is little disagreement over treating the president as national pastor, counselor, philanthropist, economic manager, symbol, guardian angel, psychoanalyst, investor, global leader, popular voice, and righter-of-all-wrongs. Writes Healy: “many of the same people who condemn the growing concentration of power in the executive branch also embrace a virtually limitless notion of presidential responsibility. Today, politics is as bitterly partisan as it’s been in three decades, and the Bush presidency is at the center of the fight. But amid all the bitterness, it’s easy to miss the fact that, at bottom, both Left and Right agree on the boundless nature of presidential responsibility.” That isn’t the government established by the Founders, of course. Politicians and pundits on the Right routinely praise the brilliance and prescience of those who framed the Constitution, but none among the latter would recognize today’s government as related to, let alone the logical outcome of, their labors.

They would be appalled at and horrified by the monster their original government of few enumerated powers had become. And the Founders would have been particularly horrified by the fact that the president of today is far more powerful – and thus far more dangerous – than the king of yesteryear, against whom they revolted. Healy provides a good summary of the institutions of government as originally established by the Constitution. He is particularly effective in disposing of what he terms “unitarian heresies,” the bizarre notion, advanced today by many conservatives, that the Founders intended to provide the president with monarchical powers. (True, the “unitarians,” as Healy playfully calls them, prefer not to put it that way. But what else should one call the authority to initiate war, arrest citizens, abrogate constitutional rights, torture suspected adversaries, ignore the legislature, and much more?) The Constitution would not have made it out of the constitutional convention, let alone been ratified by the states, if this kind of unitarian theory had been advanced at the time. The first major, sustained ideological assault on constitutional government came from the left, most notably the Progressives. Both Theodore Roosevelt and Woodrow Wilson were Progressive exemplars. The first was a thorough-going imperialist, the second a messianic racist. Both expanded power in peace and war. Wilson took America into World War I, an entirely unnecessary war which was irrelevant to U.S. interests and culminated in the unjust and unsustainable Versailles Treaty, which a generation later naturally led to another conflict, the worst in human history. Two “normal” presidencies followed, of Warren G. Harding and Calvin Coolidge. But Herbert Hoover was an economic micro-manager and meddler, who appears conservative only in comparison to Franklin Delano Roosevelt, who began the sustained era of the “heroic presidency.” Explains Healy, “well before the war, it had become clear that increasing numbers of Americans looked to the president for personal help in a way that would have seemed peculiar – even dishonorable – to their fathers and grandfathers. Before the advent of the modern presidency, few Americans had bothered to write to the president, who was, after all, a distant official in Washington with duties that only rarely had a direct impact on ordinary people. FDR’s revolutionary presidency changed all that.” Healy takes readers through a succession of presidents who were expected to do so much more than in the past – enact legislative programs, keep America prosperous, voice common concerns, and lead the world. This rise in expectations encouraged presidents to claim even more authority. For instance, President Harry S. Truman’s Attorney General, Holmes Baldridge, made the astonishing claim that while the Constitution limited the authority of the legislative and judicial branches, it did not constrain the executive branch, meaning that the president “has the power to take such action as is necessary to meet” an emergency, and in matters of great moment that would mean unlimited power. In the sense of making extravagant claims for presidential authority, at least, George W. Bush is Harry S. Truman reincarnated. The Heroic Presidency suffered under the Nixon and Carter presidencies. Congress regained some of its lost authority, angering unlimited executive power conservatives like Richard Cheney, who complained in 1984 that during the previous decade legislators attempted “to limit future presidents so that they would not abuse power the way it was alleged some had abused power in the past,” which means Congress had failed “to help presidents accrue power in the White House – so that they could achieve good works in the society.” That is rhetoric one once would have expected from the Left. The political pirouette was extraordinary: conservatives fought against Franklin Delano Roosevelt’s and Lyndon Johnson’s political pretensions. The 1964 GOP presidential nominee, Sen. Barry Goldwater, complained that “If ever there was a philosophy of government totally at war with that of the Founding Fathers,” it was “the current worship of powerful executives.” But after Republicans captured the presidency while despairing of ever taking the House of Representatives, many of them, like Richard Cheney, decided that the executive branch actually represented the fount of most constitutional power. An important measure of this philosophy is the endless whining over rising levels of distrust of government. Why is this bad? Observes Healy: “Yet, it’s never been clear why a healthy – and, by the 1970s, manifestly justified – distrust of unchecked power should be cause for so much angst. That sort of distrust, after all, is the core of our political heritage.” Unfortunately, **the ebbing of popular distrust of government, he notes, had “served as a presidential enabler. Unwarranted trust had allowed unrestrained spying at home and disastrous presidential adventurism abroad.”**

**Democide is the ultimate impact – it is the equivalent of nuclear war, it sanctions all forms of violence and is responsible for the vast majority of history’s death and destruction.**

Rummel 94 (RJ), Professor Emeritus at University of Hawaii, “Death By Government”, <http://www.hawaii.edu/powerkills/DBG.CHAP1.HTM>



Also, this democide murdered 6 times more people than died in combat in all the foreign and internal wars of the century. Finally, given popular estimates of the dead in a major nuclear war, this total democide is as though such a war did occur, but with its dead spread over a century.

THUS WE AFFIRM. THANK YOU, AND VOTE AFF