

The Good and the Bad of Presidential Power
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Modern presidents have the power never envisioned by the Founding Fathers. Our founders feared tyranny, leaders who might abuse power. They envisioned instead self-government protected by a division of power, with the most power going to Congress. They limited the power of the House of Representatives, the most democratically elected body, by having a Senate designed to deliberate and put the brakes on impetuosity. Congress itself was to be checked by the courts, particularly the Supreme Court, which depended upon Congress and the President obeying it without further compulsion.

The entire system of this new experiment in participatory government depended on the good character of its members. However, if good character were not there, other options were provided: elections, of course, but if really bad behavior of the government's officials threatened the nation, impeachment was the process that removed the unfit.

Because a country cannot be administered by a committee, the office of the Presidency was necessary. Our model, the Roman Republic, gave its Senate the primary power, but during emergencies, a military man would have dictatorial powers. The first Roman dictator, General Cincinnatus, led the campaign when Rome was invaded. After expelling the invaders, he surrendered power and returned to his farm.

Our first president, George Washington, emulated that model and stepped down after two terms in office, an action that shocked the King of England who had never imagined anybody surrendering power.

But over time, not all Congresses were free of self-serving, and not all presidents restricted their own power. President Jefferson made some important power decisions: seizing on an unusual opportunity to make the Louisiana Purchase from the needy French, which doubled the size of our country. He also funded (without asking Congress) the exploratory expedition of Lewis and Clark to map out the scope of the continent all the way to the Pacific.

By the 1830s, however, a president, Andrew Jackson, assumed more power than envisioned by our founders. He destroyed the nation's central bank, established by Alexander Hamilton, without support from Congress. He also illegally seized land from the Cherokee Tribe and sent them on a death march to Oklahoma. The Supreme Court called him to task for this, but he ignored them. This was the first overreach of a president with a bad character.

Abraham Lincoln was a wartime president and he did one thing on his own: putting a hold during the Civil War the legal practice of habeas corpus, which he restored at the end of the war. But then he used his prestige and power to persuade Congress to emancipate the slaves, not an easy task.

Lincoln's successor, Andrew Johnson, attempted to undo the emancipation and restore the South to its old powers. He was a genuine danger to the country, which the Congress noted and impeachment was invoked. Congress impeached, but the Senate was one vote short of removing him from power. However, his abuse of power was curbed and he was not reelected.

The great expansion of presidential power began with Theodore Roosevelt, who used his power more for good than for harm. He curbed the hitherto unhampered power of the Robber Barons, gave power to the working class in supporting unionizing, and used his power to create national parks and monuments that Congress initially opposed. He proposed the Grand Canyon National Park but Congress wanted the area open to mining interests. Roosevelt then used his power to create a "National Monument" for the Canyon, using persuasion which ultimately succeeded in getting it protected in perpetuity for the American people.

President Franklin Delano Roosevelt did more than any other leaders in expanding presidential power, at a time that the country could have gone fascist or communist. He presided during perilous times, the Depression and World War II. All subsequent presidents have mostly used such power for the country's good.

The two who have used their power for self-serving reasons, Richard Nixon and Donald Trump, have triggered the use of the country's ultimate tool, impeachment.

Presidential power is only as good or as bad as its user.

677 words

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