

15-Feb-17 – Dmitry Drobnitsky: Constitutional Crisis and the Specter of American Authoritarianism

Description

Vzglyad, February 13, 2017

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What if Donald Trump really starts to act like a populist, spitting on the procedural formalities and deciding to end the constitutional crisis by addressing himself directly to the people, relying on the law enforcement agencies?

To say that Donald Trump is being criticized harshly and his policies desperately resisted is an understatement. The crux of the matter is that the mainstream media, professional politicians, lobbyists and PR people are conducting an organized persecution of the newly elected 45th president of the United States.

This is not surprising.

The master of the White House promised to make a lot of changes, and apparently he is going to fulfill his promise. The losers in the elections — the left-leaning liberals, foreign policy hawks and captains of transnational business — fear losing their influence in Washington, and so every day they are attacking the White House in an effort to create an unbearable situation for Trump.

But if Trump's opponents would put themselves in his place for a moment, they would almost certainly realize how dangerous a game they are playing.

The Donald is not in this for the money, fame or influence. He already has all of that. He has had to radically change his life at the age of almost 70, jumping into a previously unknown field and engaging in a struggle against the entire political class and the media, which together heretofore have easily torn apart any objectionable candidate.

He won — largely due to the fact that those Americans who for too long have felt voiceless and forgotten believed in him. He awakened a social movement, which blew past all the “inevitable winners” and put him in the White House in the hope of change.

And what now?

In the current crisis, almost all the law enforcement agencies are on Trump's side.

No president before Trump — not Andrew Jackson or Richard Nixon or Ronald Reagan — having won the election, faced such defamation in the media, with such a dirty slander and such [well-organized protests](#), with undisguised politically motivated opposition from the judiciary bureaucratic sabotage and obstruction from the congressional opposition.

And even the new president's own party is behaving strangely, to put it mildly.

On Trump's candidate appointees, some interim agreement has probably been achieved with the Senate majority — in every instance with difficulty, but they won the vote in the upper house of Congress. But the Republicans are giving no moral support to the new president even though they owe their party's victory entirely to him. Worse, they behave as if moral truth is on their side and that it is they who are "allowing" him to become the head of the US executive branch.

This allowed a bipartisan group of senators led by John McCain to take the demarche of [proposing a bill](#) requiring the new president (if the law is adopted) not only to explain to Congress in advance why he wants to remove certain sanctions against Russia, but also to prove that his cooperation with Russia meets US national interests.

Yes, the "Russia Sanctions Review Act" is unlikely to be adopted (and it certainly will not overcome a veto by the White House), but such experienced senators as McCain, Graham, Rubio, Cardin, Brown and McCaskill cannot help but understand that they are attempting to limit the constitutional powers of the US president.

Similarly, the District of Seattle Court (Washington State) and the 9th Circuit Federal Court of Appeals (located in San Francisco, California) could not fail to understand that with its decision to suspend Donald Trump's immigration decree they are initiating a direct confrontation between the branches of power and hence, a constitutional crisis.

Here we should give some explanations.

In accordance with the US Constitution and Federal Statute 8 USC 1182 (f), the United States Congress gave the president the right to ensure national security at his discretion, to prohibit entry into the United States to any category of persons for a period which he considers necessary. That is, the court has clearly exceeded its powers.

Protecting American citizens from external threats — military, economic, or any other — has always been the prerogative of the Executive. Every time Congress, or individual states, or the courts have encroached on it, American history has seen trouble.

The most glaring example is the US Civil War. But there were other examples.

Jefferson, Adams, Jackson, Lincoln, Roosevelt and other masters of the White House were not shy in using all means to call the state governments and the courts to order. They used everything at their disposal: impeachment of judges, the threat invasion by federal troops, and even orders to arrest the servants of Themis.

Thus, John Adams and Thomas Jefferson impeached Judge Samuel Chase, Jackson ignored the ruling of Judge John Marshall, and Lincoln sent federal troops to arrest Judge Roger Taney.

Franklin Delano Roosevelt — in the 20th century! — having heard that the Supreme Court was planning to recognize certain provisions of an unconstitutional "new course," threatened to "add to the court six new judges to castrate nine old men," and the judicial branch found it best to quiet down.

Of course, the liberal press prefers not to discuss these examples.

Instead, over and over again they tell the story of Richard Nixon, who was forced to resign in 1974 as a result of the Watergate scandal. The media are trying to present the case from 43 years ago to make it sound as though it was the media who overthrew the White House.

Meanwhile, the security services (primarily the FBI) and Congress played a key role in Nixon's dismissal from power, having, in the apt words of the historian Arthur Schlesinger, "came to their senses and rushed to save themselves and the Constitution."

In the current crisis, almost all the law enforcement agencies (perhaps with the exception of the CIA) are on the side of the President.

As for the Congress, the Republican majority, however they make feel about Trump, are hardly pleased with the fact that the country is trying to set straight some of the courts located in the most liberal cities in America.

But it is not only in Congress. Conservatives across America are beginning to lose patience. The press on the right is full of unconcealed irritation at the judicial obstructionism.

Political commentator Charles Hart in the publication *The Washington Times* [called](#) the judges of the 9th District "legal tyrants," while Patrick Buchanan, in his recent column, [called on](#) legislators to take advantage of Section 2 of Article 3 of the US Constitution and limit the powers of the judiciary, which, according to him, is over stepping the bounds.

Tempers are rising in the White House. And for good reason!

The media and Democratic congressmen are fabricating more and more accusations every day against presidential advisers Michael Flynn and Stephen Bannon. In addition, quite an ugly campaign has been unleashed in the press against the president's daughter Ivanka Trump.

Protesters tried to keep Betsy DeVos, recently approved as Education Secretary, out of a public school that she was going to visit.

Meanwhile, the White House has not put a stop to the leaks, which are very unpleasant for the president, and which are probably arranged by the technical staff.

Well, two miles from the White House, at the fund named for him, Barack Obama has settled in and begun working with the NGO "Organizing for Action" with 30,000 employees who specialize in preparing mass protests.

In general, the Big Donald must feel he is surrounded by universal conspiracy and betrayal.

It is possible that this is all calculated — Trump could get angry and try to take revenge on his detractors, exceeding his authority or directly violating the law, and then the Liberals could legitimately begin a campaign for his impeachment.

But this coin has a flip side.

Donald Trump hates the political establishment and strongly believes that his actions are supported by the people who elected him. The media call him a “populist,” comparing him with authoritarian rulers of the past and present. But what if he really starts to act as a populist?

What if he spits on political etiquette and procedural formalities and decides to put an end to the constitutional crisis by addressing himself directly to the people and relying on the law enforcement agencies?

From a psychological point of view it is quite natural — he is the victim; he became the head of the country and the system met him with hostility. Destroying this system could become his biggest wish.

Of course, opponents of Trump are not enemies of the United States, at least, not most of them. But in calling his policy “un-American,” they provoke the legally elected head of state to make symmetrical charges and take a tough response.

Venezuelan economist Andres Miguel Rondon recently wrote for *The Washington Post* a quite remarkable article in which he argues that American liberals make the same mistakes that the political opponents of Hugo Chavez made in their day.

Rondon claims that the intransigence of the opposition, the constant threat to overthrow the president, and the demonstration of open hostility to him ended up dividing the society, and Chavez took advantage of this to convince the majority of the population that his political opponents were enemies of the country.

In fact, this is how authoritarianism starts — by identifying those who disagree with you as enemies.

Thus in the escalation of a confrontation, both sides are usually equally at fault. I would even say that, in a democratic society, the opposition has a much greater responsibility.

By abandoning civilized political debates and declaring the person who is in power illegitimate or unfairly elected, by insulting and ridiculing him, they impel him to authoritarian solutions, decisions that are justified as being the will of the voters.

So if I were in the place of American liberals, I would seriously rethink about this behavior.

Calling the 45th president “dangerous,” they may sooner or later turn out to be right, when he casts convention to the winds and takes very tough actions against them; especially because he feels in danger himself.

The darling of the left-liberal public and mainstream media, Barack Obama, too, was often angry and offended when “they didn’t understand him” — he used to say that about Congress; he replaced laws with own his decrees, and under a cloud of scandal dismissed subordinates (think of the resignations of Chuck Hagel and Tom Donilon!). But the former president was a professional politician; he grew up in the party environment and was coddled by it.

Donald Trump, from the beginning of his incredible political campaign in 2015, has felt at war with the

entire political class.

And if this class does not submit to the will of the voters and does not at least stop putting a spoke in the wheels of the head of state, he will take full responsibility for the fact that if he goes down, he will take the whole US political system with him.