

Obama: "Universal Principle" Gives Presidents the Right to Keep Ruling Even If They Violate the Law

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Honduras removed its would-be dictator, President Mel Zelaya, for violating his country's constitution by seeking to extend his term in office, and replaced him with a leading Congressman. Zelaya's removal [was authorized](#) by Articles 239 and 272 of the Honduran Constitution, and ordered by his country's Supreme Court, after he used coercion and aid from Venezuela's dictator to push an illegal referendum. But Obama has joined Cuban dictator Castro and Venezuelan dictator Chavez in [demanding that Zelaya be reinstated](#).

Originally, Obama's justification for this demand was his erroneous claim that Zelaya's removal was "[illegal](#)." But when Honduras's new president, a veteran legislator, pointed to stacks of court rulings that Zelaya had violated, the fact that the Honduran Congress had voted 123-to-5 to replace Zelaya, and that the military had legally executed a warrant for Zelaya's arrest, Obama changed his tune.

Now, Obama claims that Zelaya must be put back in power because of the "[universal principle that people should choose their own leaders](#)". Never mind that even publications that criticized the manner of Zelaya's removal, like the [Economist](#), have candidly admitted that Zelaya was [unpopular](#) with Hondurans, who overwhelmingly back the removal of their president — and that Zelaya was a bullying crook with approval ratings below 30 percent who repeatedly violated his country's laws. In the [Washington Post](#), the [Wall Street Journal](#), and other papers, Hondurans have overwhelmingly supported his removal.

Apparently, Obama is determined to saddle Hondurans with Zelaya whether they want him or not, just because they once elected him. (Even though he radically changed his policy positions after being elected). Under Obama's reasoning, Richard Nixon, who was twice elected president, shouldn't have been forced to resign over Watergate, because that violated the American people's "universal" right to choose their ruler.

What Obama really means is that presidents, once elected, have a universal right to rule their subjects, and to flout the constitution, as Zelaya did, without being subject to removal. This sounds disturbingly like the "divine right" to rule (without following the law) claimed by medieval kings. (It's certainly not what Obama and I were taught at Harvard Law School.)

But the entire purpose of constitutional checks and balances, and the constitutional impeachment process, is that even elected presidents can lose their right to rule if they violate their country's constitution or laws. In our constitution's impeachment process, the Congress removes the president from office for wrongdoing, even if he was elected by a landslide. In Honduras, the Congress [voted by 123-to-5 to replace Zelaya](#), including the vast majority of Zelaya's own political party.

Honduras did not use a formal impeachment process because its constitution does not have a well-developed impeachment mechanism, [says](#) Latin American scholar Juan Carlos Hidalgo at the Cato Institute. But its unwieldy constitution does have other, less elegant means of removing abusive presidents: Article 239 [bans presidents](#) from continuing to hold office if they seek to extend their tenure, or merely propose an end to presidential term-limits. And Article 272 gives the [military](#) the power to enforce those term-limit provisions. (The military's law enforcement role is not unique to Honduras: in the U.S., federal troops were used to enforce a court order desegregating the schools in Little Rock in 1957, when the court's order was thwarted by the Arkansas Governor. When confronted with powerful executives with armed followers who refuse to comply with the law, the courts cannot rely simply on a handful of U.S. marshalls, but rather must look to federal troops or the national guard).

Journalists who romanticize foreign dictators have faulted Honduras for removing Zelaya and kicking him out of the country in his pajamas. But getting rid of tyrants is a messy and difficult process. You can't get rid of a tyrant by asking him nicely to leave office.

Honduras was far gentler to its menacing ex-president than the U.S. was in the past to people who threatened its democracy or constitutional order. In the Civil War, the U.S. government jailed without trial thousands of suspected confederate sympathizers, some of them innocent, as William Safire has noted, and many of them died in jail. After the Civil War, Tennessee's Governor "Bloody Bill" Brownlow had to hold racist legislators at gun-point to make them ratify the 14th Amendment — something that was far less legal than what happened in Honduras.

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