



The Right should re- rethink presidential power

By: Gene Healy - November 12th, 2012

With conservatives still smarting from Mitt Romney's 126-vote drubbing in the Electoral College, now is the hour for "rethinking" on the Right. I'm no Nate Silver, but I'll hazard a prediction on one result of the ongoing ideological introspection: The conservative movement is finally going to rediscover a healthy skepticism toward presidential power.

Last week, in "Restoring Constitutional Checks on the Executive," a post on her Washington Post "Right Turn" blog, Jennifer Rubin gestured in that direction: "When Republicans were in the White House more often than Democrats, they became more than a little expedient when it came to separation of powers. It is time to return to conventional checks and balances."

Such a return would, in a way, be "coming home" for the Right.

Hard as it may have been to remember during the George W. Bush era, conservatives were the original opponents of the Imperial Presidency. After FDR's 12-year reign, conservatives in Congress championed the 22nd Amendment, limiting presidential terms. Most of the intellectuals who coalesced around William F. Buckley's National Review in 1955 were executive-power skeptics who associated powerful presidents with activist liberalism. In 1964, Barry Goldwater denounced "the current worship of powerful executives" as "a philosophy totally at war with that of the Founding Fathers."

By the '70s however, as the "emerging Republican majority" in the Electoral College began to emerge, conservatives set to work developing a conservative case for a dominant presidency, helped along by their new ideological allies, neoconservatives -- zealous cold warriors who came over from the Left.

Rubin's right that Republicans "became more than a little expedient" with presidential power when Team Red held the office more frequently. The GOP's advantage in the Electoral College and the apparent Democratic "lock" on Congress led the conservative movement to "grow in office," pushing for expanded executive power in the hopes that center-right presidents could rein in the regulators and roll back communism abroad.

By the Reagan era, prominent conservatives were calling for a repeal of the 22nd Amendment and insisting that the real threat to separation of powers lay in what Rep. Newt Gingrich denounced as an "Imperial Congress." (For more, see "How Conservatives

Learned to Stop Worrying and Love the Imperial Presidency," in my book "The Cult of the Presidency.")

It's past time for them to start worrying again. In 2002, John Judis and Ruy Teixeira published "The Emerging Democratic Majority," predicting a new era of Blue Team dominance based on the rising electoral strength of minorities, single ladies, the youth vote and postindustrial professionals. After the Republicans' congressional gains in 2002 and George W. Bush's 2004 re-election, their thesis was basically snickered off the stage.

But nobody's laughing now. As *The Examiner's* Michael Barone noted last week, "Democrats have won the White House in four of the six presidential elections starting in 1992," whereas the GOP has controlled the House in eight of the last 10 congressional elections. The electoral script has flipped: the Dems' "structural advantage" is in the Electoral College, the GOP's lies with Congress.

Today, with President Obama insisting that "we can't wait" for Congress to pass laws before the president acts, it's clearer than ever that the Right made a grave mistake by abandoning its traditional skepticism toward executive power. A return to first principles may be politically convenient -- but it's also the right thing to do if conservatives ever want to live up to their limited-government rhetoric.

In her blog post last week, Rubin wrote, "Until Republicans rediscover the key to presidential electoral politics, they need to re-establish some limits on presidential power." Catch that "until"? How about "whether or not"?