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## COLUMNISTS

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### Gene Healy: Right's czar mania is a distraction

By: **GENE HEALY**  
Examiner Columnist  
September 22, 2009

"No more czars!" is the new tea party rallying cry, as conservatives across the country fear that President Obama has unleashed a legion of unaccountable bureaucratic overlords on the body politic.

Having helped oust Van Jones, Obama's "green jobs" czar, Fox News' Sean Hannity swears that he won't rest until he's gotten "rid of every other one." But if he succeeds, will the country be appreciably freer, or the government noticeably smaller?

No, it won't, because the conservatives' current bout of czar mania elevates symbolism over substance. All the focus on a scary moniker for certain executive officials misses the real problem: Unconstitutional delegation of power to the executive branch. Whether those illegitimate powers are exercised by unconfirmed presidential advisers or the president himself is quite beside the point.

Rep. Mike Pence, R-Ind., notes that you won't find the word "czar" in the Constitution; but you won't find it in federal law either. That's because "czar" is a media-coined, catchall term for presidential assistants tasked with coordinating policy on issues that cut across departmental lines.

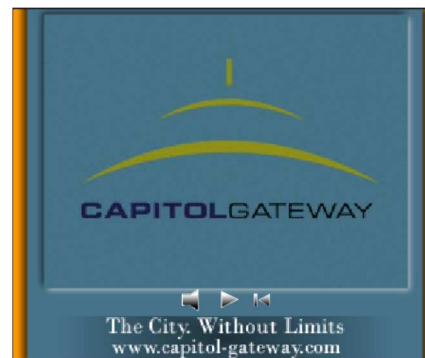
Officials dubbed "czars" range from the truly powerful, like Nixon's National Security Adviser Henry Kissinger, to the ineffectual such as cybersecurity czar Melissa Hathaway, who quit last month because she lacked real authority.

Often, czars are mere figureheads, appointed to signal concern over the latest hot-button issue. As one presidential scholar puts it, "when in doubt, create a czar."

True, it's problematic that some of these appointees aren't vetted by the Senate, and that presidents claim czars don't have to answer to Congress -- as when the Bush administration asserted in 2002 that executive privilege shielded then-homeland security czar Tom Ridge from testifying on the Hill.

But as the Washington Independent's Dave Weigel has pointed out, many of the "czars" who appear on the conservative target list already have to be confirmed by the Senate. Others don't, but when Obama is hell-bent on taking over the health care sector -- one-sixth of the U.S. economy -- it's bizarre to agonize over the allegedly unchecked power exercised by the likes of the AIDS and urban affairs czars.

Similarly, while it's great to see a 9/11 "Truther" like Van Jones denied a federal salary, few of those cheering Jones' defenestration can coherently explain what the green jobs czar actually does, or the threat he was supposed to represent.



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The auto bailout itself is a result of congressional fecklessness. Many in Congress protested when President George W. Bush used the TARP statute to lend billions to Chrysler and GM. How, they asked, could that possibly be authorized by a law allowing the purchase of "troubled assets" from "financial institutions"?

If they'd bothered to read the bill, they'd know. Those terms were so loosely defined in the statute that they gave Bush and Obama a colorable argument for reshaping the bailout as they saw fit. Here congressional outrage was more than a day late and \$700 billion short.

There's plenty Congress can and should do to enhance oversight over executive branch officials. Yale Law's Bruce Ackerman argues that "we need to seriously consider requiring Senate approval of senior White House staff positions." But as long as Congress continues to write blank checks to the executive branch, it's the height of hypocrisy for them to complain about that branch's unchecked power.

*Examiner Columnist Gene Healy is a vice president at the Cato Institute and the author of "The Cult of the Presidency."*

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#### David

Sep 22, 2009

"All the focus on a scary moniker for certain executive officials certainly misses the real problem: Unconstitutional delegation of power to the executive branch."

I don't think I'd quite say that. You're right that this delegation is the bigger problem. But, for example, Glenn Beck, who started the czar charge, has mentioned several times that we need to protect Congress (imagine that) from the executive branch. The czar explosion is a symptom of the problem, and I don't think going after the czars means we can't also talk about the unconstitutional delegation. In fact, it's the perfect excuse to.

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