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End the Imperial Presidency Before It's Too Late

Why aren't the critics comparing Donald Trump to a fascist acknowledging that the office he seeks is too powerful?

Conor Friedersdorf

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Wake up, establishment centrists: Donald Trump is coming!

After the Vietnam War and Watergate and the spying scandals uncovered by the Church Committee and the Nixon Administration cronies who nearly firebombed the Brookings Institution, Americans were briefly inclined to rein in executive power—a rebuke to Richard Nixon's claim that "if the president does it, that means it's not illegal." Powerful committees were created to oversee misconduct-prone spy agencies. The War Powers Resolution revived a legislative check on warmaking. "In 34 years," Vice President Dick Cheney would lament to ABC News in a January 2002 interview, "I have repeatedly seen an erosion of the powers and the ability of the president of the United States to do his job. I feel an obligation... to pass on our offices in better shape than we found them to our successors."

The Bush Administration aggressively moved to expand executive power, drawing on the dubious legal maneuvering of David Addington, John Yoo, and their enablers. Starting in 2005, the junior senator from Illinois, Barack Obama, would repeatedly insist that Bush's assertions of executive power violated the Constitution. Nonetheless, Obama inherited a newly powerful executive branch, just as Cheney had hoped. And rather than dismantle it, Obama spent two terms lending the imprimatur of centrist, establishment bipartisanship to Cheney's vision.

Now, Donald Trump is coming.

Civil libertarians have long warned the partisans who trusted Bush and Obama, and the establishment centrists who couldn't imagine anyone in the White House besides an Al Gore or John Kerry or John McCain or Mitt Romney, that they were underestimating both the seriousness of civil liberties abuses under Bush and Obama and the likelihood of even less responsible leaders wreaking havoc in the White House.

Three years ago, in “[All the Infrastructure a Tyrant Would Need, Courtesy of Bush and Obama](#),” I warned that “more and more, we're counting on having angels in office and making ourselves vulnerable to devils,” and that come January, 2017, an unknown person would enter the Oval Office and inherit all of these precedents:

- The president can order American citizens killed, in secret, without any judicial or legislative review, by declaring them terrorists posing an imminent threat.
- The president can detain prisoners indefinitely without charges or trial.
- The president can order drone strikes at will in countries against which no war has been declared, and [drone kill people whose identities are not even known](#).
- The president can start a torture program with impunity.
- The president can conduct warrantless surveillance on tens of millions of Americans and tap a database that allows metadata archived in 2007 to be accessed in 2017.
- The federal government can [collect and store DNA swabs](#) of people who have been arrested even if they are released and never convicted of any crime.

Now, Donald Trump is coming. And many establishment centrists are professing alarm. There is nothing more establishment than Robert Kagan, a fellow at the Brookings Institution, writing an op-ed in the *Washington Post*. He begins by observing that if Trump wins, his coalition will include tens of millions of Americans.

“Imagine the power he would wield then,” Kagan [wrote](#). “In addition to all that comes from being the leader of a mass following, he would also have the immense powers of the American presidency at his command: the Justice Department, the FBI, the intelligence services, the military. Who would dare to oppose him then? Certainly not a Republican Party that laid down before him even when he was comparatively weak. And is a man like Trump, with infinitely greater power in his hands, likely to become more humble, more judicious, more generous, less vengeful than he is today, than he has been his whole life? Does vast power un-corrupt?”

Kagan’s article seemed well-received and widely shared among establishment centrists.

Yet neither he nor most others who share his fears have yet acknowledged their bygone failures of imagination, or granted that civil libertarians were right: The establishment has permitted the American presidency to get dangerously powerful.

While writing or sharing articles that compare Trump to Hitler, Mussolini, and Franco, few if any have called on Obama or Congress to act now “[to tyrant-proof the White House](#).” However much they fear Trump, however rhetorically maximalist they are in warning against his elevation, even the prospect of him controlling the entire apparatus of the national security state is not enough to cause them to rethink their reckless embrace of what Gene Healy calls “[The Cult of the Presidency](#),” a centrist religion that persisted across the Bush administration’s torture chambers and the Obama administration’s unlawful War in Libya.

With a reality-TV bully is on the doorstep of the White House, still they hesitate to urge reform to a branch of government they've long regarded as more than co-equal.

They needn't wait for the Nixon-era abuses to replay themselves as farce or worse to change course. Their inaction is irresponsible. Just as the conservative movement is duty bound to grapple with its role in a populist demagogue seizing control of the Republican Party, establishment centrists ought to grapple with the implicit blessing they've given to the extraordinary powers Trump would inherit, and that even the less-risky choice, Hillary Clinton, would likely abuse.

If undertaken in earnest, the exercise will prove uncomfortable. The establishment centrists who oppose Trump worry, as they should, that he will violate the civil liberties of Muslim Americans, yet few spoke up when Michael Bloomberg presided over a secret program that profiled and spied on Muslim American students, sowing mistrust while generating zero counterterrorism leads.

The establishment centrists who denounced Edward Snowden would have to admit that, if Trump is half as bad as they fear, Americans will be better served knowing the scope and capabilities of NSA surveillance than living in ignorance of it. Some will be forced to admit to themselves that they hope the military remains sprinkled with whistleblowers like Chelsea Manning to speak out against serious abuses.

For 16 years or more, establishment centrists have been complicit in a historically reckless trend. Come 2017, it may place Donald Trump at a big table, much like the one on *The Apprentice*, where he'll decide not which B-list celebrity to fire, but which humans to kill. Establishment centrists could work to strip the presidency of that power.

Instead they do nothing.