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True interests

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Attorney General William Barr claims, “Unfortunately, over the past several decades, we have seen steady encroachment on presidential authority by the other branches of government. This process, I think, has substantially weakened the functioning of the executive branch, to the detriment of the nation” (Nov. 23 op-ed “[Diminishing the Presidency](#)”).

This does not square with the current administration’s arguments that the past administrations have been guilty of administrative regulatory overreach, regulatory acts in environmental protection, administration of immigration laws and the Affordable Care Act, which this administration has overturned by administrative fiat. Nor does it square with the administration’s use of emergency powers to use funds authorized for other purposes to build a border wall or to impose tariffs with countries with which we have free trade agreements. It also doesn’t square with the opinions of conservative lawyers, such as William Olson and Alan Woll, who wrote in 1999 a piece titled, “Executive Orders and National Emergencies: How Presidents Have Come to ‘Run the Country’ by Usurping Legislative Power,” published by the conservative Cato Institute.

No, Mr. Barr’s real interest is in protecting the administration from charges of obstruction of justice. For him, when the president orders that no one in his administration should appear before a congressional committee that is investigating his possible illegal use of public funds for private gain, and orders that they should not make available any documents that might be relevant to investigating that charge, that is simply the executive’s privilege. To a layperson, however, it is inconceivable that when the president himself or herself is a subject of an investigation, ordering no one in the administration to provide relevant information can possibly be justified as an application of executive privilege. Instead, it sounds like the act of a total monarch.

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