

Health of the Republic: Down 10% to 15%

With exactly 18 months left to go in office, this President has made a sweeping and unprecedented play for unchecked power. According to a Washington Post [article](#), the President intends to claim that Congress *cannot* pursue its investigation into the political firing of 9 US Attorneys, because the President has exerted a broad "executive privilege" that (he claims) exempts his former underlings from testifying. By statute, enforcement of a contempt-of-Congress citation is handled through the Department of Justice, which must convene a grand jury on the matter. According to the Bush faction, because the Justice Department is a part of the executive branch and because Bus claims that the executive branch is "unitary" (an untried and abominable constitutional theory), the DoJ cannot take action that doesn't conform to the "will" of the President.

Let that sink in there. Our government is now to be determined by the "emanations of the will of the President" -- not by, say, the laws on the books (which *clearly* mandate that the DoJ pursue any contempt-of-Congress charge sent to it). One scholar called the attempted power grab "almost Nixonian in its scope and breadth of interpreting its power". It's time to stop pussy-footing around. This makes Nixon look like a little child. Even Nixon recognized that there were *some* checks on Presidential power; the Bush White House feels there are none.

More below the fold.

Is this really so important? In a word, yes. Bush has basically given himself the ultimate Get Out of Jail Free card: He can claim privilege for anything whatsoever -- without any outside determination, in the Congress or the Court, as to whether that claim is valid -- and having done so, he can place that material forever beyond investigation. It is, in essence, the documentary equivalent of Gitmo: He is creating *ab initio* a legal wasteland where he can squirrel away documents and testimony that implicates or even just inconveniences him. This is, in fact, a declaration of absolute, unchecked power -- the tyrannical power of a mad king.

If Congress does not act to slap down this nonsense -- if this is allowed to stand and fester -- then it really will be the death knell of the Republic. In future years, when historians pore over the dusty records of the vanished American polity and wonder when the Republic fell into despotism, *here* is where they will draw the line. *This* could well be our Rubicon. Remember this: the Roman Republic didn't fall because an outsider conquered it. It didn't fall even because Julius Caesar

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marched on the Capitol. It fell because the people in it were too weary, too selfish, too weak to defend it. They allowed affronts against it to stand, and they paid the price.

Will we do any better?