

CURBING THE IMPERIAL PRESIDENCY

Here is my presentation from the Take Back American panel on "Curbing the Imperial Presidency." I'm sure it didn't come out this way. But it might be close.

One year after the publication of his book *The Imperial Presidency*, Arthur Schlesinger wrote the following for a column in *Harpers*:

We hear a great deal today about the presumably grim consequences of the impeachment of the President—an endless public trial, a people divided, a government paralyzed, a nation disgraced before the world. But suppose the House of Representatives should decide *not* to impeach Mr. Nixon. That would have its consequences, too—consequences that deserve at least as careful an examination.

For the refusal to impeach would be a decision as momentous as impeachment itself. It would and could be interpreted only as meaning that Congress does not think Mr. Nixon has done anything to warrant impeachment. It would alter the historic relationship of Presidential power to the constitutional system of accountability for the use of that power. The message our generation would send to posterity would be that Mr. Nixon, whatever his other disasters, had conceived and established a new conception of Presidential accountability, and that his successors, so long as they take care to avoid the crudities of a Watergate burglary, can expect to inherit Mr. Nixon's conception of inherent Presidential authority and to wield the unshared power with which he will have endowed the

Presidency. Failure to impeach would be a vindication of a revolutionary theory of Presidential accountability.

Now, I agree with Schlesinger. The fear of an endless public trial, of government paralyzed, of international disgrace—those are not sufficient reasons to avoid impeaching a President (or Vice President or Attorney General) who has overstepped his constitutional authority.