



WE THE PEOPLE

BY DAVID ADLER, *The Alturas Institute*

An American Odyssey: Restoring a Constitutional Presidency

An American Odyssey, undertaking the arduous journey to restore a constitutional presidency, will almost certainly face a series of daunting challenges worthy of Homer's exploration in his epic poem, The Odyssey, about the king's desperate effort to return to Ithaca, after the ten-year Trojan War. Whether our hero, like the Greek hero himself, can return to Ithaca, will determine the very fate of our republic, 250 years after the founders created it in writing the Declaration of Independence. Presidential Government, drenched in authoritarianism, is triumphant and its blatant disregard of the Constitution haunts American Constitutionalism. There is no way home for America, no return to Ithaca, until the presidency is saddled, bridled and bitted.

Under the Trump Presidency, the entrenchment of executive power is swollen beyond anything that the framers of the Constitution imagined as they worked to confine presidential authority at every turn. In Donald Trump's hands, the exercise of presidential powers—including those found within Article II and those illegally wielded in its name-- has laid waste to the doctrines of separation of powers, checks and balances and enumeration of powers.

Trump's presidency represents a striking repudiation of the explicit structure of the Constitution itself. Article VI provides, emphatically, that the Constitution is the law of the land, and thus superior law to anything that the president might assert. The president takes an oath to defend the Constitution, and swears, in accordance with Article II, to take care to "faithfully" execute the laws. Trump's flagrant infidelity to the Constitution, the duties and responsibilities imposed by Article II, the laws of the United States, the rulings of federal courts and the ideals of the Declaration of Independence, has plunged our nation into an abyss.

In a brazen violation of the presidential oath of office, Trump has usurped the fundamental constitutional powers vested in Congress, including lawmaking, appropriations and warmaking, powers which the framers of the Constitution insisted, were legislative, not executive, in nature and required legislative determination "if" the republic were to be maintained. Trump's ongoing assault on freedom of speech, press and assembly, moreover, betrays his presidential duty to defend

these pillars of republicanism, each of which is central to government of, by and for, the people.

An oath of office, whether sworn by the president, member of Congress, or any officer of government, imposes a moral duty to obey the Constitution, unless and until it is amended. "There is an absolute duty to obey," the eminent constitutional scholar, Alexander Bickel, wrote 50 years ago, for "to disobey is to deny the idea of constitutionalism. To deny this idea is in the most fundamental sense to deny the idea of law itself." Thus, no president may decide to stay in office for six years, rather than four, or by virtue of the 22nd Amendment, to run for a third term.

Presidential transgression of the Constitution recalls James Madison's warning in Federalist No. 48, that "all power is of an encroaching nature, and that it ought to be effectually restrained from passing the limits assigned to it." Yes, of course, but how, and by what means is it possible to restrain the assertion of executive power that defies the oath of office and the Constitution?

Is the remedy for presidential usurpation of power—the restoration of a constitutional presidency—to be found in the Constitution itself? There seems little wrong with the constitutional blueprint, as it pertains to the scope of executive authority, for the grant of presidential powers is lean and meager, particularly when compared to the capacious powers vested in Congress. The principal problem lies, rather, in the unwillingness of the men and women in positions of power, those at the helm, duly to perform their duties and responsibilities. And, it should be emphasized, if the constitutional arrangement were deficient, its violation by the president could hardly be justified in a nation which exalts the rule of law, a principle that requires executive subordination to the Constitution and the laws of the nation. If the constitutional design is perceived to be inadequate, then the Amendatory Clause—Article V—supplies a remedy: Change the fundamental law and render it appropriate to the needs of the nation.

If constitutional change is not the remedy to restore a constitutional presidency, then, we ask, what is? Thus, we begin in this column in the weeks ahead our journey to return to Ithaca.

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Back in the day

Underwood

COMPILED BY SHELLY WALLACE
from the Files of the Central McLean News Journal

20 years ago, Nov. 2005

The cash flow crunch resulting from expenses of about \$150,000 over estimated building project costs, prompted the Underwood School Board to file a Certificate of Indebtedness at the Nov. 16 meeting to help out with cash flow until property tax revenue starts to come in January.

Kristi Martin's fourth grade class wasn't fooled by a manufacturer's attempt to promote smoking to kids, and they decided to take action.

The "candy sticks" in boxes were received as Halloween treats. The kids knew exactly what the candy sticks were intended to imitate and weren't having any part of it. They discussed the issue with the school guidance counselor, Kim Wirtz, and decided to let the company know their thoughts. They are awaiting on a response from the company that manufactures the candy.

Motivational speaker, Chris Young, president and CEO of the Rainmaker Group, addressed a crowd of around 80 people at the Underwood City Hall Thursday night, courtesy of the Underwood Economic Development group.

30 years ago, Nov. 1995

The Underwood community gathered in city hall Wednesday evening for a community Thanksgiving service. The Alexander Presbyterian and Augustana Lutheran choirs provided special music. Each pastor in the community had a part in the service, with Pastor Todd Hylden bringing the message.

The Underwood Civic Club kicked off special Christmas events on Dec. 16 with breakfast with Santa, a coloring contest and drawings for merchant bucks.

Even though October water releases from Lake Sakakawea through Garrison Dam averaged 35,900 cubic feet per second -- the highest October release on record -- the Corps of Engineers reservoir control center director, Duane Sveum, says nearly four million acre-feet of water still need to be dumped. October runoff in the river basin totaled 1.8 million acre-feet -- 149 percent of normal.

Megan Gazdik, University of Idaho dance major, will be presenting a senior dance recital Dec. 3 at the University Dance Studio.

40 years ago, Nov. 1985

Despite cold weather, there was a good turnout of both sellers and buyers at the annual Young Women of Today Fall Festival in Underwood.

New class for preschoolers gives help to special children. Souris Valley Special Services sponsors the program at the Underwood School, with Linda Kjelstrup hired as the teacher.

Dr. Tom Fairbairn and Dr. Stanley Renton are staffing the Q & R Clinic in Underwood. The doctors are emergency room physicians at Medcenter One.

Reverend John Nilsen portrayed Mark Twain in Riverdale. The celebration of the 150th year anniversary of Samuel L. Clemens' birth was sponsored by the McLean Mercer Regional Library.

Pvt. Melvin Bachmeier, son of Lawrence and Jennie Bachmeier, Underwood, and Keith Felch, son of Dallas Felch, Washburn, completed their 14 weeks of basic armor training at the U.S. Armor Center, Fort Knox, Ky. Both are graduates of Underwood High School.

55 years ago, Dec. 1970

The city planning commission met with the city commission and went on record as endorsing the plan to build low-cost rental housing units for the elderly and low-income in the Underwood area.

Coach Marly McDonald's Underwood Comets got off on a winning note here last Friday as they turned back the scrappy Washburn Cardinals by a score of 61-35. Loren Scheer led the Comets scoring with 22.

Leo Leidholm and Mrs. John Blotske were the winners of the watches given in a drawing at the 25th anniversary open house at Olson's Hardware.

Mr. and Mrs. Jerry Ash were honored recently with a housewarming party at their farm home. Mr. and Mrs. Ash purchased the house on the farm of Mrs. Hilbert Bartz and moved it to their farm where it was completely remodeled.

M-Sgt. Paul Westby, who is presently stationed with the Air Force in Germany, was in Norway recently for an inspection of the bases there. While there, he had the opportunity to visit with the relatives of his parents, Mr. and Mrs. Henry Westby.

65 years ago, Dec. 1960

James Landgren, a tackle, and Larry Sayler, a fullback on the Comet football team were named to the All-Conference team of the Missouri Basin conference. Comet players making the honorable mention included Harlan Jess, Tom Rasmusson, Wes Aldinger and Leon Schacher of Underwood.

Congratulations are in order for E.E. Bartley on the completion of 32 years and 11 months of service as a rural letter carrier out of the Underwood Post Office. Mr. Bartley has served patrons on both routes well, and it is with regret that they see him leave.

Friends and neighbors gathered at the Carl Radke home Sunday to surprise Mrs. Radke and Mrs. Emma Blatchford on their birthdays.

UND students here for the Thanksgiving weekend included Judy Stockert, Rodney Hanson, Norman

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Deadlines
3 p.m. Monday – classifieds
10 a.m. Tuesday – advertisements, public notices, news and area announcements