

C-FARAR - Club For A Reformed American Republic
Working For Greater Liberty And Justice For All Citizens Of Our Democratic Capitalist System

Position Paper No. 3
Concerning Risks To Liberty And Our Democratic Republic Arising From An 'Imperial Presidency'

We are working to achieve reform of the systemic controls of our Republic's law enforcement, military, intelligence and internal security forces to prevent abuse of the power of those institutions by an overreaching President.

The powers of the President of the United States have expanded throughout its history. Historians generally agree that most of these expansions have been desirable and useful in molding and preserving the union of the several states into a lasting republic. However, some believe these accreted powers have resulted in the creation of an 'Imperial Presidency', risking a President placing himself above the law. We have historically relied upon the Congress, the Courts and norms of previous Presidential behaviors to provide necessary 'checks' against the growth of Presidential powers. Recent experiences, though, have revealed a flaw in this reliance, and that is a President who flouts historical norms and a Congress unwilling to consistently do its duty and provide the 'check' envisioned by our founders. Congress too often waits on the voters to provide this 'check' in the next election. Sadly in the modern era this may not be enough to avoid unacceptable risk to our liberties.

We, the American electorate, have elected a President who has already threatened some of our first amendment liberties, those of religion, speech and a free press. He threatens the independence of the Department of Justice created by Congress to enforce the rule of law and protect those liberties. He and representatives of his office have argued that the President, as chief executive and law enforcement officer of our republic, cannot be subject to the laws created by Congress concerning obstruction of justice.

Further, this President, with the advice and consent of the Senate, has abandoned norms, practices and precedents of previous Presidents when appointing civilians to head law enforcement, internal security and external defense departments of the national government, thus weakening the 'civilian' control over the nation's military, intelligence and internal security forces. These actions by the President, acquiesced in by the Senate, pose a risk to our liberties and our democratic institutions including the administration of justice and equal protection under the law.

We, the people, do have remedy to diminish this risk, though. That remedy is to elect as soon as possible representatives in both houses of Congress who will commit to:

1. Reform our systems of government by legislation assuring mandated civilian control over:
 - a. The Department of Defense
 - b. The Department of Homeland Security
 - c. The Department of Justice
2. Enact legislation providing that the Attorney General must not only be confirmed by the Senate but that the President may not remove the AG without consent of the Senate.

3. Strengthen and clarify protections under law preventing the executive branch, without congressional and judicial oversight, from spying on and/or collecting and storing information on American citizens; i.e. strengthen the FISA laws and associated regulations.
4. Establish a Cabinet level Officer of the United States to serve as Commander of the Militia of the Several States when they are called into the service of the United States. Further Congress should establish law providing that persons appointed to this position must be chosen from former or current state governors having experience directing the activities of state militia.