

Is America on the brink of tyranny? Trump's plan if elected in 2024 should frighten us all.

A bureaucracy purged of those loyal to the Constitution rather than to Donald Trump will send free and fair elections to history's landfill, along with the Bill of Rights

Austin Sarat and Dennis Aftergut

The New York Times published an article Monday that's bone-chilling for anyone who cherishes our freedom, democracy and constitutional governance. The story recounted, with full cooperation of Donald Trump's presidential campaign, his plans to eliminate executive branch constraints on his power if he is elected president in 2024.

The obstacles to be eliminated include an independent Justice Department, independent leadership in administrative agencies and an independent civil service. Richard Neustadt, one of the country's best known students of the American presidency, has said that in a constitutional democracy the chief executive "does not obtain results by giving orders – or not. ... He does not get action without argument. Presidential power is the power to persuade."

Trump's plan would substitute loyalty to him for loyalty to the Constitution. This vision is simultaneously frightening and unsurprising. In 2019, he said, "I have to the right to do whatever I want as president." And in December, Trump called for the "termination of ... the Constitution."

In effect, he attempted to do exactly that in the run-up to the riot at the Capitol on Jan. 6, 2021, by pressuring state officials to reverse President Joe Biden's electoral victory, attempting to weaponize the Justice Department and bullying Vice President Mike Pence to overturn the election.

Trump now may face federal charges for his role in fomenting the riot.

And while he was president, in addition to appointing subservient heads of executive departments, he took steps to increase his control over the regulatory authority of administrative agencies. To cite one example, in 2019, Trump forced climate change researchers in the Department of Agriculture to move from Washington, D.C., to Kansas City, Missouri, producing a huge exodus from federal employment.

In 2020, he attempted to undermine the independence of the civil service by issuing an executive order adopting “Schedule F.” It purported to vastly augment a president’s power to hire and fire federal officials by expanding the number of “political appointees” throughout government employment who were outside civil service protections.

Trump's plan is to centralize power in Oval Office

The Times story outlined his 2025 road map to implement this command-and-control model of executive authority and centralization of power if he’s returned to the Oval Office. In effect, the article described how his team would replace our constitutional republic with an authoritarian state.

Such a state seeks to eliminate the independence of civil servants. Saying good things about bureaucracy may be unpopular, but federal employees’ competence, expert judgment and commitment to governance by law is essential to democratic government.

Will heat wave impact politics?Climate change isn't a top issue for Democrats or Republicans. Record heat should change that.

One definition of an authoritarian state is that it is characterized by the consolidation of power in a single leader, "a controlling regime that justifies itself as a 'necessary evil.'" That kind of control necessarily features "strict government-imposed constraints on social freedoms such as suppression of political opponents and anti-regime activity."

Those characteristics describe the contours of the 2025 blueprint that the Trump campaign wanted the public to see via the Times' report. As the story notes, they are setting the stage, if Trump is elected, "to claim a mandate" for the goal of centralizing power in him.

The Times quoted John McEntee, Trump's 2020 White House director of personnel, defending the rejection of checks and balances on a president: "Our current executive branch was conceived of by liberals for the purpose of promulgating liberal policies. ... What's necessary is a complete system overhaul."

Founders warned about danger of too much presidential power

In fact, the executive branch, like the two other branches, was devised by the framers of our Constitution, to limit power by dividing it. Even Alexander Hamilton, who defended energy in the executive branch, suggested that the path to tyranny was marked when government officials are "obliged to take refuge in the absolute power of a single man."

James Madison joined Hamilton in warning in The Federalist 48 that "power is of an encroaching nature." For that reason, The Federalist 51 states, "Ambition must be made to counteract ambition."

It described the paradox facing the framers as this: One must "enable the government to control the governed; and in the next place, oblige it to control itself."

Trump's 2025 blueprint would end governmental control on a president so he can dominate and control the governed.

Along with divided power, the central constraint that our founding documents create is the overarching legal institution known as the rule of law. That is why Trump's plan for a radical reorganization of the executive branch starts with

ending “the post-Watergate norm of Justice Department independence from White House political control.”

Controlling the prosecutorial power allows a president to use it to favor friends, destroy enemies and intimidate ordinary citizens tempted to speak out.

That would sound the death knell of American freedom. As John Locke, the 17th century political philosopher who inspired the authors of the Declaration of Independence, wrote, “Wherever law ends, tyranny begins.” Or as Blake Smith put it in an article in Foreign Policy last year, “The bureaucratic ethos is essential to the functioning of the state and the preservation of private life as a separate, unpolitical domain of tolerated freedom.”

At the close of America’s first decade as a constitutional republic, George Washington voluntarily chose not to seek a third term as president to avoid setting the country on the road to the tyranny of lifetime rule by a president. He understood from the revolution against a king that retaining the personal power of one person is the central goal of authoritarianism.

If voters elect Trump president in 2024, he will implement the plan his campaign has purposefully leaked. The outcome is easy to foretell. A bureaucracy purged of those loyal to the Constitution rather than to Trump will send free and fair elections to history’s landfill, along with the Bill of Rights and the freedoms they were designed to protect.

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