

Duquesne University

Duquesne Scholarship Collection

Hallowed Secularism

The Collective Works of Bruce Ledewitz, Adrian
Van Kaam C.S.Sp. Endowed Chair in Scholarly
Excellence and Professor of Law

9-21-2018

September 21, 2018: The End of Constitutional Government

Bruce Ledewitz

Duquesne University, ledewitz@duq.edu

Follow this and additional works at: <https://dsc.duq.edu/ledewitz-hallowedsecularism>



Part of the [Constitutional Law Commons](#), and the [Law and Philosophy Commons](#)

Repository Citation

Ledewitz, B. (2018). September 21, 2018: The End of Constitutional Government. Retrieved from <https://dsc.duq.edu/ledewitz-hallowedsecularism/1191>

This Article is brought to you for free and open access by the The Collective Works of Bruce Ledewitz, Adrian Van Kaam C.S.Sp. Endowed Chair in Scholarly Excellence and Professor of Law at Duquesne Scholarship Collection. It has been accepted for inclusion in Hallowed Secularism by an authorized administrator of Duquesne Scholarship Collection. For more information, please contact beharyr@duq.edu.

Title: The End of Constitutional Government

Date: 2018-09-21T05:55:00.000-04:00

9/21/2018—I talk a lot these days about the end of constitutional government. I spoke about this theme at Robert Morris University on Constitution Day. These talks emphasize the end of elections. But there is a more traditional fear of the end of constitutional government that we can call Presidential government. The President is not to be a policy maker, especially not a domestic policy maker. This was a real fear that the framers of the Constitution had. It is why Youngstown, the Steel Seizure Case, was so important. The decision emphasized that Congress makes policy, not the President. This is why conservatives criticized President Obama's immigration policies. But most of President Trump's economic policies are similarly abusive—aside from his withdrawing Obama era regulations. The President does not have authority to unilaterally impose tariffs. President Trump is falsely invoking a national security justification, which made no sense in the instances of threats against Canada and Europe, and is only slightly more defensible in the case of China. But even with regard to China, expansive tariffs are an economic policy, not a national security one. As Paul Krugman points out, with abusive Presidential authority, comes favoritism in exemptions—Apple is exempt, for example. Everything about this is corrupt. Even if the policy is justified in part, it is not the President's call. You can say the same thing about a supposed two-State NAFTA agreement. No authority for that either. Maybe worst of all is the widespread suspicion that Justice Department opposition to the AT&T purchase of Time Warner was politically motivated. That is precisely what you would expect from Presidential power abuse. The real question is, where are all those conservatives who criticized President Obama's immigration policies? They were justified then. Don't they see the real threat in front of them? There is something comical about worrying about same-sex marriage and desperately trying to get Judge Kavanaugh on the Supreme Court while the genuine threat to constitutional government goes unremarked. What are they thinking?