



Trump: “I Run the Country”

“I run the country.”

That was President Donald Trump’s response to a question about executive privilege.

During an interview broadcast on ABC, George Stephanopoulos set out to discover the president’s position on the boundaries of executive privilege.

“A president can’t obstruct justice?” Stephanopoulos commented.



President Trump’s response revealed his sense of the scope of a president’s power: “A president can run the country. And that’s what happened, George. I run the country.”

Within the context of the conversation between the president and the former advisor to Bill Clinton, President Trump’s answer may not be as constitutionally offensive as it would be otherwise.

Stephanopoulos’s goal, of course, was to catch the president in a verbal trap using the possible obstruction of justice by President Trump during Special Counsel Robert Mueller’s investigation of Russian influence in the 2016 election as bait.

Had the interview ended there, viewers may have been left with an ambiguous estimation of the president’s true take on the limits on his constitutionally enumerated authority.

To the dismay of Trump supporters, though, the discussion carried on and President Trump may have fallen into the snare Stephanopoulos set for him.

After hearing him declare that he ran the country, George Stephanopoulos pushed the president on just how immune he believed the executive to be to legal prosecution.

Regarding obstructing justice, Stephanopoulos asked, “When the president does it, it’s not illegal?”

“I’m just saying a president under Article II — it’s very strong. Read it. Do you have Article II? Read it,” President Trump replied.

Even that statement seems tame and not exactly tyrannical, though. The problem is that that wasn’t the president’s only reference to Article II, the article of the Constitution containing the bulk of the powers granted to the president.

Earlier in the interview, President Trump took cover behind Article II when Stephanopoulos was taking shots at him over the question of whether the president could have fired Robert Mueller or any other executive department official.

When asked by Stephanopoulos whether he thought Mueller “had to go,” President Trump replied:



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I never s— I didn't say that. If I — look, Article II. I would be allowed to fire Robert Mueller. There was n— assuming— assuming I did all of the things, I said I want to fire him, number one, I didn't. He wasn't fired. Okay? Number one, very importantly. But more importantly, Article II allows me to do whatever I want. Article II would have allowed me to fire him.

Did you catch that? The president of the United States said during a nationally televised interview that “Article II allows [him] to do whatever [he] wants.”

Now, some may argue that Trump meant that he can do whatever he wants in regard to the special counsel, or some other Executive Branch appointee.

But, for the sake of argument, let's see what the Constitution says about the president's powers. Can a U.S. president really do whatever he wants?

First, one must read the relevant portions of the text of Article II, that is, the clauses containing grants of power, leaving out those describing details of the election process, qualifications for the office, or other aspects of the office unrelated to the enumeration of presidential power, a power President Trump apparently considers limitless.

Here we go:

Article II, Section 1:

“The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years....”

Article II, Section 1: “Before he enter on the execution of his office, he shall take the following oath or affirmation: — “I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States.”

Article II, Sections 2 and 3:

The President shall be commander in chief of the Army and Navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

He shall from time to time give to the Congress information of the state of the union, and recommend to their consideration such measures as he shall judge necessary and expedient;



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he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Constitutionally speaking, the president is not all that powerful. In fact, were the federal system created by the states in the Constitution followed, the person sitting in the Oval Office would be much less important that it is today, a time of near-constant consolidation of power into the hands of the president.

Donald Trump is not the first president to exercise power he doesn't constitutionally possess. For generations presidents have carried out a plan to consolidate all functions of government into the hands of one "unitary" executive, aggrandizing the office of the president and reducing Congress to mere plaintiffs in lawsuits challenging that all but unlimited authority.

At the Constitutional Convention of 1787, Gouverneur Morris made a statement that lays out the metes and bounds of presidential authority.

"This Magistrate is not the King.... The people are the king," he explained.

Simply put, the president is the servant of the people and the states, not their master.

Honestly, though, the question shouldn't be: Does Article II permit the president to do anything he wants? This question would be obviated by the election of men of virtue who would remain faithful to his oath of office even when it prevented him from doing something he thought good for the country. This question would be obviated by the election of presidents who not only recognize the clear constitutional limits on their power, but would have no desire of despotism.

I'll close with the words of Alexander Hamilton in *The Federalist*, No. 68 describing the ideal president. Pay particular attention to the attributes our Founders figured would be necessary for anyone trusted with executive power.

The process of election affords a moral certainty, that the office of President will never fall to the lot of any man who is not in an eminent degree endowed with the requisite qualifications. Talents for low intrigue, and the little arts of popularity, may alone suffice to elevate a man to the first honors in a single State; but it will require other talents, and a different kind of merit, to establish him in the esteem and confidence of the whole Union, or of so considerable a portion of it as would be necessary to make him a successful candidate for the distinguished office of President of the United States. It will not be too strong to say, that there will be a constant probability of seeing the station filled by characters pre-eminent for ability and virtue. And this will be thought no inconsiderable recommendation of the Constitution, by those who are able to estimate the share which the executive in every government must necessarily have in its good or ill administration. Though we cannot acquiesce in the political heresy of the poet who says: "For forms of government let fools contest That which is best administered is best," yet we may safely pronounce, that the true test of a good government is its aptitude and tendency to produce a good administration.

In light of that quote, this question should settle the issue of presidential power for constitutionalists: Would a president who could pass the Founders' muster be the type of person who would proclaim himself to have "whatever power [he] wants?"



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