

# How Republicans Created Executive Branch Hegemony

By [Dr. Paul Craig Roberts](#)

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OpEd Editor's note:

*For more than a decade, Dr. Paul Craig Roberts has been sounding the alarm about the neoconservative power grab that is destroying everything in its path, ensuring that there will soon be no justice, no civil liberties, no accountability — no Constitution. In early March 2008, Roberts wrote that regardless of the outcome of future elections, the power the Republicans accumulated in the executive branch, making it for all practical purposes a dictatorship, will remain. That warning is even more critical today and is presented below.*

Having made the mistake of confirming [Michael Mukasey](#) as US attorney general, the Democrats again find their efforts to hold Republican government officials accountable for illegal and unethical behavior stonewalled by the Department of Justice [sic] and blocked by the Brownshirt tactics for which the Bush Regime is now infamous.

White House Chief of Staff Josh Bolten and former White House counsel [Harriet Miers](#) were found in contempt of Congress for [refusing to comply](#) with subpoenas and refusing to cooperate with congressional committee investigations of the Bush Regime's political firings of eight Republican US attorneys. The eight fired US attorneys declined to politicize their offices by investigating only Democratic officials and ruining their election chances with leaks from "investigations" designed to smear their reputations.

Mukasey gave House Speaker Nancy Pelosi and the majority Democrats in Congress the finger and refused to refer the House of Representatives charges against the two Bush Regime operatives to a federal grand jury for investigation. Following the now established practice by the Bush Regime, Mukasey told the speaker of the House that members of the executive branch are above the law and are not accountable to the US Congress, formerly a co-equal branch of government under the US Constitution in the days now past when the executive branch felt obliged to abide by the Constitution.

Mukasey boldly asserted in his letter to Congress that Miers and Bolton are immune from congressional subpoenas and, thereby, their "noncompliance did not constitute a crime." According to Mukasey, "The contempt of Congress statute was not intended to apply and could not constitutionally be applied to an executive branch official who asserts the president's claim of executive privilege." [[Mukasey Refuses to Prosecute Bush Aides](#), By Dan Eggen, Washington Post, March 1, 2008]

The way matters stand in America today, the executive branch can falsely prosecute, frame-up, and imprison members of Congress and governors of states at will, but itself cannot be

held accountable to law.

Pelosi herself was [instrumental](#) in making the executive branch unaccountable to Congress or to law when she declared impeachment of Bush to be “[off the table](#).” This declaration by the speaker of the House has effectively released the Bush Regime from any accountability, just as the Enabling Act released Hitler from any accountability to the Reichstag, the German constitution, or statutory law.

Moreover, the [case for impeaching Bush and Cheney](#) — indeed the entire administration — is by far the most powerful and necessary case for impeachment that has ever existed. By declaring Bush unimpeachable, Pelosi is giving away Congress’ only remaining power to prevent tyrannical rule by the executive branch. If Bush is above impeachment, every future president will be as well.

The Democrats naively believe that just one more year and the Bush Regime horror will be gone. But that is not the case. No matter who is the next president, the Bush Regime has established that the executive branch is no longer a co-equal branch of government. It is the primary branch, armed with unaccountability and the discretion to consult with other branches of government if it so wishes. The US Congress cannot give up the powers it has given up during the Bush years and ever expect to get them back.

The US Congress cannot conspire in Bush’s destruction of US civil liberty and expect a future restoration of civil liberty.

Republican federal judges who have aided and abetted the rise of an executive branch dictatorship cannot expect the judiciary to continue as a check on the unconstitutional and illegal behavior of the executive branch.

The Bush Regime, with the complicity of Congress and the judiciary, has destroyed the American constitutional system. For the Brownshirt Republicans only THE AGENDA is important. Law, Constitution, separation of powers, truth, decency, honor — all of these things and any others in the way of THE AGENDA are dispensable.

While [neoconservatives](#) used 9/11 to pursue American and Israeli hegemony, Republicans used 9/11 to pursue executive branch hegemony. Whether or not Republicans can hold on to the executive branch through election theft or declaration of national emergency, the power that they have accumulated in the executive branch will remain. In the November 2006 congressional elections, voters gave Democrats control of Congress in order to rein in the Republican administration, but by then Congress had been reduced to an impotent branch of government and has proven to be incapable of reining in even an unpopular president with a 19 percent approval rating.

If a regime that has come to be despised and deplored by a majority of Americans and the world can ride roughshod over law and the Constitution, constitutional government obviously has no future in America.

Pelosi says the House of Representatives is going to file a civil suit against the Bush administration for refusing to help it enforce its subpoenas.

Who does Pelosi think is going to prosecute the suit — the politicized Republican US attorneys? The Republican federal judges who have helped to create the unaccountable executive?

The White House branded [Pelosi's request for a federal grand jury](#) to enforce the House subpoenas "truly contemptible." Pelosi's House Republican colleagues dismissed her request as "a partisan political stunt." White House spokesman Tony Fratto played the fear card and denounced Pelosi for trying to investigate loyal Americans instead of passing legislation that makes Americans safe by allowing the executive branch to spy without warrants. House GOP leader John Boehner's spokesperson accused Pelosi of making Americans unsafe by "pandering to the left-wing fever swamps of loony liberal activists."

The only power the House has left is impeachment, and Pelosi is too frightened to use it. Why is the speaker of the House afraid to use the power the Constitution gives her to remove from office a president who deceived Congress and the American people, who violated US and international law, and who is a clear and present danger to American liberty, to the US Constitution, and to peace and stability in the world?

**Paul Craig Roberts** was an editor of the *Wall Street Journal* and an Assistant Secretary of the U.S. Treasury. His latest book, [HOW THE ECONOMY WAS LOST](#), has just been published by CounterPunch/AK Press.

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