

AUTHORITARIAN TENDENCIES IN THE AMERICAN PRESIDENCY

by

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A thesis

submitted in partial fulfillment

of the requirements for the degree of

Master of Arts in Political Science

Boise State University

May 2023

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BOISE STATE UNIVERSITY GRADUATE COLLEGE

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Thesis Title: Authoritarian Tendencies in the American Presidency

Date of Final Oral Examination: 17 October 2022

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DEDICATION

I would like to dedicate this Master's Thesis to my parents who have always loved, supported and encouraged me but who have also challenged me to ask questions, think critically and grow into the person I am today.

ACKNOWLEDGMENTS

I would like to thank Dr. Ross Burkhart for never giving up on me during the turbulent times of the COVID pandemic, my friends for continuously supporting me throughout the process of finishing my thesis and my family and loving boyfriend, C-Jay, for allowing me to grow at my own pace.

ABSTRACT

This thesis attempts to determine if authoritarian tendencies are becoming more or less prevalent in the modern American presidency. Presidential and authoritarian scholars agree that authoritarianism is trending in a more insidious manner in the modern world and that most democracies today are being subverted more inconspicuously by elected officials. The most powerful checks on the power of the president are Congress and the judicial branch, two institutions that do exercise their constitutionally granted powers in some cases, but do not always exert their power in solidarity, leading to discrepancies in the constraint of the president. The presence of conflict leads to the most prevalent usurpation of presidential power, which is unequivocally war powers violations. Through a historical qualitative methodology, I have elaborated upon the major authoritarian tendencies of each modern president, starting with FDR and ending with Donald Trump. There is also a clear distinction between the expansion of state institutions and true attempts to aggrandize the power of the executive which are elaborated upon when necessary. My research has found that authoritarian tendencies absolutely fluctuate in the modern presidency but that the presidents who exhibit the highest degree of authoritarian tendencies are those who serve during times of crisis and conflict. The tendencies of the president to usurp power and disparage democracy came to its zenith under President Donald Trump, who is an anomaly both in his rise to power and his justifications for authoritarian actions. The conclusions that can be drawn from this historical perspective

are that even in times of conflict and duress, Congress and the judicial branch must consistently uphold their constitutional responsibility to constrain the president.

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INTRODUCTION

Although approximately 75% of the countries in the world are considered to be partly free or free according to Freedom House, less than 20% of people in the world live in a completely free democratic country (Repucci & Slipowitz, 2022). This may seem astounding, but the more concerning statistics show that there has been a global decline in democracy since 2006, and there are many insidious tendencies from dictatorships and other authoritarian regimes that have become pervasive in the United States' democratic system (Repucci & Slipowitz, 2022). Studying political science during the time of the 2016 American presidential election and watching the rise of populism and Donald Trump during this period, it has become clear that executive usurpations of power in the United States equate to authoritarian tendencies as they reflect the same intentions of our nefarious neighbors around the globe.

Many of our presidents have been extolled as bastions of democratic values but juxtapose Franklin D. Roosevelt, a president who has been lauded for his expansion of state institutions and his decisive actions against the Axis Powers in WWII, against Donald Trump, who turned to demagoguery, denigration, and insurrection in order to retain his power. This contrast may seem unequivocally polar opposite of one another but when we look at the details of their presidencies, there may be more similarities than one would expect. My research question pertaining to this topic is "Have authoritarian tendencies become more prevalent in the modern American presidency?" This topic is extremely salient in our polarized political atmosphere because the American electorate is

becoming increasingly immune to the abuse by the executive branch. As presidents expand and misappropriate power for their own benefit, their constituents become ever more predisposed to authoritarianism. This may be due to the fact that presidents often justify their usurpations to the public as constitutional, which creates a misunderstanding of the true nature of our democracy. If we continue down this path of regression, this could lead our country down a road to becoming an illiberal democracy, or even worse, an openly dictatorial regime. Our country was founded on the principles of a democratic republic: rule of law, consent by the governed, pluralism, and respect for basic human rights. “Students of democratization have long warned that without the rule of law, democracies run the risk of collapsing into authoritarianism” (Sanchez Urribarri, 2011, p. 856). If we do not recognize the faults in our executives and hold them accountable to a higher authority (the Constitution and Congress), then democracy may become a fading anachronism.

If people around the world come to see the United States as a fading power beset by political stagnation, economic inefficiency, and social chaos, its perceived failures will inevitably be seen as the failures of democracy, and the worldwide appeal of democracy will diminish (Huntington, 1991, p. 15).

In order to understand authoritarian tendencies, it is important to understand the differences between an authoritarian and a democratic regime and the ways in which executive actions differ in each of these systems. Levitsky and Ziblatt (2018, p. 23-24) outline four key characteristics of an authoritarian leader: “rejection of democratic rules of the game, denial of the legitimacy of political opponents, toleration or encouragement of violence, and readiness to curtail civil liberties of opponents, including media”. These

key indicators outline the actions and rhetoric that are characteristic of authoritarians, all of which are antithetical to the tenets of a democratic system. Authoritarians typically consolidate their power through questionably democratic means but are not constrained by a constitution. The issue of the constitution is particularly important to note because although a constitution is often present in authoritarian regimes, authoritarian leaders often change the constitution immediately upon taking power in order to fit their agendas or they simply disregard this salient tenet of democratic rule. “Control over the legislature also may allow the governing party to modify the constitution (for example, eliminating presidential term limits) to extend or deepen authoritarian rule” (Levitsky & Way, 2013, p. 14). Without the salient democratic institution of checks and balances to constrain executive power, the president is able to become completely omnipotent.

One of the largest distinctions in the way that authoritarians versus democratic leaders come to power and stay in power is their use of elections. Democratic leaders come to power as a result of free, fair and competitive elections and are only able to stay in power if they are reelected while authoritarians in the modern age often come to power democratically and then change the electoral system through debatable legal reforms that allow them to retain power. Due to the fact that they are typically not constrained by a constitution, they often exercise their power arbitrarily. The distinction between how democratic leaders exercise their power, which is constrained by the Constitution, is contrasted to an authoritarian system in which they are able to exercise power more freely without being held accountable. Authoritarians will use intimidation and fear to control all aspects of their government in order to consolidate power. They typically do not concede their power as a result of a free and fair election, but instead are only taken out

of power by a coup d'état or from the passing of a leader. Dean and Altemeyer (2020, p. 25) posit that common synonyms for authoritarian leaders are “autocrat, despot, dictator and tyrant” which highlights the problematic ramifications of allowing authoritarian tendencies to go unchecked.

Democracy has changed over time since the Greeks were credited with creating the system of government. Although the system has always been somewhat representative, it has not always been universal and thus has not held up to the standards by which we follow today. Today, in order for a country to be considered a democracy, there has to be universal suffrage, which was absent from many early forms of democracy including the United States until 1920 when women were granted the right to vote. Some even posit that the US had an even later democratization date in the 1970s when the civil rights movement finally succeeded in the south (Mickey et al., 2017). Levitsky and Way (2013, p. 6) assert that the definition of democracy includes “four key attributes: (1) free, fair, and competitive elections; (2) full adult suffrage; (3) broad protection of civil liberties, including freedom of speech, press and association; and (4) the absence of nonelected tutelary authorities that limit elected officials power to govern”. This definition is not comprehensive of all of the fundamental aspects of a democratic system but the main component is absolutely the free and fair *competitive* elections. Other aspects of a democracy include compliance to the rule of law and independent judiciaries.

Populism is another concept that has been frequently connected with authoritarianism in recent scholarship. According to Ralph Schroeder (2018, p. 61), populism is defined as “a belief that ‘juxtaposes a virtuous populace with a corrupt elite

and views the former as the sole legitimate source of political power’... They are the only true and virtuous people whose views are underrepresented and they want to exclude ‘others’ from the right to full citizenship in the nation”. Schroeder (2018) also posits that populists are anti-elite and anti-establishment in that they typically distrust the mainstream media, established institutions and political and economic elite. Morelock (2018) explicitly includes authoritarianism in their definition of populism and they note that right wing populism has been rising for the past two decades in Austria, Hungary, Poland, Turkey, India, France and most notably with the victory of Donald Trump in the 2016 US election. Populist politicians attempt to relate to constituents who feel the most underrepresented and appeal to values such as external enemies, anti-Islam, anti-refugee, and nationalism which are typically manifested through a charismatic leader. Populism and authoritarianism are typically analyzed together because although “populists are praised as defenders of the values and needs of the hard-working majority”, they are also “condemned as demagogues who prey on the ignorance of the uneducated” (Kazin, 2016, p. 18). Populists often claim to be the politicians of the commoners but are typically cunning in their true intentions. They tend to gravitate towards the portion of the populace who are disadvantaged and outwardly vocal about their distrust of the government.

Authoritarianism differs, however, from totalitarianism in that it does not have a highly developed guiding ideology, does not have complete control over the populace, and because authoritarians exercise control in a much more predictable fashion. Examples of authoritarian regimes include Augusto Pinochet’s Chile, Hugo Chavez’s Venezuela, and Viktor Orban’s Hungary while examples of totalitarian regimes include

Kim Jong Un's North Korea, Adolf Hitler's Germany and Joseph Stalin's USSR.

However, it is important to note that although each of these regimes could be characterized as authoritarian or totalitarian, there is a fair amount of distinctive characteristics to each of them. In a democratic regime, by contrast, leaders change power regularly through the process of free and fair elections, they exercise power designated by a constitution and they are held accountable by the other branches of government as well as their constituents. For the purposes of this paper, I will be utilizing Levitsky and Ziblatt's (2018) definition of authoritarianism in order to determine which of the American presidencies exhibit authoritarian tendencies.

The modern presidency has often been characterized by academics as more powerful than their earlier 19th and 20th century counterparts, in part due to their higher visibility to the public as a result of contemporary inventions such as television and radio. Most presidential scholars agree that "a distinctive 'modern presidency' emerged in the first half of the twentieth century, first under Woodrow Wilson and Theodore Roosevelt, then, most fully, under Franklin D. Roosevelt" (Skinner, 2008, p. 606). FDR was an iconic president purely by the fact that he won four consecutive presidential terms, breaking a long held precedent started by George Washington and upheld by many of his predecessors (Kennedy, 2019). Tragically, the late president died just eleven weeks into his fourth term from his ongoing fight with polio, after which Republican lawmakers led Congress to pass the 22nd Amendment of the Constitution which limits presidential term limits to two four year terms (Kennedy, 2019). Although the framers of the Constitution were divided on the concept of presidential term limits, there had only been precedent set

by George Washington until they finally passed the 22nd Amendment (Buckley & Metzger, 2022).

The 22nd Amendment to the Constitution was intended to protect the nation against tyrannical rule and one could assume that they were preemptively guarding against fraudulent electoral majorities typical of democratically disguised dictatorships. FDR exemplified the modern president because his administration transformed the executive branch from “a small, personalized office into a set of centralized bureaucracies”, many agencies of which FDR created himself (Hess & Pfiffner, 2021, p. 1). He oversaw many social programs (New Deal) that helped lift the US out of the Great Depression, he was instrumental in his support of the Allied Powers of WWII and he indisputably changed the center of federal attention from Congress to the president by the end of his life. This is therefore the point at which my analysis will commence, ending with the most recent president to finish a term in office, Donald Trump.

METHODS

In order to analyze the extent of authoritarian tendencies in the modern American presidency, I will utilize both qualitative and quantitative methods including mostly secondary research. The qualitative research will include a multitude of sources such as scholarly peer reviewed articles, books by distinguished journalists, political consultants and political scientists, and US government websites. The quantitative data will consist of a variety of democracy scores as well as data about the executive orders from each presidency. Democracy scores will come from independent, non-profit organizations that conduct research to record the flow of political systems in the world including V-Dem, Polity and Freedom House. These organizations use measurements such as electoral freedom, judiciary independence, political pluralism, media independence, and other values that are pertinent to a strong democratic system.

Although bias is inherent and ubiquitous in our polarized world, I utilized the most unbiased sources possible in order to gain a thorough understanding of the American presidency and its ebbs and flows. Archival evidence such as the US Constitution, National Archives, US Supreme Court cases and relevant legislation provide a firm backbone of the legality of presidential actions. My dependent variable is authoritarian tendencies in the American presidency and I will be operationalizing this variable by using democracy scores and executive orders. Democracy scores fluctuate based upon various indicators including rule of law, political rights, media and judicial independence, and human rights. I will compare democracy scores from multiple non-

profit, prominent sources in order to remain as unbiased as possible including V-Dem, Polity, and Freedom House. I will analyze these democracy scores as far back as the datasets will allow in order to produce a broad understanding of the flow of democracy in the United States since the FDR administration. Executive orders provide insight into the president's decision making that enables him to circumvent Congress, especially considering the fact that the powers of executive orders are relatively broad and vague in the US Constitution. The presidents' ability to sign executive orders into law is antithetical to the presidents' purpose of executing the law that is written and passed by Congress. This loophole allows the president to impose his will without the oversight of Congress.

This methodology will suffice for my research question because it will allow me to analyze the last fourteen presidents' actions over the course of ninety years by comparing them not only to one another, but also to well known authoritarian leaders. This will all be done based on what the US Constitution deems legal for the president, salient legislation, US Supreme Court cases, as well as based on presidential scholars' understanding of authoritarian leanings. Scholars have been using this type of methodology for decades to analyze actions by the president, and the results are relatively tenable and uncontroversial. Qualitative historical research methods are typical of presidential studies such as Arthur Schlesinger's book (1973) *The Imperial Presidency* and David Adler's (2006) article "The Law': George Bush as Commander in Chief: Toward the Neter World of Constitutionalism".

Based upon archival evidence and relevant scholarship on the topics, my independent variables are congressional enforcement against executive usurpations as

well as conflict. Congress is granted three main powers per the Constitution: “the war-making powers, power of the purse and the power of oversight and investigation” (Schlesinger, 1973, p. 421). When presidents are held accountable by Congress, by overriding their veto with a $\frac{2}{3}$ majority of both houses, referring the president’s actions for judicial review or through the impeachment process, it upholds the separation of power that is a central tenet of our democracy. It also keeps the president from becoming completely omnipotent and utilizing this power for selfish, and potentially nefarious purposes. Of course, partisan control of Congress is a prominent factor for whether or not Congress is likely to constrain the president. A unified government in which one party holds a majority in both houses of Congress as well as the presidency is much less likely to outwardly refute the president, whereas the opposite is the case for a divided government. Considering that there has been a unified government and divided government twenty three times each between the 73rd and 117th Congress, presidents have had about a fifty percent chance of having obsequious support from the legislative branch (Party Government Since 1857, n.d.).

Conflict is also a very salient factor when it comes to authoritarian tendencies. Conflict can be in the form of direct war like the long periods of WWII, Korea, Vietnam or Afghanistan. It can also be less tangible forms of conflict like the tense period of the Cold War or the ongoing War on Terror. These conflicts are all very interconnected and complex but they seem to have a profound effect on presidential decisionmaking and whether or not they attempt to obtain congressional approval for their actions.

However, it is important to differentiate between usurpations of power that may be equated to authoritarian tendencies and the inevitable expansion of state institutions.

Throughout history, the federal government and particularly the executive branch have needed to be expanded in order to accommodate the needs of the nation. For example, during the FDR Administration, the New Deal was passed which was a set of “banking reform laws, emergency relief programs, work relief programs, and agricultural programs...union protection programs, the Social Security Act, and programs to aid tenant farmers and migrant workers” (The Library of Congress, n.d.). This distinction is imperative because it will differentiate between the necessity for a president to add a new agency in order to deal with a national crisis like George W. Bush did by creating the Department of Homeland Security in the aftermath of the September 11 terrorist attacks, to the Bush Administration’s domestic surveillance of phone and email accounts without Congressional authorization which was later struck down by a federal court (Adler, 2006).

The analysis will consist of presidents starting from FDR and ending with Donald Trump which will provide insight into fourteen Administrations and almost ninety years of potential Constitutional abuse. Each president starting with FDR will be analyzed for their adherence to the powers granted to them by the Constitution and any deviation from this will be remarked upon and noted as either authoritarian in nature or a natural expansion of state institutions. The purpose of this paper is to determine if authoritarian tendencies have become more or less prevalent in the American presidency since FDR and to determine which, if any, of the modern presidents are a danger to our democracy. “One of the most remarkable trends in recent years has been the onset of governments that combine democratic and authoritarian features, often referred to as hybrid, illiberal, or competitive-authoritarian regimes” (Sanchez Urribarri, 2011, p. 854). We have to

realize that authoritarianism is more inconspicuous in the modern world, it starts to appear and is consolidated slowly and deviously. “Authoritarianism is generally associated with tyranny and governments that exercise power in violation of the rule of law” (Giroux, 2011, p. 415). When we think of tyranny, we typically do not think of American democracy automatically, but with the worldwide trend of democratic deterioration that may change soon. Levitsky and Ziblatt (2018) assert that three fourths of democratic breakdown during the Cold War era happened by means of a military coup d’etat but that more recently, democracies have instead more commonly been dying slowly at the hands of democratically elected leaders. Throughout history, leaders have typically been openly deposed by military or civilian coups, or they are simply assassinated. Today it is more common for the democratically elected executive to usurp power from Congress and to impose their policies more liberally than the Framers of the Constitution may have intended. The tendency for these transitions to be insidious and inconspicuous is well documented, and many countries have already fallen into the authoritarian trap. It would be a shame if the United States, with its recognition of the longest standing democratic Constitution, fell to the same fate as many countries around the world in recent decades.

Now that all of the major concepts are defined and have been elaborated upon, I will do a literature review of all of the presidents starting with Franklin D. Roosevelt. Some presidents may not have as much discussion potentially due to the fact that they may have followed the Constitution more strictly than some of their predecessors and successors or it may be due to a shorter time in office. If there is a lack of literature on any of the presidents due to this situation, it will be noted.

LITERATURE REVIEW

This section will discuss some concepts that are pertinent to understanding authoritarian tendencies including the rise of democratic government, some quintessential authoritarians in the world now, the connection between populism and authoritarianism and the tendencies that authoritarians typically exhibit that may be cropping up in our democracy today. These concepts will help to guide my hypotheses concerning whether authoritarian tendencies in the American presidency have been increasing or decreasing since the FDR administration. After the discussion of pertinent concepts, I will go into my qualitative review of each of the presidents.

In order to understand the contextual connection of the potential rise of authoritarianism in the American presidency to the current political climate and state of the world, further discussion about the flow of democracy is necessary. For a long period in history, dictatorships in the forms of monarchies, military dictatorships and single party dictatorships were the main forms of government. Although Ancient Athens is often credited with becoming the first democracy as well as coining the term meaning 'rule by the people', many historians discredit this claim due to the many disqualifications in the Greek system. In this system, only male citizens aged 18 and older were allowed to vote, disqualifying women, slaves and noncitizens. In the modern era, the US is known for having the longest standing democratic Constitution in the world which went into effect in 1789. However, under this Constitution both slaves and women were also disqualified from voting, leading experts to question whether or not the US

qualified as a democracy until 1920 when women were granted the right to vote under the 19th Amendment. In the 20th Century, many countries started transitioning into the modern form of democracy in which all citizens have the right to vote regardless of race or gender. In addition to political rights, other rights such as freedom of speech and the press, civil liberties and the rule of law, and freedom of religion are analyzed in order to determine if a country constitutes a true modern democracy (Repucci & Slipowitz, 2022).

A prominent Harvard political scientist, Samuel P. Huntington, was the first to be credited with the concept of the three waves of democratization. The first wave started in the 1820s and extended for about a century, the second wave was initiated by the triumph of the Allied Powers in WWII and lasted until the 1960s, and the third wave constituted the period of 1974 through 1990 (Huntington, 1991). Huntington posited that each of the first two waves were followed shortly after by a 'reverse wave' into authoritarianism, commonly known as democratic backsliding. He predicted that the third wave of democratization would also result in a reverse wave and Freedom House has now corroborated that prediction with their *Freedom in the World 2021* report (Freedom House, 2021). This report has found that global freedom has been in decline since 2006 with 2020 being a particularly troublesome year concerning the rise of authoritarianism. Freedom House has reported that "the share of countries designated Not Free has reached its highest level since the deterioration of democracy began in 2006" and that in 2020 they downgraded the freedom scores of 73 countries representing 75% of the global population (Freedom House, 2021, para. 2). In particular they expressed concern for the United States who has seen a decline of 11 points in the last decade, with a decline of 3 points in 2020 alone. Several factors contributed to the decline of our score in 2020

including the lack of transparency by the Trump Administration, police brutality, violence against journalists, and finally:

the outgoing president’s shocking attempts to overturn his election loss—culminating in his incitement of rioters who stormed the Capitol as Congress met to confirm the results in January 2021—put electoral institutions under severe pressure. In addition, the crisis further damaged the United States’ credibility abroad and underscored the menace of political polarization and extremism in the country (Freedom House, 2021, para. 9).

This report unequivocally supports Huntington’s prediction that a reverse wave would occur after the third wave of democratization, as it did with the first two waves. Considering the length of human history up to this point, democracy is still in its infancy, fragile and inchoate to an extent, yet resilient and influential. In order to protect American democracy from backsliding any further, it is important that the American people understand and are able to identify those tendencies that reflect authoritarianism in our presidency. After all, according to Huntington (1991), the two overwhelming ways in which democracies transition are through military coups “or executive coups in which democratically chosen chief executives effectively ended democracy by concentrating power in their own hands, usually by declaring a state of emergency or martial law” (p. 18). Huntington’s (1991) contention that democratic executives are often the culprit when it comes to a slide into authoritarianism backs up Levitsky and Ziblatt’s (2020) assertion that democratic backsliding is more insidious today than in the past.

As alarming and surprising as it may seem, many authoritarian leaders start their course as a politician through democratic means. They may utilize equivocation or

blatantly lie about their ideals and morals like Recep Tayyip Erdogan did before he became prime minister of Turkey, and then have a remarkable volte-face once they gain power. “As prime minister, Erdogan promised a ‘new social contract’ between the state and society and called for a series of liberal reforms that would enhance the separation of powers, the independence of the judiciary, the freedom of the press, and the rule of law” (Karaveli, 2016, p. 124). All of these policy changes made Erdogan seem like a candidate who was serious about deepening the democratic roots of a country that gained independence from a theocratic monarch. Instead, he has moved the country in a profoundly authoritarian direction by disparaging the separation of powers as “an obstacle” to governance, “subverting the rule of law” and excessively limiting the country’s institutions of their independence (Karaveli, 2016, p. 125). Gall (2019, para. 24) posits that a brain drain and the almost 4,000 judges purged in the aftermath of the 2016 coup attempt have led to the judiciary becoming “precariously dysfunctional”. The judges who remain are “paralyzed by a climate of fear” and the replacements for the purged are so inexperienced that many are freshly out of law school, completely overwhelmed by the tremendous increase in the incarceration rate in the country as a result of the administration’s personal prosecutions (Gall, 2019, para. 4). Erdogan started his political career off seemingly as a progressive liberal and as a result was able to consolidate his power for almost 20 years as prime minister or president.

Similarly to Erdogan, Viktor Orban of Hungary also came to power democratically and during his first term “in 1998, he governed as a relatively conventional European conservative; when Fidesz lost the 2002 elections, a new prime minister from the rival Socialist party took over” (Beauchamp, 2018, para. 27). Although

he conceded, he never accepted the results of the election as legitimate, instead claiming that election fraud was the cause of his defeat. However, after conceding as prime minister in 2002, Orbán and his Fidesz party learned how to legitimately take back power and keep it: by winning just over two thirds of parliament in order to rewrite the constitution. The Orbán government swiftly rewrote the constitution giving them the ability to gerrymander parliamentary districts, aggressively change the makeup of the constitutional courts and control a majority of all media (Beauchamp, 2018). Orbán fits the new age authoritarian patterns of manipulating democratic systems in order to retain power.

As recently as summer 2022, he has also been lambasted for his bigoted and ethnocentric remarks regarding the mixing of races in Hungary. Orbán reportedly blamed the constant conflict in the region on the European Commission's tendency to force migrants upon countries who "do not want to become peoples of mixed-race" (Watson, 2022, para. 4). Orbán's hateful message preceded his participation as a main speaker at the Conservative Political Action Committee in Dallas, alluding to the fact that he may have been attempting to appeal to a more specific extreme conservative audience (Watson, 2022). The tendency to promote ethnic purity and anti-immigration has always been the plight of authoritarians such as Adolf Hitler. The seemingly harmless rhetoric can easily become inflammatory encouragement to extremists, as it did during the second World War.

As a young politician, Orbán had been known as a radical liberal who was opposed to Soviet influence and demanded the pullout of Soviet troops from all of Hungary. He even lambasted the close relationship of Prime Minister Gyurcsány and

President Putin of Russia as late as the early 2000s, only to change his demeanor towards Putin as soon as he regained power shortly thereafter. “The fact that one of the most pronounced radically liberal leaders, Victor Orbán, morphed into a model authoritarian added insult to injury for the liberal optimists” (Wiatr, 2019, p.102). Even the most seemingly harmless and least self interested humans can fall to the greed and allure of authoritarianism, let alone those who exhibit xenophobic and incendiary tendencies from the beginning of their political lives. These two examples of democratically elected politicians quickly turning authoritarian once in office are perfect examples of what scholars consider to be populists.

As noted before, populism is another salient component of authoritarianism in the modern world that has been steadily increasing in the last few decades. Populists tend to be nationalistic, traditional, anti-establishment, anti-elite, they tend to mistrust the mainstream media, and they tend to have a whole host of external enemies including Muslims, Jews, immigrants, refugees, and any type of international influence. It is no wonder that populism is closely associated with demagoguery as populism also appeals to the prejudices of ordinary people. Scholars cite many potential reasons for the rise of populism in the past few decades. Morelock (2018, p. 52) posits that “populism emerges in response to economic insecurity” and they also believe it is “a backlash by older white males to the erosion of traditional cultural values”. These two causes are less than striking when we consider the values of populists’ constituents. As they tend to be very concerned with traditionalism, it is no surprise that older white men are scared of the potential of becoming the minority majority. This would create a severe change in culture and norms and may threaten their perceived ideal political outcomes. Additionally, as the

economy is one of the most important factors for which people choose to vote based upon, it is understandable that in the 21st century populism has been rising. The recession that followed the Y2K scare and the September 11 terrorist attacks rocked the whole globe, the global financial crisis of 2008 affected millions around the world and the pandemic of 2020 also substantially affected markets worldwide, leading many people to choose an alternative candidate who more closely represented their values and grievances.

However, these are not the only proposed causes of the rise in populism.

Grzymala-Busse et al. (2020, pp. 3-4) posits that

economic inequality or crises exacerbate popular grievances, but they alone do not translate into a surge of support for populists, much less the collapse of democracy... Instead, it has been the failure of mainstream parties to represent constituencies, to articulate their needs, and to propose distinct policy solutions that permitted populists to rise – to claim that the status quo is a corrupt, self-serving elite cartel which must be disrupted or overthrown to allow true representation of ‘the people’.

Although the authors agree that economic circumstances exacerbate popular grievances, they do not believe that populism would have such a strong backing if mainstream political parties were performing in a way that met their constituents' needs. Many policy areas have been stagnant recently and mainstream politicians consistently have the same solutions that do not meet the needs of the current situation which leads people to seek alternative candidates. Mainstream political parties are the bastions of formal political

institutions including the courts and the rule of law, regulatory agencies, free press, and free and fair elections.

Populists undermine all of these institutions claiming that courts and elections are corrupt, the press is biased and spreads fake news, and that oversight is a critical feature of self serving establishment elites. They are able to do so based on the failures of mainstream politicians who therefore need to make institutional changes in order to strengthen their constituents' faith in the formal institutions of democracy. Otherwise, "the result is a gradual slide into authoritarianism...Populists are not inherently or even consciously anti-democratic. But once in office, precisely because they lack the commitment to either the formal institutions or the informal norms that have constrained their predecessors, they begin to institute as many elements of this autocratic program as they can" (Grzymala-Busse et al., 2020, p. 8). Their lack of trust in the system as well as their support for these illiberal ideals leads to justification for overturning democracy's institutions one by one. Morelock (2018) contends that what has been occurring in politics recently is not simply right wing populism, but a neofascist authoritarian turn. But hope is not lost, as there are many countries who have not fallen to the lure of populism and have instead committed to liberal democracy such as Croatia, Slovakia and Greece (Grzymala-Busse et al., 2020).

Although Orban and Erdogan typify democratic politicians turned authoritarian, it is pertinent to understand the habits of authoritarians more generally in order to compare our democratic presidents to this type of regime. Authoritarian regimes consist of the following characteristics: "electoral manipulation, unfair media access, abuse of state resources, and varying degrees of harassment and violence skewed the playing field in

favor of incumbents” (Levitsky & Way, 2013, p. 3). Free and fair elections, uncensored media, appropriate allocation of state resources and the lack of harassment and violence are all central tenets of a healthy democracy. Once these institutions start to decay, they are replaced with competitive authoritarianism and are eventually consolidated into a fully authoritarian state. Brooker (2014, p. 4) posits that the “tendency to employ violence to implement their policies” is characteristic of authoritarians as they are not held accountable or constrained by the system. Authoritarians use intimidation and repression of the media, and often claim corruption or election fraud when they do not win at the polls. This intimidation and outward distrust of democratic institutions helps to consolidate their power by sowing widespread fear as well as feeds into the narrative that the democratic system of governance doesn’t work.

In authoritarian regimes, civil liberties such as freedom of speech, press and association are not protected to the fullest extent as they are intended to be in democracies. They are often violated and “opposition politicians, independent judges, journalists, human-rights activists, and other government critics are subject to harassment, arrest and- in some cases- violent attack” (Levitsky and Way, 2013, p. 8). Depending on the degree of authoritarianism, whether it is a backsliding democracy, a hybrid authoritarian regime, or a fully authoritarian state, leaders may use fear to varying degrees. Those that are fully consolidated into an authoritarian state such as the Taliban in Afghanistan will use fear to the fullest extent, with high transparency in order to control their populace. A recent Congressional Research Service brief concluded that although much of the violence that characterized the two decade long conflict has subsided, fear of repression remains high and there are still many reports of killings of

ethnoreligious minorities (Thomas, 2021). However in a backsliding democracy like Hungary, Prime Minister Orbán uses more implicit fear tactics to consolidate his power such as calling businesses to show interest in their sale, essentially letting them know that it is their time to sell to a state run enterprise or risk closure from regulations and taxation (Beauchamp, 2018). Although this threat isn't directly violent, business owners in countries like Hungary know that it will benefit them to sell to the state run enterprise instead of becoming a target and resisting the regime, knowing that they will lose everything if they attempt to oppose them.

Another tendency of authoritarians is that of building border walls, either to keep their people from escaping to more democratic countries or in order to keep the out groups from entering the country. There has been documentation of border walls being built for these reasons for centuries, most notably the Great Wall of China during the Qin Dynasty from 220 to 210 BC. This wall was intended as a “powerful defensive border to guard against invasion, protect trade and control immigration” (Krushcheva, 2019, para. 9). Arguably the most famous border wall in the world, the Great Wall of China was intended to protect the country from invasion but also to limit immigration. This is in stark contrast to the intention of the second most famous border wall in the world: the Berlin Wall. Nikita Khrushchev ordered that the Berlin Wall be constructed at the height of the Cold War in order to keep people from escaping communist East Berlin to live under democracy in the West (Krushcheva, 2019). Although the Berlin Wall was constructed for a slightly different purpose as the Great Wall of China, it is still a result of the leader attempting to control the freedom of movement of their populace, a domineering tendency of authoritarian leaders.

Another more recent border wall that has been constructed is by one of the former liberal democrats turned authoritarian: Viktor Orban. Orban sold the wall along the border with Serbia as Hungary's "first line of defense against an 'invasion' of asylum seekers during a massive surge in migration to Europe from conflict-ridden countries in 2015. Two years later, he sent a bill for the fence's construction cost to Brussels" (Beauchamp, 2018, para. 2). Orban suggested that the EU should repay Hungary for protecting them against a massive influx in illegal immigration, exuding strong xenophobic, chauvinistic and anti-Muslim sentiment considering most of the asylum seekers were fleeing conflicts in Syria, Iraq and Afghanistan. Orban's anti-immigration rhetoric fit well into his populist platform, fomenting even more out group hatred. Similarly in Poland in 2022, authoritarian leader Andrzej Duda had a wall constructed on their border with Belarus, characterizing the move as part of their fight against genocidal Russia. Human rights groups see it as a huge double standard however, as Poland is allowing mass numbers of white, Christian Ukrainian refugees across their borders but are rejecting and often mistreating "predominantly male Muslims from Syria and other countries" (Gera & Grieshaber, 2022, para. 3).

A southern border wall between the US and Mexico was one of President Trump's most prominent policy promises on the campaign trail during the 2016 elections. He insisted that a border wall would be impenetrably protective against illegal immigration and he emphatically claimed that he would convince Mexico to pay for his wall, similarly to his authoritarian counterpart, Viktor Orban. Trump often used incendiary and xenophobic rhetoric when addressing Latin American migration to the US and promised that his border wall would protect the US and put Americans' minds at ease

even though “as a historical concept, walls often connote fear, closed-mindedness and isolationism” (Krushcheva, 2019). Trump’s border wall is paradigmatic of the often ethnocentric, bigoted, nationalistic leaders who use walls to control the populace, whether that is keeping an ‘enemy’ out or keeping the ‘in’ group inside the country. Freedom of movement and asylum are liberal, Western concepts that modern democracies tend to respect regardless of cultural changes or financial costs. Authoritarians view these concepts as an inherent threat to their power and homogeneous societies.

Based on the findings of the Freedom House Report findings, the increased strength of the American executive branch, and the rise of populism and other authoritarian leaders in the last few decades, I hypothesize that authoritarian tendencies will have increased substantially within the American presidency since FDR’s administration, culminating in the Trump presidency’s attempt to overthrow a free and fair election.

There is a lot of legal precedent that establishes the powers of the presidency. This precedent has been opined by the judiciary throughout American history, based upon the US Constitution. Much of the scholarship surrounding presidential usurpations of power discuss war powers violations as one of the most frequent transgressions. Article I, Section 8 of the US Constitution very explicitly grants war powers to Congress, and not to the executive, a specification the Founding Fathers purposefully denied the American President (History, Art & Archives, U.S. House of Representatives, n.d.; Schlesinger, 1973). This assertion has been reaffirmed by the US Supreme Court multiple times in history. In 1800, in *Bas v Tingy*, the Supreme Court reaffirmed that no matter the magnitude of war, both general and limited, the executive is required to seek

congressional approval (Schlesinger, 1973). In 1801, Chief Justice John Marshall again reaffirmed in *Talbot v. Seeman* that all war powers are vested in Congress while still “affirming the right of the executive to repel sudden attack” (Schlesinger, 1973, p. 22). Fisher (1995) contends that Truman’s usurpation of war powers from Congress during the Korean War was the single most important precedent set by a president in this realm, which unequivocally led to recurring violations by future presidents.

Most of these misappropriations of power were justified by presidents as executive authority granted to them by the Commander in Chief clause of the Constitution. The Commander in Chief clause of the US Constitution asserts that the US president is the Commander in Chief of the Army and Navy and therefore assumes decisions over the military however it does not allude to or imply that this article grants the president war powers (Article II | Browse | Constitution Annotated, n.d.). In 1942, Chief Justice Stone asserted that the Constitution “invests the President as Commander in Chief with power to wage war which Congress has declared, and to carry into effect all laws passed by Congress for the conduct of war and for the government and regulations of the Armed Forces” (Schlesinger, 1973, p. 114).

Later in history, in the case of a smaller commitment of troops, Clinton rejected the fact that he was constitutionally bound to obtain congressional approval due to the limited nature of the military engagement (Adler, 2000). The argument that there is an inherent constitutional difference between the use of military force, engaging in hostilities and participating in a full scale war is a flagrant violation of the Constitution that also defies the opinions by multiple Supreme Court rulings. Other than the

executive's right to repel sudden attacks against our country, it has been clearly asserted that war powers belong to Congress.

After war powers violations continued for decades to be the most blatant executive usurpation, Congress attempted to constrain the president even further by passing the War Powers Resolution during the Nixon administration. In 1973, after the Vietnam War had been raging for years with multiple violations by Nixon and the Watergate scandal had gone public, Congress was searching for a way to reign in his power. The War Powers Resolution of 1973 passed through Congress with the intent to "restrain the presidential inclination to go to war" along with other laws intended to limit presidential power of clandestine operations as an alternative (Schlesinger, 1973, p. 423). Although Nixon attempted to block the passing of the constraining legislation by utilizing his veto power on the bill, Congress was insistent about their intentions to constrain the powers of the president, and they ultimately achieved the two thirds vote to override his veto (Worley, 2015).

Franklin D. Roosevelt

Although Franklin D. Roosevelt (FDR) is commonly referred to as one of the greatest presidents in modern times due to his enactment of the New Deal which helped the US climb out of the Great Depression, as well as his diplomacy during WWII, he was not immune to authoritarian tendencies. It is widely known that FDR is the only president who successfully won four consecutive presidential elections. Although at that time it was not unconstitutional to serve more than two terms as president, George Washington had set a precedent by refusing to run for president a third time. It is said that Washington did not wish to become omnipotent and "Washington's voluntary decision to decline a

third term was also seen as a safeguard against the type of tyrannical power yielded by the British crown during the Colonial era” (NCC Staff, 2016, para. 8). Most of Washington’s successors had followed suit and respected that long held precedent, and although there were a few who ran for a third term, they were ultimately unsuccessful. Historians typically explain the anomaly of winning four consecutive presidential races as a result of the extenuating circumstances of the Great Depression as well as the outbreak of WWII. He argued that his reelection would create continuity and stability for a nation going through tumultuous times (Kennedy, 2019). Although his choices to run for reelection a third and fourth time are not technically unconstitutional, many people still view Roosevelt’s decision to run for reelection as authoritarian in nature because he was unwilling to step aside and allow a different candidate to take power in his place. It is a common tendency for authoritarian leaders to remain in power for decades, such as Erdogan’s time as prime minister or president for over twenty years now, and Vladimir Putin’s reign as president and prime minister since the turn of the century. Although authoritarians often step down and serve as prime minister for a period in order to meet the legal standards of term limits, it is clearly a facade so they can retain some power before they completely consolidate their power within the party and country. Roosevelt won legally and democratically, however his determination to stay in power is what is concerning to those who study authoritarianism.

In addition to staying in power for almost thirteen years, Roosevelt promoted some other questionable and contentious policies during his time in office. On December 7, 1941, Pearl Harbor was attacked by the Japanese offensive which resulted in a “rash of fear about national security, especially on the West Coast” (National Archives and

Records Administration, 2022, para. 3). President Roosevelt immediately declared Pearl Harbor as a “date that will live in infamy” and commenced consultation with his administration to take steps to secure the nation. Before the outbreak of WWII, the FBI, led by the disgraced director J. Edgar Hoover, had already identified and placed under surveillance any Italian, German or Japanese residents considered a potential threat. After the bombing of Pearl Harbor, Hoover had thousands of these residents detained and sent to internment camps far away from the coasts (FDR Library Archives, n.d.). On February 19, 1942, Roosevelt signed Executive Order 9066 which effectively allowed the federal government to remove over 110,000 Japanese Americans from their homes and relocated them to internment camps where they “endured difficult living conditions and poor treatment by their military guards” for almost two and a half years (Glass, 2018, para. 3). Although some of the residents were noncitizens, many of the thousands of interned Japanese Americans were US citizens. This does not justify the fact that this whole group of people was effectively incarcerated for years without due process. As horrifying as this is, anybody in the US would expect some kind of checks and balances to an egregious denial of civil liberties and although representatives of the Department of Justice raised logistical, constitutional, and ethical objections, the task was turned over to the US Army (Glass, 2018).

To add insult to injury, on “March 21, Congress had passed Public Law 503, which made violation of Executive Order 9066 a misdemeanor punishable by up to one year in prison and a \$5,000 fine” (National Archives and Records Administration, 2022, para. 6). At the time that this law was passed, FDR did enjoy the coalescence of a unified government. Congress was therefore complicit in Roosevelt’s tyrannical move to target

an entire ethnic group without due process. Although the Supreme Court also upheld the constitutionality of the removals of all of the Japanese residents, one of the dissenters in the 6-3 decision, Justice Frank Murphy, labeled the treatment of Japanese Americans as resembling the “abhorrent and despicable treatment of minority groups by the dictatorial tyrannies which this nation is now pledged to destroy” (Glass, 2018, para. 5). Murphy’s insight into this presidential action, upheld by both Congress and the judiciary, is a true reflection of how democracies are intended to view racist, bigoted actions: as those that we intend to dismantle in order to create a more inclusive world. Roosevelt’s choice to intern Japanese Americans and to use an executive order to do so is as authoritarian as it gets, especially considering the fact that ten Americans were convicted of spying for Japan during WWII, none of whom were of Japanese descent (Glass, 2018).

However, eventually the citizens who were involved in this flagrant act of racism were granted restitution when “in 1988 Congress enacted legislation acknowledging that the 'actions were taken without adequate security reasons' and that they were largely motivated by 'racial prejudice, wartime hysteria and a failure of political leadership’” (Steyn, 2004, p. 2). Although the US eventually attempted to rectify their transgressions against a large portion of American society, it is difficult to imagine that forty six years later the government was able to legitimately provide restitution for a significant number of the victims. Many had been forced from their homes and never returned, many had died since it was half a lifetime later, and many of the possessions that were taken from these families were priceless.

Furthermore, many scholars are also critical of the actions Roosevelt took in order to deal with the financial crisis of 1933 during the Great Depression. Internal and external

drains of metallic gold led to the Federal Reserve no longer being able to honor its commitment to convert currency to gold, so President Roosevelt declared a national banking holiday that lasted four days. “In March 1933, the Emergency Banking Act gave the president the power to control international and domestic gold movements. It also gave the secretary of the treasury the power to compel surrender of gold coins and certificates” (Richardson et al., 2013, para. 7). As a result, the president assumed direct responsibility for monetary policy which is exactly what the Founders had intended on avoiding (Wicker, 1971). The Constitution grants monetary power to Congress, including coining money and regulating the value of our currency meaning that they turned that power over to President Roosevelt (ArtI.S8.C5.1 Congress's Coinage Power, n.d.).

The US had been on a de facto gold standard since the early 1800s, and officially since 1900 so Roosevelt’s abrupt change to this system was striking. At the time, Roosevelt did not have very much support for this program: “the gold purchase program had been rejected as fallacious by most of his monetary advisers, by officials in the budget bureau, the treasury, the agriculture department, and the Federal Reserve, as well as by the vast majority of monetary economists” (Wicker, 1971, p. 864). Although many experts in his administration had warned him otherwise, Roosevelt continued with the steps to his Gold Program in April, when he issued a proclamation that officially but temporarily suspended the gold standard.

The proclamation prohibited exports of gold and prohibited the Treasury and financial institutions from converting currency and deposits into gold coins and ingots. The actions halted gold outflows. In May 1933, the administration once again weakened links to gold. The Thomas amendment to the Agricultural

Relief Act gave to the president the power to reduce the gold content of the dollar by as much as 50 percent. The president also received the power to back the dollar with silver, rather than gold, or with both silver and gold, at silver prices determined by the administration. (Richardson et al., 2013, para. 9)

The administration continued their gold program through the following year, enacting multiple amendments and acts with the help of Congress in order to stabilize the economy and bring value back to the currency. FDR eventually reinstated the gold standard and re-established links between the US and international economies. At the time that FDR passed all of these policies, they were highly contentious and “critics asserted that they were completely immoral and a flagrant violation”, however in retrospect, economists believe that his policies actually expedited our recovery from the Great Depression (Richardson et al., 2013, para. 16). Again, the US Supreme Court upheld Roosevelt's actions regarding the Gold Plan to be constitutional, revealing how much support he enjoyed by all three branches of government during his tenure.

According to the US Department of the Treasury (2019) website, the role of the Federal Reserve is to regulate our foreign exchange operations, which is what President Roosevelt was doing during this time with the help of Congress, a small group of advisors and Treasury officials. The Federal Reserve took a “back seat and implemented policies dictated by the federal government” instead of taking the lead on our foreign exchange operations as they are intended to do (Richardson et al., 2013, para. 19).

Although his policies may have helped to accelerate the economy’s recovery, FDR still misappropriated power into his own hands with the help of Congress. Roosevelt had a unified government for his entire tenure as president and was therefore able to easily

convince Congress to pass any legislation necessary to transfer power to himself.

Although his policies were ultimately successful, it is typical of authoritarians to take the economy into their own hands and manipulate the system regardless of the input by their advisors, many of whom were critical of his Gold Program from the beginning.

In a different outcome from all of Roosevelt's other authoritarian bouts, his court packing attempt was unsuccessful, partially due to the Chief Justice of the Supreme Court as well as pushback from Congress. Roosevelt's idea came about as a result of the conservative court striking down many of his prominent New Deal policies during a time when the US was in grave need of innovative regulations and protections. After being reelected for a second term in 1936, Roosevelt brazenly proposed legislation that would expand the highest court of our nation to a maximum of fifteen justices, one for every justice who did not retire by age seventy. He even used one of his famous fireside chats to address the nation regarding his proposed reform of the Supreme Court, contending that his intentions were to address the aging courts limitations and help with the staggering caseload (Supreme Court Historical Society, 2022). Much of Congress, the Supreme Court and most Americans viewed the Supreme Court as sacrosanct and respected Congress' 1869 decision to settle on nine justices (Home- Supreme Court of the United States, n.d.). Although the Constitution does not stipulate the number of justices to sit on the high court, it does grant Congress the right to determine the number of justices which had been as low as six historically, but had been set to nine by Congress in 1869 (The White House, 2022). It was clear to most that Roosevelt's attempt to pack the courts was to dilute the power of the current conservative justices and to sway the court in his favor.

One of authoritarians' first key stratagems that they use to consolidate power is to purge the courts of their adversaries and those who are not easily manipulated and to pack the courts with party loyalists. They typically do so by circumventing the legislature, who are customarily granted the power to change the courts per the constitution, as is true in the US. The results of packing the courts can be the abrogation of many important policies that protect freedom, key changes to the constitution and the erosion of the rule of law in general that can quickly spiral a country from democracy into authoritarianism:

A critical part of the development of an uneven playing field is the crafting of a judiciary in line with the government's needs... one of the most important institutions that, from the viewpoint of a ruling elite, needs to be under control is the country's highest court of the land, especially if it is endowed with the power of judicial review and other prerogatives that allow for meaningful policy-making influence (Sanchez Urribarri, 2011, p. 855).

As we have seen in the cases of Erdogan and Orban, packing the courts is a common trend in authoritarian tendencies. In the case of FDR, Congress saw it for what it was: an attempt to usurp power. In June, the Senate Judiciary Committee released a scathing report signed by ten detractors, of whom seven were Democrats. They contended that FDR's bill "is an invasion of judicial power such as has never before been attempted in this country... It is essential to the continuance of our constitutional democracy that the judiciary be completely independent of both the executive and legislative branches of the government" (NCC Staff, 2022, para. 13). The main defector also read aloud a letter from Chief Justice Hughes, signed by liberal Justice Louis Brandeis as well, in which he

succinctly debunked many of Roosevelt's claims as well as emphasized the need for an independent judiciary (NCC Staff, 2022). Although he had a unified government at the time of his court packing attempt, he would need a $\frac{2}{3}$ majority in order to avoid a filibuster and after hearing arguments from both sides, the Senate voted the bill down on July 27, 1937. Ultimately, Roosevelt's colleagues came together in a bipartisan effort to uphold one of democracy's central tenets: independence of the judiciary. During his tenure as president, Roosevelt was eventually able to appoint eight supreme court justices, helping him to implement and uphold many of his New Deal policies (Supreme Court Historical Society, 2022).

It is salient to note that although FDR is lauded as an extremely decisive, influential and successful president, there is no doubt that scholars criticize him for his usurpations of presidential powers. FDR met two of Levitsky and Ziblatt's (2018) key characteristics of an authoritarian leader: rejection of democratic rules of the game, as well as the readiness to curtail civil liberties. He enjoyed a unified government for his entire tenure as president and although Congress and the Supreme Court upheld many of his decisions, they did not allow the complete annihilation of the judicial branch in order to benefit him. Another authoritarian tendency that started in FDR's administration was that of the secretive Manhattan Project, both the circumvention of the funding from Congress as well as the moral aspect of dropping the bomb. However, due to FDR's untimely death, this tendency rolled over into his successor's term.

Harry S. Truman

After Roosevelt died shortly after starting his fourth term in 1945, his Vice President Harry Truman took over the post of US president. Truman inherited an

enormous amount of responsibility considering the end of WWII was imminent, with Germany's Third Reich surrendering less than a month after FDR's death in April 1945. Upon becoming president, Truman was briefed on a secret scientific effort to create an atomic bomb called the Manhattan Project at the cost of about \$2 billion dollars and headed by theoretical physicist Robert Oppenheimer (Manhattan Project Notebook (1942), n.d.). The atom bombs that were eventually dropped on two of Japan's main cities had a combined death toll of approximately 140,000 Japanese residents, including many civilian casualties (Manhattan Project Notebook (1942), n.d.). This number does not reflect the thousands who were injured or who later died from radiation sickness. President Truman's decision to drop the atom bombs has been analyzed meticulously over the decades since the catastrophic events occurred, and there continues to be great dispute about the morality and motive behind dropping the bombs. Although it is typically regarded as the main reason for Japan's capitulation in WWII, it is important to elaborate upon the question of the constitutionality of his decision.

According to the US Constitution, the president is the Commander in Chief of the Army and the Navy and therefore has the power to make military decisions (Constitution Annotated, n.d.). The Commander-in-Chief has always had a group of advisors that they consult in order to help them make the most pragmatic decisions but ultimately they did have almost unilateral authority previous to the War Powers Resolution of 1973 (50 USC Ch. 33: War powers resolution, n.d.). Since atomic bombs had not come into existence until WWII, authority over their use is of course not explicitly stated within the US Constitution, however President Truman created a precedent when he decided without the consent or knowledge of Congress to deploy nuclear weapons against Japan. This could

be viewed by some as an expansion of state institutions due to the fact that nuclear weapons greatly increased US hegemony in the international world order. Although no president has used nuclear weapons since President Truman, it is now widely acknowledged that “the president possesses the sole authority to authorize the use of nuclear weapons by the United States” (Jonas & McWhorter, 2002, para. 1). As technology advances and diplomacy becomes more complex, it is understandable that our government must be resilient and flexible in deciding how and by whom to authorize the use of such destructive innovation.

However, what has not changed is the legislative branch’s power of the purse which is ultimately up to Congress and not the executive branch (Congressional Research Service, 2021). It seems unlikely that a project costing \$2 billion could be kept clandestine to Congress and only known by a few advisors of the president, however they were able to do so by diverting “the necessary appropriations into the War Department budget without the knowledge much less the scrutiny of most congressmen, including most members of the key appropriations committees” (Bernstein, 1995, p. 138). In fact, Truman himself was part of Congress previous to becoming FDR’s vice presidential candidate and was not privy to the new weapon and special project until “he was suddenly thrust into the presidency on April 12, 1945” (Bernstein, 1995, p. 139). According to Secretary of War Henry Stimson, in March 1944, then Senator Truman was the head of a special investigative committee and “wanted to pry into this expensive project” but was convinced otherwise by Stimson himself until his eventual rise to the presidency required the knowledge (Bernstein, 1995, p. 138).

Although the authority to authorize the use of nuclear weapons can be justified as an expansion of state institutions, the power of the purse has belonged to Congress long before the creation of atomic weapons. As a result, the circumvention of this authority can be equated to a usurpation of power and an authoritarian tendency by Truman because he seemed to be intransigent in his decision to use the weapon. Although the project started under the authority of FDR, Truman continued in his practices once he took power and kept the project particularly secretive as the detonation date neared. Because authoritarians exercise power arbitrarily, typically have control over the legislative and judicial branches, and are not constitutionally responsible to their constituents, it is common for them to misappropriate funds where they see fit. There tends to be very little economic oversight from the other branches of government and if there is a constitution that gives authority of power of the purse to a certain branch then it is typically circumvented. Truman's surreptitious project diverted billions of dollars of funding from Congress with only the heads of the Senate and House being aware of the situation. Although this seems outwardly authoritarian, there was never an attempt to punish Truman or any of his advisors because the public overwhelmingly supported his decision (Yavenditti, 1974). In addition, Truman had enjoyed a unified government that continued to support him through this situation. Many credit Truman's decision with facilitating the surrender of the Japanese and ending "the deadliest conflict in human history, with between 50 and 85 million fatalities" (National Parks Service, 2022). In fact, a Gallup Poll taken at the end of August 1945 found that about 85% of the American population endorsed dropping the bombs on the Japanese cities, regardless of the civilian casualties (Yavenditti, 1974). This may have been a rally round the flag effect as it was

an extremely turbulent time in history, however this does not exculpate the president of the atrocities he is responsible for against civilians, particularly women and children who would never have been part of Japan's military force.

Another factor of the decision to drop the bomb that can be viewed as authoritarian is the civilian casualties that were a ramification of Truman's attempt to end the war with Japan unconditionally. Authoritarians often use fear, intimidation and violence against their own people, and they therefore do not distinguish between military and civilian casualties in war. For example, authoritarian leader Vladimir Putin of Russia is now responsible for the deaths of almost 5,000 civilians and the injuries of over 6,000 in his unjust war with Ukraine as of July 4, 2022 (OHCHR, 2022). Although Putin denies purposefully targeting civilians, he has been accused of war crimes in cities like Bucha where civilians have been found with gunshot wounds to the head with their hands tied behind their backs. Democratic leaders, in contrast, typically attempt to spare the lives of civilians and only target active military personnel during war in order to reduce or eradicate collateral damage. The fact that Truman approved dropping the bomb on the two Japanese cities when there were other available options shows that he was not bound by the moral integrity that so many democratic leaders abide by. In fact, after the German surrender in April of 1945, Allen Dulles, the Chief of the Office of Strategic Services, informed Secretary of State James Byrnes that the Japanese "desired to surrender if they could retain the Emperor and their constitution as a basis for maintaining discipline and order in Japan" (Denson, 2020, para. 4). President Truman was aware of this fact as early as May 1945 and was informed again before the Potsdam Conference in July of 1945. It has been documented that "every top presidential civilian and military advisor, with the

exception of James Byrnes, along with Prime Minister Churchill and his top British military leadership, urged Truman to revise the unconditional surrender policy so as to allow the Japanese to surrender and keep their emperor” (Denson, 2020, para. 5). However, with the emphatic advice from Secretary of State Byrnes, Truman ultimately decided to keep the unconditional surrender in the Potsdam Declaration.

According to the National Parks Service (2017, para. 3), “President Truman had four options: 1) continue conventional bombing of Japanese cities; 2) invade Japan; 3) demonstrate the bomb on an unpopulated island; or, 4) drop the bomb on an inhabited Japanese city”. This analysis of Truman’s options does not acknowledge the fact that he and his advisors were aware that dropping the bombs was unnecessary to end the war. If they would simply have taken the unconditionality out of their demands, the Japanese would have surrendered months earlier without the atrocious loss of civilian lives (Alperovitz, 1995). There are many reasons why Truman decided to drop the bombs on Japan: 1) “because the bomb might well give the United States future leverage against the Soviets”, 2) as justification for the exorbitant clandestine spending of the Manhattan Project to prove that the bombs work and to facilitate the end of the war, and 3) to establish US hegemony and shape the postwar order (Bernstein, 1995, p. 136; Denson, 2020). This is the topic for another paper, however none of these reasons are a justification for the major loss of civilian life and the resulting shift in American morals. Despite the fact that it has been well documented that Truman was perturbed by the loss of Japanese women and children, he does not apologize for using the bombs under the circumstances in WWII (National Parks Service, 2017). Overall in WWII, the US committed many crimes against civilians with conventional bombing, napalm and the

atomic bombs alike (Bernstein, 1995). The moral code which democracies stand by is one of the main differences that separates us from our authoritarian counterparts. It is important not to let the carnage and inhumane nature of war get the best of us:

That redefinition of morality was a product of World War II which included such barbarities as Germany's systematic murder of six million Jews and Japan's rape of Nanking. While the worst atrocities were perpetrated by the Axis, all the major nation-states sliced away at the moral code, often to the applause of their leaders and citizens alike. By 1945 there were few moral restraints left in what had become virtually a total war. Even F.D.R.'s prewar concern for sparing enemy civilians had fallen by the wayside (Bernstein, 1995, p. 151).

Overall, Truman's unified government, the fact that the war ended quickly after the second bomb was dropped, and the almost unanimous support of Americans allowed him to get away with this authoritarian action unscathed. Ultimately, Emperor Hirohito was allowed by the Allied Powers to stay in power as a titular leader until his death decades later. He was never held accountable for the heinous war crimes he was responsible for in his attempted conquest of much of the globe. If the US was willing to allow him to stay in power, then they should have spared the thousands of civilians who perished in the atomic bombings and the overall abominable cruelty that were the implications of radiation poisoning for decades to come.

The end of WWII brought peace and prosperity to most of the globe, however it created geopolitical tension between capitalist America and the communist USSR resulting in what is now referred to as the Cold War. Containing communism was paramount and the US intended on stopping its spread by any means necessary. "In 1948

the Korean Peninsula was divided between a Soviet-backed government in the north and an American-backed government in the south. War broke out along the 38th parallel on June 25, 1950” (National Archives and Records Administration, 2021, para. 1). President Truman quickly committed troops to a UN backed response which he equated to a ‘police action’ because they were not supposed to actively engage in combat or cross the 38th parallel (Blomstedt, 2016). According to the US House of Representatives: History, Art & Archives (n.d), the US Constitution explicitly grants the power to declare war and to provide for the common defense to Congress and not to the executive branch. By committing troops to Korea without prior congressional approval, Truman circumvented Congress and usurped this power for the executive branch, justifying his actions perpetually. “President Harry Truman's commitment of U.S. troops to Korea in June 1950 still stands as the single most important precedent for the executive use of military force without congressional authority” (Fisher, 1995, p. 21). It was Harry Truman who started the long held tradition of sending troops into combat without congressional consent, using approximately two hundred incidents in which his predecessors have sent troops into combat without prior congressional approval as his justification. However, Fisher (1995) contends that the examples of prior incidents that they sought to justify their actions with were minor situations and did not clearly threaten full on war like Korea. The actions by previous presidents have only tenuously justified executive war powers actions but have been mostly proven to be inconsequential commitments of troops. Truman also attempted to validate his decision by claiming that it was all under the authority of the UN Charter, however, "Constitutional processes" is defined in section 6 of the UN Participation Act of 1945. Without the slightest ambiguity, this statute requires

that the agreements "shall be subject to the approval of the Congress by appropriate act or joint resolution" (Fisher, 1995, p. 29). Truman's actions became the new paradigm for presidential war powers; subsequent presidents would continue to send troops into major conflicts around the globe without prior congressional consent, using the same justification as Truman did so long ago in Korea.

There were many reasons why Truman may have decided to send troops to Korea without first consulting with Congress. None of these reasons justify his usurpation of a power that is explicitly granted to Congress by the US Constitution but they are still salient to understanding the tensions of the time. First, in 1947 Truman addressed a joint session of Congress with foreign policy called the Truman Doctrine, which was viewed as the de facto start to the Cold War. The purpose of his speech was to reorient US foreign policy from its long held stance of non-intervention in conflicts that did not directly involve the US, to one that would "provide political, military and economic assistance to all democratic nations under threat from external or internal authoritarian forces" (US Department of State, n.d., para. 1). Truman made the argument that the US could not allow the expansion of totalitarian, communist regimes into free, democratic nations. Congress quickly approved hundreds of millions of dollars in aid to Greece and Turkey in an effort to contain communist influence in those regions (US Department of State, n.d.).

Secondly, in 1949 the Chinese Communists had won their civil war against the Republic of China (ROC), who subsequently fled to Formosa (Taiwan) (Blomstedt, 2016). Mao quickly aligned himself with the Soviet Union in what the US perceived as a major eastern communist bloc threat. The Truman administration had mostly attempted to

influence the Chinese Civil War with funding and diplomacy instead of active combat, clearly siding with the Chinese Nationals, the KMT. After the Nationalists' loss and retreat to Taiwan, the Truman administration feared communism would continue to triumph in other Asian countries, leading to his unilateral decision to introduce troops into Korea (National Records and Archives Administration, 2021).

Thirdly, in 1949 the Soviet Union successfully detonated an atomic bomb, proving that the US was no longer the only country with nuclear capabilities. Although the Manhattan Project had been kept secret from the USSR before the bombs were dropped on Hiroshima and Nagasaki, it is now known that the USSR knew about the new weapon of mass destruction and was working on their own project. They successfully obtained nuclear power in 1949 leading President Truman to take a hard stance against communism and the USSR (National Archives and Records Administration, 2021).

Lastly, early in 1950 "Republican Senator Joseph McCarthy of Wisconsin had recently begun his infamous hunt for communists" within the US State Department and CIA, contending that the US government had been infiltrated by communist spies at every level and commencing a years long investigation to prove it (National Archives and Records Administration, 2021, para. 9). The Truman administration did not wish to be perceived as soft on communism and all of these factors together led the president to interpret "the North Korean invasion as nothing less than a land grab orchestrated by the Soviet Union in its quest to conquer the globe" (Blomstedt, 2016, p. 23).

The question remains if President Truman felt any resistance or opposition from Congress during his usurpation of war powers from Congress in the 1950s. During the 81st Congress, Truman again had the advantage of a unified government however there

were a few dissenting opinions. One such dissenter was Senator Robert Taft who claimed that Truman had undermined Congress and “warned his colleagues that if they did not respond, they would be terminating ‘for all time the right of Congress to declare war as provided by the Constitution’” (Blomstedt, 2016, p. 31). Taft spoke to the precedent that he knew Truman was setting for future presidents. Although Truman’s unilateral decision to send troops to combat zones was brazenly authoritarian, there are exceptions for emergency situations. However, in these emergency situations, the circumstances must be “so urgent and compelling that Congress will endorse his actions and confer a legitimacy” retroactively (Fisher, 1995, p. 34). Although the outbreak of war in Korea was unexpected at the time, it would be naive to say that the situation was such an emergency that Congress would not have the time to discuss the matter and pass a resolution before the president committed the troops, especially considering the fact that he had a unified government in which democrats controlled both houses of Congress.

Another dissenting voice was that of Senator Alexander Wiley (R-WI) who “passionately pleaded with the White House to submit a resolution for a congressional endorsement” contending that “a resolution would safeguard Congress’s ‘integrity,’ even if it occurred after the fact” (Blomstedt, 2016, p. 37). Ultimately, their attempts against the presidential usurpation of their constitutionally backed war powers were futile. A quickly written bill was passed by both branches of Congress after little discussion “extending the selective service for a year and giving Truman broad powers of implementation” (Blomstedt, 2016, p. 31). It is important to note that over one hundred house members and twenty senators did not show up to vote, understanding that with the majority in the democrats favor, the bill would pass regardless of their presence or

absence. Eventually, American troops crossed the 38th parallel under Truman's command and over 130,000 American soldiers died in the course of the four year war although Congress never declared war on North Korea (Blomstedt, 2016). Truman reasoned that "the reunification of Korea would inflict a momentous defeat on the strategy of Soviet expansion" because a unilateral reunification of the peninsula would allow the US to reconstruct the Asian nation by themselves without the status quo established at the end of WWII (Matray, 1979, p. 314). Truman's decision to commit combat troops to Korea set a dangerous precedent for undermining both the US Constitution and the UN Participation Act of 1945. "The Korean War stands as the most dangerous precedent because of its scope and the acquiescence of Congress. Illegal and unconstitutional actions, no matter how often repeated, do not build a lawful foundation" (Fisher, 1995, p. 38).

Authoritarians often exercise their power arbitrarily, without proper checks and balances from the other branches of government and they often rewrite the narrative to sell conflict as something other than war. For Truman it was a 'police action' in order to convince his constituents that he was not overreaching into Congressional power to declare war, for authoritarian Putin it is a 'special military operation'. President Putin decided to invade Ukraine while blinding the Russian population with propaganda claiming that he is liberating ethnic Russians and saving Ukrainians from genocide. However, it is clear that his unilateral decision was one that is clearly predicated upon irredentist motives and the inherent power increase that would follow. Truman also wanted to increase the power of the US by becoming embroiled in other nations' conflicts in order to have influence over their governments, while maintaining that he was not

getting the US involved in a war only five years after WWII. Truman's authoritarian style continued throughout the war when he attempted to seize the steel industry in order to keep production going throughout the war. This time, the checks and balances that our Framers put in place to hold the president accountable did their due diligence and stopped his usurpation of power.

Like FDR, Truman did get away with multiple instances of executive usurpation however this time the Supreme Court "reaffirmed the principle of presidential subordination to the rule of law" (Adler, 2002, p. 157). Due to the fact that much of the material and weapons necessary for the Korean War were made in America, Truman was nervous that a strike in the steel industry would lead to economic problems and a stagnation in supplies for the war effort. Starting with the "creation of the Wage Stabilization Board, and the passing of the Defense Production Act in 1950, the President attempted to give his administration enough power to establish price ceilings and to stabilize wages in the industry" (Waimberg, 2015, para. 3). However, steel unions wanted wage increases for their workers and unfortunately for the Truman administration, the steel industry was not willing to give workers wage increases unless they could increase the price of steel because they did not want to decrease their profit margins (Steel Strike of 1952, n.d.). The Office of Price Stabilization denied their steel price increase and the steel workers subsequently went on strike.

As a result, in his April 1952 executive order, President Truman seized the steel mills and "warned that a work stoppage 'would immediately jeopardize and imperil our national defense and the defense of those joined with us in resisting aggression, and would add to the continuing danger of our soldiers, sailors, and airmen engaged in

combat in the field” (Waimberg, 2015, para. 7). President Truman emphatically maintained that a president must do whatever is necessary in whatever he deemed to be a national emergency and that as president, he had “inherent powers” granted by the Constitution. Based on the fact that five years earlier Congress had “passed the Taft-Hartley Act, which banned strategies to help workers organize unions and limited the president's power to seize industries during times of labor unrest”, Truman should have expected for his executive order to be challenged and sent to the Supreme Court (Steel Strike of 1952, n.d., para. 4). A year later, the Selective Service Act was amended to allow presidents to seize industries that were not fulfilling the need for wartime products, however Truman seized the steel industry due to the strikes and not their inability to uphold their production commitments (Steel Strike of 1952, n.d.). Eventually after a series of appeals, the case made its way to the Supreme Court where a lawyer for the steel industry argued that “the President did not have the power to make laws, and specifically, could not seize property without any authorization from Congress” (Waimberg, 2015, para. 12). Although the president does act as Commander in Chief and is responsible for making military decisions, it is the job of the executive branch to implement and enforce the laws written by the legislative branch under Article II of the Constitution (The White House, 2022). The president does not have the authority or power per the Constitution to create laws, but only “to sign legislation into law or to veto bills enacted by Congress” (The White House, 2022, para. 6).

The Supreme Court decision came from a court that consisted of nine justices all appointed by either FDR or Truman himself (Adler, 2002). The majority opinion of the court was that the president does not have the power to create laws and that “to issue the

order must stem either from an act of Congress or from the Constitution itself” (Waimberg, 2015, para. 13). The court’s decision reaffirmed the separation of powers and the independence of the judiciary as well as Congress who never attempted to intervene retroactively and write legislation that would allow for the president’s seizure of the industry. “President Truman’s capacious view of the powers of the presidency raised anew questions about constitutional purposes, powers, and limitations, and they invited reconsideration about judicial interpretation of presidential power” (Adler, 2002, p. 163). Like the precedent set by Truman in committing combat troops to Korea without first seeking congressional authorization, the Steel Seizure case also set an important precedent for future presidents. Unlike the case of Korea however, the judicial branch of the government did step in and utilize their constitutional powers to overturn the president’s usurpation of power. This salient difference in the enforcement of constitutional rights provided to Congress is one of the fundamental tenets of American democracy, and will continue to be a major factor in future presidential usurpations.

Truman’s presidency occurred at a highly conflictual time, however he enjoyed a unified Congress for most of his tenure as president resulting in little oversight by the legislative branch. Truman only meets two of Levitsky and Ziblatt’s (2018) key characteristics of an authoritarian leader however: rejection of democratic rules of the game and encouragement of violence. Most of Truman’s actions were largely in the realm of the usurpations of war powers, however his unilateral decision to drop the atomic bombs on Japan can be considered encouragement of violence because of the devastating amount of civilian casualties.

Dwight D. Eisenhower

Truman's successor was much less contentious in the matter of presidential powers abuses. Dwight D. Eisenhower was viewed as a very straight-laced president who according to David Adler, was the only president between the presidencies of Truman and Obama who did not lay claim to presidential war powers (2013). This was ironic considering that Eisenhower served as the Supreme Commander of the allied Expeditionary Force in Europe and earned the distinguished title of five star General of the US Army prior to being elected president. During his time in the army, it was well documented that he was diametrically opposed to Truman's decision to drop the atom bombs on Hiroshima and Nagasaki (Alperovitz, 1995). For the first time since FDR was elected to the presidency, in 1953 the government was unified in the opposite direction, this time favoring the Republican party.

During the years before Eisenhower was elected president, Senator Joseph McCarthy and FBI Director J. Edgar Hoover had effectuated the evisceration of communist sympathizers within the federal government, Hollywood and anyone with potential left leaning political ideologies. Hoover and McCarthy's dogmatic opinions about the threat of communism were so severe at the time that very few in the government were willing to challenge them. Hoover, who served as FBI director for almost five decades, had disseminated so much propagandized fear to the American public that he was praised as a hero for his unfaltering pursuit of communists by both the general public and many presidents (Gotham, 1992). Eisenhower and Truman were two of those presidents who awarded Hoover with medals of honor, but they were also quite

conscious of the ramifications if they did not prove to be ‘tough on communism’ (Gotham, 1992).

The Cold War that followed the fall of fascism in Italy and Germany had been characterized by the establishment of the communist People’s Republic of China, the communist Democratic People’s Republic of Korea and the successful testing of a nuclear bomb by the USSR. These factors may have contributed to Truman’s decision to enter the Korean War without congressional consent. Eventually, Hoover hoped to expand his powers even further beyond domestic investigation, which led President Truman to create the Central Intelligence Agency (CIA). In retaliation to this, Hoover started to leak information about alleged communists in the Truman Administration to Senators Nixon and Senator McCarthy.

The straight-laced former general never trusted McCarthy himself, but what he did not know at the time was that his celebrated FBI director used similar reprehensible and intrusive tactics as well. McCarthy was censured and disgraced shortly before his death due to the national broadcast of his anti-communist hearings in which the people collectively agreed were vulgar and insulting. Hoover, in contrast, was exposed by documents stolen by anti-war protestors in 1971 which unequivocally “proved that the worst accusations and conspiracy theories about the FBI’s behavior at the time were utterly true” (Jackman, 2021). Although he kept his job, the reputation of the FBI and of Hoover were tarnished beyond repair. Now that Hoover’s most aberrant actions as FBI Director have been uncovered, it has become clear to scholars that what has become known as McCarthyism, is actually predicated upon Hoover’s tight grip on the psychological dispositions of Americans during the Cold War (Schrecker, 2004). The

fears of coming off as a communist sympathizer or of being the next target of Hoover's FBI surveillance may have been a major factor in the authoritarian style coups and meddling approved by presidents for the next few decades. Not only that, but during Eisenhower's term as president, thousands of Americans joined a conspiracy theorist society called the John Birch Society which claimed that Eisenhower was secretly a communist (Leonhardt, 2022).

This fact may have contributed to Eisenhower's main blunder during his presidency: the authorization for the CIA to violently overthrow a democratically elected leader in order to impose a more friendly anti-communist authoritarian figure. This clandestine operation has now finally been documented thanks to the declassification and release of official documentation by the CIA that had been withheld for decades (Ferreira, 2008). Before the time when government transparency was relatively normal, these types of presidential aberrations were not well documented. Getchell (2015, p. 74) contends that President Eisenhower's authorization of the "CIA operation was motivated by a powerful combination of national security concerns, economic interests, and domestic pressures". Eisenhower had a clear motivation to eradicate communism by whatever means necessary, however this was viewed by much of the world as imperialistic and may have led to "vicious civil war and repression that devastated the country in later decades" (Getchell, 2015, pp. 77-78). The CIA actively armed and trained the opposition leader, Carlos Castillo Armas, to overthrow Jacobo Arbenz Guzman. Armas went on to use brutal and repressive tactics which led to decades of genocidal behavior by Guatemalan leaders (Foreign Relations of the United States, 1950–1955, The Intelligence Community, 1950–1955, n.d.). Aiding in the overthrow of a

democratically elected leader is typically the work of authoritarian dictatorships such as the military junta that helped to overthrow the democratically elected Makarios III in Cyprus in 1974 (Etheredge, 2022). The fascist Greek regime did not approve of the views of Makarios III and ultimately decided that the subjugation of the island under a Greek puppet president would be most beneficial (Turkish Republic of Northern Cyprus Ministry of Foreign Affairs, 2015). Ultimately, the actions that Eisenhower took were reminiscent of an authoritarian leader because he was not respecting the democratic election of a sovereign state. Generally, authoritarian leaders attempt to depose leaders of sovereign states in order to gain control of their territory, but in the case of Eisenhower it was simply in the national security interest to contain communism.

Eisenhower's actions in his attempt to contain communism could be viewed as the denial of the legitimacy of political opponents, although they were outside of his home country. Eisenhower enjoyed a unified government however, and he was thus never held accountable for his meddling of a sovereign state. Eisenhower's decision to intervene in another country's democratic processes meets one of Levitsky and Ziblatt's (2018) key characteristics of an authoritarian leader.

John F. Kennedy

Eisenhower's successor, John F. Kennedy, played a similar game in the usurpation of power outside the sovereignty of the United States in the interests of communist containment. In fact, immediately before Kennedy was sworn into office in January 1961, an internal evaluation of the CIA found that "it was spending too much time and too many resources on what was called 'covert action,' meaning that it was engaging in secret activities with foreign policy objectives in mind, for example,

countering Communist subversion in Third World countries and overthrowing unfriendly governments” (Johnston, 2019, pp. 14-15). Even an internal evaluation found that the CIA was spending too much time and money focusing on regime change, subverting their main function as an intelligence *gathering* agency. Eisenhower purportedly solemnly told then CIA director Allen Dulles that he was leaving “a legacy of ashes for succeeding presidents” (Johnston, 2019, p. 15).

According to the official CIA website, the CIA was established by the National Security Act of 1947 during the Truman Administration as a “civilian intelligence agency within the executive branch” with the purpose of “collecting, evaluating, and disseminating intelligence affecting national security” (Central Intelligence Agency, n.d., para. 14). This agency was created with the intent of collecting and evaluating intelligence, however during Eisenhower’s presidency and beyond, they stretched the limits of their purpose to take decisive action against the spread of communism. Two years after the National Security Act was signed into law, “Truman signed the Central Intelligence Agency Act” which was a piece of legislation which allowed the CIA “to secretly fund intelligence operations and develop personnel procedures outside standard U.S. government practices” (Central Intelligence Agency, n.d., para. 16). This agency was created within the executive branch of government which signifies that the director of the CIA reports to, and is bound by the president of the United States. Since the CIA was not an agency that was established by the Constitution and was therefore an expansion of state institutions, one cannot simply state that presidents are usurping powers when utilizing their agencies for their specified purposes. In this case, we must turn to international law and it is widely accepted that the concept of sovereignty was

firmly established by the Treaty of Westphalia in 1648. Thus, it is legitimate to claim that when the head of state of a democratic country deposes or attempts to depose a leader of another sovereign state, it can be considered a usurpation of their executive powers, which is inherently outside the realm of their powers both nationally and internationally.

When Kennedy was informed of this legacy, he was considerably less disturbed by the implications than Eisenhower ostensibly stated. Johnston (2019) contends that Kennedy was, in contrast to his predecessor, exhilarated by the idea of clandestine actions against unfriendly communist regimes. When Fidel Castro deposed Cuban dictator Fulgencio Batista (an American ally) in 1959, western leaders were understandably apprehensive when he started to engage in a friendship with USSR leader Nikita Khrushchev (JFK Library, n.d.). The proximity to Florida as well as his newly found relationship with Khrushchev exacerbated the geopolitical tensions of the Cold War era. The distrust of Castro and his communist beliefs led the Eisenhower administration to develop a CIA led coup involving the training of a group of disgruntled Cuban exiles also intent on overthrowing the communist regime. Kennedy was briefed on the plan before his inauguration and after failed attempts of assassination, he authorized the amphibious invasion “but he was determined to disguise U.S” involvement (JFK Library, n.d., para. 6).

Unfortunately for the Kennedy administration, Castro learned of the planned coup before Kennedy was even inaugurated, which ultimately contributed to the humiliating failure of the plan (JFK Library, n.d.). The failure of the Bay of Pigs haunted the Kennedy administration in a number of ways. Not only were most of the Cuban exiles captured or killed by an oppressive, dictatorial regime, but it was clearly an asymmetrical

conflict in which the US had the upper hand yet swiftly lost. Ultimately, Castro used the failed invasion and the knowledge of US involvement to legitimize and consolidate his power in Cuba, emphasizing the imperialistic nature of the United States' foreign policy. This situation led to the strengthening of Castro's relationship with the USSR and may have been a catalyst for the Cuban Missile Crisis, putting the US on the verge of nuclear war (Office of the Historian, n.d.).

Kennedy's failure of regime change in Cuba clearly did not teach him the hard lesson about interfering with the elections of sovereign countries. Reminiscent of his attempt in Cuba was the authorization by Kennedy for the CIA to interfere in the democratic elections in British Guiana. The similarity here was the Cold War ambition of containing communism, but the differences were that he was attempting to depose a democratically elected leader and the fact that he was successful in his attempt. Sources disagree on the level of involvement by the US government, but the National Security Archive has referenced declassified CIA documents, released as a result of the Freedom of Information Act, which corroborate the participation of the United States in Jagan's overthrow (Prados & Jimenez-Bacardi, 2021).

Although the US left Guiana's fate to their colonizers for most of the 1950s, when Kennedy took office in 1961, Jagan quickly "became the second most aggressive target of America's crusade against communism in the hemisphere" (Palmer, 2014, p. 247). Although Jagan was originally a concern for London as well, they had recently relegated their consternation of Jagan but the Americans were determined to quash the communist threat in the region (Palmer, 2014). The Kennedy Administration decided that their best chance of deposing Jagan would be electorally in the upcoming elections prior to

independence (US Department of State, 1967). The distinction between the Kennedy Administration's choices in how they would rid the world of a communist threat in Cuba versus Guiana were profound. Against Fidel Castro, a man who had deposed an American friendly dictator, the US first decided to attempt assassination and when those attempts failed they then turned to an invasion led by Cuban exiles. Violent options for a violent and tyrannical leader. Against Jagan, a man who had been a bastion of independence strongly opposed to a future neo-colonialist state, the US took a much more inconspicuous route.

First they tried to offer Jagan a metaphorical carrot: economic assistance. However, "such potential aid was not an expression of humanitarian concern for the welfare of an economically deprived colony, but rather a manifestation of realpolitik, American style" (Palmer, 2014, p. 255). Realpolitik is a concept that came about during the Age of Enlightenment, which "in contemporary usage, realpolitik has become interchangeable with 'realism' or 'realistic'" (Bew, 2014, p. 49). Realpolitik essentially refers to a system of decision making that considers practicality over morality which Kennedy's administration clearly utilized. Although at the time it may have seemed to be for altruistic intentions, it was eventually clear that the administrations' choices had been much more Machiavellian in nature.

However, what the Americans had not foreseen was that Cheddi Jagan was not willing to compromise his beliefs in return for money. Next, the Kennedy administration attempted to ingratiate themselves with the leader of the opposition party, who claimed to be anti-communist and instead a democratic-socialist party (Palmer, 2014). In 1964, Jagan had been defeated and the opposition leader, Forbes Burnham, took power.

Unfortunately for the United States, this decision back fired and Burnham became increasingly dictatorial, communist and corrupt after his rise to power financed by the US (US Department of State, 1967). Interfering in the politics of another sovereign nation is inherently authoritarian in that it imposes the interests of one state over another, insinuating that one supersedes the other. Again, Kennedy had the advantage of a unified government, and he was therefore able to act with impunity.

Although John F. Kennedy only served for just over half of his term, he still had a relatively heavy hand in the realm of presidential usurpations of power. He also, like his predecessors, enjoyed a unified Congress which enabled him to act with more impunity. Kennedy's actions, like Eisenhower's, were in the foreign policy interests of containing communism and could also be viewed as either the denial of the legitimacy of political opponents in other countries, or the encouragement of violence. Although JFK attempted to use more diplomatic means when it came to Jagan, he approved plans to violently overthrow Fidel Castro in multiple different ways. Although Kennedy did not live long enough to see the ramifications of his meddling due to his assassination in 1963, his successor Lyndon B. Johnson was present and much more wary of usurping his presidential powers.

Lyndon B. Johnson

Although aid to Vietnam had started during the Truman administration, most of the military combat by American soldiers that occurred in the Vietnam War was during the Johnson administration, which led to harsh criticisms of Johnson's abuse of executive powers (Martel, 1992). At the time there were communist threats popping up in every arena of the world and Johnson, like his predecessors, was determined to stop it from

spreading. Politicians in the era believed in the domino theory: the idea that if one country in a region fell to communism then other countries would inevitably follow. After the US installed an anti-communist ally as premier in South Vietnam, insurgents in the area, pejoratively called the 'Viet Cong', escalated the conflict, leading Johnson to increase military advisors in the region to 15,000 by the end of 1963 (Martel, 1992). In the heat of a presidential election year in which Johnson was campaigning against Barry Goldwater, he claimed that "the U.S. intends no rashness, and seeks no wider war. But the United States is determined to use its strength to help those who are defending themselves against terror and aggression" (Lerner, 1995, p. 761). In typical American fashion, Johnson distorts the intentions of the military buildup in the east as the simple defense of an ally.

In August 1964, Johnson publicly announced that two American warships had been attacked by hostile actors in the Gulf of Tonkin near North Vietnam (National Archives and Records Administration, 1964). With memories of the failed Bay of Pigs Invasion still looming, Johnson could not afford to become involved in a major conflict without the consent of Congress. In retaliation, as well as to demonstrate that he was tough on communism, Johnson ordered the bombing of strategic North Vietnamese targets while simultaneously sending a proposal for a resolution to Congress, which would give him broad war powers (Martel, 1992). The resulting piece of legislation, called the Gulf of Tonkin Resolution, provided Johnson with almost absolute war powers in Vietnam due to the vague language of the legislation (Martel, 1992.) During this time, Johnson did enjoy the comforts of a unified government as well as the rally round the flag effect that so commonly accompanies attack by a foreign power. It is no surprise

therefore, that there was little dissent and the resolution passed through Congress swiftly (National Archives and Records Administration, 2022).

Although Johnson's resolution was passed expeditiously by Congress, this did not stop the legislation from becoming yet another precedent for future acts of war without Congress ever declaring war (Martel, 1992). It became highly controversial and was criticized for the president's outright circumvention of the constitutional right given to Congress. Although he technically followed the protocol by asking Congress to pass a resolution, he was attacked for his lack of veracity when discussing Vietnam on the campaign trail and was berated for rushing the legislation through Congress, leading to seemingly unlimited powers (Lerner, 1995). The Vietnam War was one of the most ardently opposed conflicts of all time within the American public and it is still admonished as a neo-imperialist proxy war between the US and the USSR during the height of the Cold War.

Further exacerbating the controversy surrounding the legality of engaging in war without a congressional declaration, was the abhorrent and reprehensible actions taken by the US military under the command of Johnson. Although the soldiers in charge of the massacre did not directly report to Johnson, as president he is Commander in Chief of the Armed Forces so it therefore reflects very poorly on him. The Mai Lai Massacre was an incident in which an army lieutenant "and his platoon murdered at least 300 Vietnamese civilians (and perhaps as many as 500) at a small South Vietnamese sub-hamlet called My Lai" (Borch, 2018, para. 1). The event was not well known until mid 1969, when Johnson had already passed the presidency to Richard Nixon, however because he had

been the one to get the US so deeply involved in Vietnam, he was viewed as partially culpable.

Johnson's actions, like many presidents before and after him, were primarily related to war powers violations. His usurpations could be equated to the rejection of democratic rules of the game because he was attempting to take powers away from Congress that were explicitly granted to the legislative branch. Johnson, like many of his predecessors, enjoyed a unified government during his tenure, which enabled him to obtain almost unilateral power in Vietnam.

Richard M. Nixon

When Richard Nixon won the presidency in 1968, the US was in a state of total chaos after a decade of turbulence. President Kennedy had been assassinated in 1963, followed by the entrance of the US into the Vietnam War, the Civil Rights Movement was in full force and then came crashing down with the assassination of Martin Luther King Jr., followed shortly afterwards by the assassination of Robert Kennedy while on the campaign trail. Nixon's presidency was characterized by scandal and contention and it's irrefutable that his presidency turned out to be the quintessential American authoritarian presidency. Although Nixon inherited the Vietnam War from his predecessors, from the beginning he was a staunch anti-communist, as his participation in the McCarthy era communist witch hunt had proved long before he was president (Schrecker, 2004).

Upon assuming office, President Nixon immediately turned his focus to the divisive Vietnam War, consulting his National Security Advisor, Henry Kissinger, as well as his Secretary of Defense, Secretary of State and the Director of the CIA in order

to determine the most effective next steps (Office of the Historian, 2009). Early on, the Nixon administration wanted “to demonstrate its resolve” which developed into the so called clandestine Menu Bombings as well as “retaliatory bombing against North Vietnam’s 1969 Tet offensive” (Office of the Historian, 2009, para. 2). Nixon’s NSA, Henry Kissinger, allegedly advised Nixon to “hit them hard and then ask for private talks” (Office of the Historian, 2009, para. 3). Nixon was determined to appear tough on communism and was not attempting to de-escalate a losing war that he knew would be a compelling part of his legacy. In his first year in office, regarding the Vietnam War, Nixon purportedly said “I’m not going to be the first American President to lose a war” (National Archives and Records Administration, 2019, para. 1). This was clearly a reference to Truman’s decisive actions regarding dropping the bombs on Japan in WWII, expeditiously bringing that conflict to an end, as well as Eisenhower’s fulfilled campaign promise to end the Korean War.

Shortly thereafter, Nixon ordered the covert operation to bomb Cambodia, a technically neutral country, and even recommended back channel bribery as an option that was ultimately shot down by the CIA (Office of the Historian, 2009). Although estimates differ, statistics show that Cambodia and Laos were carpet bombed constantly starting in 1969 in order to cut off the Vietcong’s main supply route between North and South Vietnam called the Ho Chi Minh Trail (Shvangiradze, 2022). This trail ran through both of the neutral countries and ultimately became a battleground for power between allied Western powers against the communist Eastern bloc. Nixon justified his actions by referring to the ineffable Commander in Chief clause and had the audacity to compare the situation in Cambodia to the swift and pragmatic decisions made by President Kennedy

to de-escalate the Cuban Missile Crisis (Schlesinger, 1973). Nixon's comparison of the situation in Cambodia to the Cuban Missile Crisis, which was the closest the world has ever been to nuclear war, is completely untenable. The threat coming from Cambodia was absolutely concerning due to American soldiers' lives being at risk, however, it was nowhere near the threat of imminent mutually assured destruction of that of the Cuban Missile Crisis.

Carpet bombing is a term meaning that the US used B-52 bomber jets to intensely and sometimes indiscriminately bomb these countries, often times with cluster munitions. According to BBC News (2016, para. 7), "cluster bombs scatter explosives across a wide area and often fail to detonate on impact" however, they cause mass casualties including innocent civilian deaths. The use and stockpiling of cluster munitions are now banned by the Convention on Cluster Munitions, however the use of these treacherous weapons has had a lasting impact on the countries in which they were used before this went into effect (BBC News, 2016). It is estimated that 2 million tons of bombs were dropped on Laos during the Second Indochina War, more than what the US dropped on Japan and Germany combined during WWII, making Laos the most heavily bombed country in the world to date (The White House Office of the Press Secretary, 2016). In addition to the losses taken by these two neutral countries being bombed indiscriminately for over a period of a decade, one of the major concerns with these types of munitions is that they often do not detonate when they are originally dropped, leading to 50,000 casualties alone in Laos since 1964, 98% of which were civilian casualties (Shvangiradze, 2022). The long term ramifications of these inhumane weapons remains to be an ongoing crisis

and these estimates do not even consider the hundreds of thousands of deaths as a direct result of the war being brought to this small country.

When President Nixon announced the plan to bomb Cambodia in 1970, he contended that the intransigence of the North Vietnamese as well as their blatant violation of Cambodia's neutrality by having Vietcong bases there was the reason for the US to become involved in those areas (Richard Nixon Foundation, 2020). Nixon was seemingly willing to go to any lengths in order to get a victory, as he posited that the power of the US was the only factor deterring aggression around the world. He also emphatically claimed that as Commander in Chief, it was his responsibility "to take the action I consider necessary to defend the security of our American men" even though war powers are very explicitly granted to Congress (Richard Nixon Foundation, 2020, para. 5). Like previous presidents, Nixon was not opposed to blatantly verbalizing his disregard for the true interpretation of the power of the presidency. Instead, like many of his predecessors, he abused his Commander in Chief role as though the Constitution explicitly granted war making powers to the president instead of Congress. Later into 1970, Nixon was beginning to face more congressional opposition to his bellicose policy in Indochina, particularly after a failed ground invasion in Cambodia (Owen & Kiernan, 2006). Nixon had the misfortune of having a divided government during his entire tenure, which was a source of annoyance and anxiety for the late president. Nixon was unwilling to capitulate however, and instead of listening to their anguish he decided to go even harder at the communist threat. He ostensibly said to Kissinger that his orders were the following and he wanted no dissension: he wanted anything that flies to be deployed to Cambodia, that "there is no limitation on mileage and there is no limitation on budget"

(Owen & Kiernan, 2006, p. 66). The fixation that Nixon had with military force was a clear indicator of the military industrial complex that President Eisenhower had warned of during his farewell address in 1961.

Nixon may have thought that his speech justifying the choice to broaden the invasion to surrounding countries may placate the American public about the Vietnam War. Instead, however, it did the opposite and enraged the public to know that the American government had been covertly bombing the two countries for years and this was simply a further escalation of a war that nobody supported. News leaked that Laos had been secretly bombed since the Johnson Administration and the combination of the news led to international protest over the ongoing war. Vietnam had been a wildly unpopular war from the beginning but the news of invading Laos and Cambodia intensified antiwar protests and as a result, six students were killed by National Guardsmen at two universities during anti war demonstrations, which further “galvanized the country against the Cambodian incursion” (Rotondi, 2020, para. 8). The violence against anti war demonstrators dramatically weakened what little base of support Nixon had had previously.

Nixon was unlucky enough to have a divided government for his entire term as president so he naturally had some opposition to his policies (Party Government Since 1857, n.d.). The only thing that may have aided his case is that the entrance into the Vietnam War occurred under Johnson, a Democrat, so Congress could not condemn him for the initial pursuit of anti-communism. Under Nixon however, the Vietnam War was largely escalated and he was proportionally blamed for this aspect of the war as well as the fact that he usurped many powers from Congress. Article I, Section 8, Clause 11 of

the Constitution grants the power to declare war to Congress (Constitution Annotated, n.d.). Nixon did not declare war on Vietnam, Cambodia or Laos, nor had any of his predecessors since FDR declared war on the Axis Powers in WWII. Presidents have commonly asked for congressional approval to make war time decisions through the use of an official resolution or act, however even when they do go through the proper steps, this typically turns into unilateral presidential power. Presidents typically claim that their role as Commander in Chief necessitates them to be decisive in emergency matters. This loophole in the law allows for presidents to usurp powers intended for Congress, but is viewed as needing to be expedient in the moment, thus resulting in unilateralism.

In 1969, the US Senate approved the Cooper- Church Amendment to halt the use of American soldiers in Laos or Thailand which constrained Nixon's ability to focus efforts in the surrounding Indochina area (Rotondi, 2020). He then turned more specifically to Cambodia before Congress dealt another blow to his war plan by repealing the Gulf of Tonkin Resolution that had given the president almost limitless powers in Vietnam. Nixon, however, unconstrained by the limits of the law, asserted that he was taking actions granted to him by being Commander in Chief and that the repealed legislation was not the legal basis for his actions. The House of Representatives is also granted power of the purse, meaning that it is in charge of allocating funds for war efforts (Power of the Purse, n.d.) In 1973, Congress finally attempted to reclaim their power of the purse by disallowing any funds to be spent to support combat in Laos or Cambodia. Nixon however, used his presidential veto power against Congress, who was unable to override the veto with the necessary two thirds majority (Fisher, 1994). This resulted in

Congress allowing Nixon forty five more days to bomb Cambodia, to the demise of the Cambodian people and the diametrically opposed American public (Fisher, 1994).

Though Congress had attempted to reclaim their powers through their own *modus operandi*, it had failed multiple times to constrain the omnipotence of the Nixon administration. After multiple attempts by the ACLU to end the unconstitutional war in Vietnam, Congresswoman Holtzman sought a judicial win stating that Congress had failed to authorize the full scale war that Nixon had plunged the US deeper into (Neuborne, 2019). In July 1973, federal district Judge Orin Judd ruled that Congress had both failed to authorize the Vietnam War and also that they had explicitly forbidden it (Neuborne, 2019). This decision forbade the carpet bombing in Cambodia and enforced the War Powers Clause of the Constitution for the first time; a major win for the public, Congress and Indochina's civilian population (Neuborne, 2019). This order was eventually reversed because Congress entered into discussions with Nixon, however it set a strong precedent to use all of the available resources to quell an overtly powerful president (Fisher, 1995).

The year 1973 marked "a new era in Congressional assertiveness in US foreign policy" when they passed the War Powers Resolution despite President Nixon's attempt to derail the legislation (Durrell, 1985, p. 10). The purpose of this document is to reassert congressional power to declare war in an unambiguous and explicit manner. The document discusses powers possessed by both the executive and legislative branches in regards to war powers and explicitly states that

the constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities, or into situations where

imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces (50 USC Ch. 33: War powers resolution, n.d.).

President Nixon did not capitulate easily however; he vetoed this bill and lambasted it for being “both unconstitutional and dangerous to the best interests of our nation” (Worley, 2015, p. 78). Nonetheless, Congress was staunch in their decision to limit Nixon’s power so they were able to get the necessary two thirds vote to overturn his veto and successfully passed the War Powers Resolution in November 1973 (Worley, 2015). The War Powers Resolution was intended to reassert congressional dominance over the executive branch, stating that the US President could not use the Commander in Chief clause unless granted with congressional approval, with few extenuating exceptions. The unintended and unforeseen consequences of the bombing in Laos and Cambodia are that they led to strong anti-American sentiment which in turn strengthened the Khmer Rouge insurgency and communist revolution in Laos (Owen & Kiernan, 2006). Pol Pot gained enough support that he was able to depose the Cambodian government and enact years of a heinous dictatorship culminating in one of the worst genocides since the Holocaust.

Another communist threat was looming in South America at the same time that Nixon was carpet bombing Indochina. Salvadore Allende had become a prominent political figure by helping to found Chile’s Socialist Party and was on Nixon’s radar because he was a proponent of nationalizing lucrative US owned industries and was

known to have ties to the USSR. Under the Alliance for Progress, signed into law by John F. Kennedy, the US would invest in Latin American countries that were proving to be bastions of democratic values in order to help develop their education and health systems as well as their overall infrastructure and Chile was, for a long time, a primary recipient of these funds (The Allende Years and the Pinochet Coup, 1969–1973, n.d.). During the 1970 election, the US covertly used these funds to dismantle Allende’s ability to win the presidential election, however the plot went awry and Allende still beat the next candidate by about one percentage point, leading to his election as president by the Chilean Congress (The Allende Years and the Pinochet Coup, 1969–1973, n.d.). US meddling during the runoff election led to the death of an anti-coup general at the hands of the Chilean military leadership, who believed that any attempt to alter the outcome of the elections was unconstitutional (The Allende Years and the Pinochet Coup, 1969–1973, n.d.).

After the failure of the election coup against Allende, the US used foreign aid decreases and a credit blockade against Allende’s nationalist policies to foment anti-government sentiment in the country. This started to have an effect especially among the armed forces in the country who had a decades long history of loyalty to their democratically elected president (Goldberg, 1975). By the third year of Allende’s presidency, the Chilean economy had collapsed; “inflation, labor strikes, and food shortages were rampant, and violence between the right and the left became a daily occurrence” (History.com, 2022, para. 10). Allende was losing support from all sides after years of turbulence as a result of his socialist policies and the response from within and outside his government. Sources disagree about the level of involvement by the US

government in the eventually successful coup of President Allende which resulted in Pinochet's dictatorial government, however there is evidence that they were at least complicit and supportive of the plan.

According to Jack Devine, a former CIA operative of thirty years who was working in Chile at the time of the Allende coup, the Nixon administration had been notified of the plot to depose the democratically elected president on September 9, 1973, two days before the plan was to be put into motion (Devine, 2014). However, Devine contends that he can definitely say that the CIA was not responsible but rather that their involvement in the earlier coup attempt to stop him from taking office after the election has led to the misconception that the US was responsible for his downfall (Devine, 2014). Ultimately, the military surrounded the presidential palace with Allende inside and when it was clear that there was no escape, he commit suicide with a rifle given to him by his friend and communist leader of Cuba, Fidel Castro. Two days after the death of Allende, Augusto Pinochet, commander in chief of the Chilean Armed Forces, was sworn in as president of Chile (The Allende Years and the Pinochet Coup, 1969–1973, n.d.).

Pinochet ended up being a tyrannical, authoritarian dictator who consistently violated human rights, extrajudicially killed his opponents, subverted Congress and the Constitution and ended the long established democratic rule of Chile. The Nixon Administration was relieved that they had helped contain communism in Chile, but had instead enabled a violent, anti-democratic leader to take hold for almost two decades until the return to democracy in 1990. The inability of American Presidents to foresee the implications of their actions is extremely disturbing especially considering that during the Cold War, most of the conflicts and coups the US were involved in, ended up resulting in

a much worse dictatorial, tyrannical and sometimes genocidal regime. The US should spend more time considering the potential consequences as well as the potential for collateral damage before they meddle in the politics of other sovereign countries.

The Watergate Scandal is irrefutably the most defining scandal of the Nixon administration and is the quintessential authoritarian action taken by a US president. During Nixon's campaign for reelection to the White House in 1972, five men were caught by a security guard breaking into the Democratic National Committee headquarters in the Watergate Hotel in Washington D.C with the purpose of planting bugs and copying important files related to the election. Bob Woodward and Carl Bernstein, two young reporters for the Washington Post, had theorized in their reporting that there may be a connection between the men awaiting trial and the Nixon administration. One of the five arrested was on the Committee to Re-elect the President (CRP) so the ensuing investigation probed into the possibility of the president being culpable (FBI, 2016). The administration vehemently denied any involvement and Nixon won the 1972 election in a landslide, despite the intense backlash that he faced for his bombing of Laos and Cambodia in the Vietnam War (US Senate: Select Committee on Presidential Campaign Activities, 2022).

After news had broken about the attempted burglary, the White House and campaign leaders shifted their attention to deterring the investigation by the FBI. Nixon purportedly told two of his top aides to meet with the CIA director "to tell the FBI to limit its investigation in the interest of national security" however, the FBI director, Patrick Gray, was uncomfortable with this proposition (Constitutional Rights Foundation, 2010). Perhaps Patrick Gray was cognizant of the abuses of power by his predecessor J.

Edgar Hoover and wished to adhere to the ethical guidelines and intended purpose of the FBI. After all, the CIA was created in order to have an intelligence agency specifically for international cases while the FBI was designed to deal with domestic issues, of which corruption is a main concern. As time passed, reporting on the topic alluded to hush money paid to the burglars by the Nixon Administration in order to have them plead guilty and to not disclose any incriminating evidence against the administration (Ritchie, 1998). Shortly after his second inauguration, the Senate created the Select Committee on Presidential Campaign Activities in order to thoroughly investigate the allegations against the Nixon administration (Ritchie, 1998).

Led by the “unassailable” Senator Ervin, the Select Committee enjoyed a lot of success and revived “public confidence in congressional investigations” which had been tarnished during the McCarthy era (US Senate: *Select Committee on Presidential Campaign Activities*, 2022, para. 8). From the beginning of the investigation, Nixon was exceptionally uncooperative and refused to provide requested documentation as well as refused to allow his aides to testify (US Senate: *Select Committee on Presidential Campaign Activities*, 2022). When Nixon claimed executive privilege, Ervin adamantly repudiated that criminal behavior was covered by this claim and threatened to arrest anybody who refused the subpoenas (US Senate: *Select Committee on Presidential Campaign Activities*, 2022). John Dean, Nixon’s White House Counsel, revealed to the Committee on the day that he resigned from his White House role, that President Nixon had in fact participated in the cover up of the Watergate break-ins (Richard Nixon Library and Museum, 2022). In addition to the incriminating statements made by Dean, another former aide, Alexander Butterfield, made known the clandestine taping system in

the Oval Office that then became known as ‘the smoking gun’, a central piece of evidence that implicated Nixon (Constitutional Rights Foundation, 2010).

After Nixon attempted to claim executive privilege and separation of powers again, Ervin resolutely claimed his constitutional power to conduct the investigation, including obtaining the tapes and took the unprecedented step of suing the sitting president in order to obtain the evidence (US Senate, 2022). After the Saturday Night Massacre, in which Nixon had attempted to fire the special prosecutor of the Watergate investigation but instead his attorney general and deputy attorney general resigned, there was massive outcry for the impeachment of the president which eventually led to Nixon releasing the tapes to the Committee (Constitutional Rights Foundation, 2010). The president was proving both to the public as well as to the Committee that he was complicit in the Watergate break in and cover up and that the tapes would corroborate that fact. The ‘smoking gun’ tape turned out to be the last straw for what was left of his congressional support; the impeachment process was already underway and Nixon knew that his days were numbered before he would be impeached and convicted by the Senate, leading to his removal from office. On August 8, 1974, Nixon announced his resignation to be effective at noon the following day, upon which his vice president, Gerald Ford, would take over (Richard Nixon Library and Museum, 2022).

Nixon’s attempt to affect the outcome of an American election is an egregious aberration that unequivocally violates the constitution and is thus an example of an authoritarian tendency. Schlesinger (1973, p. xvi) contends that “the imperial presidency reached a twentieth-century climax with Nixon” due to his many transgressions. Although it is somewhat commonplace for US presidents to meddle in the affairs of

elections outside of the US, for a sitting president to purposefully interfere with a US election is appalling. Not only was he complicit in the actual scandal but he also attempted to cover up his connection to the burglars and he tried to deny the Senate their constitutional right to investigate the situation. Still to this day, Watergate has become almost synonymous with corruption and political criminal intent and it has had a lasting effect on our executive branch (FBI, 2016). After the tumultuous years of McCarthyism, two unwarranted and unconstitutional anti-communist wars and then Watergate, faith in the US government had been severely eroded. Fortunately, as a result of the Watergate scandal, Congress passed the Presidential Recordings and Materials Preservation Act, which preserved all of Nixon's records and documents as public property (Myre & Davis, 2022). This act pertained solely to Nixon, and it assured that presidential records from his administration were not destroyed by the former president before the information could be sifted through and cataloged.

Nixon's impenitent assertion after his resignation that "when the President does it, that means that it is not illegal" is the archetypal belief typical of an authoritarian (Schlesinger, 1973, p. 421). Nixon responded this way when defending the Huston Plan, a drafted but not implemented plan of expansive surveillance that included domestic monitoring, break ins and opening dissidents mail (Prados & Nichter, 2020). Nixon was well known for his use of the term 'law and order' during his campaigns, a term that had evolved out of his antagonistic response towards anti-war protestors and Civil Rights proponents. However, he seemed to believe that he could act with impunity above the law and that 'law and order' did not apply to him. The Huston Plan was ultimately not implemented, remarkably at the objection of J. Edgar Hoover who had a reputation for

enhanced investigative methods (Prados & Nichter, 2020). Hoover clearly had an understanding of the inherent risks associated with these methods, particularly if he was to sign off on the covert aspect of the plan. This plan was broadly condemned once Watergate had been made public and helped aid in the process that led to Nixon's resignation.

Richard Nixon was unfortunate enough to have a divided government for the entirety of his presidency which may have contributed to his intense paranoia and feeling that everybody was out to get him from the second he took office. His presidency was, however, castigated for being corrupt and he for being morally inept. The Vietnam War galvanized much of the country against Nixon and his presidency went down in infamy for the Watergate scandal. His usurpations of power could be equated to rejection of democratic rules of the game, denial of the legitimacy of political opponents and encouragement of violence against those political opponents in other countries. Although Nixon had a well known distrust and hatred of the media, he never attempted to curtail their civil liberties, he only lambasted them for their constant negative coverage of his presidency.

Gerald R. Ford

Gerald Ford's presidency was an anomaly, not because he was personally involved in the Watergate scandal connected to President Nixon, but because he was the first president to come to power in the US who was not elected by the American populace. After Vice President Agnew resigned over bribery and tax evasion charges, Nixon was able to use his 25th Amendment powers to appoint and then have Congress confirm Gerald Ford as the new vice president. Ford defended Nixon perpetually

throughout his short term as vice president and then shortly after he took office, he pardoned Nixon of any crimes committed during his presidency which meant that he could not be criminally charged for the Watergate scandal. The clemency that Nixon was granted occurred before the full investigation of his involvement had been revealed, leading to social upheaval for the American public who was astonished to see a sitting president take such unprecedented steps to interfere with an election (Crouch, 2009).

One of the main criticisms stemming from Ford's pardon of Nixon was the fact that some people theorized that Ford was appointed to the vice presidency predicated upon an agreement that the outgoing president would be pardoned (Rozell, 1994). Ford's decision was viewed as a circumvention of justice and was castigated as a further deterioration of the reliability of the US government. Ford's public approval rating plunged in a matter of hours and the White House was inundated with negative calls concerning the pardon (Rozell, 1994). Ford defended his decision to pardon Nixon in a press conference shortly thereafter, not as a preconceived agreement between he and the former president, but as the decision that would help to heal the wounds of deception (Crouch, 2009). Ford was aware that a criminal indictment could take upwards of a year and he believed that the continued process of investigation would only reopen old wounds instead of helping them to move on (Crouch, 2009). We will never know if Ford chose to pardon Nixon for truly altruistic reasons or if there was some sort of ulterior motive, however the constitutionality of his pardon was still a legitimate question.

Scholars constantly debate about the nature of the president's pardoning power due, in part, to the vague language of the constitution on this matter. The issue of the presidents' pardoning power will resurface almost half a century later as a result of the

Trump presidency and his associated scandals but the debate remains the same. There are several key points in the assertion of unconstitutionality: his pardon of Nixon was premature, it violated the impeachment exception, it was too vague and it violated special prosecutor regulations (Rozell, 1994). Some scholars agree that these assertions do not have enough evidence to back up claims about the Nixon pardon and perhaps this is why he was never legally challenged by his democratic dominated Congress. In fact, when critics of the Nixon pardon pressured Special Prosecutor Leon Jaworski to challenge the constitutionality of the pardon, he “concluded that the pardon was so clearly constitutional that any effort to test its validity would be frivolous and unprofessional” (Rozell, 1994, p. 127). Crouch (2009) found that even Jaworski, whose job it was to investigate Nixon, believed that he would not face a fair trial and supported a pre-trial pardon.

Although there was general indignation among the public about the pardon, most members of Congress were relieved to see Nixon leave relatively quietly after all of the chaos of the Watergate scandal (Crouch, 2009). However, as a result of the Nixon pardon, approximately twenty pieces of legislation were introduced by House members in order to either further pursue information on the Watergate scandal or to limit the president’s pardoning power (Crouch, 2009). Ultimately, the constitutionality of Ford’s decision was upheld, however he severely eroded his reputation as a president who was honest and transparent, especially in light of the Watergate scandal. After the decision to pardon Nixon sent shockwaves throughout the American public, it is no surprise that Ford by and large complied with the powers that were constitutionally granted to him and did not have many further deviations. Due to the vague nature of pardoning power in the

Constitution, although Ford's decision to pardon Nixon was highly unpopular and was questioned by the vast majority of Americans, his actions as president do not meet any of Levitsky and Ziblatt's key characteristics of an authoritarian leader.

Jimmy E. Carter

Although Ford campaigned and was the Republican nominee in the 1976 election, the electorate wanted change after years of economic struggles, corruption and scandal. As a result, they voted Jimmy Carter into the office of the president; the easy going, altruistic and compassionate southern Democrat from Georgia. Although Carter's legacy was strongly defined by the Iranian Hostage Crisis, he took all of the legal steps necessary to bring all 53 hostages back to the United States, although he was castigated constantly for his impotence (The White House Historical Association, n.d.). "From the first day of his presidency, Jimmy Carter set out to fundamentally alter the direction of American foreign policy" (Schmitz & Walker, 2004, p. 113).

From the beginning of his presidency, Carter promised to be more transparent, to focus more on human rights and less on intervention and to restore the public's trust in the highest office of the US. Although he was unsuccessful in his re-election bid against Ronald Reagan, post-presidency Jimmy Carter has been highly regarded for his philanthropic work in the arena of human rights and social welfare. There is little information regarding the authoritarian tendencies of Jimmy Carter, partly because he attempted to rectify some of the mistakes made during the Cold War era in the pursuit of containing communism. Jimmy Carter had a profound respect for the US Constitution, human rights and will of the people, and that was apparent in his conduct as president. As

a result, his actions as president do not meet any of the four characteristics of an authoritarian leader.

Ronald W. Reagan

The climate of politics at the time of Reagan's election had been greatly soured by the Watergate scandal, followed by the unprecedented pardon of Nixon and the over year long hostage crisis until the last moments of the Carter presidency. Scandals and threats were ongoing, however Ronald Reagan had somewhat of a cult following with his previous experience as an actor before he became governor of California and then his ascension to the presidency. Reagan was well liked, with his charismatic personality and his moderate conservative perspective. People viewed him as honest, as somebody who was not part of the establishment and who had the people's best interests at heart; somewhat of a Republican comeback from the corruption of the Nixon years. Still, the threats of our adversaries, both countries that we did not agree with as well as adversarial systems, loomed large at this time.

The defining scandal of the Reagan presidency was the Iran Contra Affair. The Iran Contra Affair was a scandal that occurred in the intersection between the US attempts to contain what they viewed as the latest communist threat in the Americas and the terrorist theological threat of Iran. On November 3, 1986 a Lebanese magazine released a story about a clandestine arms deal between the US government and the Iranian government in return for American hostages (Razoux & Elliot, 2015). It is relatively common knowledge that the US government does not condone negotiations with terrorists, however it does need to be reemphasized sometimes, particularly more recently during the War on Terror. During the peak of the War on Terror, President

Obama updated the US governments' hostage policy stating that his administration "reaffirms our longstanding commitment to make no concessions to individuals or groups holding U.S. nationals hostage" (Fact Sheet: U.S. Government Hostage Policy, 2015, para. 5). President Obama reiterates the established policy because it removes terrorists' incentives and deters them from future attacks against the US if we continue to uphold this tradition. The thinking behind this policy is that if we concede to terrorists' threats and demands, they will continue to use this strategy against us because they know that they will obtain their desired outcome.

Once the arms deal between the Reagan Administration and Iran went public, media outlets were in a frenzy and the American people were appalled that we would be negotiating with a group that is the antithesis of our democratic ideals. In addition to the long standing tradition of the US not engaging with terrorist demands, Reagan had also promised on the campaign trail that he would not negotiate with terrorists (PBS, n.d.). Congress also felt extremely blindsided and demanded explanation and correction, as the US had an explicit embargo "forbidding all sales of military equipment to Iran" (Razoux & Elliot, 2015, p. 379). The reality is that Reagan was put into a difficult foreign policy situation in which two of our allies in the world, the Iranian Shah and Anastasio Somoza in Nicaragua had been replaced by the Islamist theocratic leader, Ayatollah Khomeini, and the leftist Sandinistas respectively (Douville, 2012). The Lebanese terrorist group called Hezbollah, backed by Iran, had recently taken seven Americans hostage and the dialogue between the US and Iran was palpable at best and hostile at worst, considering the recent arms embargo and ousting of the Shah (Association for Diplomatic Studies and Training, 2010).

After the incident became public, it was also discovered that the funds secured for the sale of the weapons to Iran had been redirected to fund the Contras, an anti-leftist rebel group waging a counter rebellion against the Sandinistas (Cavender et al., 1993). During this time, Reagan had a divided government and a House of Representatives that was increasingly opposed to intervention in Nicaragua. This led to Congress enforcing their constitutional powers and passing the Boland Amendments which limited funding and restricted clandestine operations in Nicaragua with the intent that it would limit Reagan's intervention in the region (Douville, 2012). The diversion of funds from the arms sales to the Contras, which irrefutably went directly against the arms embargo that Congress had enacted, was also a direct violation of the Boland Amendments. This abhorrent disregard for the power of Congress to limit the executive branch was justified by Reagan as a strategy to ameliorate the relationship between the US and Iran, as well as secure the release of the Hezbollah hostages (Razoux & Elliot, 2015). Regardless of the president's justification, the Reagan administration had circumvented Congressional legislation that specifically attempted to constrain the president in those particular arenas. Even if Reagan had tacitly approved the plan to divert funds to the Contras, then he was usurping powers that had been granted to Congress and was further eroding the faith that the American people had in the transparency of our government.

In addition to the violations of the official US hostage policy, arms embargo, and the Boland Amendments, the series of events that occurred during the Iran-Contra Affair bypassed the legitimate and established decision making structures regarding presidential decisionmaking. According to the Office of the Director of National Intelligence (n.d., para. 1), the purpose of the National Security Act of 1947 was to establish a set of

“integrated policies and procedures...relating to the national security”, to create a Department of Defense headed by a Secretary of Defense and to create the National Security Council whose objective it is to advise the president on matters of national security. This piece of legislation did in fact expand the president’s executive powers of foreign policy, however the purpose was to enable the president to make pragmatic decisions with the advice of prominent experts on the topics. This Act created an established structure that the president was intended to follow, which would have some congressional oversight for the very purpose of avoiding constitutional scandals like Iran-Contra. Reagan essentially diverted power from the Department of Defense and State Department to the NSC, effectively eliminating the “national security policy vetting and accountability process” (Douville, 2012, p. 88). Douville (2012, p. 91) contends that the National Security Act of 1947 failed to explicitly specify the role of Congress in the development and implementation process of US foreign policy, leading to decades of “aggrandizement of presidential power in national security decision making”.

After the theatrics by Nixon in his attempt to block the War Powers Resolution from passing, subsequent presidents would increasingly rely on covert missions in order to address their major foreign policy concerns, as is proven by consecutive US presidents’ clandestine coup attempts. In response to presidents continuing to keep Congress uninformed of their foreign policy initiatives, Congress passed the Hughes-Ryan Amendment which required a punctual written submission by the president “stipulating the national security necessity of every covert operation” (Douville, 2012, p. 92). With all of these constraints on the president’s ability to implement foreign policy, it

is no surprise that Reagan turned to the NSC in order to facilitate the return of hostages and his broader initiatives.

After the misconduct of the Reagan administration was revealed, several investigations into the culpability, approval and knowledge of these actions took place. One such investigation was the Tower Commission, whose report found that the NSC and other presidential aides were responsible for the misconduct, but that Reagan held some responsibility for supervising and leading his team (Pach, 2022). After the president was found to have some responsibility for the misconduct through thorough investigations, he televised an address concerning the Iran-Contra Scandal, recanting many previous statements about the nature of the deal as well as his involvement in the foreign policy decisions, and accepted responsibility for the wrongdoing (Pach, 2022). Although many of the people involved ended up being criminally prosecuted for their roles in the scandal, the investigators decided not to attempt to impeach the president, which may have been due to his rebounded popularity (PBS, n.d.).

The fact that Reagan contravened the arms embargo, the Boland Amendment, and the Hughes-Ryan Amendment and disregarded the US hostage policy, he was absolutely aggrandizing his power when he approved the foreign policy actions that led to the Iran-Contra Scandal. This type of usurpation is exactly what authoritarians do; disregarding separation of powers, employing covert operations, denial of wrongdoing, and lack of accountability and transparency. Reagan's actions in the Iran Contra Affair absolutely fall under rejection of democratic rules of the game. It is a surprise that the divided Congress did not attempt to impeach Reagan, although they did carry out detailed investigations to

ultimately expose the violations. Although Reagan was viewed as a very honest man, his actions during this scandal were purely authoritarian.

George H. W. Bush

Following Reagan's eight year term as president, his experienced and qualified vice president, George H. W. Bush succeeded him. Bush was undoubtedly prepared to hold the highest office in the US, having been a congressman, Director of the CIA, an ambassador as well as VP for eight years. Bush's close proximity to Reagan during the Iran-Contra Scandal did not appear to affect his constituents' trust that he would have a more transparent and accountable administration than his predecessor. During Bush's first year as president, the issue of containing communism was ongoing, as well as the War on Drugs.

In order to deal with containing communism, the US had become involved with many unscrupulous characters such as Manuel Noriega, the military dictator of Panama. The CIA first recruited Noriega to aid with the struggle against communism in Latin America during the Nixon Administration in 1970. To the horror of the anti-war US, it came to light that Noriega was involved in drug trafficking, leading to his removal from the CIA payroll. The War on Drugs was a major policy focus during this time period so the administration was extraordinarily concerned with breaking ties with anybody related to the drug industry. Tensions mounted after Noriega rejected the 1989 presidential election, and became even worse in December of that year when Noriega declared war on the US and started to target American citizens abroad (Sosa, 2020)

The implications of Noriega's actions occurred swiftly and were severe; President George H. W. Bush authorized Operation Just Cause which comprised of nearly 26,000

combat troops and was the largest operation since Vietnam (Schwaller, 2008). The goal of this operation was to restore democracy and arrest Noriega on international drug trafficking charges. But again, Bush did not ask Congress for a declaration of war or for a resolution to commit combat troops meaning that he usurped this power from Congress. On January 3, 1990, the mission accomplished its goal when Noriega surrendered and was taken into custody by DEA agents, however like many wars that the US became involved in, the US was heavily criticized for their lack of post war reconstruction (Siler, 2008). In addition to the condemnation for this, the Organization of American States as well as the European Parliament both outwardly protested the invasion as a violation of international law (The US Invades Panama, 2019). Bush clearly rushed into this authorization considering that he did not ask Congress for approval and he also did not consult with the international community. Regrettably, this would not be the last time that President Bush would violate the War Powers Resolution.

Bush would ultimately have to deal with the First Gulf War, which had future implications for his son's presidency as well. After the Iran Iraq War that Hussein waged for almost a decade during the 1980s, Iraq was in a tremendous amount of debt worth 86 billion dollars, much of which had been borrowed from the Gulf States (Riedel, 2021). Being an OPEC and commodity dependent country, Iraq hoped to alleviate some of these debts by raising oil prices but when that plan was unsuccessful he blamed Kuwait for purposefully keeping them down (Brands, 2004). However Saddam was simply looking for more grievances to add to the list, as he had already made clear through his open irredentism that he did not truly believe in the sovereignty of Kuwait and therefore viewed their vast oil reserves as inherently belonging to Iraq (Brands, 2004).

Before Iraq invaded Kuwait, the US ambassador to Iraq, April Glaspie, met with Saddam Hussein on July 25, 1990 to discuss the strained situation that had been building up in the Middle East (Brands, 2004). What was said during that meeting is still ripe with controversy, however Glaspie ostensibly told Saddam that the US “has no opinion on the Arab-Arab conflicts, like your border disagreements with Kuwait” and although the State Department did not refuse the transcripts that had been leaked, they also did not challenge the rhetoric that had been used (Brands, 2004, p. 114). Shortly after their discussion, the more powerful Iraqi military invaded Kuwait, and quickly overwhelmed their asymmetrically smaller opponent. Following the occupation, President Bush began to draft a response which amounted to both air and ground troops being deployed to the Kingdom of Saudi Arabia, a country whose independence in the Middle East is vital to US interests (The American Presidency Project, 1990).

Not only did Bush not obtain congressional approval for the mass deployment of troops to the Middle East, but he came to the aid of an ally whose regime is directly antithetical to American democracy. Saudi Arabia is an absolute monarchy that scores as ‘not free’ consistently on Freedom House yearly democracy scores due to the repression of political rights and civil liberties (Saudi Arabia: Freedom in the World 2017 Country Report, 2022). Human rights violations, repression and a lack of rule of law have been constant problems in the theocratic monarchy since the Saud family founded the kingdom in 1932, and yet it continues to baffle Americans that they continue to be a close ally (Saudi Arabia: Freedom in the World 2017 Country Report, 2022).

By November of 1990, the US had sent 240,000 troops to the Gulf, with 200,000 more on the way to a war that had not been approved by Congress in order to restore a

country with which we had no alliance with (Encyclopædia Britannica, 2022). After months of engagement with Iraq and the lack of their concession to the demands, George H. W. Bush finally sought Congressional approval consistent with the War Powers Resolution. On January 12, 1991, the democratic dominated Congress approved the Authorization for Use of Military Force Against Iraq Resolution concluding that the US had done everything within peaceful means including diplomacy to try to obtain their objectives and that use of military force was necessary (Congress.gov, 1991). Ironically, Bush arrogantly verbalized that he did not believe he needed congressional approval and cited the fact that the US had used military force approximately two hundred times in our history with only five official declarations of war (Brands, 2004). He purportedly decided to ask Congress to pass a resolution as a show of solidarity (Brands, 2004).

What Bush failed to recognize with his presumptuous statement was that Congress had been granted the power to declare war from the beginning of our nation and that the House of Representatives had also been given the power of the purse, a power which could have been used against Bush in his preemptive decision to send almost half of a million troops to the Gulf before seeking congressional approval. The War Powers Resolution sought to further limit the president due to these types of archetypal decisions by past presidents, including the exploitation of legislative loopholes. Although many presidents after Nixon also believed the War Powers Resolution to be unconstitutional due to the constraining nature of the process, it was exactly this behavior that led Congress to pass this legislation. Bush's assumption that he did not need congressional approval for such a large scale military operation was a direct and abominable usurpation of power. During this time in Bush's presidency, both the House of Representatives and

the Senate were dominated by democrats and as a result of Bush's overreach, they did attempt to constrain him in *Dellums v Bush*, however they were denied adjudication and Congress eventually authorized military action (Center for Constitutional Rights, 2018).

However, Operation Desert Storm was impressively successful with few American deaths associated with the War. Led by the US, once the allies became largely involved it was even more of an asymmetrical conflict than that between Iraq and Kuwait, and as the US expected, the Iraqi military was overwhelmed relatively quickly by the allied forces, taking only 100 hours of a ground invasion to compel the Iraqi forces to surrender (Encyclopædia Britannica, 2022).

An additional element of the First Gulf War was the omnipresent issue of civilian casualties. Although there are few official estimates by the US government, sources condemn the US for purposefully targeting civilian infrastructure in order to obtain the ultimate goal of the withdrawal of Iraqi forces. This targeting structure led to the systematic breakdown of Iraqi society. The *jus in bello* concept of the Just War Theory states that war is to be fought between combatants and that noncombatants; "women, children, priests, old men, the members of neutral tribes...wounded or captured soldiers" are protected and are therefore to be left out of war (Walzer, 2006, p. 43). Walzer (2006) equates the killing of noncombatants, not to an act of war, but to a crime that should be viewed as dishonorable.

According to a Human Rights Watch Report, allied forces targeted civilian infrastructure such as food, water-treatment facilities, Iraq's electrical system, hospitals, mosques, tribal lands, oil refineries, transportation networks and other non-military production (Middle East Watch, 1991; Gellman, 1991). Although the US claimed to be

using very precise weapons, it has been made clear by military leadership that any and all targets were strategically chosen based on the US' objective and that in contrast to indiscriminate bombing, all of the targets were based on economics and military operations (Gellman, 1991). This is evidence that they were purposefully targeting these unjust targets. There is inherent collateral damage during war, however considering that there were so few American soldier casualties and the war waged between the US and Iraq was relatively short, you would expect that the numbers of Iraqi civilian casualties would be insignificant comparatively. However, the same report found that although "the total number of civilians killed directly by allied attacks did not exceed several thousand", the actual number was likely 2,500-3,000 (Middle East Watch, 1991, p. 18). With 2 million tons of explosives dropped in the short allied air operation, other estimates are closer to 7,000 Iraqi casualties (Hooglund, 1991). Officials asserted that when the collateral damage was determined to be too high, allied aircraft would refrain from bombing certain public spaces however critics argue that the targeting of electrical and water facilities always fits into this criteria because it affects the ability of hospitals to function properly (Gellman, 1991).

Conflict often leads to a regression of development, particularly when infrastructure is systematically targeted. This leads to mass outbreaks of disease like cholera, malnutrition, freezing temperatures as a result of the breakdown of the electrical grid and the devastation of the medical system which further exacerbates health problems (Middle East Watch, 1991). The projected numbers are only a reflection of bystanders first hand accounts and do not include the thousands that would eventually die as a result of the purposeful targeting of civilian life. Not only does the US have a moral obligation

to protect civilian lives during combat, but they also have a moral obligation to help rebuild civilians' lives that they have destroyed. Bush purportedly claimed that he did not take the most assertive role in military command, but his Secretary of Defense did not have any regrets about the loss of Iraqi civilian lives if it meant bringing home more American soldiers (Gellman, 1991). Regardless of Bush's sentiments, he is the Commander in Chief of the military and ultimately he is responsible for the conduct of war under his administration. The lack of empathy towards Iraqi civilians is an authoritarian approach to dehumanizing the enemy and viewing others as 'them'.

Another defining element of the George H. W. Bush administration was that of the War on Drugs. The term 'War on Drugs' had been coined by President Nixon in his quest to stop the spread of illicit drug use, but it became even more popular when Ronald Reagan's wife, first lady Nancy Reagan, made the War on Drugs her initiative focus (Drug Policy Alliance, n.d.). Between the years of the Reagan administration and 1997, the number of incarcerated people behind bars increased from 50,000 to over 400,000 for nonviolent drug charges (Drug Policy Alliance, n.d.). According to the American Civil Liberties Union, in 2001 there were just under two million people incarcerated in the United States, which is 25% of the world's prison population, an astonishing number when compared to other Western democracies (Boyd, 2001). This is clearly a systemic problem, and a large part of the issue is the policies being driven forward by our presidents' rhetoric and propagandized racial profiling.

Studies show that our prison system is disproportionately incarcerating African-American men, mostly due to the disparities between crack and powder cocaine (Harvard Law Review, 2000). Crack cocaine, which is a smokable form of cocaine sometimes cut

with other substances, is much more prevalent in African American communities than pure powder cocaine. During the peak of the War on Drugs, there was a 100 to 1 sentencing disparity between crack and powder cocaine, leading to substantially higher numbers of African-Americans and minorities being incarcerated as a result (Drug Policy Alliance, 2014). One of the events that may have helped lead to the policy changes and increased incarceration rates was when President George H. W. Bush televised a speech from the Oval Office in 1989, in which he held up a bag of crack cocaine that was purportedly bought by undercover law enforcement officers in the park across the street from the White House (Drug Policy Alliance, 2014). Allegedly, federal agents actually had to give directions to the White House to the person selling the crack cocaine in order for the agents to buy the drugs from in front of the White House (Drug Policy Alliance, 2014). The president is well within his legal limits to discuss policy options and issues, however when it comes down to the issue of race and not allowing for proper steps to be taken to improve the causes of an issue, then we see the authoritarian tendency that is racial profiling and discrimination.

Additionally, the incarceration of African-Americans due to non-violent drug charges leads to mass disenfranchisement of that population; the ACLU posits that approximately 13% of all African Americans are affected by this policy, which haunts them forever, even after they have served their full sentence (Boyd, 2001). The effects of these policies are that they dramatically change the representation of the electorate, which may have a real impact on the outcome of our elections. President Bush's speech pledged 1 billion dollars to put towards the War on Drugs in the form of more prisons, jails, courts and prosecutors, focusing completely on the punishment aspect of the issue (Drug

Policy Alliance, 2014). His implementation also introduced draconian style policies like mandatory minimum sentences, the 100 to 1 crack to powder sentencing disparity and the prohibition of using federal funding to make sterile needles available to stop the spread of HIV/AIDS (Drug Policy Alliance, 2014).

What Bush failed to focus upon are the causes of the drug problems and a humane solution to the problem. His main focus was the prison industrial complex; making money off of the incarcerated instead of rehabilitating them and investing in human capital. In fact, recidivism rates are particularly high for this group which may be a result of their lack of focus on rehabilitation. One study found that only 28% of prisons have substance abuse programs and only a miniscule 7% of those that do have programs are comprehensive (Harvard Law Review, 2000). The salience of this topic is that the War on Drugs is expensive, ineffective at rehabilitation, damaging to the electorate, and is based on propagandized racial discrimination by a long line of presidents. George H. W. Bush had a particularly strong effect on the increase of incarceration rates, particularly among African Americans. In a democratic system, there are constraints within the rule of law on the ability of the government to incarcerate people so Bush's solution to this was to create laws that ambiguously target those who are not his constituents. This behavior is reminiscent of authoritarians who often incarcerate people systematically based on their ideological opposition or ethnicity and fits into the readiness to curtail civil liberties of political opponents. Bush's war powers violations meet the standards of the rejection of democratic rules of the game since he purposefully circumvented Congress and then even after he requested authorization, claimed that he was not constitutionally required to do so. Congress was dominated by democrats during H. W. Bush's presidency, however,

they did not constrain his executive actions as much as one would expect a partisan group to do so.

William J. Clinton

As was noted before, violations of the War Powers Resolutions became more common as the years passed, with consecutive presidents claiming that the piece of legislation was unconstitutional and a violation of the Commander in Chief's powers. Bill Clinton was no exception to this and was in fact, he was one of the most ardently opposed to this attempt to constrain the executive. This became increasingly clear with each of his overseas operations involving his airstrike on Baghdad in 1993, his UN mission in Somalia, military standby in Haiti, US led NATO strikes in former Yugoslavia, and multiple subsequent attacks on Saddam Hussein's Iraq (Fisher & Adler, 1998). Clinton's main authoritarian tendency is absolutely his defiance of the congressional war power and his blatant disregard for the War Powers Resolution.

In 1993, after the Kuwaiti government determined that a group of Iraqis under the order of Saddam Hussein had attempted to assassinate former President Bush, the CIA cited compelling evidence that the attack was coordinated by the Iraqi Intelligence Service leading to reprisal by the US government (Fisher, 1998). Clinton's decision to retaliate against the government of Iraq was unilateral, as he did not consult Congress or ask for any type of approval before he authorized the launch of twenty three Tomahawk missiles at their main intelligence service compound (Fisher, 1998). Although they badly damaged the intended target, there were also three precision guided weapons that missed their mark and instead destroyed three homes in a nearby neighborhood, killing eight civilians and wounding a dozen others (Lancaster & Gellman, 1993).

Clinton justified his flagrant violation of the War Powers Resolution by citing Article 51 of the UN Charter as well as his authority as Commander in Chief. Clinton refused to accept the fact that international law does not supersede the US Constitutional right granted to Congress to engage in acts of war (Fisher, 1998). Clinton seemed to be intransigent in his conception of presidential war powers and authority as Commander in Chief. Throughout his presidency he invariably claimed that as president he is not constitutionally bound to ask for congressional approval. During this time, it was advantageous that his government was unified because this brazen act legally should have resulted in congressional backlash or condemnation at the least (Party Government Since 1857, n.d.).

In addition to the explicit authorization granted to Congress to enter into war, there are also many Supreme Court cases that corroborate the decisions to which Clinton is impervious. For example, *Bas v. Tingy* in 1800 upheld that Congress alone has the power to authorize both limited and full scale war and in 1806, in *United States v Smith*, the Supreme Court determined that Congress, and not the executive, has the sole power to initiate the country into hostilities (Adler, 2000). When Iraq refused to let UN inspectors search their facilities in 1998, the US threatened to use force against them again. When Secretary of State Madeleine Albright was asked about the irony of using force in Iraq when Clinton had been opposed to Vietnam, her response was simply "'We are talking about using military force, but we are not talking about a war. That is an important distinction" (Fisher, 1998, p. 796). If it were up to the executive to determine what constituted military force and what was considered to be a war, then they would all conveniently claim that what they were engaging in was not war for their own benefit, as

Truman did with Korea decades before. Albright's response is inadequate in that it is completely subjective and that although some sections of the Constitution are up to interpretation, it is very explicit about the role of Congress in war powers.

When Somalia became independent and was immediately overthrown by a socialist leader allied with the Soviet Union, the US was immediately concerned about the expansion of communism in the region (US Department of State, n.d.). After some fluctuating relations with the US, the country descended into chaos and ousted their leader, which led to a civil war in which competing warlords aggrandized power in their region and closed off humanitarian aid to those they had power over. Although originally authorized as famine relief by President Bush in December 1992 as part of a larger UN Mission, Clinton was inaugurated in January of 1993 and dramatically increased US presence in the region for combat purposes in his first year in office (US Department of State, n.d.). With a humanitarian crisis raging and the most powerful warlord, General Mohamed Farah Aideed, cutting off aid to thousands and attacking peacekeepers, the situation was deteriorating quickly resulting in President Clinton authorizing his foreign policy termed 'assertive multilateralism' (Bolton, 1994). The Clinton Administration had changed its scope and purpose in the area to nation-building, pressuring the UN Security Council to adopt Resolution 865, providing 8,000 American combat troops in addition to 1,000 quick reaction forces, unsettling members of Congress (Bolton, 1994). Clinton made all of these decisions unilaterally, without even considering congressional approval over war making and it would turn out to haunt his presidency forever.

When a team of American soldiers attempted to penetrate Aideed's quarters, two Black Hawk helicopters were shot down and the ensuing fight resulted in eighteen

American soldiers deaths, including the media nightmare of one deceased, bloodied American soldier being dragged through the streets of Mogadishu (Bowden, 2019). As a result of the embarrassment and turn of public support for the effort in Somalia, as well as amid pressure from Congress, Clinton pulled combat troops out four days later, and the remaining troops left in March 1994 (Bolton, 1994). As a result of this foreign policy and humanitarian failure, Clinton ordered the national security bureaucracy to determine a more streamlined decision making process for how and when the US should become involved in overseas peacekeeping operations resulting in the Presidential Decision Directive 25 (U.S. Department of State, n.d.). Had Clinton sought Congressional approval for his nation-building directive in the first place, the embarrassment that took place may not have occurred or it may have been viewed with less personal condemnation. The decisions and outcomes of the incident in Somalia may have also severely stunted the US decision to act in the Rwandan genocide that occurred shortly afterwards. If the administration had taken the proper steps in Somalia and had not embarrassed themselves, they may have been able to legally aid in the prevention of the massacre of hundreds of thousands of Tutsis.

In October of the same year, a similar situation was unraveling in Haiti when a military dictatorship toppled the democratically elected president Jean-Bertrand Aristide (Harris & Farah, 1994). Clinton's response was to send 61 Army cargo and refueling planes along with 15,000 troops to reimpose Aristide and force the military dictatorship to capitulate (Harris & Farah, 1994). Clinton's threat and 'assertive multilateralism' involving greater participation by the UN proved to be successful, and any bloodshed and actual combat was avoided by negotiations (US Department of State, n.d.). Again,

Clinton denied that he needed to first seek congressional approval and had the audacity to claim that ““like my predecessors of both parties, I have not agreed that I was constitutionally mandated to get it” (Adler, 2000, p. 160). President Clinton was exceedingly qualified to perform presidential duties and is undoubtedly cognizant of the legalities of his duty as president under the Constitution considering he has a law degree from a very prestigious Ivy League school. He simply contrived and manipulated the law in order to fit his prerogative and publicly justified his decisions using international law which absolutely never supersedes the Constitution of a sovereign country. The passing of the War Powers Resolution, intended to further constrain executive war making, seemingly emboldened future presidents, including Clinton, to violate the Constitution and any successive legislation and judicial opinions that went against their narrative.

When ethnic conflict finally boiled over in former Yugoslavia, the UN and NATO stepped in to defend those being repressed and massacred. Leader Slobodan Milosevic had been actively slaughtering Albanians for years and the US finally faced enough scrutiny and pressure for failing to react. In a multilateral move in concert with NATO allies, Clinton ordered airstrikes and a no fly zone and justified his decisions citing UN Security Council resolutions and NATO authorization (Adler, 2000). Although Clinton’s choices were made with altruistic intentions in mind and he was attempting to protect innocent people from a mass genocide, this does not exempt him from seeking congressional approval. Additionally, the contention that NATO and the UN can provide authorization of the US military to change from a state of peace to war is completely absurd. Russia and China are two of the US’ strongest adversaries and are themselves authoritarian states, therefore their decisions absolutely do not take precedence over our

democratically elected and constitutionally bound Congress. Ultimately, Clinton decided to send a combined force of 60,000 American and NATO forces to enforce a peace treaty between the warring groups (Daalder, 1998). Although only 20,000 of the troops were American, Clinton still failed to address the fact that his unilateral decisions to go to war blatantly disregarded the Constitution and the War Powers Resolution (Fisher & Adler, 1998).

Clinton's last major authoritarian tendency is more about the fallout of the situation than the actual scandal itself. The Clinton-Lewinsky scandal is one of the most widely known scandals in American history partly because Clinton was one of the most liked presidents but also because the scandal was so egregious. It all started in early 1998 when rumors started circulating about an affair between Clinton and a White House intern named Monica Lewinsky (DeSilver, 2019). Clinton originally both publicly denied the allegations against him, as well as during a civil deposition but eventually he admitted guilt (Sonner & Wilcox, 1999). Ultimately, Clinton was impeached by the House of Representatives as a result of lying under oath and for obstruction of justice, however he was acquitted by the Senate and therefore was not removed from office (DeSilver, 2019). Lying is a central tenet of authoritarianism. In order for authoritarians to maintain power, they must use fear and lies to manipulate their population. Although Clinton lied in order to maintain his reputation, it is still a bad representation of his character and the candor you expect from a president. The Constitution states that civil officers of the United States can be removed from office "on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors", however it is rather ambiguous as to what is considered high crimes and misdemeanors (Schlesinger, 1973, p. 10). Although

Clinton's presidency was tarnished with war powers violations, scandal and the only impeachment since Andrew Johnson, he was paradoxically very popular and he and his wife Hillary continued to be politically active after his eight year presidency.

Along with his many predecessors who fit into the category of presidents who consistently violate war powers, Clinton's actions as Commander in Chief easily fit the mold of an authoritarian by means of the rejection of democratic rules of the game. Clinton blatantly violated the War Powers Resolution, usurped war powers granted to Congress by the US Constitution and he lied under oath, all of which are patterns typical of an authoritarian. Clinton was unlucky enough to have a divided government which ultimately led to his impeachment but also did not attempt to constrain his actions as much as they could have given the circumstances.

George W. Bush

Clinton's successor, George W. Bush, may have benefitted from the scandal that rocked the Clinton presidency, as he beat out the incumbent vice president, Al Gore, by the slightest of margins, uncertain enough that the Supreme Court had to declare the election winner. This difficult beginning, though, presaged further difficult times for the Bush Administration. However, in a certain continuous sense, the Bush presidency became just as afflicted with fallacious executive ideologies as his predecessor, engaging the US in multiple endless wars. Bush's authoritarian tendencies revolved mostly around his wars in Iraq and Afghanistan with contraventions including surveillance and interrogation abuses and suspension of habeas corpus. The catalyst for most of Bush's transgressions as president started with the terrorist attacks on September 11, 2001.

The War on Terror began as the result of the most devastating terrorist attack in US history which resulted in almost 3,000 deaths (Amann, 2005). In the aftermath of the attacks, the CIA determined with compelling evidence that the terrorist group al-Qaeda, a militant Islamic terrorist organization led by Osama bin Laden had been the culprit (Gregg II, 2022). Osama bin Laden was the son of a Saudi billionaire who originally began supporting Islamic fighters during the Soviet Afghan War in the 1980s (FBI, 2022). He then founded al-Qaeda and created an alliance with the Taliban in Afghanistan, who provided a place to train jihadists while he planned a multitude of attacks against the US (Gregg II, 2022). In 1999, Osama bin Laden was placed on the FBI's Top 10 Most Wanted Fugitives List in connection with bombings in Kenya and Tanzania and after the September 11 attacks, it was determined that all 19 hijackers had been trained by al-Qaeda (FBI, 2022).

Shortly after the attacks on September 11, Congress passed and Bush signed a joint resolution authorizing the use of force in Afghanistan to target al-Qaeda and hold the Taliban accountable (Gregg II, 2022). Bush's initial steps to initiate war in Afghanistan were constitutionally legal and acceptable. Short of a congressional declaration of war, which has not happened since WWII, he did take legitimate steps to involve Congress in the major combat operations in which he intended on involving the US. However, the rhetoric that Bush used to justify his decisions revolved around his executive and Commander in Chief authority (Adler, 2007). Bush's National Security Strategy went so far to claim executive power "to act against such emerging threats before they are fully formed" alluding to his ability as president to wage preemptive or preventative war (Adler, 2007, p. 121).

Once the majority of the terrorists had been driven out of Afghanistan and their focus turned more to nation-building, Bush turned his sights to Iraq and the possible connection between Saddam Hussein and Osama bin Laden. The Bush Administration was adamant about enforcing the UN resolutions involving nuclear and biological weapons, but Saddam's regime was less than transigent (Gregg II, 2022). Vice President Dick Cheney was one of the strongest proponents of going after Saddam, stating unequivocally that "there is no doubt that Saddam Hussein now has weapons of mass destruction. There is no doubt that he is amassing them to use them against our friends, against our allies, and against us" (Gregg II, 2022, para. 25). After the Bush Administration publicly declared that Iraq continued to possess chemical and biological weapons and that they also possessed weapons of mass destruction (nuclear weapons) in October 2002, Congress passed the Joint Resolution to Authorize the Use of United States Armed Forces Against Iraq (Meiers, 2010). Again, Bush allowed Congress to impose their constitutionally granted right to engage the country in war, however this may have partially been due to a rally round the flag effect. This resolution essentially relinquished all war powers to Bush, including the right to determine the level of threat by an adversary, frighteningly similar to that of the Gulf of Tonkin Resolution (Meiers, 2010). Despite Bush taking the proper steps to initiate hostilities through congressional approval, Congress essentially ceded their war making powers to the executive, setting a dangerous precedent for the ensuing War on Terror.

Chaos broke out in Iraq soon after Saddam had been captured and opportunism struck al-Qaeda to move in and take advantage of the anarchy and anti-Western sentiment. By 2006, insurgent attacks in the form of beheadings, bombings, kidnappings

and suicide attacks became so common that an average of 120 Iraqis were dying every day (Gregg II, 2022). Bush's preventative war had unforeseen consequences that would haunt the Middle East and the US for decades to come. When the democratically dominated Congress attempted to constrain Bush's ability to continue the war efforts in Iraq and force a withdrawal later in 2007, Bush vetoed the bill (Gregg II, 2022). Bush was content to accept congressional approval to boost his power as a show of support for his policies but unwilling to allow Congress to reclaim any of their own constitutional rights. Bush had the belief that with or without the joint resolutions authorizing his actions in Iraq and Afghanistan, his executive authority as Commander in Chief granted by the Constitution allowed him unlimited decision making powers.

Bush's wars in the Middle East not only caused thousands of deaths, led to the rise of other insurgent groups, and created deep seeded anti-American sentiment, but they also led to mass distrust of the government as a result of the administration's suspension of habeas corpus. In November of 2001, Bush signed into law a military order establishing military tribunals to maintain and try non-citizens suspected of involvement in terrorist activities against the United States resulting in the accused being held at Guantanamo Bay, without the writ of habeas corpus (Gregg II, 2022). "The Bush administration also classified those accused terrorists as unlawful enemy combatants instead of prisoners of war, which placed them outside the protections of the Geneva Conventions" (Gregg II, 2022, para. 34). The careful planning of each detail in advance of the public outcry shows the strategic and Machiavellian tactics that the Bush administration used against the War on Terror. Inevitably, the administration would be challenged on these atrocious aberrations of the rule of law.

The Geneva Conventions has been ratified by the US as well as 193 other countries, and protects prisoners of war as well as civilians from torture and inhumane treatment; violations of this convention can lead to the accused being tried for war crimes (Beehner, 2006). Without the right of habeas corpus, which allows the accused to challenge the legality of their detention, detainees could be held indefinitely (Daskal, 2007). All humans are meant to have basic human rights and in times of war, although destructive and violent, some values must still be upheld. The problem for Bush in this circumstance is the issue of reciprocity. Bush argues that because we are dealing with non-state terrorist groups who are not signatories to the Geneva Convention, they will not reciprocate the same protections to our soldiers and they are thus, exempt from these rights (Beehner, 2006). As a bastion of democracy, the US is expected to uphold the rule of law as paramount. Bush's action to write memos authorizing enhanced methods of interrogation including waterboarding is a flagrant violation of human rights and the Geneva Convention no matter the status of the person (Gregg II, 2006). His classification of unlawful enemy combatants instead of prisoners of war also detracts from their right of presumption of innocence, subjecting potentially innocent people to inhumane, unwarranted treatment. The Supreme Court has also corroborated the dissent from the public, finding that detainees not only have the right to habeas corpus but they are also legally within their rights to seek "civil damages for violations of international law" (Amann, 2005, p. 2130). Another challenge to a detainee's appeal for habeas corpus was overturned by the Supreme Court when they determined that no matter their status as a citizen or non-citizen, they had the right to invoke the laws of the land which was holding them (Meiers, 2010).

Bush's assertion of executive authority derived from his role as Commander in Chief, although already unconstitutional in itself, is never an excuse to violate human rights and dehumanize people. Bush's plenary interpretation of executive war powers was unequivocally an authoritarian tendency. Authoritarian governments concentrate the authority in one person or a small group of people and they disregard democratic institutions and rule of law which is precisely what Bush did during this time. The judicial branch exerted their own authority over the cases brought to their attention and the legislative branch attempted to impose their authority but was more than willing, in a number of instances, to relinquish power to the executive. It is understandable that the judicial and legislative branches may be more willing to compromise during times of crisis and conflict, however "judges do have the duty, even in times of crisis, to guard against an unprincipled and exorbitant executive response" (Steyn, 2004, p. 2).

Other than the suspension of habeas corpus for detainees, Bush also dramatically expanded surveillance of domestic and international threats by passing the Patriot Act in October 2001 (Steyn, 2004). Bush again sought congressional approval for his expansion of executive powers pertaining to surveillance, but the problem is that the bill passed by Congress and signed into law by Bush circumvented the Foreign Intelligence Surveillance Act of 1978 (Adler, 2006). This Act came to be as a result of the US government abusing people's right to privacy as a result of their efforts to contain national security threats (McAdams III, n.d.). Historically, just like Bush, many presidents have steadfastly and consistently claimed constitutional authority relating to the Article II of the Constitution as an excuse to impose draconian surveillance on both foreign and domestic subjects which has been directly refuted by court cases which

articulate that probable cause must be met previous to enacting surveillance (McAdams III, n.d.). This bill was again intended to constrain the seemingly limitless power perceived by presidents themselves particularly pertaining to issues of containing communism but extending to any matter regarding national security. Bush's Attorney General, Alberto Gonzalez, has asserted that as president, Bush has the authority to 'override' laws and treaties which is in clear violation of the Take Care Clause which promises that the president will faithfully execute the laws, not circumvent the laws (Adler, 2006). Bush's assertion of an executive override is a repugnant dismissal of his presidential responsibilities to uphold the laws of the United States and should not be overlooked. He is purposefully and successfully concentrating power in his own hands by characterizing every action as a necessary step in his fight against the War on Terror.

The Terrorist Surveillance Program, which allows the government to monitor electronic communications without warrants, could be viewed as an inherent expansion of governmental institutions because as technology advances and people become more cunning, it is necessary to adjust policy to adapt to the dynamic nature of national security (Gregg II, 2006). However, the allowance of the government to monitor without warrants is a direct violation of privacy rights and civil liberties and is in violation of a previously established surveillance act, which Bush is responsible for faithfully executing (Gregg II, 2006). The Authorization for Use of Military Force in both Iraq and Afghanistan did provide Bush the discretion to use military force against the enemy but it did not enable him with plenary power. Bush's assertion that his power in regards to the two wars is without limits is a flagrant usurpation of power that requires constraint. The Supreme Court upheld the Bush Administration's assertion pursuant to congressional

authorization, directing that the US government is well within its legal limits in regards to warrantless electronic surveillance (Meiers, 2010). Unfortunately for civil liberty and privacy advocates, the Supreme Court ruled that because the administration had received congressional approval, they were within their legal limits to monitor suspected terrorists. This was a blow to Americans' privacy rights because it allowed the government to temporarily monitor suspects without a warrant including phone calls, emails and other communications.

In another blow to privacy rights, in August of 2007, Congress passed and Bush signed into law the Protect America Act which further codified the administration's ability to wiretap and superseded the fundamental protections of the Foreign Intelligence Surveillance Act (Meiers, 2010). Not only did this bill expand governmental powers towards individual citizens, but it also imposed surveillance laws on telecommunications companies and banks. Specifically, it allowed the FBI to subpoena information from these companies without judicial approval and it also gave them retroactive immunity from the approximately forty lawsuits that had been filed against them by customers claiming they had violated their privacy by collaborating with federal agencies (Meiers, 2010). Bush was on an unrelenting rampage to contain and defeat the insurmountable issue of terrorists and was taking any marginally legal action to obtain this goal. Although the justifications for some of his actions were tenuous, the judicial process was long and tedious and even when the Supreme Court ruled against the administration, it often did not stop Bush from further circumventing their decision with another congressionally approved bill or implementation of a new state institution.

Relating to warrantless surveillance and suspension of habeas corpus, the major scandal of the Bush era and War on Terror was the prisoner abuse at both Guantanamo Bay in Cuba as well as Abu Ghraib prison near Baghdad. These abhorrent violations of human rights came to light as a result of leaked pictures and Supreme Court appeals for rights violations. The purpose of Guantanamo Bay Prison has changed throughout the over hundred years that the US has had jurisdiction over the land in Cuba, but “since January 11, 2002, Guantanamo has served as a joint military prison and interrogation camp under the leadership of Joint Task Force Guantanamo (JTF-GTMO) of the United States Navy base for suspected terrorists” (Maran, 2006, p.152). Similarly, Abu Ghraib was a prison from pre- Saddam Iraq that continued to function after his capture, with the exception that once the Americans seized control of the country, its main function was to hold ‘unlawful enemy combatants’.

The rule of law and humane treatment of all humans is what is supposed to demarcate the US and other Western democracies from authoritarians around the world. These principles are central tenets of our government system that we constantly promulgate, which are embedded in our Constitutions and these days in international law as well. The Bush administration contravened established law when they attempted to suspend the minimal human right of habeas corpus, and then crossed a perverse line when they authorized enhanced interrogation practices. Although euphemistically termed ‘enhanced interrogation’, this term truly just refers to the ways in which the government can circumvent the established means of obtaining information. The Bush memos authorized methods such as “sleep deprivation, slapping, waterboarding (simulated drowning), and subjecting prisoners to cold” which are rhetorically synonymous with

torture (Greg II, 2022, para. 35). There are multiple legal basis for the treatment of humans, one which comes from the US Constitution, and the other which comes from international law, specifically the Geneva Convention. Although international law does not supersede the Constitution, it does supplement it in these circumstances. The US constitution protects all persons, regardless of citizenship, from being deprived of life, liberty or property without due process of law (Cornell Law School, n.d.). These US laws protect human rights of all people and claim that citizens and non-citizens are indistinguishable in the eyes of the law when it comes to due process. This means that regardless of your status, you are inherently protected under the rule of law of the United States.

Considering the US has detained upwards of seven hundred detainees at Guantanamo Bay for indefinite amounts of time without charges, it is unequivocal that the US is breaking their own laws (Maran, 2006). Bush strategically put protections in place for his administration in anticipation of these charges, such as creating military tribunals that function differently than the US judicial system and classifying detainees differently (Gregg II, 2006). He even went so far as to claim that their classification as unlawful enemy combatants excludes them from protections under the Geneva Convention and that his authority under the Commander in Chief clause takes precedence over public law (Meiers, 2010). Bush and his lawyers played a constant game of semantics with the judiciary, Congress, the press and the public. Like a true authoritarian, Bush's Machiavellian policies and rhetoric were in a constant cycle of deceit, denial, and circumvention and rarely did he rectify his mistakes as president.

In late 2004, reprehensible photographic evidence of the abuse of Iraqi detainees by military personnel became public, depicting humiliated naked prisoners, who were sometimes cloaked or had their heads covered (Center for Public Integrity, 2008). Other images portrayed naked detainees forced to pile onto one another, or with a rope around their neck held at the end by an American soldier. This information became public just hours after a Bush Administration lawyer assured the Supreme Court that no prisoners were being mistreated or tortured at US controlled prison facilities (Amann, 2005). In the aftermath of the horrific release of the photos, the US government released reports that revealed disturbing truths about the extent of the abuse. President Bush asserted that the situation that had leaked from Abu Ghraib prison was an aberration and that it was simply due to the poor judgment by a few low level soldiers (Center for Public Integrity, 2008).

Internal army reports found that this was not a singular incident, in fact there were numerous incidents in which “kicking, punching, and other physical abuse, coerced masturbation and other sexual humiliation, forced nudity, and the use of unmuzzled dogs as weapons of intimidation” were used against detainees (Amann, 2005, p. 2092). Evidence suggests that this was not an isolated incident of abuse, instead it was actually systematic. It turns out that this behavior was not isolated to Abu Ghraib and that the lower level soldiers were told by senior officers to treat detainees poorly, and to use the model of Guantanamo Bay (Maran, 2006). Reports released by the FBI under the Freedom of Information Act show that senior officers at Guantanamo Bay successfully extracted confessions using a system of torture and rewards (Maran, 2006). This evidence suggests that Guantanamo Bay had set a precedent which military leadership was fully

aware of and that they were then encouraging their subordinates to use the same fear, humiliation and degradation practices at Abu Ghraib. Officers were lauded for their use of enhanced interrogation to successfully extract information from prisoners, completely dehumanizing them and disregarding their inherent human rights.

Vice President Dick Cheney asserted that accused terrorists “don’t deserve the same guarantees and safeguards that would be used for an American citizen going through the normal judicial process” (Amann, 2005, pp. 2122-2123). In addition, President Bush purportedly forbade torture, however contemporaneous confidential legal memoranda determined that some cruel and humiliating treatment would not violate US torture laws (Amann, 2005). In a scathing condemnation of the impotence of the US in the realm of Guantanamo Bay, a UN report cites the practice of torture at the facility and highlights the failures of the American judicial system and violations of human rights (Special Procedures of the Human Rights Council, 2022). It is evident that President Bush strategically utilized Guantanamo Bay because of its geographical location, a location which although is under US jurisdiction, is not on US soil which the Administration thought would be a strong enough defense for depriving detainees of their inherent rights under the Constitution (Masters, 2022). Even if Bush did explicitly instruct the military to treat prisoners humanely, he positioned them at Guantanamo Bay in order to deprive them of American rights. He then also asserted that because they were ‘unlawful enemy combatants’ and not prisoners of war, they also were not privileged to the rights accorded by the Geneva Convention, although the US Supreme Court issued an opinion opposing his claims (Masters, 2022).

In addition to these tactics being used by the military, the CIA also utilized the same strategies but perhaps more surreptitiously, which is essentially their specialty. Using a policy called rendition, “the CIA transferred prisoners to secret locations around the world that were outside the U.S. legal system to try to extract information about future terrorist attacks and the al Qaeda network” (Greg II, 2022, para. 37). Black sites are “a network of covert prisons... established by the Central Intelligence Agency in eight countries”, which were used for the highest ranking and highest risk detainees in order to extract information on other operatives, planned terrorist attacks and salient locations (Giroux, 2006, p. 100). The CIA ostensibly developed enhanced interrogation techniques shortly after the invasion of Iraq in March 2003, by working with psychologists from top military schools to develop strategies including waterboarding, sleep deprivation and stress positions (Masters, 2022).

As noted earlier, the CIA reports directly to the president of the United States, so even if the CIA director did not explicitly seek approval for these techniques, President Bush tacitly agreed to them because he specifically oversees their operations. It is irrefutable that the CIA would seek the consultation of military psychologists without the approval of the President. These tactics were used for at least three years at these so called ‘black sites’ until they were finally shut down and then in 2009, were banned by President Obama in 2009 (Masters, 2022). Rendition was not a new tactic, as it had been used during the Reagan and Clinton years, however it had never been used to the extent that it did with the enhanced interrogation tactics under the Bush presidency (Gregg II, 2006). Former CIA director of the counter-terrorist branch purportedly told a congressional intelligence committee that “All you need to know: there was a before

9/11, and there was an after 9/11 ... After 9/11 the gloves came off” (Steyn, 2004, p. 8).

The blatant disregard for any standards due to the conflictual national security standing is antithetical to American democracy. Ethical standards should be perpetually upheld if anything, to separate a democratic society from anarchic and immoral terrorist groups.

Bush’s usurpations of power were a direct result of his engagement with the War on Terror. President Bush’s “regime exhibited such extreme modes of governance in its embrace of an imperial presidency, its violation of domestic and international law, and its disdain for human rights and democratic values that it was hard not to view such anti-democratic policies as part of a pervasive shift toward a hidden order of authoritarian politics” (Giroux, 2011, p. 416). Although he sought and was granted congressional approval for both the war in Afghanistan and Iraq, he continuously cited his executive authority and the Commander in Chief clause of the Constitution as justification for his actions. He claimed that although congressional approval showed the solidarity in America surrounding the War on Terror, it was simply a bureaucratic norm that he followed and that he was not constitutionally bound to receiving approval in order to justify the executive protecting the country.

Bush’s jingoistic foreign policy tactics led to the longest war in American history, failed to implement important infrastructural development in the war torn countries and the power vacuums and chaos that replaced the former dictatorships aided in the uprising of more insurgent militant jihadist groups. Bush attempted, at every opportunity, to circumvent both US and international law, carefully passing new laws and executive directives which anticipated legal pushback. His transparent disregard for inherent human rights and US laws conveys his desire to win the War on Terror by any means possible.

Although the US Supreme Court and Congress exerted their constitutional powers against Bush's usurpations in some instances, there was an intense rally around the flag effect during the War on Terror and thus Bush experienced an immense amount of solidarity. Bush's actions while president include rejection of democratic rules of the game, toleration or encouragement of violence, and readiness to curtail civil liberties of opponents. His actions as president absolutely amount to authoritarian tendencies according to Levitsky and Ziblatt's (2018) definition. Bush enjoyed a unified government for most of his tenure as president, which ultimately allowed him to obtain congressional approval for many of his decisions during the wars, regardless of the constitutionality of those decisions.

Barack H. Obama

Barack Obama was the very first African American to hold the office of the president, therefore his 2008 election was anomalous and long overdue. It is anachronistic and disconcerting to have only ever had caucasian men as the president of the longest standing democracy in the world, so when Obama was elected, there was a newly found exuberance among the electorate. People had an expectation and hope that President Obama would undue some of the inhumane and questionably legal actions of his predecessor. Obama did take action against some of the questionable policies implemented by Bush such as to ban 'enhanced interrogation tactics', the use of confessions and information obtained through torture, and he also ordered that Guantanamo Bay be closed within a year of his assuming the presidency, although the latter was less than successful (Masters, 2022). Despite the fact that Obama worked to dismantle some of the most authoritarian policies of the Bush presidency, he openly

endorsed others that were just as repugnant. Although he originally suspended the use of military commissions, he eventually reinstated their use, extended the Patriot Act further violating Americans' civil liberties, concurred with the use of indefinite detention of war prisoners, and expanded Bush's two wars (Giroux, 2011).

Obama's counterterrorism strategy revolves around a technologically advanced system of airstrikes using drones or unmanned aerial vehicles (UAVs) typically controlled by CIA operatives. Obama's "embrace of a drones-first counterterrorism policy" was the strategy that would define his decisions against the War on Terror (Boyle, 2013, p. 1). It would define him as a "president who has dramatically expanded the executive branch's ability to wage high-tech clandestine war" (Rhode, 2012, para. 2). Obama's focus on using drones instead of piloted aircraft exhibits empathy for the American soldiers who may be damaged, whether physically or psychologically, however it fails to take into consideration the civilians that may be affected as collateral damage. President Obama insists that drones are advantageous because they are so precise and he asserts that because of this they do not cause a huge number of civilian casualties (Rhode, 2012). Obama's rhetoric is vague and open to interpretation, most likely purposefully. The number of civilians that may be killed in drone strikes could be any number according to his assertions and there is no quantifiable number of civilians that is justified by the administration if it means killing al-Qaeda or ISIS operatives.

In the first four years of his presidency, President Obama signed off on over four hundred drone strikes in comparison to President Bush's fifty during his entire presidency (Byman, 2013). One could argue that the dramatic increase in the use of drones is due to the advancement of technology and that Obama decided to use them due to their

enhanced precision, however the civilian casualties tell a different story. There has been little transparency from the US government regarding drone strike casualties so the estimates between organizations range substantially. For example, one report indicates that in Pakistan between 2004 and 2010, approximately one third of drone strike casualties were civilians but another that cites casualties at just under 9% (Ofek, 2010). Another has determined that between 2004 and 2007 in Pakistan, civilians constituted approximately 50% of casualties, but that number dropped to only 1% in 2011 (Boyle, 2013). Estimates vary widely due to the inability of governments and organizations to verify numbers accurately as well as the interests of the parties involved.

Terrorist groups cite more civilian casualties in an attempt to increase anti-American sentiment while the US government has more of an incentive to report lower numbers. The US government purportedly also considers all military age males in a strike zone as militants, without doing further research, solely along the lines of guilt by association (Boyle, 2013). Although a comprehensive account of the number of civilian casualties has not been made available to the public, there has been enough backlash to push for changes in drone policy. After backlash from the American public and abroad in 2011, the Obama administration “implemented a ‘near certainty’ standard of no civilian casualties during strikes in undeclared theaters of operations” with the intention of reducing collateral damage (Kreps et al., 2022, para. 4).

Although Obama was willing to change his policy in order to reduce casualties, the administration is still unwilling to release any official numbers, numbers which would probably be astonishing. Lack of transparency is a typical characteristic of an authoritarian regime. Obama’s official government website promotes the idea of

transparency very explicitly by stating that “transparency promotes accountability and provides information for citizens about what their Government is doing” as well as the fact that his administration intends to “take appropriate action, consistent with law and policy, to disclose information rapidly in forms that the public can readily find and use” (National Archives and Records Administration, n.d., para. 2). President Obama juxtaposes this assertion of the necessity of government transparency with the opposing idea that in deciding what information to divulge, he must be cognizant of the balance between transparency and national security (President Obama on Transparency, 2009). The issue with this discrepancy is that releasing information on the number of civilian casualties does not impede national security and if the numbers truly are as low as the administration claims, then the release of information would only alleviate the public outcry and put an end to the backlash.

Furthermore, the use of drones is commonly considered to be a violation of state sovereignty, which US presidents have clearly struggled with respecting for a long time. In fact, “criticism from non-governmental and international organizations, such as Amnesty International and the United Nations, peaked during Obama’s first term in office due to his expansion of strikes” (Kreps et al., 2022, para. 7). Although Obama is not usurping power from the US Constitution in this case, he is in fact disregarding and relegating the power of sovereign governments within their own borders. The international community cannot be expected to sanction this behavior as the US would never accept foreign intervention in their airspace and reciprocity is expected in order to continue cooperation. This violation is justified within the scope of counterterrorism

because the governments in question are not doing their part to counter terrorists within their borders, necessitating unilateral force by the US (Rhode, 2012).

Similarly to many of his predecessors, Obama also exceeded his executive powers in the realm of war powers when he ordered military forces to Libya in 2011. When the Arab Spring began to take hold in Libya in early 2011, pro-democracy protesters faced brutality from the Libyan dictator Muammar al-Qaddafi (Kuperman, 2015). Two days after the UN Security Council passed a resolution condemning the Libyan dictator, President Obama authorized the use of military force to establish a no-fly zone in Libyan airspace and to start bombing Qaddafi's military (Kuperman, 2015). Again, a US president cited approval by the UN Security Council, which consists of some countries who are our adversaries, in order to justify using military force in another sovereign country. After three months of intervention, the Obama administration had still failed to seek congressional approval and asserted that they did not require approval because the US was only playing a supporting role in the intervention (Wilson, 2011).

The Obama administration released a report to Congress addressing their justification for entering into Libya upon the UN Security Council resolution the same day that a bipartisan group of lawmakers filed a lawsuit challenging the administration's decision to enter Libya in order to attempt to end US participation in the conflict (Wilson, 2011). The suit was later dismissed by a district judge on the grounds that the lawmakers had not exerted their legislative means to attempt to reclaim their constitutional power to initiate the US forces into hostilities (Gerstein, 2011). During most of Obama's presidency, the government was divided, and it seems in this case that there was support on both sides of the aisle to constrain the presidents' power.

The report by the administration, on the other hand, cites the United Nations Security Council Resolution 1970 which condemns the human rights violations, encourages members to facilitate humanitarian assistance, condemns the violence against civilians and encourages member states to implement a no fly zone in Libya airspace (Krass, 2011). The resolution did not, however, authorize the use of force by member nations against the regime, it only authorized the use of force to protect civilians (Krass, 2011). The Obama administration claims that the intervention was intended to save the lives of peaceful, pro-democracy protesters who are now victims of Qaddafi's brutal dictatorial backlash (Glass, 2019). However, upon further analysis, it is clear that many of the protestors were actually themselves violent militants, some of whom may have been affiliated with al-Qaeda which Qaddafi had been fighting actively against for years (Kuperman, 2015).

The intended conciliatory report released by the administration also noted that the "military operations in Libya...were limited in their nature, scope, and duration", that President Obama was well within his legal constitutional limits by safeguarding the national interest and that due to these factors he did not require prior congressional authorization (Krass, 2011, p. 6). Due to the fact that there were no active American boots on the ground, and that the US was simply aiding in the mission, the administration decided that the War Powers Resolution did not apply to this conflict. "But Obama, a former lecturer in constitutional law, came to office pledging a strict adherence to the rule of law, which he accused the George W. Bush administration of violating" time and again (Wilson, 2011, para. 22). Considering Obama's qualifications as a graduate of Harvard Law School and a former constitutional lecturer, you would expect him to adhere to the

strictest interpretation of the law; however this is not always what benefits the executive. Obama's unilateral decision to participate in Libya is a glaring and intentional violation of the War Powers Resolution as well as the executive powers granted by the US Constitution.

The administration would be wise to respect the parameters of the War Powers Resolution which states that "a president has 60 days from the start of military operations to obtain congressional authorization or withdraw forces from the fight" (Wilson, 2011, para. 12). Regardless of the explicit rhetoric of the Resolution, it becomes inconsequential if Congress is unwilling to impose their constitutional powers to constrain the president. During this time, Republicans dominated the House and therefore could have initiated the legislative process to reign in Obama's usurpation of war powers, probably with some bi-partisan support (Party Government Since 1857, n.d.). The United States implemented a no fly zone, armed and trained rebels fighting against Qaddafi, engaged in airstrikes and provided support to other NATO members during their operations in Libya (Kuperman, 2015; Wilson, 2011). Although there were never American soldiers involved in combat, the US played a large role in the overthrow of the Libyan leader.

Ultimately, with the help of the US, the uprising did lead to Qaddafi's ousting and very brutal execution by rebel forces (Kuperman, 2015). However, the operation had unforeseen consequences that haunted President Obama's legacy. After Qaddafi's death, the country fell into chaos with terrorist insurgents like al-Qaeda, ISIS, and Ansar al-Sharia using the conflict ridden country as a stronghold for their organizations (Kuperman, 2015). The country fell into civil war and was considered a failed state due

to rival militia groups fighting over control of parliament (BBC News, 2016). President Obama did acknowledge the aftermath of the Libyan intervention as the worst mistake of his presidency due to the chaos that broke out as a result of Qaddafi being executed (BBC News, 2016). Another complaint of the ramifications of the intervention is the vast arsenal of weapons that have proliferated throughout the Middle East and Africa as a result of Qaddafi's downfall (Kuperman, 2015). These kinds of considerations are exactly the reason why Congress should be involved in decision making in the arena of engaging in hostilities because the release of technologically advanced, powerful weapons in the hands of terrorist organizations goes directly against the interests of the United States.

The lesson to be learned from the Libyan Civil War is similar to that of Iraq and Afghanistan; war is very complex, it is dynamic and it is destructive beyond what one person can imagine. Obama's usurpation of war powers in this context led to the destruction of a country which may have had a chance if they had let nature take its course and allowed Qaddafi to die of old age and allowed his much less dictatorial son to take over. The decision to engage in hostilities should never be decided unilaterally, and Congress should reaffirm their war powers by constraining the executive and holding the executive accountable if they authorize constitutionally illegitimate wars. Obama's authoritarian tendencies, even if minor, had a reverberating effect on the entire world. Obama's actions during presidents fall into the rejection of democratic rules of the game and the readiness to curtail civil liberties of opponents. The divided government that Obama had to work with for most of his tenure should have constrained more of his authoritarian tendencies in order to protect the world from the reverberating effects of his actions.

Donald J. Trump

Very few people ever expected Donald Trump to actually become the President of the United States. He ran against former President Bill Clinton's wife, Hillary Clinton, who had previously been Secretary of State, First Lady, a senator and a lawyer. She was unequivocally more qualified to become president than Donald Trump, despite the hostility that much of the US felt towards her. Donald Trump, who had been a businessman and a reality TV star prior to his candidacy for president, had no prior political experience. Predictions of Trumps' chances of winning by legitimate political forecasters ranged as low as 100 to 1 odds and as high as less than twenty percent, even after his poll leads indicated that he was ahead of Clinton (Levitsky & Ziblatt, 2018). Ultimately, in a manner similar to George W. Bush, Donald Trump won with more electoral college votes but less popular votes than Hillary Clinton. His authoritarian tendencies began as soon as he stepped foot into the Oval Office. Whether this was due to Trump's evident inexperience or his inherent personality traits is unknown, but what is understood by political scientists and scholars is that his term in office was one of unprecedented actions by a US president. Trump is often juxtaposed next to authoritarians like Vladimir Putin, whom Trump has always been drawn to, and studies have found that the most salient predictor for support of Donald Trump is a disposition towards authoritarianism (Kamarck, 2021; MacWilliams, 2020).

What is generally agreed upon about Donald Trump by scholars is the fact that he has "no experience in public office, little observable commitment to constitutional rights, and clear authoritarian tendencies" (Levitsky & Ziblatt, 2018, p. 2). President number forty five was in a ball park all on his own from the beginning of his presidency starting

with the investigation into Russian meddling into the election that brought him to the presidency, to inciting the insurrection that tainted his last few weeks in office. Donald Trump is the embodiment of Levitsky & Ziblatt's (2018) key characteristics of authoritarianism in that he refused to accept the outcome of a free and fair election which he lost, he denies the legitimacy of Hillary Clinton and equates her to a criminal who should be locked up, he has openly encouraged the use of violence against protestors and he consistently disparages the democratic institution of free media. Although some other presidents may have embodied a few of Levitsky and Ziblatt's (2018) key characteristics, none of Trump's predecessors showed propensities for all four of the key indicators of authoritarianism. Adam Schiff, a California Representative, explains Trump's tendencies quite concisely when he says that Trump is "an American president who lavished praise on dictators, alienated our closest allies, disparaged minorities, denigrated women, attacked the rule of law and our democratic institutions, lined his pockets with the fruits of his office, and colluded with a foreign adversary to undermine our election" (Schiff, 2021, p. 160).

First, it is important to point out that Trump is the quintessential populist president who uses demagoguery strategically and frequently to his benefit. "When populists win elections, they often assault democratic institutions" (Levitsky & Ziblatt, 2018, p. 22). This tendency relates to Trump's constant disparagement of democratic institutions which include the media, the judiciary, and Congress (and long time congressional leaders in particular). He is well known for his popular campaign saying of 'draining the swamp' meaning that he is anti-establishment and anti-elitist, and insinuates that from the beginning he intended to remove institutional relics and lifelong public

servants from politics. Populists have a tendency to exclude ‘others’ from the national narrative and Trump fell right in line with his party’s established anti-immigration stance (Schroeder, 2018).

Trump’s constant disparagement of the democratic institution of free press began with his assertion that any negative coverage of his presidency was ‘fake news’. He extended this by threatening to cancel broadcast licenses, and he has even issued a cease and desist to a journalist who wrote an unsavory book about him. About a month after Trump took office, a couple mainstream media networks published articles reporting that Trump had a few irritable discussions with other world leaders about the refugee crisis and when he read that they had depicted him in a negative light, he “suggested that reporters needed to go to jail” (Rucker & Leonnig, 2021, p. 31). Free media is unequivocally one of the most important principles of a strong democracy and in many authoritarian states, journalists commonly go to jail for their reporting. In fact, in 2021 a new record was set for the highest number of journalists being detained for their work, with the highest numbers being imprisoned in China and Myanmar, two non-democratic regimes (Getz, 2021). These authoritarian dictatorships are absolutely not the countries we want to model ourselves after.

When discussing his policies relating to the COVID pandemic in March of 2020, Trump went off on a rant to Bob Woodward, the same journalist who outed Nixon during Watergate, claiming that “there’s a lot of really fake news out”, referring, of course, to negative coverage of his COVID response (Woodward, 2020, p. 294). Trump’s response displays his detestation for any kind of negative coverage, believing that it must be fake if it doesn’t follow his narrative. When Trump asserted that NBC News’ broadcast license

should be revoked as a result of their coverage of him, members of Congress and other First Amendment advocates came to their aid condemning the presidents' comments that clearly violate the Constitution (Rafferty, 2017). Before Michael Wolff published his best selling book *Fire and Fury*, at the direction of Trump, his lawyer sent Wolff a cease and desist in an attempt to halt the publication of the unfavorable book, to which the publishers refused (Siemaszko, 2018). Not only is Trump's order a threat to the publishing company, it is a flagrant violation of the constitutional right to freedom of the press. It is surprising that his lawyer even sent the order considering it goes directly against one of the central tenets of our democracy. Lastly, Trump consistently encouraged and gleefully tweeted about violence towards journalists. At a September 2020 campaign rally while discussing a reporter who had been hit by rubber bullets while covering his campaign, Trump excitedly exclaimed "They grabbed a guy — 'I'm a reporter! I'm a reporter!' — 'Get out of here!' They threw him aside like a bag of popcorn. But honestly, when you watch the crap we've all had to take ... it's actually a beautiful sight" (Al-Arshani, 2020, para. 2). Trump's rhetoric towards violence is what you'd expect of an openly authoritarian leader, not what one would expect of the leader of the free world. His blatant disregard for human rights and free speech is antithetical to what the Framers of the Constitution foresaw in American leadership.

This leads to one of Trumps' most common tendencies; the anti-democratic characteristic of gleefully encouraging violence. In another explosive report, Trump supported Governor Greg Gianforte's recent physical assault of a journalist stating "Any guy that can do a body slam, he is my type!" (McGraw, 2018, para. 4). After a reporter pushed Gianforte for a response to a contentious question, Gianforte snapped and

attacked him, leading to a misdemeanor assault charge against the incumbent governor. There is absolutely no excuse for the president of the most powerful democratic country in the world to promote violence against anybody. The reporter was simply exercising their first amendment right of freedom of the press which should never be met with violence in a democratic country.

In another incident, while acknowledging protests that turned into riots that broke out as a result of George Floyd's death, Trump tweeted "any difficulty and we will assume control but, when the looting starts, the shooting starts" (Eubanks, 2020, para. 2). Trump's blatant threats to use force against rioters shows his complete disregard for the rule of law. He is clearly glorifying violence as an effective tool to be used against his own people which is typical of authoritarian leaders, not democratic leaders. Additionally, the history of the phrase has its roots in the civil rights era when a police chief used it to quell 'hoodlums' and asserted that they (his police force) "don't mind being accused of police brutality" (Eubanks, 2020, para. 7). It is no accident that Trump uses this clearly racial connotation, although he denies being privy to the historical origins. He also came out shortly afterwards and offered an explanation for his tweet, saying that he condemns violence and twisting his words in a way that offers a less problematic intention, although Twitter did flag the statement for encouraging violence (Eubanks, 2020).

After an antifa supporter who was suspected of murder was shot and killed by the US Marshal's service, President Trump celebrated the extrajudicial killing as though circumventing due process by a US institution is an act to be proud of (Dickinson, 2020). To a crowd of cheering MAGA supporters at a rally in North Carolina, Trump gleefully

said “we got him. They knew who he was. They didn’t want to arrest him, and 15 minutes, that ended” before he equated the killing to retribution for what the deceased had purportedly done (Dickinson, 2020, para. 2). Trump’s overt excitement over the use of force against those who he views as opponents (antifa and anybody on the left) is chilling and unsettling. His continued enthusiasm spreads the message that the US is not built on the foundation of rule of law and innocence until proven guilty but instead upon retaliation and assumptions. The ‘law and order’ president has influence over millions of Americans and his choice of words are very powerful, with significant consequences.

Trump’s authoritarian tendencies in the realm of the rejection of democratic rules include two associated topics: the destruction of presidential records as well as the unlawful possession of government records. These topics relate to the Presidential Recordings Act of 1978 which stipulates that starting with the Reagan Administration, all presidential records belong to the public and are no longer private property of the president and therefore must be transferred to the National Archives at the end of each president’s term (Presidential Records Act of 1978, 2021). This law was the result of the Watergate scandal when Congress was nervous that Nixon would destroy important records before they could be sifted through. The resulting legislation applied only to Nixon but the overarching legislation that passed shortly after applies to all administrations starting with Reagan (Myre & Davis, 2022).

The controversy involving Trump starts with his purported tendency to rip documents up when he is finished with them, sometimes flushing them down the toilet, resulting in aides needing to paste them back together in order to retain records properly, per the Presidential Records Act of 1978 (Karni, 2018). Referred to by White House Aids

as Trumps' 'unofficial filing system', those who worked closely on these projects asserted that Trump would sometimes rip documents simply in half, and others he would rip into tiny pieces like confetti, sometimes putting them in the trash and other times even flushing them down the toilet (Karni, 2018; Myre & Davis, 2022). Trump's defiance of even the lowest expectation of the president to simply retain his records and respect the public's access to information was indicative of his entire presidency. His lack of political experience led him to believe that because he was the president of the United States, he was constitutionally granted omnipotent power: "I just want to do it. I'm the president. Can't I do it?" (Rucker & Leonnig, 2021, p. 48). An August 2022 Department of Justice filing corroborates the finding that former President Trump did in fact, tear up presidential records which then needed to be taped back together in order to be archived (Gonzalez & Bratt, 2022).

The Presidential Records Act of 1978 "tasked the National Archives and Records Administration with collecting, preserving, archiving and sharing" presidential records so Trump's blatant disregard for this law by destroying documents during his presidency shows his animosity towards the idea that the president is held to the rule of law (Chervinsky, 2022, para. 2). Trump's staff worked tirelessly to rectify his many violations of the Presidential Records Act of 1978 by taping torn documents for systematic cataloging but they could not aid him after he left office. Not only did he constantly violate this law during his presidency, but he continued to disregard the law after he left office. In early August 2022, the FBI raided Trump's Mar a Lago residence and confiscated boxes of presidential records that had not been turned over to the National Archives, per the Presidential Records Act. This development shocked much of

the public, but legal filings show that this move was actually the climax of a months-long investigation into the former president's conduct regarding presidential records (Colvin & Whitehurst, 2022).

According to a Department of Justice filing at the end of August 2022, the National Archives and Records Administration recovered fifteen boxes of records from the former presidents' residence at Mar a Lago in January of 2022 (Gonzalez & Bratt, 2022). Throughout 2021, the National Archives and Records Administration had been in contact with the former president's staff in order to execute the voluntary return of these records. After the boxes returned to the National Archives and Records Administration by the former president turned out to include many highly classified documents and were "unfolded, intermixed with other records, and otherwise improperly (sic) identified", the FBI launched a criminal investigation (Colvin & Whitehurst, 2022, para. 11). In May of 2022, a grand jury subpoena was issued by the Department of Justice for "[a]ny and all documents or writings in the custody or control of Donald J. Trump and/or the Office of Donald J. Trump bearing classification markings" as well as a "sworn certification that the documents represent all responsive records" (Gonzalez & Bratt, 2022, p. 3). Eventually, after the DOJ granted an extension to Trump's counsel, the FBI recovered a single Redweld envelope containing 38 classified document as well as a signed certification of the comprehensive nature of the envelope and entered the room where these documents were kept, but were explicitly prohibited from doing any additional searches (Gonzalez & Bratt, 2022).

New information now indicates that President Trump was in defiance both before and after the subpoena. A former Mar a Lago employee has recently told the DOJ that

President Trump directed her to move boxes of classified documents while the federal investigation was already ongoing, with video footage that corroborates this claim now in the hands of the DOJ (Triay & Legare, 2022). After further investigation by the DOJ illustrated that even more records remained missing, they issued a search warrant for Mar a Lago, with probable cause that the Trump team had obstructed justice as a result of their sworn certification that all documents had been handed over previously (Colvin & Whitehurst, 2022). Jason R. Baron, a former director of litigation at the National Archives, asserts that presidents do not have any right to take documents with them after they leave office and thus, the confiscation of presidential records from the former presidents' residence is an "extraordinary circumstance" (Myre & Davis, 2022).

The execution of the search warrant resulted in the FBI confiscating another 33 boxes of content, 13 of which contained classified information, and some of which were indiscriminately being stored in office desks instead of in a protected and official manner (Gonzalez & Bratt, 2022). The results of the search warrant unequivocally prove that the certification provided by Trump's legal team after the subpoena was categorically misleading. The former presidents' team had sworn that the documents handed over in the Redweld envelope after the subpoena were the result of an exhaustive search for records that rightly belong to the National Archives, which was flagrantly false. The investigation is currently ongoing and more recently Trump has asked the Supreme Court to allow a special master to review documents confiscated in the search. One of the main crimes that the DOJ are alleging Trump committed are related to the Espionage Act, including "mishandling of government and national security documents" and "storing classified materials in unauthorized locations" (Durkee, 2022, para. 5). Trump has denied

any wrongdoing, contends that the FBI planted evidence at Mar a Lago and claims that he had declassified all of the documents in his possession, an assertion that has been met with skepticism by US District Judge Raymond Dearie (Durkee, 2022).

On October 13, 2022, the Supreme Court denied Trump's request to overturn the 11th US Circuit Appeals decision barring the special master from reviewing classified documents with no dissent among the justices (Maran, 2022). Although the Supreme Court consists of three Trump appointed justices, they asserted their non-partisan power in solidarity with the Justice Department. The separation of powers is a fundamental aspect of our democratic system and if the Supreme Court ruled in favor of presidents who appointed them every time, we would be in a particularly precarious position resembling an authoritarian regime. Trump's blatant violations of US laws, his intransigence regarding investigations and his continued disparagement of US institutions like the Justice Department are just a few examples of his authoritarian personality. His decision to take presidential records to his private residence after the end of his administration may have been the result of his denial of the results of the 2020 election.

Free and fair elections are a cornerstone of democratic rule. Donald Trump was confident that he would win the 2020 election. He believed that he had done an incredible job as president and that the only way that he could lose to Joe Biden would be if the election was not free and fair- in essence, he claimed that the only way that he would possibly lose would be if the election were rigged against him. Trump characteristically disseminated this theory to his followers, in clear anticipation for his loss. In June, Trump tweeted that mail in ballots from other countries will likely be to blame if he does not win (Woodward & Costa, 2021). Trump has a particularly strong disdain for mail in ballots,

as democratic voters tend to be the overwhelming demographic who use them. In August at the Republican National Convention, Trump more generally declared that the only way he would lose would be if the election was rigged to allow his defeat (Woodward & Costa, 2021). Trump had been anticipating and preparing for his loss against Joe Biden by using incendiary rhetoric precisely so that he could ‘prove’ to his constituents that he had been cheated. He knew that his extreme supporters would take these assertions as truth; distort, misconstrue and disseminate his message as gospel, and inflame those most predisposed to conspiracy theories.

On the night of the election, Trump continued his castigation of the American electoral system when late absentee ballots started to close the gap between he and Joe Biden tweeting that democrats were stealing the election from him (Schiff, 2021). On November 7, most networks had declared Joe Biden the winner of the election and the Cybersecurity and Infrastructure Security Agency (CISA) director Chris Krebs insisted that the 2020 presidential election “was the most secure election in American history” with no evidence of widespread voter fraud despite Trump’s many claims otherwise ((Schiff, 2021, p. 450). Trump had made baseless and absurd claims of ‘ballot dumps’, out of state voters, rigged voting machines, dead people voting; anything to deny his loss to Joe Biden (Karl, 2021; Schiff, 2021). In the immediate aftermath of the election, Trump utilized any viable option, no matter how legally untenable, as he continued to disparage the legitimacy and transparency of the election. First, Trump put his Justice Department on the task of investigating voter fraud which ultimately led to his Attorney General, William Barr finding no evidence that would suggest widespread fraud that would have led to a different outcome in the election (Woodward & Costa, 2021). Even

after every single US state had certified the results of the 2020 election by the December 14 deadline, Trump was not giving up his fight to overturn the election.

Next, Trump's attorneys, including sycophants like Rudy Giuliani and Sidney Powell, lambasted the electoral system and filed dozens of lawsuits in numerous swing states such as Pennsylvania, Michigan, Georgia, Nevada, Wisconsin and Arizona. Trump met with election officials, Republican leaders and asked judges to disenfranchise millions of American voters in his quest to overturn the election results. After meeting with Republican leaders from Michigan who denied his proposal to nullify the results, a federal court in Pennsylvania shot down his lawsuit claiming that the plaintiff had not "come formidably armed with compelling legal arguments and factual proof of rampant corruption" (Karl, 2021, p. 208). Trump was running out of options but he was persistent in his pursuit to find anybody willing to risk their integrity to back his claims.

In a last ditch effort to overturn the results of Georgia, Michigan, Pennsylvania, and Wisconsin, the Texas Attorney General Ken Paxton filed a lawsuit with the Supreme Court to challenge the sixty two electoral votes going to Joe Biden (Karl, 2021). Michigan's AG blatantly disregarded the motion as an absurd attempt to impose Texas politicians' wishes over the electorate of his state but that did not stop Republican AGs from seventeen states from joining the lawsuit. They then extended this egregious act to Members of the House and Senate, proposing that the president was "anxiously awaiting the final list to review" (Karl, 2021, p. 215). The threat from Trump was strikingly clear; side with him or become an enemy who he will denigrate at any opportunity. The lawsuit was a litmus test for loyalty and Trump unequivocally values loyalty over integrity. The Supreme Court rejected Paxton's lawsuit with no dissent even from the Trump appointed

justices (Karl, 2021). In total, Trump's team lost over 60 lawsuits regarding his election lies, including many that were decided by Trump appointed judges (Woodward & Costa, 2021).

On January 2, 2021, the former president called Brad Raffensperger, the Georgia Secretary of State and purportedly told him that "I just want you to find 11,780 votes, which is one more than we have, because we won that state" (Raffensperger, 2021, p. 191). Raffensperger unabashedly objected to the president's request and assertion that he had won the state of Georgia. Raffensperger's integrous actions were particularly remarkable considering he was a supporter of the former president. After being told by the Supreme Court, elections officials, state legislators and even his own Attorney General that his allegations had no evidence or legal standing, Trump was still desperate to find a way to disregard millions of legal votes in order to preserve his ego and prove that he had not lost.

As the day that Congress certified the official electoral votes drew closer, Trump became more irate, emboldened and convinced that his vice president had the power to throw out electoral votes from states he had lost. After Trump's delusional attempts to overturn a free and fair election, many of his staffers had quit in order to distance themselves ahead of what was expected to be a messy transition. Trump had insisted since before the election that he was not likely to concede power peacefully and his actions since the election results proved that he was not going to transfer power easily to Joe Biden. "Get rid of the ballots and you'll have a very peaceful -there won't be a transfer, frankly. There will be a continuation" (Schiff, 2021, p. 448). Donald Trump's inability to accept the results of an undeniably free and fair election, as well as the fact

that he was intransigent about the possibility that he could lose and that even if he did, his dogmatic character would lead him to fight with every available resource is a threat to our democracy. The peaceful transition of power and the acceptance of defeat is fundamental to a healthy democracy.

Trump's stubborn attitude and inflammatory rhetoric had in the past fomented violence, encouraged extrajudicial plots against dissenters, and threatened the lives of many of his political adversaries. One plot involved the kidnapping of the Michigan governor by a group who had recently broken into the state house of representatives with nooses, swastikas, and semi automatic rifles chanting 'Lock her up', the well known campaign chant that Trump had successfully associated with his rival, Hillary Clinton. The plot involved the use of molotov cocktails, shrapnel bombs and stalking her at her home and work before kidnapping her in order to 'try' her extrajudicially (Schiff, 2021). Luckily, law enforcement averted this plot before anybody got hurt but instead of Trump simply condemning the domestic terrorists, he continued to denigrate a woman whose life was in danger saying that she was incompetent in her job, as if she was deserving of the threats of violence against her (Schiff, 2021). After Trump had initiated his coup attempt through every means possible, his followers had become enraged and election officials were experiencing "death threats, physical threats, intimidation" (Schiff, 2021, p. 451). This behavior was ubiquitous throughout the country with anybody who was not a MAGA supporter being targeted for doing their job with integrity and honesty. It turns out that Trump was only getting started with his incendiary and sometimes tacit instructions to his constituents.

As January 6 approached, and only Trump's most obsequious and sycophantic followers remained in his circle, Rudy Giuliani had found another avenue to keep Trump in the White House. He insisted that "there is no question, none at all, that the VP can do this. That's a fact. The Constitution gives him the authority not to certify. It goes back to the state legislatures" (Wolff, 2021, p. 98). Giuliani's assertion that Mike Pence could constitutionally overturn the election in his president's favor is undoubtedly incorrect and futile. As a lawyer, Giuliani knows that the attempt by a vice president to overturn the election in his own favor would undeniably be challenged and denied. Trump's legal team argued that Thomas Jefferson had done so in the 1800 election however upon further analysis of the Georgia archives, it is absurd to assert that he unilaterally decided the outcome of the election (Karl, 2021). After the 1800 election, Congress reasserted the ceremonial role of the vice president in the counting of the ballots when they passed the Twelfth Amendment and was again clarified in the Electoral Count Act of 1887 which allows Congress to settle disputes over competing electoral votes (Karl, 2021).

As another Trump lawyer, John Eastman, prepared an alternative slate of electors for contested states, Trump focused his attention on pressuring Pence to which Pence continued to explain to him that his role was purely ceremonial (Karl, 2021). Unlike Trump, Pence was a strict constitutionalist, somebody who interpreted the Constitution very strictly and stuck with what precedent had established. Pence had always been loyal to Trump and rarely dissented or argued against him, but he was forthright about his legal abilities in the upcoming certification. On the morning of January 6, although Pence had continuously explained that he was going to uphold his role granted by the Constitution, Trump tweeted "all Mike Pence has to do is send them back to the states. AND WE WIN.

Do it Mike, this is a time for extreme courage” (Wolff, 2021, p. 217). Trump was unwilling to take no for an answer and he was using the pressure of his widely followed social media platform to attempt to compel Pence to follow his instructions. Trump had been advertising his January 6 rally for weeks and the crowd was starting to gather to hear his speech outside the White House. Trump’s over hour long speech continued to disparage the election as fraudulent, ripe with conspiracies to rig the system against him, and asserted that Joe Biden was not the legitimate president-elect. At one point he told the crowd to march down to the capitol building and “fight like hell” shortly after which, three hundred members of the Proud Boys militia group had gathered outside the capitol and a timed pipe bomb was found outside the Republican National Committee headquarters (Leonnig & Rucker, 2021, p. 110).

Shortly after Trump’s speech ended, rioters started to engage with Capitol Police forces, easily pushing past the lackadaisically erected barriers in their attempt to reach the capitol doors. Video footage shows protestors becoming violent when they started to use the police’ weapons and barricades against them, beating and pinning officers down (Karl, 2021). Around 2pm, rioters had begun to shatter windows and storm the capitol building, chanting ‘hang Mike Pence’ as they roamed through the halls searching for the chamber where the electoral ballots were held (Woodward & Costa, 2021). Trump’s incessant assertions that Pence had the power to change the results of the election as well as his constant demands on Twitter had incited his followers to resort to threatening violence against the vice president. Somebody had even erected gallows outside the capital, finished with a noose, insinuating that it was intended for Pence once they found him. After Pence had been ushered off the House floor and into safety around 2:30,

Trump continued his admonishment of his vice president, tweeting that he had not had the courage to do what needed to be done to prove his election lies (Woodward & Costa, 2021).

As the insurrectionists approached the House floor, Capitol police officers commanded them not to break into the room, weapons raised. Ashli Babbitt, a thirty five year old Airforce veteran was fatally shot by a Capitol police officer attempting to protect Congress (Wolff, 2021; Leonnig & Rucker, 2021). Throughout the insurrection, rioters ransacked the Capitol building, entering congressional offices and destroying and stealing property, defacing artwork and desecrating infrastructure. Meanwhile, Trump had been gleefully watching the chaos unfold from the comfort of his home, spending his time castigating the vice president instead of calling off the rioters, who had been religiously following his remarks on Twitter (Leonnig & Rucker, 2021). Eventually he tweeted about being the ‘party of law and order’ and to support the capitol police but it was a deplorable attempt to discourage the violence that was occurring as a result of his rhetoric (Woodward & Costa, 2021). Around 4pm, after the Capitol building had been desecrated, the lives of our elected officials had been threatened and people had died, Trump finally decided to call off his mob. In a televised message to his supporters, he poignantly expressed his frustrations over the ‘landslide election’ that had been stolen from him and told his supporters that “we have to have peace. So go home. We love you. You are very special” (Karl, 2021, p. 300). Trump’s belated call to his supporters to go home was a breach of his role as president. He purposefully allowed his supporters to do his bidding and attempt to stop the certification of a free and fair election. Trump had instigated the

violence that occurred at the capitol and had put many, particularly his vice president, in harm's way.

Ultimately, Congress did go on to certify the results of the election that night. Although there was some dissent from obsequious Trump supporting extremists who questioned the electors from contested states on the House floor, democracy prevailed and President-Elect Joe Biden was certified as the next president of the United States. Trump was impeached for the second time by the House for incitement of an insurrection, but was acquitted by the Senate with the aid of his spineless congressional support (Schiff, 2021). In a move that infuriated Trump, he had been banned from Facebook and Twitter as a result of his incendiary rhetoric regarding the insurrection. Multiple people died, many were injured and the nation was scarred as a direct result of the insurrection. Although he did not follow traditional protocol in welcoming Joe Biden to the White House on inauguration day, he did leave on his own volition. Before he left office, he was sure to pardon dozens of people with serious allegations against them, he even considered pardoning himself (Wolff, 2021). Trump left the White House in disgrace, with the continued adulation of his most sycophantic supporters still intact but without the support of his closest allies during the presidency.

The ongoing investigation of the January 6 Committee has heard compelling arguments about the nature of Trump's involvement and incitement of the insurrection. The Committee subpoenaed Steve Bannon, a salient Trump advisor during the January 6 planning, who refused to comply with the subpoena and was then held in contempt of Congress (Select Committee to Investigate the January 6th Attack on the United States Capitol, 2022). It has also come to light that the former president and his Secret Service

members were aware that people attending the January 6 rally were armed and planning violence (Breuninger & Wilkie, 2022). Evidence from Ivanka Trump's testimony suggests that she and other advisors attempted to persuade Trump to cease his assertions that the election was stolen (Select Committee to Investigate the January 6th Attack on the United States Capitol, 2022). Representative Zoe Lofgren presented evidence that Trump planned to declare victory in the election, regardless of the outcome which points to the fact that Trump had planned his insurrection well before the January 6 insurrection occurred (Breuninger & Wilkie, 2022). Most recently and possibly the most compelling decision by the January 6 Committee is to subpoena Trump to testify in front of the Committee. This development will absolutely result in pushback from the former president and whether he will comply with the subpoena is still unknown.

The January 6 insurrection is a revolting example of how quickly democracy can disintegrate into authoritarianism. Democracy is fragile no matter how long it has persisted and as the scholarship has charged, democracies are more often being challenged by elected officials in modern times (Levitsky & Ziblatt, 2018). Trump's inability to concede the presidency is reminiscent of authoritarians like Vladimir Putin who take any action to guarantee their own power. The fact that Trump was willing to put Congress at risk in order to retain his power is repugnant and should have been condemned in solidarity by every congress man and woman who took an oath to our Constitution. Trump's actions to overturn the 2020 election are unequivocally the most authoritarian actions a president of the United States has ever taken. "Never before have we had a president who schemed to overturn legitimate election results, who attacked the press and the civil servants who worked for him, who admired dictators, who blatantly

profited from his public office and who repeatedly lied to the public for his own selfish purposes" (Kamarck, 2021, para. 1). Most recently, ex-President Trump has been lambasted for his comments regarding the Constitution on his Truth Social account. Trump stated "a Massive Fraud of this type and magnitude allows for the termination of all rules, regulations, and articles, even those found in the Constitution" in reference to the results of the 2020 election results (Yen, 2022, para. 3). Trump's rhetoric is unprecedented for any former president. Almost two years after Joe Biden was inaugurated as the forty sixth president, Trump is still spreading disinformation and disrespecting the foundations of our country. This rhetoric is dangerous, irresponsible and reprehensible for a former US president.

Trump indisputably follows Levitsky & Ziblatt's mold of an authoritarian president, he expects people to respect his authority as president unconditionally and he has taken unprecedented steps to retain his power. I would argue that Donald Trump constitutes the zenith of the imperial presidency in the 21st century. Donald Trump had a divided government for half of his presidency, but he clearly has proven that although Congress and SCOTUS can constrain his policy actions as president as they have from time to time, it is impossible to control his authoritarian rhetoric.

HYPOTHESES

Conflict has fluctuated throughout time since FDR's presidency. FDR entered the presidency during the deadliest war of all time in terms of human costs. Although organizations that foster cooperation and international peace like the United Nations became very prominent in the post war era, proxy wars as a result of the Cold War plagued the following years until the fall of the Soviet Union. In the decades after the fall, the War on Terror and the Middle East became the new center of conflict through the present day.

H1: Conflictual eras lead to more authoritarian tendencies in presidents.

Table 1 Independent Variable- Global Level of Conflict

President	Conflictual/ Cooperative	Major Conflicts
FDR	Conflictual	WWII
Truman	Conflictual	WWII/ Korea/Cold War
Eisenhower	Cooperative/ Conflictual	Korea (end)/Cold War
JFK	Conflictual	Cold War
Johnson	Conflictual	Vietnam/ Cold War
Nixon	Conflictual	Vietnam/ Cold War
Ford	Cooperative/ Conflictual	Cold War
Carter	Cooperative/ Conflictual	Cold War
Reagan	Conflictual	Cold War
H. W. Bush	Cooperative	Cold War (collapse)/Minor conflict
Clinton	Cooperative	Minor conflict
W. Bush	Conflictual	War on Terror
Obama	Conflictual	War on Terror
Trump	Conflictual	War on Terror

Table 1 clearly indicates that most of our presidents have served their terms during highly conflictual times such as that of WWII, the Korean War, the Cold War, Vietnam and the War on Terror. Many of these conflicts have led to successive presidents abusing war powers that were constitutionally granted to Congress. However, it is important to note that Table 2 clearly presents evidence that even those presidents who served during more cooperative times usurped power and had authoritarian tendencies during minor conflicts.

FDR served during a highly conflictual time during WWII and met the requirements for both rejection of democratic rules of the game and readiness to curtail civil liberties, while his successor served during WWII, the Cold War proxy war of Korea, and the height of the Cold War when the USSR became only the second country to obtain nuclear weapons. Truman met requirements for both rejection of democratic rules of the game as well as encouragement of violence during this highly conflictual time. Although Eisenhower oversaw the end of the Korean War and there were no other major proxy wars as a result of the Cold War at the time of his presidency, the threat of the spread of communism was imminent. The threat of the spread of communism during the Cold War was ultimately the cause of Eisenhower's authoritarian tendencies of denial of the legitimacy of political opponents. The same became true for JFK, who served as president during the Cuban Missile Crisis which was the closest the world has ever been to nuclear war. This tense era of the Cold War led to JFK meeting the same characteristics as Eisenhower in his pursuit to contain communism except he also actively encouraged the violent overthrow of a foreign leader.

Johnson's entrance into the Cold War proxy of Vietnam and conduct by American soldiers during this time earned him the authoritarian tendency of rejection of democratic rules of the game, which was mild compared to his successor. Schlesinger's (1973) argument that Nixon represents the 20th century zenith of an imperial presidency is strengthened by the fact that Nixon meets three of the four key characteristics of Levitsky and Ziblatt's (2018) authoritarian leader. Nixon's tenure during the Cold War and the extremely polarized Vietnam War only exacerbated his authoritarian tendencies that ultimately led to his demise.

Ford and Carter both served during the Cold War in a time when the US was not involved in any major proxy wars. After the tumultuous times of the Nixon administration, Ford and Carter became the anomalies of modern presidents. Neither Ford nor Carter met any of Levitsky and Ziblatt's (2018) key characteristics of an authoritarian leader. Regardless of the strain from the spread of communism, they resisted the urge to usurp power from Congress or use clandestine strategies to depose foreign leaders.

Ronald Reagan also served during a highly conflictual time when the USSR was attempting to spread their influence and take over countries like Afghanistan, ultimately leading to the demise of the Soviet Union. The tense nature of the era also led Reagan to make executive decisions that equated to rejection of democratic rules of the game in an attempt to contain communism. George H. W. Bush followed in many of his predecessor's footsteps by violating war powers as well as outwardly rejecting the fact that he is legally bound to seek congressional approval. Bush Sr. served during the collapse of the Soviet Union which was a relatively cooperative time. His actions as 'Commander in Chief' meets the criteria of rejection of democratic rules of the game and his actions to work against the War on Drugs equate to the readiness to curtail civil liberties. Although there were no major global conflicts, he still met two of the four criteria of an authoritarian tendency. Like H. W. Bush, Clinton also outwardly rejected the notion that he was constitutionally bound to seek congressional approval for entering the US into hostilities. Although he served in a relatively cooperative time in which there was no major conflict, he still abused executive war powers in the form of the rejection of democratic rules of the game.

With the onset of the War on Terror resulting from the September 11 terrorist attacks, a new global enemy had emerged. George W. Bush served during one of the most traumatic and conflictual times in this country's history- during the worst terrorist attack on American soil leading to some of the worst authoritarian tendencies in our modern history. Although Bush followed many of the legal frameworks put in place to constrain the executive, he also had a unified government which enabled him to pass legislation and obtain approval for questionably legal actions. Bush Jr. met three of the four authoritarian characteristics excluding denial of the legitimacy of political opponents. Barack Obama's presidency during the War on Terror resulted in a continuation of some of the Bush era policies that curtailed civil liberties. Obama's usurpations of war powers and his unilateral decisions to engage the US into hostilities meet the criteria of rejection of democratic rules of the game.

Lastly, Donald Trump's presidency represents the zenith of the 21st century imperial presidency which is evidenced by the fact that Trump meets all four of Levitsky and Ziblatt's (2018) key authoritarian characteristics. Donald Trump's presidency occurred during the War on Terror, however it was not the War on Terror that defined Trump's authoritarian actions. His rejection of the democratic rules of the game entailed the destruction and unlawful possession of presidential records and his encouragement of violence primarily targeted his domestic political opponents such as the media, anybody associated with the left and protestors exercising their right to freedom of speech. His readiness to curtail civil liberties revolved around his obsession with fake news. During his presidency, Trump was constantly threatening to revoke media licenses and claiming

that negative coverage of him was fake- he even went so far as to have his lawyer send a cease and desist to an author writing a critical book about him.

Donald Trump's most flagrant authoritarian tendency is his denial of the legitimacy of political opponents. His rejection of the results of the 2020 election and of Joe Biden as the next US president was unequivocally the most blatant disregard for our democratic institutions. Donald Trump took unprecedented steps in an attempt to overturn the 2020 election. These included over sixty lawsuits, of which Trump won only one, spreading election fraud to the American public and raising money to 'stop the steal', asking his vice-president not to certify the election results, asking election officials to 'find' votes in his favor and inciting a violent mob to stop the certification of Joe Biden. This is all evidence that Trump is an inherent danger to our democracy.

Table 2 is a visual representation of all of the modern US presidents authoritarian tendencies as they fit into the four key characteristics by Levitsky and Ziblatt (2018). This table helps to illustrate which presidents exhibit key authoritarian characteristics however, it does not explain the severity or frequency of these tendencies. It is clear that Presidents Nixon, W. Bush and Trump are the presidents who exhibit the most characteristics of an authoritarian leader, meeting three to four of these characteristics, and they also have exhibited these tendencies the most severely and most consistently throughout their tenures as president. Presidents like FDR and Truman only meet two of these characteristics but their actions were similarly severe and blatant usurpations of executive power. Presidents Clinton and H. W. Bush both had flagrant war powers violations and were insistent that they did not need congressional approval for these

actions per the Commander in Chief clause. These were consistent throughout their tenures but had less serious consequences than those of their peers.

Presidents JFK and Obama also meet two of the four characteristics, but their actions were much less frequent, less blatant and inconsistent throughout their presidencies. Although Presidents Eisenhower, Johnson and Reagan both met one of the key characteristics, they were all related to one major scandal or situation during their presidencies and these were not indicative of a larger authoritarian pattern during their presidencies. Lastly, Presidents Ford and Carter met none of the four key characteristics, which may have been due to the climax of authoritarianism that we saw in President Nixon immediately before their presidencies. These two presidents kept in line with the powers granted to them by the Constitution and did not have any major war powers violations, the most common presidential usurpation of power.

Table 2 Presidents' Authoritarian Tendencies by Key Characteristic (Levitsky & Ziblatt, 2018)

President	Rejection of democratic rules of the game	Denial of the legitimacy of political opponents	Toleration or encouragement of violence	Readiness to curtail civil liberties of opponents, including media
FDR	✓			✓
Truman	✓		✓	
Eisenhower		✓		
JFK		✓	✓	
Johnson	✓			
Nixon	✓	✓	✓	
Ford				
Carter				
Reagan	✓			
H. W. Bush	✓			✓
Clinton	✓			
W. Bush	✓		✓	✓
Obama	✓			✓
Trump	✓	✓	✓	✓

Congressional oversight of the executive branch is one of the central mechanisms that deters the president from usurping power and wielding power unilaterally. Congress

is granted the right to create and change legislation, to initiate the US into hostilities and to constrain the president if they overstep their duties according to the Constitution. Due to the tendency for parties to take action based on partisanship, Congress is more likely to constrain a president of the opposite party.

H2: a. When the government is divided, the legislative branch is more likely to attempt to constrain the executive.

b. When the government is unified, the legislative branch is less likely to attempt to constrain the executive.

Table 3 Independent Variable- Legislative Branch- Divided/ Unified

Congress	President (Party)	Unified/Divided
73	FDR (D)	Unified
74	FDR (D)	Unified
75	FDR (D)	Unified
76	FDR (D)	Unified
77	FDR (D)	Unified
78	FDR (D)	Unified
79	FDR/ Truman (D)	Unified
80	Truman (D)	Divided
81	Truman (D)	Unified
82	Truman (D)	Unified
83	Eisenhower (R)	Unified
84	Eisenhower (R)	Divided
85	Eisenhower (R)	Divided
86	Eisenhower (R)	Divided
87	JFK (D)	Unified
88	JFK/ Johnson (D)	Unified
89	Johnson (D)	Unified
90	Johnson (D)	Unified
91	Nixon (R)	Divided
92	Nixon (R)	Divided
93	Nixon (R)	Divided
94	Ford (R)	Divided
95	Carter (D)	Unified
96	Carter (D)	Unified

Congress	President (Party)	Unified/Divided
97	Reagan (R)	Divided
98	Reagan (R)	Divided
99	Reagan (R)	Divided
100	Reagan (R)	Divided
101	H.W. Bush (R)	Divided
102	H.W. Bush (R)	Divided
103	Clinton (D)	Unified
104	Clinton (D)	Divided
105	Clinton (D)	Divided
106	Clinton (D)	Divided
107	W. Bush (R)	Unified/ Divided
108	W. Bush (R)	Unified
109	W. Bush (R)	Unified
110	W. Bush (R)	Divided
111	Obama (D)	Unified
112	Obama (D)	Divided
113	Obama (D)	Divided
114	Obama (D)	Divided
115	Trump (R)	Unified
116	Trump (R)	Divided

Table 3 shows that the US government has been unified and divided exactly half of the time since FDR's presidency. This illustrates that a president has about a 50% chance that Congress will be more willing to constrain their decisions. When the government is divided, legislators may be more willing to impose their will over the

president, while they are less likely during a unified government because party loyalists are less likely to go against their own party leader.

Table 4 Dependent Variable- Authoritarian Tendencies operationalized by Executive Orders

President	Total Executive Orders
FDR	3,721
Truman	907
Eisenhower	484
Kennedy	214
Johnson	325
Nixon	346
Ford	169
Carter	320
Reagan	381
H. W. Bush	166
Clinton	364
W. Bush	291
Obama	276
Trump	220

Table 4 operationalizes the dependent variable of authoritarian tendencies by executive order. Due to the vague nature of executive orders, they are a proxy for authoritarian tendencies because it is a relatively unconstrained action that the president may use in order to avoid oversight by Congress. The executive is intended per the Constitution to execute the laws written by Congress, and executive orders allow the president to write and implement laws. Although executive orders do face scrutiny and

challenges at times, they are the presidents' most omnipotent tool in order to circumvent Congress. FDR is a clear outlier in that he served over eleven years and issued 3,721 orders and Truman served almost two full terms and issued 907 whereas every other president since has issued under five hundred in their one or two terms.

Table 5 Executive Orders by Legislative Session (Clinton to Trump)

President	Executive Orders	Legislative Session	Unified/ Divided
Clinton	56	103rd	Unified
Clinton	89	104th	Divided
Clinton	76	105th	Divided
Clinton	76	106th	Divided
Clinton	12	107th	Divided
W. Bush	85	107th	Unified/ Divided
W. Bush	86	108th	Unified
W. Bush	53	109th	Unified
W. Bush	62	110th	Divided
W. Bush	5	111th	Divided
Obama	74	111th	Unified
Obama	73	112th	Divided
Obama	52	113th	Divided
Obama	70	114th	Divided
Obama	7	115th	Divided
Trump	92	115th	Unified
Trump	114	116th	Divided

Table 5 is a limited breakdown of executive orders by president and legislative session which illustrates whether the session was divided or unified. Although the

available data is limited, its purpose is to analyze whether or not presidents are using executive orders more often when Congress is divided as a direct result of executive pushback. The evidence illustrates that there is no clear correlation between executive orders and unified versus divided government. In general there have been a few more executive orders issued by presidents during times of divided government but the evidence is not strong enough to claim causation from the available data. Additionally, tables 3 and 4 show that FDR served all of his terms under a unified government and he clearly issued an astronomical number of executive orders compared to all of the other modern presidents.

ANALYSIS

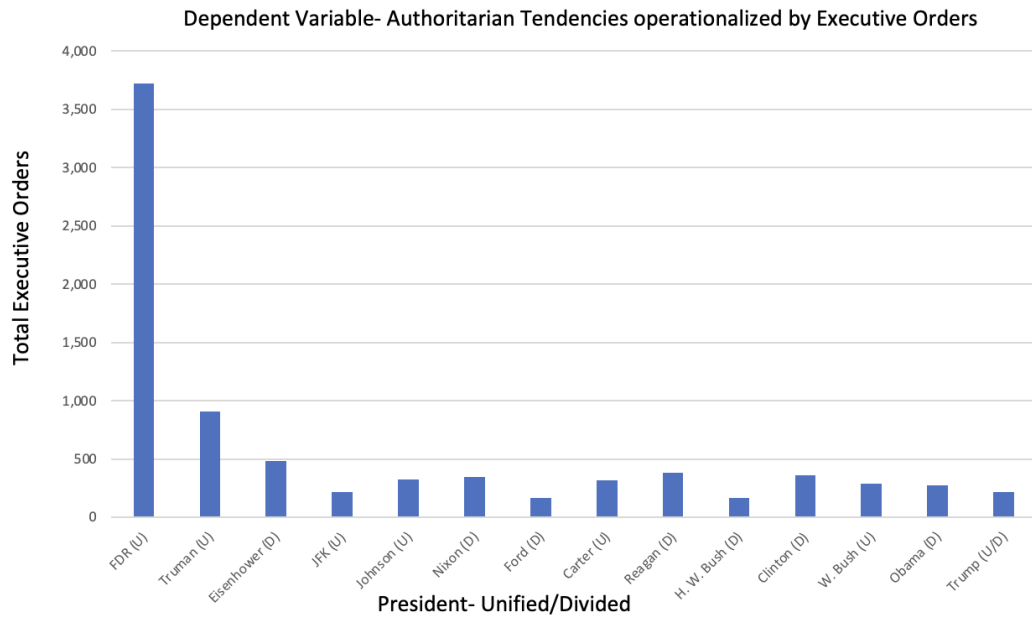


Figure 1 Dependent Variable- Authoritarian Tendencies operationalized by Executive Orders

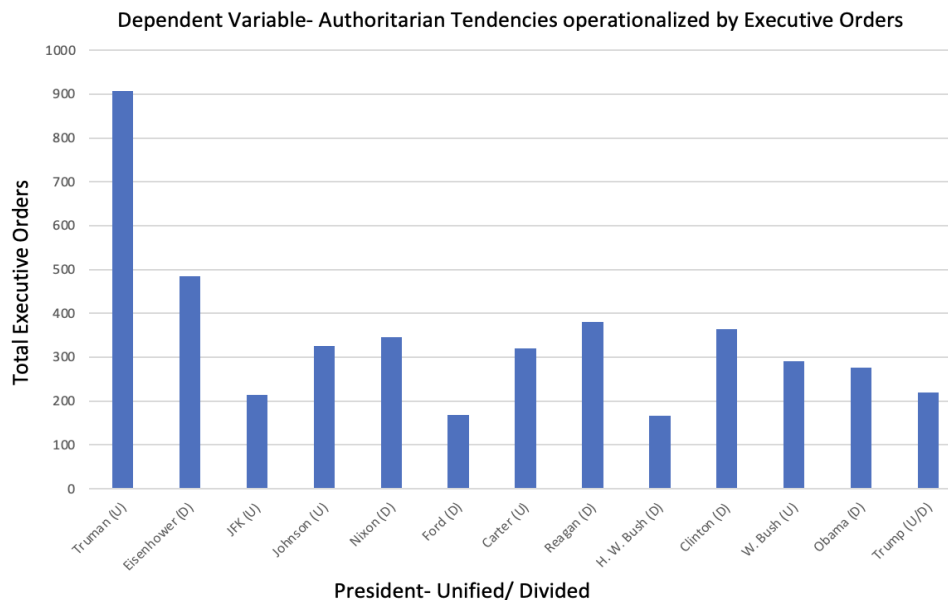


Figure 2 Dependent Variable- Authoritarian Tendencies operationalized by Executive Orders

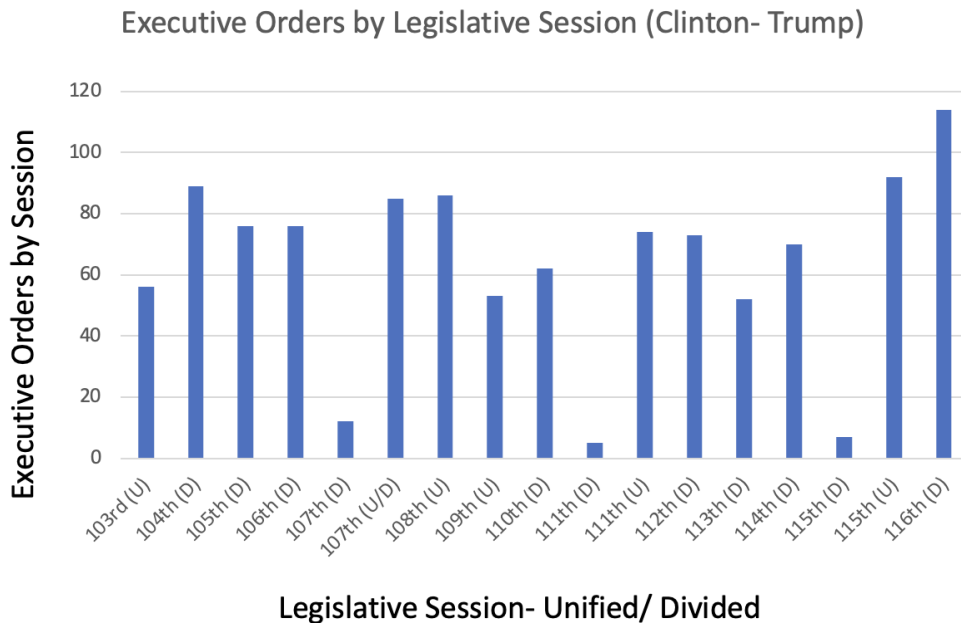


Figure 3 IV (Legislative Session- Unified/ Divided) and DV (Authoritarian Tendencies operationalized by Executive Orders)

Figure 1 illustrates how much of an outlier FDR was in regards to executive orders. Not only did he meet two of the four key characteristics of an authoritarian, but while having a unified government for the entirety of his presidency, he still issued more than four times the next highest president (Truman). Figure 2 illustrates the same data but without FDR as an outlier in order to show how executive orders have fluctuated over time. Unsurprisingly, Ford (169) and H. W. Bush (166), who were two of very few one term presidents, issued the least executive orders. However, both of these presidents had divided governments for the entirety of their tenures.

It is important to note that although Figure 2 has a designation of U for unified or D for divided for each president, these are based on the status of congress during the majority of their presidencies, so there may be one session where their government was the opposite designation than is noted in the figure. The Trump presidency is the only one that was split equally with one legislative session divided and one unified. Lastly, figure 3 illustrates each legislative session and whether it was unified or divided compared to the number of executive orders issued. This data only consists of Clinton through Trump however, there is no clear pattern that indicates that having a divided government leads to more executive orders.

A full analysis of the last fourteen presidents has demonstrated that authoritarian tendencies in the American presidency have fluctuated over the years, roughly following a pattern of increased authoritarian tendencies during major conflictual periods such as WWII, the Cold War and the War on Terror. Congressional oversight has not proven to have a strong correlation to checking executive power as it has been used inconsistently and not necessarily in conjunction with the divided versus unified hypothesis. My theory

that authoritarian tendencies have climaxed with the Trump presidency are supported by the available democracy data. V-Dem, Polity and Freedom House all show a decline in the few years of Trump's presidency after long periods of consistently high democracy scores. V-Dem, Polity and Freedom House are all independent research institutes that conduct yearly analyses of democracy scores around the world, taking into account many important factors like compliance to the rule of law, electoral freedom, plurality, independence of the judiciary and other fundamental functions of democratic governance. Each institute measures their democracy scores in different ways and thus it is to be expected that there are some discrepancies between the data however, in general the three institutes agree on the decline in democracy in the past few years. It is important to note however, that V-Dem, Polity and Freedom House capture more than executive actions and authoritarian tendencies. Although these data sets do take executive actions into account, it is not an exact proxy of their actions.

The most relevant and comprehensive data from V-Dem analyzes many salient factors that contribute to a strong democracy including the most relevant to this study: the electoral democracy index. As Levitsky & Way (2013) point out, free, fair and competitive elections are the number one indicator of a democratic system. When the electoral system breaks down, it is indicative of democratic backsliding. In order for a democratic system to function properly, citizens must have the ability to vote for their intended candidate without the threat of violence, there must be freedom for each candidate to campaign without the election being swayed towards any one candidate and they must allow for legitimate competition through electoral rules. The V-Dem codebook notes that "the electoral principle of democracy seeks to embody the core value of

making rulers responsive to citizens, achieved through electoral competition for the electorate's approval" (Boese et al., 2022, p. 43). This indicator called $v2x_polyarchy$ in the database, has been documented since the beginning of our US Constitution in 1789 (Boese et al., 2022, p. 43). Figure 1 compiles the data starting with FDR's first year in office in 1933, until 2021 when Trump grudgingly conceded the presidency to Joe Biden.

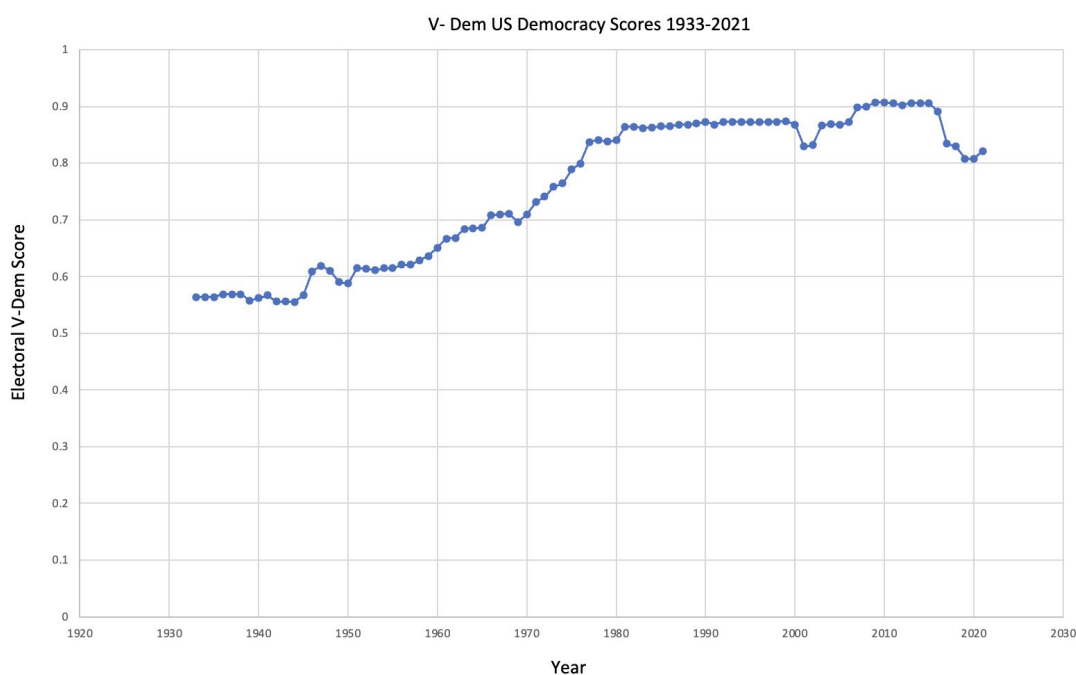


Figure 4 V-Dem US Democracy Scores 1933-2021

Starting in 1933, the electoral democracy index has consistently increased with a few minor declines and stagnations due to major events. During WWII, in the period of Japanese internment there was a minor dip, again at the end of WWII, another more significant dip due to the hostilities being initiated by Truman in Korea, and then during the Civil Rights Movement there was some very inconsequential breakdown for a year before it returned to a consistent incline. The next significant decline was in 2001 during the War on Terror when President Bush signed the Patriot Act into law which greatly

infringes upon American civil liberties. After a few years of decline, the electoral variable continues to increase suggesting that the US is recovering from those violations. Finally, with the election of President Donald Trump, the electoral variable begins to sharply decline until power is handed over to Joe Biden in 2021. The decline during Trump's presidency represents the sharpest decline over the course of the time period between 1933 to 2021. Not even during the Nixon years and the Watergate scandal does the data demonstrate a shift in the electoral competency of the US.

Another democracy indicator is the Polity score by the Center for Systemic Peace. The polity scores differ from the V-Dem score in that it captures qualities of democratic and autocratic regimes on a scale from -10 to +10, based on authority in governing institutions (Center for Systemic Peace, 2020). Countries that fall into the category between -10 to -6 are considered autocracies, from -5 to +5 are considered anocracies (a mixture of democracy and autocracy) and those in the category of +6 to +10 are considered democracies (Center for Systemic Peace, 2020). This indicator has less subtleties than the V-Dem indicator and thus there is not as much variation from year to year however, it still demonstrates the changes that occurred as a result of the Trump presidency. Figure 2 illustrates the Polity score of the US starting in FDR's first year, 1933, to Donald Trump's last year in office, 2020.

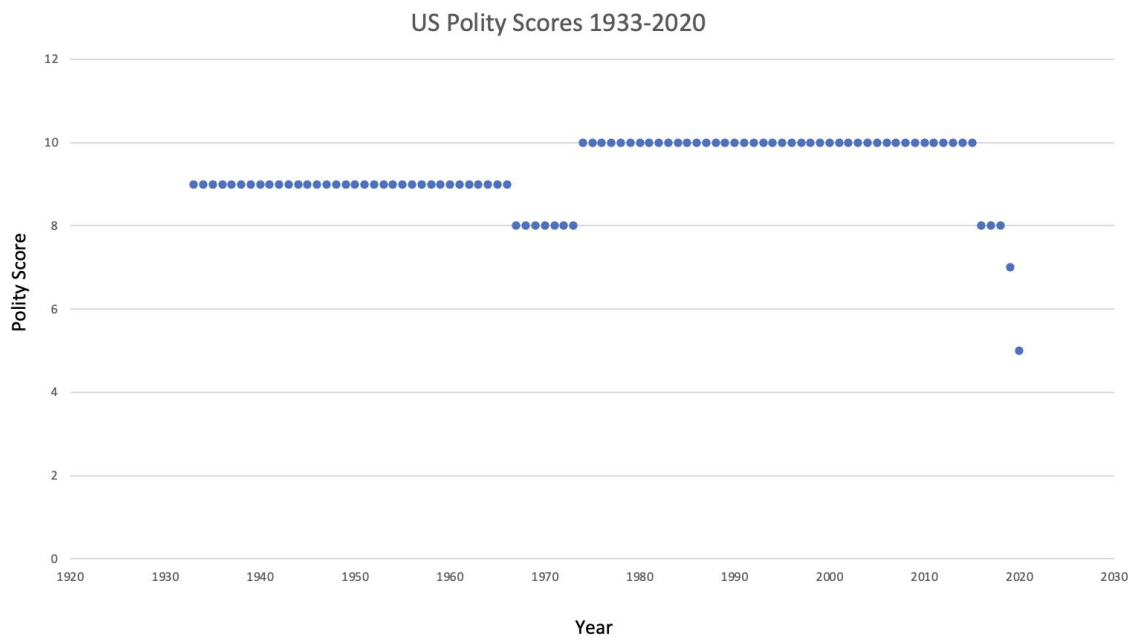


Figure 5 US Polity Scores 1933-2020

The Polity Scores in figure 5 illustrate a more straightforward variable that determines the level of institutionalized government which has less variance throughout the years than the V-Dem score (Center for Systemic Peace, 2020). From 1933-1966, the US was considered to be a strong democratic country with a consistent score of +9. This time period denotes the administrations of FDR, Truman, Eisenhower and JFK. From 1967 through 1973, the score dropped by one point to +8 during the administrations of Johnson and Nixon, due to the entrance of the US into the Vietnam War, the Civil Rights Movement, multiple assassinations of prominent figures, and the Watergate Scandal becoming public. Then from 1974 until 2015, the number went to +10, the maximum on this spectrum, due to the consistency with institutionalized US presidential power. This time period represents the administrations of Ford, Carter, Reagan, George H. W. Bush, Clinton, George W. Bush, and Obama. Beginning in 2016 with Trump taking office, the data illustrates a steep decline back to +8 for a few years, down to +7 in 2019 and

eventually down to +5 in 2020. The Trump presidency led the nation down a path that resulted in the Center for Systemic Peace considering the US to be an anocracy in his last year as president (Center for Systemic Peace, 2020). The years 2019 and 2020 were the first time that the Polity score had dropped below +8 since WWII.

The Center for Systemic Peace attributes the decline during the Trump administration to his deep state conspiracies, assertion that the media was the enemy of the people, and his strategy designed by Steve Bannon to deconstruct the administrative state (2020). Other events that have led to the disintegration of democracy are Donald Trump's first impeachment trial as a result of his alleged role in threatening to withhold aid from Ukraine as well as his call for the use of force against Black Lives Matters protestors (Center for Systemic Peace, 2020). Trump's decisions not to concede the White House to Joe Biden and to challenge the veracity of the election through any means regardless of AG Barr denying having found any evidence of widespread voter fraud led to the sharp decrease in 2020. Lastly, Trump's incitement of insurrection during the certification of electoral votes and the resulting impeachment led to the Polity score declining to a +5, defining the US as an anocracy for the first time during the modern presidency (Center for Systemic Peace, 2020).

The last indicator that measures democracy scores is Freedom House which amalgamates scores for civil liberties and political rights together to create a 'Freedom in the World' score (Freedom House, 2017). Although Freedom House has been keeping track of democracy scores for much longer than the last six years, in the past they had only been categorized as free or not free whereas today they use a number between 1 and 100 to determine their numerical value on that scale (Freedom House, 2017). Figure 3

illustrates the democracy score for the US starting with Trump's first year in office, 2017, and ending with 2022.

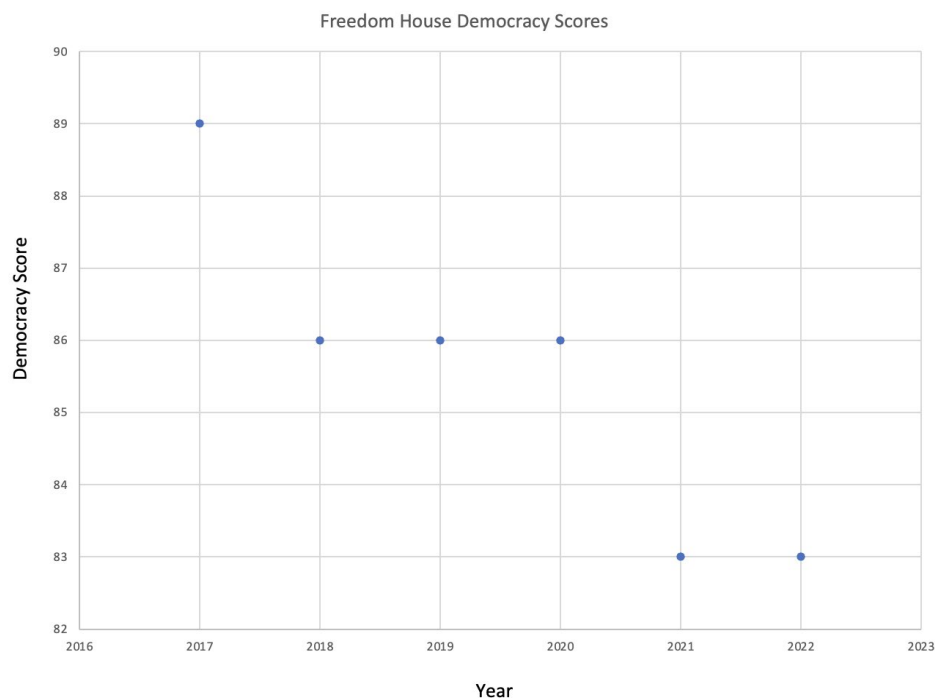


Figure 6 Freedom House Democracy Scores

The Freedom House scores in figure 6 show a rapid decrease during the Trump presidency from a respectable score of 89 down to an 83 during 2021 through 2022. The available data for Freedom House is much more limited in its scope so it is difficult to do a comparative analysis to other presidents to determine if their scores also declined similarly. However, the Freedom House Scores do corroborate both the scores from Polity and V-Dem, illustrating the same sharp decline during the Trump presidency. Freedom House asserts that the sharp decline in the democracy score is due to the erosion of democratic institutions, political polarization, extremism, and partisan pressure among other factors (Freedom House, 2022). In addition, BLM movements galvanized by the death of George Floyd in 2020 has continued to divide the country, strict abortion laws

were passed in Texas and the pandemic continued to be a topic of great contention and polarization between parties (Freedom House, 2022). Most prominently, Trump’s allegations of voter fraud, a ‘stolen’ election and his incitement of the January 6 insurrection have led to the further breakdown of societal norms and democratic institutions. Although limited, the evidence from Freedom House is compelling, particularly because it confirms the data from two other independent sources.

Based on these statistics, I have created a graph that places presidents on a continuum based on the level of global conflict at the time, as well as their level of authoritarian tendencies.



Figure 7 Authoritarian Tendencies among U.S. Presidencies Classified by Global Level of Conflict

The graph illustrates that the presidents who had the most authoritarian tendencies significantly fit into the time periods considered to be the most conflictual. The most authoritarian presidents, FDR, Truman, Nixon, George W. Bush and Trump, all held the position during times of grave conflict. Roosevelt and Truman were president during

WWII, the deadliest conflict to date. Nixon held the presidency during the peak of the Cold War, the main hostilities in Vietnam, and societal unrest related to the Civil Rights movement. George W. Bush initiated the War on Terror as a result of the worst terrorist attack on American soil. Trump was president during the War on Terror, however his tendencies related more closely to the political polarization and extremism in the United States as a result of his electoral success.

CONCLUSION

The results of this analysis suggest that authoritarian tendencies have become more prevalent during periods of intense conflict such as WWII, the Cold War and the War on Terror. These tendencies however, fluctuate greatly between presidents. In general, the most common usurpation of executive power tends to be war powers violations in which the executive seizes this power from Congress, to whom it is constitutionally granted. War powers violations from many different conflicts confirms that presidents tend to usurp power during highly conflictual times. These usurpations of power fall primarily under the rejection of democratic rules of the game, which is the most common key authoritarian characteristic of US presidents. The hypothesis that during times of divided government, Congress is more likely to constrain the executive was unsupported by the qualitative analysis. Congressional oversight and checks on the executive branch were inconsistent throughout the modern presidency and were not enacted in solidarity. Starting with FDR, modern presidents pushed the limit of the powers that the Constitution had granted the executive. Although FDR was praised as a successful and pragmatic president who exponentially expanded the executive branch, he was a particularly authoritarian president. This set a precedent for the modern American presidency in which the executive constantly pushed the limits of their power. Whether it was a misinterpretation of the Constitution or a blatant disregard for democratic checks and balances, presidents continued to use fallacious examples as precedent for their authoritarian tendencies.

During WWII, Franklin Roosevelt usurped power in astonishing fashion by forcibly interning thousands of Japanese Americans and exerting his influence over the power of the purse, both of which were not constrained by the legislative branch. In Roosevelt's attempt to pack the courts to his advantage, the legislative branch reasserted their power over the executive and denied his proposal to expand the Supreme Court from nine to fifteen judges. Truman's unilateral decision to end WWII by dropping the bombs on Nagasaki and Hiroshima were clandestine in nature and therefore Congress did not have the chance to constrain his decision. Although there was some dissent from his closest advisors, the lack of transparency led to Truman becoming omnipotent in that moment. When Truman decided to send troops into Korea, he set a dangerous precedent that presidents after him would rely upon forever. Although he faced some minor opposition to his usurpation of the war power, overall he experienced support by Congress and the public to go to war in Korea. In the Steel seizure case, Truman was not constrained by the legislative branch but instead by the Supreme Court which decided that he did not have the authority to seize the industry.

Eisenhower's main blunder during his presidency was a result of the constant battle to contain communism. Not wishing to appear soft on communism, Eisenhower approved plans for the CIA to overthrow Guzman, a democratically elected leader. There was no oversight or ramifications for Eisenhower's unilateral decision. Kennedy's humiliating defeat at the Bay of Pigs and his overthrow of Jagan had not been constrained by the legislative or judicial branches due to the covert nature of the plans. Johnson's main usurpation had been approved by Congress in the Gulf of Tonkin Resolution which resulted in almost limitless power in the Vietnam War. Nixon's clandestine operation to

overthrow Allende, like his predecessors, had not been known widely by the legislature and was therefore never addressed. However, Congress did constrain Nixon in both his campaign to bomb Cambodia and Laos, as well as hold him personally responsible for the Watergate Scandal, leading to his resignation.

Nixon's successor, Gerald Ford, followed the authority granted to him by the Constitution including his decision to pardon Nixon. Although there was profound controversy surrounding this decision, he was well within his constitutional rights to do so. Carter's presidency was short and his actions were characteristic of a true democratic presidency who did not deviate far from the expectations of democratic norms. Reagan's main usurpation of power was the authorization of the Iran-Contra Affair which he was held legally responsible for but was not truly punished perhaps due to his high popularity. Although Bush did eventually seek congressional approval for the First Gulf War, he did not believe that he was constitutionally bound to seek it, like many of his successors also believed. His overthrow of Noriega was covert and therefore never discussed and his war on drugs was overwhelmingly popular within the government at the time. Although Clinton faced criticism and condemnation for bombing Baghdad, as well as his entrance into hostilities in Somalia, Haiti and Yugoslavia, he did not face major backlash from Congress on these decisions. Clinton enjoyed years of unilateral war powers decisions without the oversight by Congress but he could not escape a check on power in the Lewinsky scandal which he was impeached for but was eventually acquitted by the Senate.

George W. Bush received congressional approval for both of his Wars on Terror but he was challenged for many actions regarding these wars. His Patriot Act was upheld

by the other two branches of the government, but the Supreme Court opined against him in his suspension of habeas corpus and gravely condemned the prisoner abuse at Guantanamo Bay and Abu Ghraib. Obama's drone warfare was much less transparent than he initially conveyed on the campaign trail, and although he addressed some of the concerns of the public, Congress never overtly constrained his tactics. Obama's decision to intervene in Libya faced a lawsuit by congressional leaders but was struck down by the Supreme Court because they had not asserted legislative constraints first.

Lastly, Trump “-a man who has praised dictators, encouraged violence among supporters, threatened to jail his rival, and labeled the mainstream media as ‘the enemy’- has raised fears that the United States may be heading towards authoritarianism” (Mickey et al., 2017, para. 1). Trump was relentless in his pursuit of omnipotence in the executive branch and although it may seem that he was rarely constrained by the other branches of government, there were many examples in which the system actually created a stronghold against him. Trump was impeached twice however, he was acquitted both times by a Republican majority Senate. He attempted many usurpations of power through executive orders, however, he lost the majority of litigations regarding his administrations' measures (Kamarck, 2021). The major blow to Trump's authoritarian actions was that the judicial branch struck down almost every single one of his appeals during his campaign to overturn the 2020 election results. Many of these legal challenges were denied by judges who were appointed by Trump himself, showing that Trump does not have as tight of a hold on the system as he may have assumed. Trump's attempts to retain power after his failure in the 2020 election represents the 21st century culmination of the imperial presidency and a stark danger to our democracy.

The implications for presidents usurping power from the other branches of government is that it weakens our democracy in a slow and seemingly innocuous way that may be viewed as outwardly harmless. When elected officials use slow, subtle steps to usurp power, it erodes away at our democratic institutions and threatens to delegitimize the liberal world order. If the United States falls into competitive authoritarianism, it loses legitimacy as a stronghold for liberal democracy. Levitsky & Ziblatt (2018) assert that in modern times, authoritarians are coming to power more and more often through democratic elections and are then slowly and insidiously consolidating unilateral power. It is no longer the norm to stage a coup d'état in order to gain power. What we are seeing with the rise of the Trump presidency, is a president who disrespects the rules of the game, does not value or trust democratic elections and is willing to use any means necessary to retain power.

In order for the United States to remain a bastion of strong democratic values, parties must be the gatekeepers who keep political extremists from gaining support, the judicial and legislative branches must constrain the president when they overextend their power, and the American public must be more aware and concerned about presidential usurpations. The US is on a dangerous path if it allows Donald Trump to be re-elected in 2024 after his demagogic, bigoted and outwardly authoritarian actions during his first presidency. To allow such a long standing democracy to fall into the hands of a clearly inept person would be irresponsible and destructive given the amount of unequivocal evidence against him. It is important to acknowledge the warning signs and the possible implications before it is too late.

LIMITATIONS

There are some important limitations to my research to note however. Due to the nature of the times, many of the presidents from before the advent of the internet may not have as many records compiled about their presidency. There has always been official documentation however, it was not as effective and there was less continuity before the tech age. Today, not only is there official documentation but the advent of the internet allows people to record, listen, watch, transmit and disseminate information much more quickly and easily. This has led to a massive amount of information about the most recent presidents and perhaps much less for presidents before the 1990s.

Additionally, I have utilized data from viable independent institutions however, it is limited in that not all of the indicators go all the way back to the date at which my research starts. I can still draw some conclusions from this limited data however, it is not as comprehensive because I cannot compare data sets across presidential administrations from the beginning of WWII. Additionally, although these data sets are attempting to measure the same concept of democracy, they do define and measure it using different factors. This could be viewed as both a strength, because the results of the data sets are similar, or a weakness, because there is more variation in the variables. These democracy variables also take into account many other factors than presidential usurpations of power so there may be correlation between the variables, but not necessarily causation.

Another inherent limitation with researching the government concerns transparency. Although the US government is a democracy and the foundation of our

country is based on transparency and accountability, there are still restrictions about information that is sensitive to national security. The Freedom of Information Act allows Americans to request and access some government information, as long as it is not a threat to our national security. This may lead to some information being precluded from the public for a period of time which could lead to gaps in research.

Lastly, concerning Donald Trump, there are many ongoing investigations into his incitement of violence, obstruction of justice and other allegations concerning illegal conduct. Due to the nature of the ongoing investigations, it is unclear what the outcomes may be in the end. Investigations take months and sometimes years and it has already been almost two years since he has left the presidency so information will continue to be revealed. More often than not, presidents are not criminally charged due to their executive privileges and protections, however Trump may end up being a special case due to his constant breaking of norms.

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