

THE SODERQUIST CENTER

Obama's Czarmania alarms constitutional traditionalists

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Editor's note: This is the first of a two- part series on the ethical and legal issues raised by President Obama's appointment of many czars to his administration.

Webster's New World Dictionary defines a czar as: "any person having great or unlimited power over others: autocrat."

I'd call it czarmania when a democratically elected president's unethically and possibly unconstitutionally one-sidedly appoints powerful czars accountable only to the president, to govern a democracy.

For a historical perspective, look at the Romanov dynasty, whose czars ruled Imperial Russian for almost three hundred years. The Romanovs were overthrown in 1917 by the communists, who murdered Czar Nicholas II and his family.

Under President Obama, czars enjoy a rebirth of power.

Obama appointed 44 czars in the first seven months of his administration, which is one czar for every issue he considers important. The President is considering creating 7 more czars. As Arizona Senator John McCain remarked, "Obama has more czars than the Romanovs".

Most Americans know nothing, or little, about the czars. The czars, however, exercise great power and influence. Some czars whose decisions impact business include the regulatory czar, science czar, climate czar, pay czar, and car czar. Fortunately, some Democrats, Republicans, and media question the ethics and legality of President Obama's czar appointments.

Checks and Balances Ignored

The U.S. government works best with checks and balances between its executive, legislative and judicial branches. While campaigning for President, Senator Obama criticized President Bush for trying to gather more power to the executive branch. He pledged, if elected president, to reverse the trend. With his 44 czars President Obama breaks that promise.

President Obama appoints most of his czars without Senate confirmation hearings and Senate approval. Czars report only to the president and are accountable only to him. Senator Robert Byrd, D-WV, describes the czars as, “a slick way of governing without having to answer to Congress”.

White House spokespersons say the czars are only special advisers who recommend policies and policy changes to the President. The czars cannot order cabinet secretaries to do anything. Also, past presidents appointed czars.

It is true that a few past presidents appointed one or two issue czars, but never to the extent of President Obama. President Obama’s one-sided appointment and control of the czars make them the ultimate White House insiders. Their closeness to the President gives them power and influence.

Obama’s czars also work across agency lines of authority. For example, climate czar Carol Browner’s agency oversight includes the Environmental Protection Agency, where she served as Secretary in President Clinton’s administration, and the Department of Energy. Boston College Law Professor Richard Albert notes, “The President’s czars often wield powers greater than those of cabinet secretaries.”

Some czars’ powers clearly go beyond offering the President or cabinet secretaries advice. Pay czar Kenneth Feinberg is deciding the compensation for the top 100 executives of companies that received Troubled Assets Relief Program money. Feinberg also claims that Treasury Regulations give him the power to take back bonuses previously paid to executives under valid employment contracts.

Short-lived car czar Steven Rattner and his successor, Ron Bloom, influenced which car dealerships closed or stayed in business. They also canceled some car models. Neither czar possessed experience or knowledge of the automobile industry.

Rattner is a former investor banker who resigned as car czar this summer after his name surfaced in a Securities and Exchange criminal complaint against two men in a bribery and kickback scheme. Bloom is a former high-ranking union official.

Appointment Authority

So what authority exists for the President’s creation of czars?

None!

The U.S. Constitution contains no provisions giving the president such power. No legislation exists empowering the president’s creation of czars. Rep. Jack Kingston, R-GA, describes the Presidents czars as a parallel government, “one that is outside the Constitution and authority of Congress”.

If Kingston is correct, the President's use of czars is unethical and unconstitutional. It is also alarming.