

OPINION

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**The
Portland
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**FOR
THE HIGHEST STANDARD OF
JOURNALISM AND
PUBLISHING
IN 2001-2002**

The Glass Houses of Dictators

BY JACOB G. HORNBERGER

President Bush's reaction to the Iraqi parliament's rejection of the newly enacted UN resolution authorizing renewed inspections in Iraq provides a fascinating insight into the direction in which our own nation is headed. According to the New York Times, President Bush said, "The Iraqi Parliament is nothing but a rubber stamp for Saddam Hussein.

This guy's a dictator, so we'll have to wait and see what he says."

But wait a minute! Hasn't it always been President Bush's position that he — and he alone — decides whether the United States goes to war against Iraq? Isn't it he who said that while he would like to have the support of Congress, he would make the ultimate decision on whether to go to war regardless of what Congress decided?

If possessing the omnipotent power to decide whether his nation goes to war is part of what makes Saddam Hussein a dictator, what does that say about President Bush, who claims the exact same power as the Iraqi president? Is there really much difference in principle whether a dictatorial power is exercised by a self-appointed ruler or an elected

one? Isn't the real point that the rulers of the United States and Iraq exercise the same omnipotent and dictatorial power to send their respective nations into war?

It's important to note that our Founders rejected the Bush-Saddam view that the power to declare war should be vested in the executive. Instead, with our Constitution the Founders placed the power to declare

of amendments to our Constitution by 3/4 of the states. In fact, there have been 27 amendments to our Constitution since its inception.

Compare that process of constitutional change to the one in Pakistan, which is ruled by another dictator, an army general who ousted the democratically elected president and appointed himself ruler. He claims the power to unilaterally amend the Pakistani constitution whenever he wants in order to provide himself with more power. President Bush, for his part, doesn't go that far but he does effectively hold that he has the power to ignore constitutional restraints that he feels are either out-of-date or that have been regularly violated, such as

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the declaration-of-war provision, thereby enabling him to circumvent the amendment process provided in the Constitution itself.

President Bush should exercise caution before hastily criticizing the omnipotent powers of foreign dictators. After all, people just might start asking some uncomfortable questions about the powers that he's exercising and the method by which he is usurping them.

Jacob Hornberger is founder and president of The Future of Freedom Foundation in Fairfax, Va.

That process involves the approval of the legislative branch of the government — the Congress. Thus the supreme law of the land — the law that controls the actions of public officials — prohibits the president from waging war without an express declaration of war from Congress. And it also prohibits the Congress from delegating its power to declare war to the president.

The Founders also provided a process by which the Constitution could be changed whenever the people concluded that a change was needed. That process involves the approval

Conservative Judge Hostile to Civil Rights

The U.S. Senate last week approved the controversial nomination of the right wing extremist Judge Dennis W. Shedd to the U.S. Court of Appeals for the Fourth Circuit, the second highest court in the nation. The NAACP strongly opposed Judge Shedd's confirmation.

The vote by the full Senate came after Senate Judiciary Committee, using a highly unusual voting maneuver last week, permitted the nomination to advance by voice vote. The Senate passed the nomination in a 55-to-44 vote, despite Judge Shedd's record of

systematically precluding African Americans, women and the disabled from arguing their employment discrimination cases before a jury.

During Judge Shedd's 11 years on the federal district court in South Carolina, he dismissed in whole or in part every employment discrimination case, with the exception of one case where the employer called an African American woman a "N-." Yet even in that case, Judge Shedd said it was an "extremely close question" whether or not to grant dismissal.

The NAACP and other civil rights

organizations had strongly opposed the nomination of Judge Shedd because of our concerns that his abiding hostility to civil rights as reflected in his judicial record would further radicalize an already extreme, right wing.

Fourth Circuit Court of Appeals. Judge Shedd's confirmation means that he may serve on the Fourth Circuit, which has the greatest number of African Americans living within its boundaries than any other U.S. circuit court in the country, for life.

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