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# What Trump Must Learn From Truman: Without Public Support, Extraordinary Application of Executive Authority is Bound to Fail

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# What Trump must learn from Truman: Without public support, extraordinary application of executive authority is bound to fail

By NEAL DEVINS  
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President Donald Trump and President Harry S. Truman at the White House desk. (AP)

President Trump was right to take his case to the American people. His claims regarding the urgent need for a border wall may be unfounded; his decision not to declare a national emergency is sound. This is the lesson of Harry Truman's ill-fated attempt to seize the steel mills.

On April 8, 1952, Truman responded to a threatened nationwide strike affecting the steel industry. Claiming that steel production was essential to military success in Korea, Truman directed the Secretary of

Commerce to seize the steel mills. Truman acted without statutory authority. He spoke, instead, of the “very great inherent powers [of the President] to meet great national emergencies.” When defending his action in court, Department of Justice lawyers initially argued that “the ballot box and impeachment” were the only ways to stop presidential responses to national emergencies.

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These extravagant claims were roundly condemned by the press, the Congress and the American people. Truman backtracked and said that the powers of the president are “limited” and that the President, like any public official, is under the law. But the damage had been done and the Supreme Court issued a forceful rebuke of Truman. As Chief Justice William Rehnquist later explained in his 1987 book “The Supreme Court,” the “great tides of public opinion” were against Truman and that the Court was not immune to those fears of presidential totalitarianism.

Trump's recent claims about his authority to act and his unilateralist bravado make clear that the President is not a student of history. Nonetheless, his decision to turn to the American people avoids Truman's critical mistake. At least for now. But what level of support does the President need to act in ways that seem lawful and not totalitarian? More to the point, are there circumstances where the President might declare a national emergency and build his wall without explicit congressional approval?

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When Truman seized the steel mills, there was virtually no partisan divide in Congress. According to measures of ideology based on congressional voting, the ideological distance between the parties was narrower during the FDR and Truman presidencies than at any other time in our nation's history. Today, the ideological distance between the parties is greater than any time in our nation's history. For this reason, it is unsurprising that there is no prospect of broad bipartisan congressional support (or opposition) to Trump's wall. For similar reasons, President Obama felt the need to go it alone when pursuing his November 2014 Deferred Action for Childhood Arrivals initiative.

No doubt, just as Obama's lawyers argued that his immigration initiative was authorized by law, Trump could claim statutory authority to declare a national emergency and make use of already appropriated Defense Department funds. Without the backing of the American people, however, such action — whether technically legal — would come back to haunt the President and his supporters. In 1952, Dwight Eisenhower ran against presidential unilateralism and, with it, Truman's Korea misadventures. Eisenhower

won a landslide victory, in part, because he believed that the country was on sound constitutional and political footing when the President had the backing of Congress and the American people.

In today's hyperpolarized world, the prospects of broad congressional or popular support seem remote. At the same time, presidents can and should take steps to convince the American people and not just their base of the necessity of their actions. Whether Trump will heed Truman's lesson remains to be seen. His decision to take his case to the American people was an appropriate step. The question remains: Will he listen to what the public has to say?

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