

# Top Constitutional Experts: Obama Is Worse than Nixon

By [Washington's Blog](#)

Global Research, May 15, 2013

[Washington's Blog](#)

Region: [USA](#)

Theme: [Law and Justice](#)

## Objective Analysis: Obama Versus Nixon

In the wake of the twin scandals of the IRS targeting conservative groups and the Department of Justice spying on AP reporters, the comparisons between Obama and Nixon are [everywhere](#).

But what do experts say?

Former New York Times general counsel James Goodale – who represented the paper during its Pentagon Papers fight with the Nixon administration – said in [an interview yesterday](#) that Obama is *worse than Nixon* when it comes to press freedoms. And [see this](#).

Former constitutional lawyer Glenn Greenwald [noted](#) last year:

We supposedly learned important lessons from the abuses of power of the Nixon administration, and then of the Bush administration: namely, that we don't trust government officials to exercise power in the dark, with no judicial oversight, with no obligation to prove their accusations. Yet now we hear exactly this same mentality issuing from Obama, his officials and defenders to justify a far more extreme power than either Nixon or Bush dreamed of asserting: he's only killing The Bad Citizens, so there's no reason to object!

Jonathan Turley – perhaps the [top constitutional law expert](#) in the United States (and a liberal) – [writes](#):

The painful fact is that Barack Obama is the president that Nixon always wanted to be.

Four decades ago, Nixon was halted in his determined effort to create an “imperial presidency” with unilateral powers and privileges. In 2013, Obama wields those very same powers openly and without serious opposition. The success of Obama in acquiring the long-denied powers of Nixon is one of his most remarkable, if ignoble, accomplishments. Consider a few examples:

### Warrantless surveillance

Nixon's use of warrantless surveillance led to the creation of a special court called the [Foreign Intelligence Surveillance Court](#) (FISA). But the reform turned out to be more form than substance. The secret court turned “[probable cause](#)” into a meaningless standard, virtually guaranteeing [any surveillance the government wanted](#). After hundreds of thousands of applications over decades, [only a couple have ever been denied](#).

Last month, the Supreme Court crushed any remaining illusions regarding FISA when it [sided with the Obama administration in ruling](#) that potential targets of such spying had to have proof they were spied upon before filing lawsuits, even if the government has declared such evidence to be secret. That's only the latest among [dozens](#) of lawsuits the administration has blocked while surveillance [expands exponentially](#).

#### Unilateral military action

Nixon's impeachment included the charge that he evaded Congress' [sole authority to declare war](#) by invading Cambodia. In the [Libyan "mission,"](#) Obama announced that only he had the inherent authority to decide what is a "war" and that so long as he called it something different, no congressional approval or even consultation was necessary. He proceeded to [bomb a nation's capital](#), destroy military units and spend [more than a billion dollars](#) in support of one side in a civil war.

#### Kill lists

Nixon [ordered a burglary](#) to find evidence to use against Daniel Ellsberg, who [gave the famed Pentagon Papers](#) to the press, and later tried to imprison him. Ellsberg was later told of a [secret plot](#) by the White House "plumbers" to "incapacitate" him in a physical attack. It was a shocking revelation. That's nothing compared with Obama's assertion of the [right to kill any U.S. citizen](#) without a charge, let alone conviction, based on his sole authority. A recently leaked memo argues that the president has a right to kill a citizen [even when he lacks](#) "clear evidence (of) a specific attack" being planned.

#### Attacking whistle-blowers

Nixon was known for his [attacks](#) on whistle-blowers. He used the [Espionage Act of 1917](#) to bring a rare criminal case against Ellsberg. Nixon was vilified for the abuse of the law. Obama has [brought twice](#) as many such prosecutions as all prior presidents combined [and [see this](#)]. While refusing to [prosecute anyone for actual torture](#), the Obama administration has prosecuted former CIA employee [John Kiriakou](#) for disclosing the torture program.

Other Nixonesque areas include Obama's overuse of classification laws and withholding material from Congress. There are even missing tapes. In the torture scandal, [CIA officials admitted to destroying tapes](#) that they feared could be used against them in criminal cases. Of course, Nixon had missing tapes, but [Rose Mary Woods claimed to have erased them by mistake](#), as opposed to current officials who openly admit to intentional destruction.

Obama has not only openly asserted powers that were the grounds for Nixon's impeachment, but he has made many love him for it. More than any figure in history, Obama has been a disaster for the U.S. civil liberties movement. By coming out of the Democratic Party and assuming an iconic position, Obama has ripped the movement in half. Many Democrats and progressive activists find themselves unable to oppose Obama for the authoritarian powers he has assumed. It is not simply a case of personality trumping principle; it is a cult of personality.

Long after Watergate, not only has the presidency changed. We have changed. We have become accustomed to elements of a security state such as massive surveillance and executive authority without judicial oversight. We have finally answered a question left by Benjamin Franklin in 1787, when a Mrs. Powell confronted him after the Constitutional Convention and asked, "Well, Doctor, what have we got — a republic or a monarchy?" His chilling response: "A republic, if you can keep it."

We appear to have grown weary of the republic and traded it for promises of security from a shining political personality. Somewhere, Nixon must be wondering how it could have been this easy.

Nixon's "Enemies List" is famous, and the former head of the National Security Agency's global digital data gathering program says that Obama also has an enemies list ... which has been used to take down a wide variety of people, [including the head of the CIA](#). The Washington Post's Ed Rogers [notes](#):

Obama doesn't need a traditional Nixonian enemies list. In the digital age, with the Obama machine's much-celebrated technological capabilities, the president can sort his enemies by keywords.

You've heard about the AP spying scandal, and the head of the Department of Justice implies that the government has [spied on many other reporters](#).

Reporters who criticize those in power are being [smeared by the government](#) and [targeted for arrest](#) (and [see this](#)).

Indeed, the Obama administration is treating [real reporters as potential terrorists](#).

After Pulitzer Prize winning journalist Chris Hedges, journalist Naomi Wolf, Pentagon Papers whistleblower Daniel Ellsberg and others sued the government to enjoin the NDAA's allowance of the indefinite detention of Americans – the judge asked the government attorneys *5 times* whether journalists like Hedges could be indefinitely detained simply for interviewing and then *writing about* bad guys. The government [refused to promise](#) that journalists like Hedges won't be thrown in a dungeon for the rest of their lives without any right to talk to a judge.

Wikileaks' head Julian Assange [could face the death penalty](#) for his heinous crime of leaking whistleblower information which make those in power uncomfortable ... i.e. [being a reporter](#).

Daniel Ellsberg notes that Obama's claimed power to indefinitely detain people without charges or access to a lawyer or the courts is a power that even [King George didn't claim](#). Former judge and adjunct professor of constitutional law Andrew Napolitano points out that Obama's claim that he can indefinitely detain prisoners *even after they are acquitted of their crimes* is a power that even [Hitler and Stalin didn't claim](#).

Indeed, Obama has turned America into the [most spied upon nation in world history](#), and has [rolled back liberties to the time of the enactment of the Magna Carta](#) in 1215.

The original source of this article is [Washington's Blog](#)  
Copyright © [Washington's Blog](#), [Washington's Blog](#), 2013

---

**[Comment on Global Research Articles on our Facebook page](#)**

**[Become a Member of Global Research](#)**

Articles by: [Washington's Blog](#)

**Disclaimer:** The contents of this article are of sole responsibility of the author(s). The Centre for Research on Globalization will not be responsible for any inaccurate or incorrect statement in this article. The Centre of Research on Globalization grants permission to cross-post Global Research articles on community internet sites as long the source and copyright are acknowledged together with a hyperlink to the original Global Research article. For publication of Global Research articles in print or other forms including commercial internet sites, contact: [publications@globalresearch.ca](mailto:publications@globalresearch.ca)

[www.globalresearch.ca](http://www.globalresearch.ca) contains copyrighted material the use of which has not always been specifically authorized by the copyright owner. We are making such material available to our readers under the provisions of "fair use" in an effort to advance a better understanding of political, economic and social issues. The material on this site is distributed without profit to those who have expressed a prior interest in receiving it for research and educational purposes. If you wish to use copyrighted material for purposes other than "fair use" you must request permission from the copyright owner.

For media inquiries: [publications@globalresearch.ca](mailto:publications@globalresearch.ca)