

Of US presidents and shadow foreign policies

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Under scanner: A woman distributes copies of The Washington Post among supporters of an impeachment inquiry against the US President Donald Trump - REUTERS/LUCAS JACKSON

Donald Trump's impeachment defence pushes familiar tropes of executive privilege a little too far

US President Donald Trump is on a phone call with a newly elected Ukrainian counterpart, Volodymyr Zelensky. A comic actor whose only previous brush with the presidency was playing the role for a TV series, Zelensky is dealing with a tough security situation, fighting active Russian involvement in an ethnic conflict and 20 broken ceasefires in five years.

The phone conversation turns to military aid the US Congress has authorised and Trump has signed off on. There has been some delay in the shipment of promised military hardware. At that point, Trump leans in. "I need a favour from you," he says, with all the practised instincts of an extortionist.

Trump faces possible impeachment for running a "shadow foreign policy" that subverted US security goals for a personal objective. At various points through the summer, the US president exerted pressure for a Ukrainian investigation into an energy company that Democratic rival Joe Biden's son was involved in. There was the possibility of impropriety in the younger Biden's involvement in an overseas

business while his father served as vice-president, though nothing was proven after thorough investigations by Ukrainian agencies. In seeking a ransom for authorised military aid, Trump was effectively commandeering public funds for smearing a prospective opponent.

This was one provocation too many for Democrats who have held a majority in the US House of Representatives since early this year. Earlier transgressions ignited outrage, including illicit profiteering from an office of public trust, and multiple instances of collusion with Russian entities through the 2016 election campaign. But clever pre-emptive manoeuvres helped defuse possible threats, as with Trump's attorney-general grossly misrepresenting the findings of the Robert Mueller inquiry in a verbal summary prior to the report's release. By capturing the initial cycle of news media reporting with the summary, the Trump administration hack sounded the bugle, emboldening Republicans to rush into partisan battle against a supposed "deep state" conspiracy to overturn the 2016 election.

This time around, the manoeuvres failed. Trump had his office release an edited transcript of his call to the Ukrainian president, which had an effect opposite to that intended. Devoid of other options, surrogates of the US president have deployed in his defence an argument from a time of monarchical absolutism: That the president cannot violate the law, because what he does is the law. Trump's personal attorney Rudolf Giuliani was first into battle with that claim, but withdrawn after a series of embarrassing faux pas. White House chief of staff Mick Mulvaney, taking his place before the TV cameras, said much the same, adding on the advice that the opposition should just "get over it".

Though repugnant to modern democratic practice, an extreme reading of executive privilege is sanctified by convention in the US. Legislative restraints exist in theory, but the manner of their application has always depended upon the competitive dynamic between the two parties, which often meld into one.

Contesting the 1968 US presidential election, the Republican candidate Richard Nixon, through his proxy Henry Kissinger, urged the South Vietnamese side in peace negotiations then underway to walk away from the talks. That embarrassed the peace initiative launched by incumbent president Lyndon Johnson and

undermined the electoral appeal of his vice-president Hubert Humphrey, Nixon's rival in a tight race.

The perfidy came to light in later years thanks to the investigative work of journalists such as Seymour Hersh. But Nixon got away. It was only after a persistent pattern of wrongdoing led to his resignation that congressional inquiries into the Nixon-Kissinger shadow foreign policy uncovered a number of grievous wrongs.

Statutory oversight mechanisms instituted following this were jettisoned during the term of the next Republican president, Ronald Reagan. First came his shadow foreign policy as candidate, persuading the Islamic regime in Iran to delay the release of hostages seized from the US embassy in Tehran, so that incumbent president Jimmy Carter would go into the election shrouded in the embarrassment of that failure. And then came the multiple "dirty wars" in Central America, and the sinister game of collusion with both sides in the Iran-Iraq conflict.

Congressional investigations into these acts ran into a wall of resistance from Republicans asserting executive privilege. The matter then lapsed into neglect because the US from then on was on a winning spree, emerging as the sole global superpower after vanquishing its Cold War ally. Freedom from oversight was a factor that contributed to George W Bush's fatal folly of the 2003 Iraq invasion.

Trump's misdemeanours come at a time of weakening internal consensus. Global wars launched since 2001 to restructure the world have floundered and the social fabric is rent by growing imbalances of wealth and income. Trump embodies some of the pathological extremes that could emerge in challenging times. His impeachment could be a step towards setting them right, or perhaps a way-station towards the emergence of a more skilful demagogue, free of his many anxieties.



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