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To the Editor,
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In reviewing my *The Once and Future King*, my friend John Yoo complains that I misunderstand the American presidency, especially its ability to supply energy in wartime. “Executives could rise to the challenges of foreign affairs, national security, and war, which would paralyze slow, deliberative legislatures.”

Well, John Yoo *would* say that, wouldn't he? Still, he does have a point. A year ago people in Washington expected Obama to attack Syria, until the British Parliament voted not to go to war. Professor Yoo mightn't have liked that, but then he might recollect that my native Canada never fought a foolish or ignoble war, or lost one either.

Professor Yoo also takes issue with my conclusion that presidential regimes are bad for liberty. As an empirical matter I don't think that's debatable, but that's not to say that America is unfree. Rather, its constitution was not made for export, unlike the post-1832 British constitution. If America is free, then, it's in spite of its constitution and not because of it.

Professor Yoo correctly notes that there's more stability under the constitution's separation of powers. That's merely another way of describing gridlock, however. There was a time, in the distant past, where this might have prevented inefficient and liberticide laws from being passed, but since then America has sadly played catch-up, with the 1965 Immigration Act, Sarbanes-Oxley, Dodd-Frank, Obamacare, and a host of other ill-advised laws, a one-way ratchet in which bad laws are enacted and then turned into the laws of the Medes and the Persians. That's why, at this point in history, what matters is the ability to reverse bad laws, and there parliamentary regimes trump presidential ones.

We are all patriots first and philosophers second, and that's just as it should be. Still, there's a dark side to patriotism when it amounts to an “I'm all right, Jack” complacency. At a time when America is dropping like a stone in measures of economic freedom, when it imprisons more people than any other country, when its people are less wealthy and its government more corrupt than many of its First World competitors, when its tort law regime resembles a demented slot machine of judicially sanctioned theft, when its public debt has ascended to alarming levels, when its president makes laws by diktat and refuses

to enforce laws he dislikes, Professor Yoo's blithe conclusion that we live under the best of all possible constitutions seems a little tendentious.

Professor Yoo compares me to the never-too-much-to-be-praised George Mason, after whom my school is named. I repay the compliment by likening him to Alexander Hamilton, whose vision of the executive he defends. But that's not what the other Framers wanted, or what today's Americans want either.

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