

Trump threatens to adjourn Congress

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During a press conference last Wednesday, Trump threatened to “adjourn” Congress, forcing it into a recess, for the purpose of overriding and circumventing the confirmation process for his nominees to positions in the federal government. This is a threat without any precedent in American history.

While workers around the world have launched strikes and walkouts in response to the life-and-death risks they are being compelled to take without adequate safety measures and equipment during the pandemic, an opposite process is playing out within ruling establishments around the world, which are stumbling even further to the right.

Trump’s regular press briefings during the pandemic have become a fixture of the news cycle. Surrounded by flags and official regalia, and with his pig-grunt style of delivery, the American president praises himself, falsifies the scale of the disaster, rambles and embellishes in the style of a corporate salesperson, hurls abuse at the assembled reporters, promotes snake-oil cures for the virus and threatens to assume dictatorial powers.

On Wednesday, in the midst of an hour-long rant that careened through a wide range of subjects, Trump bemoaned the failure of Congress to approve his various nominees to federal positions. He declared that Congress must either vote on his appointees or adjourn so that he can make the appointments himself. If Congress refuses to adjourn, Trump said, he would force it to adjourn.

“If the House will not agree to that adjournment, I will exercise my constitutional authority to adjourn both Chambers of Congress,” he declared.

The American president has no such constitutional authority, and this supposed power has never been exercised by any previous president. But lest anyone think that Trump misspoke or was making an idle threat, he rambled on for emphasis: “The current practice of leaving town while conducting phony, pro-forma sessions is a dereliction of duty that the American people cannot afford during this crisis. It is a scam. What they do. It’s a scam and everybody knows it, and it’s been that way for a long

time, and perhaps it’s never done before. It’s never been done before. It’s ridiculous.”

After threatening to “adjourn” Congress, Trump’s next talking point was his decision to withhold funding to the World Health Organization, which has been at the forefront of global efforts to fight against the spread of the coronavirus. Turning reality on its head, Trump sought to shift blame for his own administration’s colossal mismanagement of the crisis onto the WHO.

The US constitution, as it has been amended and interpreted since the American Revolution, provides for a separation of powers between the various branches of the federal government, with each operating in theory to limit the powers of the others. When the president seeks to appoint an official to a post in the federal government, the appointee goes through a confirmation process in the Senate. The constitution also provides that while the Senate is in recess, the president can make appointments without waiting for confirmation. These are known as “recess appointments.”

When the Senate is in the control of another political party, that party will often try to prevent the president from making recess appointments by refusing to adjourn for more than three days, a tactic that has been upheld in the Supreme Court. As Trump’s Democratic Party opponents were quick to point out, what Trump called “phony” and a “scam” and a “dereliction of duty” is precisely the same practice that the Republican Party used to block the appointment of federal officials nominated by Obama.

The provision Trump’s lawyers have cited for his purported authority to adjourn Congress simply does not say what they say it does. In a separate article of the constitution dealing with other miscellaneous presidential powers, the president is given the authority to break a deadlock between the House of Representatives and the Senate as to the time for adjourning. No such deadlock exists today, and this provision has never been invoked to date.

This provision dates from a time when the Congress

was not in session for months at a time, and owing to the difficulty and hardship of long-distance travel in the 18th century, it was difficult to convene on short notice. As transportation became more reliable and congressional proceedings became more regular, this “tie-breaking” provision faded into irrelevance. It was never invoked from the opening of the first session of Congress in March 1789, during the presidency of George Washington, until April 2020, when it was cited by President Donald Trump.

This provision does not permit the president unilaterally to adjourn Congress. Indeed, it was one of the grievances listed in the Declaration of Independence, which justified the revolution, that the tyrant King George III had “dissolved Representative Houses repeatedly.” The president was denied that power in the American constitution, in contrast with the power of the British monarch to “prorogue” (suspend) Parliament.

But Trump is not the sort of president to let history, facts, or law get in his way. Indeed, under the banner of so-called constitutional “originalism,” far-right jurists have long occupied themselves with seeking out and inventing new authoritarian meanings for otherwise innocent constitutional provisions. Pioneered to a great extent by the late arch-reactionary Supreme Court justice Antonin Scalia, a significant body of pseudo-legal and fascistic jurisprudence has been built up around theories such as the one advanced by President Trump on April 15.

Trump’s lawyers have been hard at work developing the legal justifications and doctrines necessary to a presidential dictatorship. One suspects that the president’s supposed power to adjourn Congress unilaterally represents only their most recent “discovery.”

In an unhinged rant to the National Lawyers Convention in November, Trump’s Attorney General William Barr declared that the purpose of the American revolution was to consolidate tyrannical power in the hands of a single individual. Last month, Barr demanded that Congress pass legislation that would allow for the suspension of due process during the coronavirus crisis. Barr’s proposal would override constitutional protections such as habeas corpus and allow imprisonment without hearings or trial.

In its perspective on Saturday, the *World Socialist Web Site* remarked that, “Deeply reactionary and inhuman ideas are wafting about Germany,” referring to efforts to prepare public opinion for a government policy that would result in death on a mass scale. The same can be said of Washington, DC, where the legal framework of a presidential dictatorship is the subject of open discussion.

Atlantic magazine responded to Trump’s comments Wednesday with evident alarm: “All this talk of adjournments and recesses may sound technical,” wrote law professor Neal K. Katyal and attorney Thomas P. Schmidt. “But many important principles of constitutional law are embodied in constitutional fine print. Most obviously, a president cannot just make Congress disappear when he wishes—in order to end an oversight investigation, for instance, or to prevent Congress from voting against a war he would like to wage... No crisis, not even the present one, is an excuse to do that.”

If the American president had the power to unilaterally adjourn Congress to override any opposition to his policies, the anti-democratic and authoritarian consequences would be immense. It would, at a minimum, clear the way to open and unbridled presidential despotism. The opposition party in Congress would be relegated to an irrelevant applause chamber, since in the event of any opposition the president could simply lock the doors.

In the context of the pandemic, with the callous indifference and incompetence of the capitalist ruling elites on full display, masses of workers around the world will draw conclusions in the direction of socialism and revolution. The ruling elites are drawing conclusions in exactly the opposite direction: that any vestiges of democratic forms have to be cleared aside in favor of dictatorship, repression, and death on a mass scale.



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