

# While bemoaning Mueller probe, Trump falsely says the Constitution gives him 'the right to do whatever I want'

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By Michael Brice-Saddler

President Trump believes the Constitution gives him a wide breadth of power. That's the message he delivered — not for the first time — on Tuesday while addressing a crowd of teenagers and young adults at the Turning Point USA Teen Student Action Summit in Washington.

There are numerous viral video clips from Trump's 80-minute speech at the conference, but one of the most controversial moments came as he discussed Article II of the Constitution, which describes the powers of the president.

Trump lamented the duration and cost of the investigation of Russian interference in the 2016 presidential election led by special counsel Robert S. Mueller III, which he has repeatedly said found "no collusion, no obstruction."

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"Then, I have an Article II, where I have to the right to do whatever I want as president," he said. "But I don't even talk about that."

Political pundits flooded social media with that clip, though most of the videos didn't include the Mueller-probe context. Trump in his Tuesday speech also attacked "the Squad" — four liberal congresswomen who are critical of the president — and falsely claimed Democrats saw wins in the 2018 elections because undocumented immigrants voted "many times — not just twice."

Article II grants the president "executive power." It does not indicate the president has total power. Article II is the same part of the Constitution that describes some of Congress's oversight responsibilities, including over the office of the presidency. It also details how the president may be removed from office via impeachment.

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Trump's remarks come as Democratic lawmakers are facing mounting pressure from the left to launch impeachment hearings on the president. Republicans and the majority of House Democrats voted down an impeachment resolution against the president last week.

William C. Banks, a professor of law at Syracuse University, told The Washington Post on Tuesday that Trump's comments are an affront to "basic points that every schoolchild learns in civics." Trump took an oath to support and defend the Constitution when he became president, Banks noted, meaning he can only do what the Constitution permits him to.

"It's certainly not a grant of unlimited power," Banks said. "He's not a monarch, he's the chief executive ... and he's bound to uphold the rule of law."

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The lawsuits Trump faces in federal courts serve as a reminder of that notion, Banks said. The professor cited various delays to Trump's border wall, as well as the challenges the president has faced while implementing immigration reform. Last week, The Post reported that plaintiffs led by the American Civil Liberties Union had sued the Trump administration to stymie a new policy that disqualifies most asylum seekers who cross through Mexico en route to the United States.

As The Post's Aaron Blake notes, this is not the first time Trump has made such an assertion about "Article II," with previous references typically in the context of Mueller's probe. Speaking to ABC News in June about allegations that Trump wanted to fire Mueller, the president said: "Article II allows me to do whatever I want. Article II would have allowed me to fire him."

Example 1: <https://t.co/SToq8fWn7g>

Example 2: <https://t.co/VGaOozLr08>

— Aaron Blake (@AaronBlake) July 23, 2019

Jonathan Turley, a law professor at George Washington University, said Trump may have been referring to the position of his legal team — that the president could fire the special counsel without committing obstruction.

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"I think he was inartfully repeating that position of his legal team," Turley said. "That position happens to be wrong, by the way."

In broader context, Turley called Trump's comments "chilling" and fundamentally at odds with the language of the Constitution — namely Articles I and III — which impose a series of conditions upon the president's power. Turley recalled that some of the Constitution's framers were against having a single president and sought to divide executive powers among multiple people.

Yet Trump is not the first president to be expansive in his reach. Barack Obama, Turley said, "routinely engaged in unilateral actions some think were unconstitutional." He also cited Abraham Lincoln, who famously suspended the writ of habeas corpus in 1863 — a move Turley said was "directly and flagrantly in violation of the Constitution."

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"There is a tendency of presidents to lose sight of the language of the Constitution," Turley said. When courts have ruled against Trump, he added, the president has complied with court orders.

Earlier this month, Trump once again mentioned "a thing called Article II" as he spoke to reporters about Mueller's collusion and obstruction findings.

"Nobody ever mentions Article II," he said. "It gives me all of these rights at a level nobody has ever seen before. We don't even talk about Article II."

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