



Written by [John and Nisha Whitehead](#) on July 3, 2024

The Supreme Court Makes the President a Dictator for Life

The relationship between the President and the people he serves has shifted irrevocably. In every use of official power, the President is now a king above the law.—Justice Sonia Sotomayor dissenting in [Trump v. United States](#)



John Whitehead

The U.S. Supreme Court has made it official: the president of the United States can now literally get away with murder.

In a devastating 6-3 ruling in *Trump v. United States* that is equal parts politically short-sighted, self-servingly partisan, and utterly devoid of any pretense that the president is anything other than a dictator, the Supreme Court has validated what Richard Nixon once claimed: [“When the president does it, that means that it is not illegal.”](#)

As Justice Sotomayor concluded in her [powerful dissent](#):

The President of the United States is the most powerful person in the country, and possibly the world. When he uses his official powers in any way, under the majority’s reasoning, he now will be insulated from criminal prosecution. Orders the Navy’s Seal Team 6 to assassinate a political rival? Immune. Organizes a military coup to hold onto power? Immune. Takes a bribe in exchange for a pardon? Immune. Immune, immune, immune. Let the President violate the law, let him exploit the trappings of his office for personal gain, let him use his official power for evil ends. Because if he knew that he may one day face liability for breaking the law, he might not be as bold and fearless as we would like him to be. That is the majority’s message today. Even if these nightmare scenarios never play out, and I pray they never do, the damage has been done.

The damage has indeed been done. Indubitably. Irrevocably. Unarguably.

Every American should be outraged, offended and afraid of what this ruling means for the future of our nation.

There can be no more pretending that we live in a constitutional republic. It’s all out in the open now. This is a dictatorship: Hitler has finally stepped out of the shadows.

The rule of law may have been on life support for a long time, but this ruling pulls the plug.



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The facts of the case itself, which asks whether former president Donald Trump is immune from prosecution on charges that he attempted to overturn the 2020 presidential election, are less important than the ramifications of this ruling, which goes so far as to dramatically expand the power of the presidency, rendering *whoever* occupies the Oval Office lawless and unaccountable.

This is exactly how tyranny rises and freedom falls.

In a textbook example of doublespeak, Chief Justice John Roberts, writing for the Supreme Court's six-person conservative majority, essentially declared that presidents are not above the law and then turned right around and [ensured that presidents can do whatever they want in their official capacity without being held accountable or criminally liable](#).

As Roberts noted, "We conclude that under our constitutional structure of separated powers, the nature of presidential power requires that a former president have some immunity from criminal prosecution for official acts during his tenure in office. At least with respect to the President's exercise of his core constitutional powers, [this immunity must be absolute](#)."

Here's the thing, however: this isn't anything new. Not really.

Although the Constitution invests the President with very specific, limited powers, in recent years, American presidents have claimed the power to completely and almost unilaterally alter the landscape of this country for good or for ill. The powers amassed by each successive president through the negligence of Congress and the courts—powers which add up to a toolbox of terror for an imperial ruler—empower whoever occupies the Oval Office to act as a dictator, above the law and beyond any real accountability.

As law professor William P. Marshall explains, "[every extraordinary use of power by one President expands the availability of executive branch power for use by future Presidents](#)."

Moreover, it doesn't even matter whether other presidents have chosen *not* to take advantage of any particular power, because "it is a President's action in using power, rather than forsaking its use, that has the [precedential significance](#)."

In other words, each successive president continues to add to his office's list of extraordinary orders and directives, [expanding the reach and power of the presidency](#) and granting him- or herself near dictatorial powers.

All of the [imperial powers amassed by past](#) presidents—to kill American citizens without due process, to detain suspects indefinitely, to strip Americans of their citizenship rights, to carry out mass surveillance on Americans without probable cause, to suspend laws during wartime, to disregard laws with which he might disagree, to conduct secret wars and convene secret courts, to sanction torture, to sidestep the legislatures and courts with executive orders and signing statements, to direct the military to operate beyond the reach of the law, to operate a shadow government, and to act as a dictator and a tyrant, above the law and beyond any real accountability—were passed from Clinton to Bush to Obama to Trump to Biden and will be passed along to the next president.

These presidential powers—acquired through the use of executive orders, decrees, memorandums, proclamations, national security directives and legislative signing statements and which can be activated by any sitting president—enable past, present and future presidents to operate above the law and beyond the reach of the Constitution.

These are the powers that continue to be passed along to each successive heir to the Oval Office, the



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Constitution be damned.

So you see, the Supreme Court didn't *make* the president a dictator. It merely confirmed what we've been warning about all along: the president is already an imperial, unaccountable and unconstitutional dictator with permanent powers.

Absolute power absolutely corrupted the presidency.

Which brings me back to the Supreme Court's ruling on July 1, 2024, which was handed down mere days before the nation celebrates the anniversary of its declaration of independence from the heavy-handed tyranny of King George.

Read the [Declaration of Independence](#) again, and ask yourself if the list of complaints don't bear a startling resemblance to the abuses "we the people" are suffering at the hands of the American police state.

In the 248 years since early Americans first declared and eventually won their independence from Great Britain, "we the people" have managed to work ourselves right back under the tyrant's thumb.

Only this time, as I make clear in my book [Battlefield America: The War on the American People](#) and in its fictional counterpart [The Erik Blair Diaries](#), the tyrant is one of our own making.

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