



Written by [Joe Wolverton, II, J.D.](#) on September 21, 2019

## How Much “Latitude” Do Presidents Have When Dealing With Foreign Leaders?

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House Intelligence Committee Chairman Adam Schiff (D-Calif.) said Friday that a whistleblower complaint against President Trump involves a “serious or flagrant abuse or violation of law or misappropriation.” The complaint reportedly says that Trump repeatedly tried to persuade the Ukrainian president to investigate the business dealings in that country of Hunter Biden (shown), son of Democratic presidential frontrunner Joe Biden.

In his defense, the president called the accusations “just another political hack job” and labeled the anonymous — to everyone, including Trump — whistleblower “a partisan person” Additionally, he insisted that his negotiations with other world leaders are “always appropriate.”

Speaking to reporters after an Oval Office with the Australian Prime Minister Scott Morrison, President Trump refused to confirm or deny that he mentioned the Biden family during his phone conversation on July 25 with Ukrainian President Volodymyr Zelensky. In fact, Trump told reporters that whether or not he talked about the Bidens “doesn’t matter.”

According to a *Wall Street Journal* report, Trump tried to convince Zelensky to initiate an investigation into Hunter Biden’s business dealings in Ukraine. The fact that the whistleblower’s information involved Ukraine and a telephone call the president made was reported earlier by the *Washington Post* and the *New York Times*. But as of press time, the whistleblower’s name is unknown and the details of the leak are being kept under cover by lawmakers.

The provenance and progress of the whistleblower’s complaint against President Trump was summarized in a *Los Angeles Times* article published Friday:

The whistleblower complaint was filed on Aug. 12 with the intelligence community’s inspector general, Michael Atkinson, who notified the House Intelligence Committee on Sept. 9 because he considered the complaint “urgent” and “credible.”

Atkinson, a former federal prosecutor who was appointed to his current position by Trump, stressed the urgency of the matter in a second letter on Sept. 17, saying it “relates to one of the most significant and important of the [director of national intelligence’s] responsibilities to the American people.”



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Rep. Adam B. Schiff (D-Burbank), the committee chairman, has fought to obtain a copy of the complaint. But the acting director of national intelligence, Joseph Maguire, has refused to release it.

The top lawyer for Maguire's office wrote in a letter to Schiff that the complaint "concerned conduct by someone outside the intelligence community and did not relate to any 'intelligence activity' under the DNI's supervision," meaning there was no requirement to provide it to Congress....

Presidents have wide latitude to deal with foreign leaders and disclose classified information, so it wasn't immediately clear why Trump's conduct triggered an intelligence officer's complaint to the inspector general. Schiff said there's no reason to believe the whistleblower merely disagreed with Trump's policies.

"This involves something more sinister, something involving a serious or flagrant abuse or violation of law or misappropriation," he said Friday.

Maguire is scheduled to testify publicly on Capitol Hill next Thursday.

Democratic leaders rallied around Schiff's efforts. The dispute raises "grave, urgent concerns for our national security," House Speaker Nancy Pelosi (D-San Francisco) said in a statement. If Trump "has done what has been alleged, then he is stepping into a dangerous minefield with serious repercussions for his administration and our democracy" she added.

Most reports about the allegations, such as the one above, say that the president of the United States has "wide latitude" when it comes to his dealings with foreign heads of state and other international leaders. Any latitude that exists is to be found in the U.S. Constitution, for it is in that contract where the entirety of executive power is found, chiefly in Article II of that document.

Referring to the president, Article II, Section 3 allows that "he shall receive ambassadors and other public ministers." That's it. There's not another word about the limits of the president's power to parley with world leaders. There is a bit more information in *The Federalist* (known commonly as *The Federalist Papers*), however.

In *The Federalist*, No. 42, James Madison observes that the power to "receive other public ministers" is of the "second class of powers lodged in the general government" and that this power, along with the power to send and receive ambassadors "speak their own propriety."

Later, in *The Federalist*, No. 69, Madison's "Publius" partner, Alexander Hamilton, claims that the president's power to deal with public ministers is "more a matter of dignity than of authority."

"It is a circumstance which will be without consequence in the administration of the government; and it was far mar convenient that it should be arranged in this manner, than that there should be a necessity of convening the legislature, or one of its branches upon every arrival of a foreign minister," Hamilton added.

Oddly, Hamilton's claims that in the exercise of the president's authority in the arena of dealing with foreign dignitaries, there would be no "necessity of convening the legislature," in *The Federalist*, No. 77, he points to the fact that the president would "be subjected to the control of a branch of the legislative body" as one of the acts of the convention that "provided in favor of the public security."

Which is it, Alex?



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Maybe Madison had it right when he wrote in 42 that although the president's latitude in the area of ambassadors and public ministers may seem "lesser," he warned that "minute provisions become important when they tend to obviate the necessity or the pretext for gradual and unobserved usurpations of power."

As the specifics of the whistleblower's story are still shrouded by secrecy, there is no way to know how much latitude President Trump did or did not take in his conversations with the Ukrainian president.; Regardless of the revelations made by the whistleblower, we do know something of the seemingly questionable character of Hunter Biden. Here's the picture painted by the *National Review*:

When you're the son of a famous senator or vice president, doors keep opening for you. By 2014, Hunter Biden had been a bank vice president, a lawyer, a partner at a mergers and acquisitions firm, attempted to purchase a hedge fund, founded two consulting firms, and shortly after his father started his second term as vice president, joined the U.S. Naval Reserve.

That ended badly; he was discharged after about a year for failing a drug test.

Returning to the investment world, Biden's business partners included Jonathan Li, who ran a Chinese private-equity fund, Bohai Capital. In April 2014, at age 44, Hunter Biden joined the board of directors for Burisma Holdings, the largest non-government run natural gas company in Ukraine.

Not everyone in the Obama administration was comfortable with Hunter's new business partners, according to *The New Yorker*:

Hunter's meeting with Li and his relationship with BHR attracted little attention at the time, but some of Biden's advisers were worried that Hunter, by meeting with a business associate during his father's visit, would expose the Vice-President to criticism. The former senior White House aide told me that Hunter's behavior invited questions about whether he "was leveraging access for his benefit, which just wasn't done in that White House. Optics really mattered, and that seemed to be cutting it pretty close, even if nothing nefarious was going on." When I asked members of Biden's staff whether they discussed their concerns with the Vice-President, several of them said that they had been too intimidated to do so. "Everyone who works for him has been screamed at," a former adviser told me. Others said that they were wary of hurting his feelings. One business associate told me that Biden, during difficult conversations about his family, "got deeply melancholy, which, to me, is more painful than if someone yelled and screamed at me. It's like you've hurt him terribly. That was always my fear, that I would be really touching a very fragile part of him."

At the very least, Hunter Biden's business dealings were creating the appearance of a conflict of interest for the vice president.

There is one final fact about Hunter Biden's dealing with Burisma Holdings at which any disinterested person would look askance: After the Obama administration worked to get an executive of the company sacked, the Ukrainian prosecutor dropped a "wide-ranging corruption probe" into Burisma, a Ukrainian company with Hunter Biden on its board of directors.

As for now, the contents of President Trump's telephone call with a foreign dignitary remain a mystery. What is not in doubt, however, is that the matter will be fodder for assaults by Republicans on Democrats and Democrats on Republicans and will add fuel to the fire of impeachment being built by Democrats on Capitol Hill.



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*Photo of President Trump: AP Images*



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