

Trump's GOP: Perched Between Risk and Opportunity

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Commentary

By Peter Berkowitz

RCP Contributor

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Republicans have rarely had it so good or found themselves so politically vulnerable.

On the one hand, the time is ripe for the Grand Old Party to institute bold reforms that bring the United States back in line with limited government, economic opportunity, and strength abroad—principles and policies to which the party has long been dedicated.

With the swearing in of the nation's 115th Congress and 45th president, the GOP controls both political branches of the federal government. President Donald Trump and Senate Majority Leader Mitch McConnell will soon replace the late Justice Antonin Scalia with a stalwart originalist and may have a chance over the next four years to cement a majority of Supreme Court justices devoted to deciding cases and controversies in accordance with constitutional text, history, and structure. Republicans dominate on the state level to a degree unseen since the late 1920s.

On the other hand, Republicans must carefully calibrate their actions since our new president's grip on power is precarious.

Trump lacks a national mandate. In the crucial states of Pennsylvania, Michigan and Wisconsin, he won by minuscule margins of, respectively, 0.7 percent, 0.3 percent, and 0.3 percent. He eked out victory in Florida with a 1.2 percent advantage over Hillary Clinton. In not one of the top 11 battleground states did he win an absolute majority.

The president, moreover, is a work in progress. At their confirmation hearings, Trump's nominees for CIA director, secretary of defense, and secretary of state expressed plain-spoken disagreement with some of his clearly proclaimed views. This could reflect a chief executive who likes his senior officials to think for themselves. Or it could be a sign of incoherence and internal disarray.

As in any presidency, much can go wrong. Just as conservatives warned that in seizing control of one-sixth of the American economy, the Affordable Care Act would produce a multitude of disruptions, dislocations, and dissatisfactions, repealing and replacing Obamacare is also likely to generate shocks to the system; Republicans will own them. In addition, President Trump and congressional Republicans will find that reversing the job

flight and economic stagnation that impelled Rust Belt voters to turn to the GOP is not an easy task. And they have inherited a Middle East that is ablaze, a resurgent Russia, an assertive China, and an irresolute Europe.

To govern effectively, Republicans will need to prudently mix boldness and careful calibration. Drawing on plentiful resources within the conservative tradition, Hugh Hewitt provides a compelling game plan in “The Fourth Way: The Conservative Playbook for a Lasting GOP Majority.”

Hewitt is a force of nature whose influence within the conservative movement still exceeds his national prominence. He hosts a daily three-hour syndicated radio show featuring in-depth conversations with politicians, journalists, policy experts, and sparring partners on the left. He is a prolific blogger. He is a professor of constitutional law at Chapman University School of Law. He is a partner in a Los Angeles law firm. He has recently become an analyst for NBC News and MSNBC.

He also has a wealth of public service under his belt. He clerked on the U.S. Court of Appeals for the D.C. Circuit. He worked in the Reagan administration first as special assistant to Attorneys General William French Smith and Ed Meese, and then as assistant counsel in the White House and general counsel of the National Endowment for the Humanities and the Office of Personnel Management. After moving to California, he served as well for 18 years on the Children and Families Commission of Orange County.

A happy warrior who knows law and politics from the inside and wears his love for America on his sleeve, Hewitt is acutely aware that the Trump administration is a high-risk endeavor. He even devotes a short chapter to the possibility of recklessness, corruption, or abuse of power triggering impeachment and removal of the president from office.

But Hewitt’s book brims with a hopeful, can-do spirit. He sees in the new Republican president and Congress an opportunity to foster a constitutional conservatism that is superior to the main governing alternatives presented to the American people over the last century.

The “First Way” was Franklin Delano Roosevelt’s entrenchment of the welfare and regulatory state with its colossal federal bureaucracy. Ronald Reagan provided a “Second Way” with his rollback of big government through the enactment of substantial tax cuts and the implementation of a muscular foreign policy devoted to defeating communism. The “Third Way” of President Bill Clinton (and British Prime Minister Tony Blair) sought to split the difference between the left and right on behalf of progressive goals.

Hewitt’s “Fourth Way” is, as he writes, “an old way”—a return to America’s constitutional foundations informed by the realities of today’s party politics and the details of contemporary public policy. It calls for “absorbing most of the traditional Reagan agenda (and methods)—

free markets and strong defense—while adding an emphasis on improvements in infrastructure and modernized delivery of those parts of government that cannot be replaced by the private sector.”

In the spirit of Alexander Hamilton and Abraham Lincoln, conservative heroes for whom limited government was consistent with vigorous and competent governing, Hewitt’s most elaborate and distinctive proposal involves \$83 billion in “infrastructure investments.” To emphasize Republican fiscal restraint, that is one-tenth the price tag of Obama’s 2009 stimulus.

In further contrast to Obama’s massive spending, which, Hewitt observes, left barely a trace, he advises Republicans to become “savvy humanitarians” by focusing spending on tangible, brick-and-mortar projects—roads, bridges, schools, health clinics, athletic facilities, community centers, shelters for homeless families, airport and port expansions. The federal government can promote local control and solidarity among citizens by allocating block grants to county-based boards that would be “close to the ground, flexible, free of bureaucracy, lean, and quick to innovate.” To further promote efficiency and accountability, Hewitt would sunset the program in five years.

Another priority is immigration overhaul. Combining toughness and compassion, he recommends that Trump promptly proceed with the building of a barrier along the border with Mexico. After it is at least half complete, Trump should declare that “all law-abiding immigrants shall be regularized and permitted to stay in the United States with a new ‘purple card,’ but of course not allowed to become citizens unless and until they return to the countries of their birth to stand in line with every else.”

Additionally, Hewitt urges the Trump administration to proceed expeditiously in filling the more than 100 vacancies in the federal district and circuit courts with judges who will adhere to the Constitution’s clear mandates while deferring to the people and the political branches where our founding charter leaves their choices free. He outlines steps to help Trump make good on his promise to rebuild the U.S. armed forces, starting with a 350-ship navy—up from the current 282 active-duty ships, the lowest level since World War I. And Hewitt offers innovative ideas for advancing orthodox conservative commitments to tax-code simplification, regulatory-state rollback, and entitlement restructuring.

Whether Trump and congressional Republicans will make the most of this unusual moment by enacting bold but carefully calibrated reform is an open question. Either way, such reform should not be seen as a supplement to, but rather as a central imperative of, a constitutional conservatism.

Peter Berkowitz is the Tad and Dianne Taube senior fellow at the Hoover Institution, Stanford University. His writings are posted at PeterBerkowitz.com and he can be followed on Twitter @BerkowitzPeter.

