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Chapter 1 : The Imperial Presidency - Wikipedia

The US President has more power than it did years ago. Both its domestic and foreign policy power are less than they were in , however, especially its domestic power. Domestically, the US President lacks the control over his caucus he wants had because Congressional leaders are more powerful.

This was kept secret from Congress. This resulted in the exclusion of the Congress, the press, the public and the Constitution in foreign policy decisions. Once established, the imperial Presidency then expanded into domestic issues. These economic powers were used to reward economic sectors that supported his actions and punish those sectors that opposed his actions. Rather than veto Congressional legislation that he opposed, he would impound the funds. The Constitution empowers the Congress to determine the level of spending, not the President. The President is not allowed to selectively enforce laws, which Nixon did. Plebiscitary democracy is defined as where a leader is elected but once elected has almost all of the power. Another explanation of the Nixon model would be a personal dictatorship or an elective kingship under the Constitution where the President represents the democratic majority and any opposition is considered antidemocratic. Public responses are limited to voting during elections. Agents of the Treasury Department went to public libraries to examine the book borrowing records of citizens. Breaking and entering was authorized by Nixon to investigate suspects. The National Security Agency was authorized to monitor conversations of citizens making international phone calls. He nearly succeeded but for the actions of hardline opponents. The presidency reigns supreme in foreign policy. The weight of messianic globalism was indeed proving too much for the American Constitution. If this policy were vital to American survival, then a way would have to be found to make it constitutional; perhaps the Constitution itself would have to be revised. In fact, the policy of indiscriminate global intervention , far from strengthening American security, seemed rather to weaken it by involving the United States in remote, costly and mysterious wars, fought in ways that shamed the nation before the world and, even when thus fought, demonstrating only the inability of the most powerful nation on earth to subdue bands of guerrillas in black pajamas. When the grandiose policy did not promote national security and could not succeed in its own terms, would it not be better to pursue policies that did not deform and disable the Constitution? First, the president must both report to Congress immediately, with all information and justification, when troops were sent into battle and continue to report during the conflict. Second, a joint declaration by Congress at any time can terminate the conflict. Once a national emergency is proclaimed, it should get Congressional approval within 30 days if it is to remain in effect. A joint resolution of Congress should be able to cancel a national emergency. The national emergencies claimed by Jefferson, Truman, and Nixon do not meet this standard. If the Congress does not understand the foreign policy, the people will not either. The claims do not rely on statutes but depend on unchecked executive judgment. National security claims were developed from the classification of documents. Executive privilege claims were originally used by the president to protect personal communications from Congress. The president kept some facts secret when he faced difficult foreign policy decisions. A citizen discovered these facts and felt it was a duty to make these facts public. A member of the free press would disclose then the facts. Reports on bows and arrows, shark repellent, and monkeys in outer space were classified secrets. The power to withhold, leak, and lie about information seems fleeting when the information is publicly revealed. Congress could be better informed if it wished. Plebiscitary democracy is defined as a leader, once elected, having almost all power. The plebiscitary president would govern by decrees such as executive orders. Nixon denied knowledge about the actions. Nevertheless, he was found officially responsible for them. Executive agreements are used by presidents to make international arrangements without involving Congress. If enacted, the proposal would change the balance of power between the presidency and the Congress and affect foreign policy decisions. Although shared decisions may often be wise, they are always democratic. If future presidents govern by decree, impeachment will be necessary to rein in the presidency and support the constitution. But what kept a

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strong President constitutional, in addition to checks and balances incorporated within his own breast, was the vigilance of the nation. Neither impeachment nor repentance would make much difference if the people themselves had come to an unconscious acceptance of the imperial Presidency. The Constitution could not hold the nation to ideals it was determined to betray.

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Chapter 2 : Is Barack Obama an imperial president? - www.nxgvision.com

While the "imperial presidency" has been discussed as a danger in our country since its founding, it is a term most associated with Nixon. Presidents such as Andrew Jackson and Franklin Delano Roosevelt showed similar tendencies.

A Question of Power: They wanted to divide power between three branches and create lines of separation that prevented the concentration of power in any single branch. The framers based their ideas on an understanding of human nature and human weakness. They tried to create a system in which ambition would check ambition. However, they knew that citizens can be distracted or deceived into giving up their very freedom. Recent years have proven them once again prophetic in their warnings. To this day, many Americans misunderstand the separation of powers as simply a division of authority between three branches of government. In fact, it was intended as a protection not of institutional but of individual rights, by preventing any branch from assuming enough power to become tyrannical. No branch is supposed to have enough power to govern alone. Once power becomes concentrated in the hands of a president, citizens are left only with the assurance that such unchecked power will be used wisely – a Faustian bargain the framers repeatedly warned us never to accept. The shift of power to the presidency certainly did not start with President Barack Obama. To the contrary, this trend has been gaining ground for decades. But it has accelerated under Obama, who has succeeded to a degree that would have made Richard Nixon blush. Indeed, Obama may be the president Nixon always wanted to be. I do not believe that Obama is or wants to be a tyrant. However, his unilateral actions are redrawing the lines of separation in our system in a way that I believe could prove destabilizing and even dangerous in the future. Rather, it refers to a model of the presidency that allows for a wide array of unilateral actions and largely unchecked powers. What is fascinating is that Nixon was largely unsuccessful in accomplishing this dream of a presidency with robust and largely unlimited powers. Indeed, many of the unchecked powers claimed by Nixon became the basis for articles in his impeachment and led to his resignation on Aug. Four decades ago, Nixon was halted in his determined effort to create an imperial presidency with unilateral powers and privileges. But in , Obama wields those very same powers openly and without serious opposition. Obama, however, has expanded warrantless surveillance programs to a degree that dwarfs anything Nixon imagined, including initiating a program that captured communications of virtually every U. Yet Obama has asserted the right to kill any U. Nixon was known for his attacks on whistleblowers, using the Espionage Act of to bring a rare criminal case against Ellsberg. He was vilified for this abuse of the law, but Obama has brought twice as many such prosecutions as all prior presidents combined. Nixon was accused of putting a few reporters under surveillance. The Obama administration has admitted to putting Associated Press reporters, as well as a Fox reporter, under surveillance. Nixon was cited for various efforts to obstruct or mislead congressional investigators. The Obama administration has repeatedly refused to give evidence sought by oversight committees in a variety of scandals. In another case, Director of National Intelligence James Clapper lied before Congress on the surveillance programs, and later said that he offered the least untruthful statement he could think of. The Obama administration, however, refuses to investigate Clapper for perjury, let alone fire him. Recently, the administration was accused of searching Senate computers in an investigation of the CIA and trying to intimidate congressional investigators. These examples are simply those connected with the growing internal security state. Other characteristics of an imperial presidency are equally evident, particularly in the repeated circumvention of Congress in ordering unilateral changes to federal law or suspending federal laws. Time and time again, Obama has returned to the theme that there is nothing to worry about in surveillance or wars or even the killing of citizens because he promises to use the powers wisely. Since the president creates these committees and appoints their members out of his own authority, he can simply ignore their recommendations. It is little more than the promise of best intentions – the very promise the framers warned us never to accept from our government. In the end, we have accepted the lure of personality over principle in allowing the expansion of these powers. Obama will not be

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our last president, but these powers are unlikely to be voluntarily surrendered by his successors. There is a radical change occurring in our system, and we may be at a critical constitutional tipping point in the establishment of an imperial presidency in the coming years. The danger of this concentration of authority is made more acute by the failure of federal courts to perform their vital function in confining the branches to their constitutional spaces. Federal courts in the past few decades have maintained an increasing position of avoidance in separation-of-powers cases, leaving it to the political branches to fight over turf. Courts now routinely block litigants, including members of Congress, from even being heard on constitutional violations. Years ago, I represented Democratic and Republican members both conservative and liberal challenging the Libyan war. They were denied even a hearing. Congress has proved equally passive, if not inert. Democrats have remained silent in the face of policies that challenge core values of privacy and war, as did Republicans under George W. That interbranch tension envisioned by Madison has gradually dissipated. Individual ambition of politicians has replaced institutional ambition, leaving many to curry favor with the White House as legislative powers are drained away by an increasingly powerful president. As that power increases, there is more pressure on politicians to yield in new areas. This downward spiral may have reached its ultimate expression this year. Framers such as Madison would have been mortified by the scene from the most recent State of the Union address. Obama appeared before a joint session of Congress and members of the Supreme Court to announce that he intended to go it alone in achieving his policy goals, refusing to yield to the actions of Congress. One would have expected an outcry, or at least stony silence, from a branch that was being told it would be circumvented. Instead, there was rapturous applause that bordered on a collective expression of institutional self-loathing. When Congress recently refused to pass the DREAM Act to change immigration laws to protect potentially millions of deportable individuals, he simply ordered the very same measures on his own authority. The same unilateral measures were ordered in health care, drug enforcement, online gambling and other areas. Under this approach, Congress is being reduced to an almost decorative element in governance — free to approve but not to block presidential demands. While Congress clearly retains powers, its members are increasingly finding that discretionary funds and powers blunt efforts to change government programs. When he decided not to consult with Congress on the Libyan war, he simply spent roughly a billion dollars on a war neither declared nor funded by Congress. Such circumvention — and the new presidential powers — create a perfect storm within the Madisonian system. It raises the very prospect the framers thought they blocked through the separation of powers: We rarely ask ourselves what those freedoms are and how they have been abridged. Our self-image can border on self-delusion when we take stock of the status of many rights. We have learned of a massive surveillance program in which every citizen has had telephonic and email data captured by the government. Every citizen has been warned that the president may kill them on his own authority without a charge, let alone a conviction. We have a secret court that approves thousands of secret searches every year and a federal court system that increasingly allows the use of secret evidence. We have a new Obama-era law, the National Defense Authorization Act, that allows for the indefinite detention of people by the government and, while exempted from mandatory detention, allows for such detention of citizens. We still have a detention center at Guantanamo Bay, established by George W. Bush, just over our border to avoid the jurisdiction of U. It allows the president to choose who gets a real trial, who gets a legally dubious military tribunal, or who gets no trial at all. While seeking to close the facility, Obama has continued to assert the right to send people to military tribunals on his sole authority — thereby stripping them of core legal protections. While the erosion of freedoms in the United States has occurred with nary a whimper of regret in this country, it has not gone unnoticed abroad. The United States is now widely viewed as a hypocrite on the subject of human rights and civil liberties. This year, our nation fell to 46th in the world on press freedoms behind the former Soviet republics of Lithuania and Latvia as well as Romania, Poland, Czechoslovakia, Ghana, South Africa and El Salvador, according to a recent study by Reporters Without Borders. When the full mosaic of new governmental powers is considered, and the full array of rights curtailed in the United States, we are left with a disturbing question of self-identity. We more often seem to define

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ourselves by what we are not than by what we are. In the summer of , a telling moment occurred after a crowd gathered around Independence Hall to learn what type of government had been created for the new nation. Franklin was one of the best known of the framers working on the new U. As a nation, we seem to have grown almost bored with rights like privacy and due process. We have been passive and pedestrian in watching the rise of an uber-presidency. We no longer view ourselves as directing our government, but as merely bystanders watching matters outside our control. Worse yet, we seem to have lost not just our identity but even our interest in governance. It was a republic when Franklin was stopped by Powel. I am not sure that most citizens today would even have stopped him to ask. He is the host of www.

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Chapter 3 : A Question of Power: The Imperial Presidency | The American Legion

The "Imperiled Presidency" was a theory of former President Gerald Ford in contrast to the theory of the Imperial Presidency. Ford argued that rather than being too powerful, the president does not have enough power to be effective.

Megan Erickson Barely a week into his presidency, Donald Trump had already signed dozens of executive orders, each more cringeworthy than the last. His power grab partly comes from his leadership style. But we must also put his actions in the context of the longstanding history of the imperial presidency. Richard Nixon started it, George W. Bush resurrected it, Barack Obama normalized it, and now Donald Trump is seizing and extending it. According to Schlesinger, Bush did not simply bring back the imperial presidency – he ratcheted it up. Schlesinger cited three key areas where Bush added to what Nixon established. First, the Bush administration engaged in speculative wars. According to Schlesinger, its emphasis on preemption dictated a degree of speculation: Preventive war refers to potential, future, therefore speculative threats. Secondly, he noted how intelligence had become a political tool. False negatives refer to instances where over-extensive security measures round up innocent people in times of crisis. False positives represent the opposite: The Bush administration believed it was safer, and therefore better, to enforce policies that created more false negatives than false positives. Even though Bush ended his two terms in ignominy, his administration never descended into the kinds of scandals that Nixon faced, nor did the succeeding administration scrutinize it. Conor Friedersdorf has noted this continuity: Obama inherited a newly powerful executive branch, just as Cheney had hoped. He has wasted no time asserting his authority. His methods conjure up the imperial presidency but in a manner that extends its absurdist logic to the extreme. First, just as Dick Cheney refused to provide details about the Energy Task Force he chaired, Trump ordered the Environmental Protection Agency to institute a media blackout. Both place activities that seem to warrant transparency and have no bearing on national security behind a wall of secrecy. But both started when the administration decided to use information to justify a particular course of action, rather than determining a course of action after studying the available evidence. Both decisions are based on groundless speculation but are primarily justified by raising the possibility of false positives. If Nixon was the original imperial president and Trump is version 3. Intelligence has become a matter of personal opinion. Policy decisions, like his immigration order, come more from racist intuition than empirical data. Schlesinger warned that Bush made war a matter of presidential choice. Trump is going to make policies that were once decided by discussion and data a matter of gut instinct – his gut instinct. It carries a compulsion toward presidential power to reckless extremes.

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Chapter 4 : "More imperilled than imperial."™ Discuss this view of the US presidency | christoptwo

An Imperilled Presidency is the contrasting theory to that of an Imperial Presidency put forward by Schlesinger. The basis of the theory is that the President does not have enough power to be effective in the role. This is in direct contrast to the theory of an Imperial Presidency. The Ford.

The imperial presidency refers to the book by Arthur Schlesinger in which he noted that the President had exceeded his constitutional powers. In , Obama stated that if chemical weapons were used in Syria, he would use military intervention. However, when they were used in , he seemingly tried to delay action. Explanations as to why he delayed include falling public support for intervention and the UK Parliament voting against intervention. As Commander in Chief, Obama had the power to intervene but was limited by informal, outside pressures. This demonstrates that although constitutionally a president has certain powers, he is limited by political pressures. In the UK, the PM may have legal powers but he needs his party to support him because otherwise, he may be removed. This was seen with Margaret Thatcher in . In , Obama signed an executive order which signalled the closing of Guantanamo Bay. However, Congress blocked bills that would have given the funds necessary to close the detention centre. As a result, Guantanamo Bay is still open today. This example demonstrates that presidents need congress on their side in order for congress to not undermine their executive orders. While the president may have power of executive orders constitutionally speaking, he needs Congress to not undermine it. The House controls the purse and executive orders often require money. In the UK, the PM cannot make laws alone but can vote on them. The views from these academics can be supported with an example from Bill Clinton phoned Marjorie Margolies to persuade her to vote in a crucial budget vote. After his persuasion, she complied. Presidents are once again dependent on others to fulfill his wishes and not undermine their demands. Presidents need to persuade people to confirm their appointments, ratify treaties and pass legislation they support. However, some would argue that the US presidency is imperial, rather than imperilled. An argument that supports this is the President in foreign policy. The president can send troops into countries without congress approval and the last century has demonstrated that. Thence, the president can act alone without congress in foreign policy. In the UK, the PM has similar powers. However, Cameron put intervention in Syria to a vote in after the unpopularity of the Iraq War. An example consists of Executive Order in , which imposed additional sanctions on North Korea. Executive orders allow the president to make significant decisions without congressional approval. This undermines the checks and balances system because congress cannot override a executive order but instead pass a law that undermines it, which is never a certainty. This involved selling illegal firearms to catch buyers out. But the government lost track of buyers and one weapon that was bought was used to kill a border patrol officer. This may seem like a specific reason but a president can simply cite this whenever he wants, giving him great power. In conclusion, the US presidency becoming more imperilled than imperial is a debate that will continue. Arguments such as the president being limited by political pressures, congress and only being able to persuade support the question while executive orders, Commander in Chief powers and executive privilege will argue the contrary. The presidency of George Bush shows that a president is still able to be imperial. Therefore, the view that the US presidency is more imperilled than imperial is false.

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Chapter 5 : Imperial Presidency - Wikipedia

Historian Arthur Schlesinger coins the term "imperial presidency" in his book of the same title, writing that the Nixon administration represents the culmination of a gradual but stunning shift towards greater executive power.

Please help improve this article by adding citations to reliable sources. Unsourced material may be challenged and removed. November Learn how and when to remove this template message As staff numbers increased, many people were appointed who held personal loyalty to the person holding the office of president and were not subject to outside approval or control. A range of new advisory bodies developed around the presidency, many of which complemented the main cabinet departments, and the cabinet declined in influence. The Senate does not "advise and consent to" appointments to the Executive Office of the President with only a handful of exceptions , as it does with cabinet appointments. A corollary is that EOP personnel may act independently of, without regard for, and without accountability to Congress. The presidency relies on powers that exceed the Constitution. The extent of foreign policy and war powers of the presidency are questioned. Also, the extent of presidential secrecy is questioned. See The Imperial Presidency. The plebiscitary presidency is a presidency that is accountable only during elections or impeachment, rather than daily to the Congress, the press, and the public. The presidencies of Richard Nixon and Ronald Reagan were particularly described as surrounded by "courts" in which junior staffers acted occasionally in contravention of executive orders or Acts of Congress. The activities of some Nixon staffers during the Watergate affair are often held up as an example. Citing both the presidencies of George W. Bush and Barack Obama as examples, he wrote: Bush keyed off the crisis to expand executive authority in national security and domestic surveillance. In that, his administration had the legal but classified support of Congress, and for a time, a considerable portion of the public. October Learn how and when to remove this template message The Executive Office of the President makes up only a very small part of the federal bureaucracy, with no institutional continuity, and the president has very little influence as to the appointment of most members of the federal bureaucracy The organization and functioning of most of the federal government is determined by law, and the president has thus little power to reorganize most of the federal government. Ford argued that rather than being too powerful, the president does not have enough power to be effective. The growth in the size of the bureaucracy surrounding the President since the New Deal made the executive more difficult to control. Ford said that "a principal weakness in the presidency is the inability of the White House to maintain control over the large federal bureaucracy. There is nothing more frustrating for a President than to issue an order to a Cabinet officer, and then find that, when the order gets out in the field, it is totally mutilated.

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Chapter 6 : "Imperial and Imperiled: The Curious State of the Executive" by Saikrishna B. Prakash

For example the notions of an imperial presidency were embedded due to the fierce opposition of the Nixon presidency. Likewise, the reflections of an 'imperial presidency' post-Watergate were an overstated reaction to the perceived limited presidential activity in the decision-making process by Carter and Ford.

Waving away security guards, Mr. Obama turned and addressed Mr. Obama, a former constitutional law lecturer, was once skeptical of the aggressive use of presidential power. During the campaign, he accused President George W. Bush of regularly circumventing Congress. Yet as president, Obama has grown increasingly bold in his own use of executive action, at times to controversial effect. The president or his administration has unilaterally changed elements of the Affordable Care Act ACA ; declared an anti-gay-rights law unconstitutional; lifted the threat of deportation for an entire class of undocumented immigrants; bypassed Senate confirmation of controversial nominees; waived compliance requirements in education law; and altered the work requirements under welfare reform. This month, the Obama administration took the highly unusual step of announcing that it will recognize gay marriages performed in Utah – even though Utah itself says it will not recognize them while the issue is pending in court. Early in his presidency, Obama also expanded presidential war-making powers, surveillance of the American public, and extrajudicial drone strikes on alleged terrorists outside the United States, including Americans – going beyond Mr. But more recently, he has flexed his executive muscle more on domestic policy. To critics, Obama is the ultimate "imperial president," willfully violating the Constitution to further his goals, having failed to convince Congress of the merits of his arguments. To others, he is exercising legitimate executive authority in the face of an intransigent Congress and in keeping with the practices of past presidents. His job approval has plummeted to the low 40s, following the disastrous rollout of his health-care reform and public outrage over massive data collection by the National Security Agency. Unemployment is falling steadily but remains high, at 6. Even though Obama will never face the voters again, he has plenty of incentive to boost his game. Reclaiming the House from the Republicans is close to impossible. It will allow him to confirm presidential nominees – including most judges, who have lifetime tenure – with a simple majority after Senate Democratic leader Harry Reid engineered a rule change last November. But nothing will impress voters more than a sense that their personal financial situation is improving. It will be a central theme in the State of the Union message, including a call for Congress to boost the federal minimum wage. Early in the new year, White House officials were cautiously optimistic that the December budget deal may signal new momentum toward bipartisan cooperation, at least in future budgetary and fiscal matters. Republicans would rather keep the spotlight on Obamacare woes than risk public blame for another government shutdown or more brinkmanship over the debt ceiling, which the Treasury Department says will be reached in late February. But one point is certain: John Podesta , former chief of staff to President Clinton and a turnaround artist, has put on his cape and swooped into the West Wing for a one-year tour as a counselor. The president has also brought back the highly regarded Phil Schiliro to oversee the continuing health-care rollout and made deputy communications director and Capitol Hill insider Katie Beirne Fallon his legislative affairs director. Podesta that has Washington buzzing. He ran the Obama transition after his first election and then repaired to his think tank, the Center for American Progress, resisting entreaties to join the administration. They are focused on that now," Podesta told Politico last year before agreeing to his new White House gig. He can drive a whole range of action. They always grasped that on foreign policy and in the national security area. Now they are doing it on the domestic side. These moves can be as important as the Emancipation Proclamation, and as trivial as an executive order allowing federal workers to leave work early on Christmas Eve. They carry the force of law, but are ill-defined. Cooper, author of the book "By Order of the President: In their use of executive orders, Bush and Obama are virtually tied: In his first five years in office, Bush issued orders, versus by Obama. Bush in the level of circumvention of Congress and the assertion of excessive presidential power. Here are some

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examples: This policy, announced by the Department of Homeland Security in , came via a memorandum that directs authorities to exercise "prosecutorial discretion" in dealing with some young undocumented immigrants. If they meet the criteria for eligibility, they are shielded temporarily from deportation and allowed to work. Last summer the judge threw out the case on jurisdictional grounds, but suggested DACA was inherently unlawful. Politics also infused how both sides handled DACA. For Obama, it was an obvious play for the Latino vote ahead of the election. For congressional Republicans , even if they could have attained "standing" to sue " a major problem in efforts to challenge executive action " acting to undo a policy that helps sympathetic young immigrants would have been bad politics. So they chose not to fight it. Last July, when the president delayed the mandate for large employers to provide health coverage for their employees by a year, his critics cried foul. Under the ACA, they would not have been eligible for subsidies " leading to fears of a brain drain from Capitol Hill. Last August, the Office of Personnel Management issued a rule allowing Hill employees to keep their federal subsidy for health insurance. The plans offered through the exchanges qualified as "health benefit plans" for the purposes of the subsidy, OPM said. Another bracing move by the Obama administration came in , when the Department of Justice announced it would no longer defend in court the Defense of Marriage Act, a law that banned federal recognition of same-sex marriages. The Supreme Court went on to strike down part of the law last June, but that does not lessen the highly unusual nature of an administration declaring on its own that a law was unconstitutional, before the court had ruled. In yet another aggressive use of executive action " bypassing the Senate in making recess appointments to key executive branch positions when the Senate is technically still in session " Obama may be on the verge of getting slapped down by the Supreme Court. Lazarus says the critics "flout long-established Supreme Court precedent and they contradict the consistent practice of all modern presidencies, Republican and Democratic, to implement complex and consequential regulatory programs. Instead, he lashed out at his critics. He believes Obama was justified in delaying the employer mandate on constitutional grounds as well as by "the practical need to avoid harming the program through effective and premature implementation," as he put it in a December article in the Boston Review. Fisher, who spent 40 years at the Congressional Research Service as a specialist on separation of powers. Wielding it often, instead of going through Congress, can look like a crutch. And it further poisons the well of already icy relations with Congress. Galston, the former Clinton aide. But getting Congress to act has become a Sisyphean task. Last year was one of its least productive on record; its most memorable act may have been failing to fund the government, leading to a shutdown. Remember Ju Hong, the young South Korean man who was invited to stand with the president during an immigration reform speech " and suddenly began heckling him? Why not just give every otherwise-law-abiding undocumented immigrant a free pass while Congress sorts out the law? On the issue of inequality, Obama is urging Congress to raise the federal minimum wage " a campaign that has boomeranged back on the president: On gay rights, Obama has long faced pressure to sign an executive order banning workplace discrimination against gay, lesbian, and transgender federal contractors. But he has resisted, saying he would rather Congress pass the broader Employment Non-Discrimination Act. ENDA would prohibit workplace discrimination based on sexual orientation by most employers, but the legislation is stalled. And so it remains open. But in the eyes of some legal experts, Obama is failing to take creative advantage of his power as commander in chief in dealing with the camp. Obama prefers to pick his fights and the timing of them carefully as he wields executive power. And for members of Congress who want to stop him, the remedies for perceived overreach are limited. Lawmakers who feel the president has flouted the laws they have passed have trouble getting "standing" in court to sue the executive branch. Rand Paul R of Kentucky is filing a class-action lawsuit against the National Security Agency over its bulk phone-record collection. At the recent House Judiciary Committee hearing on presidential power, witnesses presented other options. Another witness suggested that Congress become more assertive. In general, 41 percent of Americans approved of executive action in such cases, with 55 percent disapproving. On expanding gay rights, 43 percent approved of the president acting on his own, while 53 percent disapproved. On the question of shielding new

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categories of undocumented immigrants from deportation, 33 percent approved of presidential action, and 63 percent disapproved. Can he regain the trust of the American people? Will the ACA begin to work? Can Democrats hold onto the Senate? Presidents Reagan and Clinton recovered politically and left office with strong economies. Solid economic performance in the next year would go a long way toward helping Obama recover, though presidents have limited ability to affect the economy on their own. What can Obama do to overcome the problems of Year 5? Oratory cannot save him anymore. Ditto a breakthrough in the Israeli-Palestinian peace process, or an end to the Syria conflict. Foreign policy is often the refuge of second-term presidents. Some Republicans see an opportunity to move on immigration reform this spring, though in piecemeal fashion, which is OK with Obama as long as the bills accomplish his broad objectives — including a path to citizenship. Get the Monitor Stories you care about delivered to your inbox. But if that effort fails, could be the year of executive action.

Chapter 7 : The Imperial Presidency

Yes and no. Yes, the US President has become imperial, and no, the President is not in as much danger as say, Reagan, Kennedy, or Lincoln. Today, the President is sealed into a bulletproof and bombproof bubble.

Chapter 8 : The imperiled presidency : leadership challenges in the twenty-first century in SearchWorks ca

The imperial presidency in the United States has staged a comeback some 13 years after the fall of Richard Nixon. Both the recent renewal of presidential aggrandizement and the reaction against it.