

# Presidential Influence and the Administrative State

Waterman, Richard W.

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# Presidential Influence And The Administrative State

**Michael A. Genovese**



## **Presidential Influence And The Administrative State:**

**Presidential Influence and the Administrative State** Richard W. Waterman, 1989  
**Examination of Federal Rulemaking, S.HRG. 114-682, April 20, 2016, 114-2**, 2017  
**The Administrative State: An Examination of Federal Rulemaking, S.HRG. 114-682, April 20, 2016, 114-2**, 2017  
**Judicializing the Administrative State** Hiroshi Okayama, 2019-05-10

A basic feature of the modern US administrative state taken for granted by legal scholars but neglected by political scientists and historians is its strong judiciary. Formal or court like adjudication was the primary method of first order agency policy making during the first half of the twentieth century. Even today most US administrative agencies hire administrative law judges and other adjudicators conducting hearings using formal procedures autonomously from the agency head. No other industrialized democracy has even come close to experiencing the systematic state judicialization that took place in the United States. Why did the American administrative state become highly judicialized rather than developing a more efficiency oriented Weberian bureaucracy? Legal scholars argue that lawyers as a profession imposed the judicial procedures they were the most familiar with on agencies. But this explanation fails to show why the judicialization took place only in the United States at the time it did. Okayama demonstrates that the American institutional combination of common law and the presidential system favored policy implementation through formal procedures by autonomous agencies and that it induced the creation and development of independent regulatory commissions explicitly modeled after courts from the late nineteenth century. These commissions judicialized the state not only through their proliferation but also through the diffusion of their formal procedures to executive agencies over the next half century which led to a highly fairness oriented administrative state.

*Guide to the Presidency and the Executive Branch* Michael Nelson, 2012-08-13. This comprehensive two volume guide is the definitive source for researchers seeking an understanding of those who have occupied the White House and on the institution of the U S presidency. Readers turn to *Guide to the Presidency and the Executive Branch* for its wealth of facts and analytical chapters that explain the structure, powers and operations of the office and the president's relationship with Congress and the Supreme Court. The fifth edition of this acclaimed reference completes coverage of the George W Bush presidency, the 2008 election and the first 3 years of the presidency of Barack Obama. This includes coverage of their handling of the economic crisis, wars abroad and Obama's healthcare initiatives. The work is divided into eight distinct subject areas covering every aspect of the U S presidency and all chapters in each subject area have been revised and updated.

**Origins and Development of the Presidency** including constitutional beginnings, history of the presidency and vice presidency and presidential ratings.

**Selection and Removal of the President** including the electoral process, a chronology of presidential elections, removal of the president and vice president and succession.

**Powers of the Presidency** including the unilateral powers of the presidency and those as chief of state, chief administrator, legislative leader, commander in chief and chief economist.

**The President, the Public and the Parties** including presidential appearances, the president and political parties, the president and the news media, the presidency and pop culture.

public support and opinion and the president and interest groups The Presidency and the Executive Branch including the White House Office the Office of the Vice President supporting organizations the cabinet and executive departments presidential commissions and executive branch housing pay and perquisites Chief Executive and Federal Government including the president and Congress the president and the Supreme Court and the president and the bureaucracy Presidents their Families and Life in the White House and Beyond including the daily life of the president the first lady the first family friends of presidents and life after the presidency Biographies of the Presidents Vice Presidents First Ladies This new volume also features more than 200 textboxes tables and figures Major revisions cover the supporting White House organizations and the president's role as chief economist Additional reference materials include explanatory headnotes as well as hundreds of photographs with detailed captions

**The Oxford Handbook of American Bureaucracy** Robert F. Durant, 2012-08-02 One of the major dilemmas facing the administrative state in the United States today is discerning how best to harness for public purposes the dynamism of markets the passion and commitment of nonprofit and volunteer organizations and the public interest oriented expertise of the career civil service Researchers across a variety of disciplines fields and subfields have independently investigated aspects of the formidable challenges choices and opportunities this dilemma poses for governance democratic constitutionalism and theory building This literature is vast affords multiple and conflicting perspectives is methodologically diverse and is fragmented The Oxford Handbook of American Bureaucracy affords readers an uncommon overview and integration of this eclectic body of knowledge as adduced by many of its most respected researchers Each of the chapters identifies major issues and trends critically takes stock of the state of knowledge and ponders where future research is most promising Unprecedented in scope methodological diversity scholarly viewpoint and substantive integration this volume is invaluable for assessing where the study of American bureaucracy stands at the end of the first decade of the 21st century and where leading scholars think it should go in the future The Oxford Handbooks of American Politics are a set of reference books offering authoritative and engaging critical overviews of the state of scholarship on American politics Each volume focuses on a particular aspect of the field The project is under the General Editorship of George C Edwards III and distinguished specialists in their respective fields edit each volume The Handbooks aim not just to report on the discipline but also to shape it as scholars critically assess the scholarship on a topic and propose directions in which it needs to move The series is an indispensable reference for anyone working in American politics General Editor for The Oxford Handbooks of American Politics George C Edwards III

**The Presidential Dilemma** Michael A. Genovese, 2017-07-28 This brief thought provoking text evaluates the performance of recent presidents from Johnson to Bush finding that overall each has failed to live up to public expectations Written by one of the top presidency scholars today The Presidential Dilemma reflects on the idea that as our country's problems grow our politicians seem to shrink Arguing that American presidents of the last 40 years have largely failed to meet the needs expectations and responsibilities placed upon

them the book discusses how presidents might better maximize their opportunities for leadership and suggests a distinctive theory of presidential politics presidents facing a system of multiple veto points seek to maximize power and influence The third edition of Genovese's stimulating book is thoroughly updated to reflect presidential development in recent years and a new introduction brings his arguments current As he demonstrates the emergence of democracy as a new social and political paradigm undermined traditional authority and legitimacy Subjects no longer automatically follow now citizens must be persuaded They may give to a leader their authority and power or not As Genovese notes in a world of mass consumerism those wishing to lead have precious little to offer by way of inducement Genovese's goal is to examine the reasons why the performance of recent presidents has been underwhelming discuss how they might maximize their opportunities for leadership and ask a key question Can presidents be both powerful and accountable The book follows a clear format and tries to show why America's officeholders have so rarely been leaders and how presidents can become leaders instead of mere officeholders

**International Encyclopedia of Public Policy and Administration Volume 1** Jay Shafritz, 2019-03-01 This is the first volume of a four volume encyclopaedia which combines public administration and policy and contains approximately 900 articles by over 300 specialists This Volume covers entries from A to C It covers all of the core concepts terms and processes of applied behavioural science budgeting comparative public administration develop

**Presidential Rhetoric and the Public Agenda** Andrew B. Whitford, Jeff Yates, 2009-11 The bully pulpit is one of the modern president's most powerful tools and one of the most elusive to measure Presidential Rhetoric and the Public Agenda uses the war on drugs as a case study to explore whether and how a president's public statements affect the formation and carrying out of policy in the United States When in June 1971 President Richard M Nixon initiated the modern war on drugs he did so with rhetorical flourish and force setting in motion a federal policy that has been largely followed for more than three decades Using qualitative and quantitative measurements Andrew B Whitford and Jeff Yates examine presidential proclamations about battling illicit drug use and their effect on the enforcement of anti drug laws at the national state and local level They analyze specific pronouncements and the social and political contexts in which they are made examine the relationship between presidential leadership in the war on drugs and the policy agenda of the Drug Enforcement Administration and the U S Attorneys and assess how closely a president's drug policy is implemented in local jurisdictions In evaluating the data this sophisticated study of presidential leadership shows clearly that with careful consideration of issues and pronouncements a president can effectively harness the bully pulpit to drive policy

*The Unitary Presidency* Graham Dodds, 2019-08-05 The theory of the unitary executive is one of the most controversial and significant constitutional doctrines of the past several decades It holds that the U S president alone embodies all executive power and therefore has unlimited ability to direct the many people and institutions within the federal government's vast executive branch It thus justifies the president's prerogative to organize the executive branch and to direct its activities to tell executive personnel what to do and

to fire them if desired to control the flow of information and to issue signing statements that make judgments about constitutionality and determine the extent to which laws will be implemented In some versions it also endorses implied or inherent powers and permits the president to completely control foreign policy and military action Proponents say this conception of the presidential office is faithful to the Constitution facilitates the sort of energetic executive that Alexander Hamilton argued for and enhances administrative efficacy and political accountability for governance Critics say this arrangement is constitutionally inaccurate is belied by historical practice and legal precedents and is dangerously close to the monarchical power that provoked the American Revolution and can be especially threatening in the era of Donald Trump This book examines how controversies about unitary executive power have played out from the founding era to the present day with a focus on recent presidents it explores arguments both for and against the unitary executive theory and it looks ahead to future implications for American politics

**Congress, the President, and the Federal Reserve** Irwin Lester Morris, 2002 Explores the power of the President and Congress over the Federal Reserve

**Breaking Through the Noise** Matthew Eshbaugh-Soha, Jeffrey S. Peake, 2011-08-15 Modern presidents engage in public leadership through national television addresses routine speechmaking and by speaking to local audiences With these strategies presidents tend to influence the media's agenda In fact presidential leadership of the news media provides an important avenue for indirect presidential leadership of the public the president's ultimate target audience Although frequently left out of sophisticated treatments of the public presidency the media are directly incorporated into this book's theoretical approach and analysis The authors find that when the public expresses real concern about an issue such as high unemployment the president tends to be responsive But when the president gives attention to an issue in which the public does not have a preexisting interest he can expect through the news media to directly influence public opinion Eshbaugh Soha and Peake offer key insights on when presidents are likely to have their greatest leadership successes and demonstrate that presidents can indeed break through the noise of news coverage to lead the public agenda

**Missed Opportunity** E. D. Dover, 2002-03-30 While the 2000 presidential election had a number of unique features including the decisive role of the Supreme Court it actually was quite similar to three earlier television age campaigns For the fourth time since 1960 an incumbent president retired and his party nominated the vice president as a potential successor The nomination of the vice president has become so commonplace that we now expect it Unfortunately we lack theoretical explanations of why vice presidents win nominations while often losing the general election Dover seeks to advance this needed theory Dover looks at the recurring features of television age elections with surrogate incumbents and applies them to a description of the leading events of Election 2000 The emphasis is on mediated incumbency a phenomenon that occurs when mass media particularly television exert enormous influence in defining the context and meaning of politics for most voters The first topics considered are the growth of the modern vice presidency and the nature of surrogate incumbent elections The outcome of such elections often turns on how

effectively the vice president and his opponent overcome dilemmas unique to their strategic positions as incumbent or challenger Dover then describes the campaign from January 1999 through December 2000 from the perspective of television news media and shows how Gore failed to overcome his dilemma during a time marked by peace and prosperity The text is an important resource for scholars students and other researchers involved with American elections political communication and the American presidency

**Debating the Presidency** Richard J. Ellis, Michael Nelson, 2017-01-02 Editors Richard J. Ellis and Michael Nelson have once again assembled a cadre of top presidential scholars to offer a series of pro con essays that will inspire spirited debate in *Debating the Presidency* *Debating the Presidency* Conflicting Perspectives on the American Executive Fourth Edition offers a compelling yet concise view of contemporary topics relevant to the American executive Each pair of debate resolution style essays is written specifically for this volume and offers a compelling yet concise view of a topic relevant to the American executive Editors Richard Ellis and Michael Nelson offer brief chapter introductions that provide context In this edition several new arguments are presented on topics such as executive orders Pro Gene Healy Con Andrew Rudalevige abolishment of the vice presidency Pro Douglas L. Kriner Con Joel K. Goldstein and the effect of new media on the public's view of the presidency Pro Matthew R. Kerbel Con Jeffrey E. Cohen

*The President's Agenda* Paul Light, 1999 Although there are important differences between the two Presidents not the least of which is Bush's high proportion of small scale old ideas the two share a pronounced tendency to look backward for inspiration rather than forward from the Preface

**Bitter Harvest** Matthew J. Dickinson, 1999-02-13 *Bitter Harvest* identifies the principles governing Franklin Roosevelt's development and use of a presidential staff system and offers a theory explaining why those principles proved so effective Dickinson argues that presidents institutionalize staff to acquire the information and expertise necessary to better predict the likely impact their specific bargaining choices will have on the end results they desire Once institutionalized however presidential staff must be managed Roosevelt's use of competitive administrative techniques minimized his staff management costs while his institutionalization of nonpartisan staff agencies provided him with needed information Matthew Dickinson's research suggests that FDR's principles could be used today to manage the White House staff dominated institutional presidency upon which most of his presidential successors have relied

**Regulation in the States** Paul Teske, 2004-02-04 Deregulation continues to be a hot button issue in the United States While the national debates rage however regulation at the state level still flies below the public's radar screen although it is critically important Paul Teske provides the foundation necessary to assess competing claims about state level economic regulation in a time of turbulent politics and uncertain economics He has produced an indispensable resource offering both depth and breadth *Regulation in the States* provides original quantitative analyses of state level regulation across all the states in ten important sectors such as telecommunications electricity and professional licensing Each section uses the same template for research and discussion enabling cross comparison among industries Teske finds that commonly held fears of regulatory capture by

industry are overblown as are worries about an inevitable race to the bottom Legislatures and agencies still tend to base their policy decisions on their own ideologies and analysis Teske also examines important exceptions however such as the case of occupational regulation State level regulation is neither inherently evil nor universally wise The truth is somewhere in between often found among the details Nobody would argue it is perfect however and Teske assesses a wide range of possible reforms

**The Logic of American Politics** Samuel Kernell, Gary C. Jacobson, Thad Kousser, Lynn Vavreck, Timothy R. Johnson, 2025-02-26 Why does the American political system work the way it does After observing the strains of intense partisanship and divided government many Americans are wondering what logic if any can be found in politics With both sides of the political spectrum being so different from one another and the scales often tipping in the favor of the opposing party by a fraction of a percentage point how can anyone work the system to their advantage With fresh analysis of the 2024 presidential election results the bestselling textbook *The Logic of American Politics* provides students with the tools they need to make sense of the government they have Weaving together historical context contemporary politics and a toolkit of institutional design concepts the Twelfth Edition builds students understanding of political institutions and practices as imperfect solutions to collective action problems

Pluralism by the Rules Edward P. Weber, 1998-01-01 Despite America's pluralistic fragmented and generally adversarial political culture participants in pollution control politics have begun to collaborate to reduce the high costs of developing implementing and enforcing regulations Edward P Weber uses examples from this traditionally combative policy arena to propose a new model for regulation pluralism by the rules a structured collaborative format that can achieve more effective results at lower costs than typically come from antagonistic approaches Weber cites the complexity and high implementation costs of environmental policy as strong but insufficient incentives for collaboration He shows that cooperation becomes possible when opposing sides agree to follow specific rules that include formal binding agreements about enforcement commitment to the process by political and bureaucratic leaders and the ensured access and accountability of all parties involved Such rules establish trust create assurances that agreements will be enforced and reduce the perceived risks of collaboration Through case studies dealing with acid rain reformulated gasoline and oil refinery pollution control Weber demonstrates the potential of collaboration for realizing a cleaner environment lower compliance costs and more effective enforcement Challenging the prevailing view that endless conflict in policymaking is inevitable *Pluralism by the Rules* establishes a theoretical framework for restructuring the regulatory process

**Presidential-Congressional Relations** Steven A. Shull, 2000 Examines how presidents and Congress work together

**Daniel Webster and the Unfinished Constitution** Peter Charles Hoffer, 2021-03-26 Daniel Webster and the Unfinished Constitution reveals Webster as the foremost constitutional lawyer of his day Peter Charles Hoffer builds a persuasive case that Webster was more than a skilled practitioner who rose rapidly from his hardscrabble New Hampshire origins Hoffer thoroughly documents the ways in which Webster was an innovative jurist While Chief Justice John Marshall



gets credit for much of our early constitutional jurisprudence in fact in a series of key cases Marshall simply borrowed Webster's oral and written arguments For Webster Marshall and many lawyers and jurists of their day professions of adherence to the Constitution were universal Yet they knew that the Constitution could not be fixed in time its text needed to be read in light of the rapidly transforming early republic and antebellum eras or it would become irrelevant As Chief Justice Marshall explained in *Bank of the United States v Deveaux* 1809 A constitution from its nature deals in generals not in detail Its framers cannot perceive minute distinctions which arise in the progress of the nation and therefore confine it to the establishment of broad and general principles But were these broad and general principles themselves fixed For Webster there were landmarks the Contract Clause and the Commerce Clause While others were exploring and surveying the Northwest Territory and the Louisiana Purchase Webster set out to map the spaces in the constitutional and legal landscape that were unmarked Peter Charles Hoffer provides an insightful and timely study of how Webster's analysis of three key constitutional issues is relevant to today's constitutional conflicts the relationship between law and politics between public policy and private rights and between the federal government and the states all of which remain contentious in our constitutional jurisprudence and crucial to our constitutional order

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