

The **Presidency**
in the **Constitutional**
Order

An Historical Examination



Joseph M. Bessette
and Jeffrey Tulis,
editors

With a new introduction by the editors

Presidency In The Constitutional Order

Gary L. Gregg



Presidency In The Constitutional Order:

Presidency in the Constitutional Order Bessette, Joseph M., *The Presidency in the Constitutional Order* Stewart Wolf, Jeffrey Tulis, 2017-09-20 This classic collection of studies first published in 1980 contributes to the revival of interest in the powers and duties of the American presidency Unlike many previous books on the constitution and the president the contributors to this volume are political scientists not law professors Accordingly they display political scientists concern with structures as well as power with conflict between the branches of government as well as their functional separation and with political prescription as well as legal analysis Underlying the entire volume is a persistent attention to the nature of executive power and its particular manifestation in the American system Part One introduces the foundations that underlie contemporary issues including the famous James Madison Alexander Hamilton debate over the powers of the presidency Contemporary political and scholarly controversies which are the subjects of Part Two include the constitutionality of the War Powers Resolution of 1973 the legislative veto executive privilege and secrecy the character of the presidency presidential selection and the nature of executive power The essays in *The Presidency in the Constitutional Order* represent some of the most cogent thought available about the highest elected office in America and the themes of the volume continue to be timely and provocative *The Obama Presidency in the Constitutional Order* Carol McNamara, Melanie

Marlowe, 2011-03-18 The Obama administration is shaping up to be one of the most consequential in recent American history In this book a diverse group of presidential scholars step back from the partisan debate to consider the first two years of the Obama presidency through the lens of the U S constitution s theory structure and powers They ask how Barack Obama understands and exercises the President s formal constitutional and informal powers and responsibilities of the president from foreign policy and public policy to his political leadership of the Democratic party and the nation as a whole This timely first look at the Obama presidency establishes a constitutional yardstick of interest to scholars of the presidency constitutional thought and American political thought ***The Presidency in the Constitutional Order*** Joseph M.

Bessette, 1981-01-01 Chiefly papers from workshops held at the White Burkett Miller Center University of Virginia 1977 1978

The Presidency in the Constitutional Order Jeffrey Tulis, Joseph M. Bessette, 2010 Originally published Baton Rouge Louisiana State University Press c1981 *The Presidency and the Constitution* M. Genovese, R. Spitzer, 2005-08-19 This comprehensive case law book examines the evolution of judicial interpretation of the scope and limitations of presidential power From interbranch struggles for power to presidential selection to campaign financing to war powers hardly an issue arises for the modern presidency that does not eventually find itself framed as a legal problem to be addressed by the courts Each section provides an introduction providing background and framework for students Throughout the analysis is informed by the view that court decisions are framed by legal arguments and constitute legal issuances and are also framed by politics and have profound political consequences Coinciding with a broader intellectual and disciplinary return to institutions and

law as key to understanding the presidency and modern politics this book will find special favour among scholars who teach courses on the presidency and related areas **The Presidency and the Political System** Michael Nelson, 2018-03-08

Written by top notch presidency scholars and carefully edited into a text reader format The Presidency and the Political System Eleventh Edition showcases a collection of original essays focused on a range of topics institutions and issues relevant to understanding the American presidency **The Obama Presidency in the Constitutional Order** Carol

McNamara, Melanie Marlowe, 2012-08-10 The Obama administration is shaping up to be one of the most consequential in recent American history In this book a diverse group of presidential scholars step back from the partisan debate to consider the first two years of the Obama presidency through the lens of the U S constitution s theory structure and powers They ask how Barack Obama understands and exercises the President s formal constitutional and informal powers and responsibilities of the president from foreign policy and public policy to his political leadership of the Democratic party and the nation as a whole This timely first look at the Obama presidency establishes a constitutional yardstick of interest to scholars of the presidency constitutional thought and American political thought **Reassessing the Presidency** David Gordon, Thomas J.

DiLorenzo, Thomas E. Woods, Jr, Yuri N. Maltsev, Ralph Raico, Paul Gottfried, Hans-Hermann Hoppe, 2013-09-19 American Despots Amazing low sale price in defense of authentic freedom as versus the presidency that betrayed it Everyone seems to agree that brutal dictators and despotic rulers deserve scorn and worse But why have historians been so willing to overlook the despotic actions of the United States own presidents You can scour libraries from one end to the other and encounter precious few criticisms of America s worst despots The founders imagined that the president would be a collegial leader with precious little power who constantly faced the threat of impeachment Today however the president orders thousands of young men and women to danger and death in foreign lands rubber stamps regulations that throw enterprises into upheaval controls the composition of the powerful Federal Reserve and manages the priorities millions of swarms of bureaucrats that vex the citizenry in every way It is not too much of a stretch to say that the president embodies the Leviathan state as we know it Or more precisely it is not an individual president so much as the very institution of the presidency that has been the major impediment of liberty The presidency as the founders imagined it has been displaced by democratically ratified serial despotism And for that reason it must be stopped Every American president seems to strive to make the historians A list by doing big and dramatic things wars occupations massive programs tyrannies large and small in hopes of being considered among the greats such as Lincoln Wilson and FDR They always imagine themselves as honored by future generations the worse their crimes the more the accolades Well the free ride ends with Reassessing the Presidency The Rise of the Executive State and the Decline of Freedom edited by John Denson This remarkable volume 825 pages including index and bibliography is the first full scale revision of the official history of the U S executive state It traces the progression of power exercised by American presidents from the early American Republic up to the eventual reality of the power hungry Caesars which later

appear as president in American history Contributors examine the usual judgments of the historical profession to show the ugly side of supposed presidential greatness The mission inherent in this undertaking is to determine how the presidency degenerated into the office of American Caesar Did the character of the man who held the office corrupt it or did the power of the office as it evolved corrupt the man Or was it a combination of the two Was there too much latent power in the original creation of the office as the Anti Federalists claimed Or was the power externally created and added to the position by corrupt or misguided men There s never been a better guide to everything awful about American presidents No you won t get the civics text approach of see no evil Essay after essay details depredations that will shock you and wonder how American liberty could have ever survived in light of the rule of these people Contributors include George Bittlingmayer John V Denson Marshall L DeRosa Thomas J DiLorenzo Lowell Gallaway Richard M Gamble David Gordon Paul Gottfried Randall G Holcombe Hans Hermann Hoppe Jeffrey Rogers Hummel Michael Levin Yuri N Maltsev William Marina Ralph Raico Joseph Salerno Barry Simpson Joseph Stromberg H Arthur Scott Trask Richard Vedder and Clyde Wilson *Presidential Power, Rhetoric, and the Terror Wars* Alexander Hiland,2019-10-21 Presidential Power Rhetoric and the Terror Wars The Sovereign Presidency argues that the War on Terror provided an opportunity to fundamentally change the presidency Alexander Hiland analyzes the documents used to exercise presidential powers including executive orders signing statements and presidential policy directives Treating these documents as genres of speech act that are ideologically motivated Hiland provides a rhetorical criticism that illuminates the values and political convictions at play in these documents This book reveals how both President George W Bush and President Barack Obama wielded the personal power of the office to dramatically expand the power of the executive branch During the War on Terror the presidency shifted from an imperial form that avoided checks and balances to a sovereign presidency where the executive branch had the ability to decide whether those checks and balances existed As a result Hiland argues that this shift to the sovereign presidency enabled the violation of human rights myriad policy mistakes and the degradation of democracy within the United States **Rethinking the Rhetorical Presidency** Jeffrey Friedman,Shterna Friedman,2013-09-13 In The Rhetorical Presidency Jeffrey Tulis argues that the president s relationship to the public has changed dramatically since the Constitution was enacted while previously the president avoided any discussions of public policy so as to avoid demagoguery the president is now expected to go directly to the public using all the tools of rhetoric to influence public policy This has effectively created a second Constitution that has been layered over and in part contradicts the original one In our volume scholars from different subfields of political science extend Tulis s perspective to the judiciary and Congress locate the origins of the constitutional change in the Progressive Era highlight the role of Theodore Roosevelt Woodrow Wilson and the mass media in transforming the presidency discuss the nature of demagoguery and whether in fact rhetoric is undesirable and relate the rhetorical presidency to the public s ignorance of the workings of a government more complex than the Founders imagined This book was originally published as

a special issue of Critical Review A Journal of Politics and Society **The Oxford Handbook of the American Presidency**
 George C. Edwards, William G. Howell, 2011-08-04 With engaging new contributions from major figures in the field The Oxford Handbook of the American Presidency provides the key point of reference for anyone working in American politics today *The Constitutional Presidency* Joseph M. Bessette, Jeffrey K. Tulis, 2009-08-01 Since 1981 when Joseph M Bessette and Jeffrey K Tulis first published *The Presidency in the Constitutional Order* the study of the constitutional powers of the presidency has advanced considerably Bessette and Tulis continue the conversation almost 30 years later presenting original research on the most significant issues regarding presidential power and the Constitution After introducing and identifying the main approaches to the study of the constitutional presidency and the nature of executive power Bessette and Tulis along with other constitutional scholars cover a wide range of topics These include the logic and meaning of Article II of the Constitution the constitutional and political debate over Washington s Proclamation of Neutrality of 1793 the contribution of Theodore Roosevelt and William Howard Taft to the constitutional foundations of the modern presidency the controversy over the presidential election of 2000 and the Supreme Court s decision in *Bush v Gore* military tribunals and the war on terrorism executive orders growing presidential influence over the budgeting process executive privilege impeachment and demagoguery in democratic regimes The book conjoins political and legal modes of analysis and shows how constitutional interpretation is indispensable to an adequate description of political behavior and serves as the source of standards for evaluating presidential conduct The contributors offer new and distinctive arguments especially in light of the renewed debate over executive power during the George W Bush administration **The Development of the American Presidency**
 Richard J. Ellis, 2018-02-20 A full understanding of the institution of the American presidency requires us to examine how it developed from the founding to the present This developmental lens analyzing how historical turns have shaped the modern institution allows for a richer more nuanced understanding *The Development of the American Presidency* pays great attention to that historical weight but is organized by the topics and concepts relevant to political science with the constitutional origins and political development of the presidency its central focus Through comprehensive and in depth coverage Richard Ellis looks at how the presidency has evolved in relation to the public to Congress to the executive branch and to the law showing at every step how different aspects of the presidency have followed distinct trajectories of change Each chapter promotes active learning beginning with a narrative account of some illustrative puzzle that brings to life a central concept A wealth of photos figures and tables allow for the visual presentations of concepts New to the Third Edition Analysis of the 2016 election including the role of the Electoral College and implications of Trump s nomination for the party decides thesis Exploration of Trump s Twitter presidency and the effectiveness of using social media to bypass the Washington press corps In depth coverage of the development of twentieth century president press relations including a new section on broadcasting the presidency that explores the development of the presidential press conference and presidents

use of radio and television Study of national security policy in the Obama administration with a special focus on the targeted killing of American citizens and Obama's legacy for presidential war powers Examination of the original understanding and contemporary relevance of impeachment as well as updated discussion of the president's pardon power Discussion of recent developments in the legislative and legal realms including Trump's first hundred days the Garland Gorsuch episode and abolition of the filibuster for Supreme Court appointments Preliminary assessment of Trump's place in historical time *The Oxford Handbook of American Political Development* Richard M. Valelly, Suzanne Mettler, Robert C. Lieberman, 2016-09-15

Scholars working in or sympathetic to American political development APD share a commitment to accurately understanding the history of American politics and thus they question stylized facts about America's political evolution Like other approaches to American politics APD prizes analytical rigor data collection the development and testing of theory and the generation of provocative hypotheses Much APD scholarship indeed overlaps with the American politics subfield and its many well developed literatures on specific institutions or processes for example Congress judicial politics or party competition specific policy domains welfare policy immigration the foundations of inequality in American politics the distribution of wealth and income race ethnicity gender class and sexual and gender orientation public law and governance and representation What distinguishes APD is careful systematic thought about the ways that political processes civic ideals the political construction of social divisions patterns of identity formation the making and implementation of public policies contestation over and via the Constitution and other formal and informal institutions and processes evolve over time and whether and how they alter compromise or sustain the American liberal democratic regime APD scholars identify in short the histories that constitute American politics They ask what familiar or unfamiliar elements of the American past illuminate the present Are contemporary phenomena that appear new or surprising prefigured in ways that an APD approach can bring to the fore If a contemporary phenomenon is unprecedented then how might an accurate understanding of the evolution of American politics unlock its significance Featuring contributions from leading academics in the field *The Oxford Handbook of American Political Development* provides an authoritative and accessible analysis of the study of American political development

The Oxford Handbook of the U.S. Constitution Mark V. Tushnet, Mark A. Graber, Sanford Levinson, 2015 *The Oxford Handbook of the U.S. Constitution* offers a comprehensive overview and introduction to the U.S. Constitution from the perspectives of history political science law rights and constitutional themes while focusing on its development structures rights and role in the U.S. political system and culture This Handbook enables readers within and beyond the U.S. to develop a critical comprehension of the literature on the Constitution along with accessible and up to date analysis Whether a return to the pristine constitutional institutions of the founding or a translation of these constitutional norms in the present is possible remains the central challenge of U.S. constitutionalism today

The Politics of Presidential Term Limits Alexander Baturo, Robert Elgie, 2019 This book examines the politics of presidential term limits It looks at the theory and practice of

term limits the experience of term limit avoidance worldwide and the consequences of presidential term limits in all forms of regimes

High Crimes and Misdemeanors Frank O. Bowman III, 2023-11-30 This indispensable work traces impeachment from its bloody origins in medieval England to its adoption in the Constitution and through 250 years of American experience culminating in the two impeachments of Donald Trump Frank O Bowman III tells the stories human and political of nobles commoners colonists judges legislators cabinet officers and Presidents who have faced impeachment He demonstrates that the practice was designed to be a flexible tool informed by history and adaptable to the needs of any age The first edition was read by Democrats and Republicans and cited extensively by the advocates in both Trump impeachments In this second edition Bowman expands the first edition's deep historical and constitutional analysis He also draws on his involvement in both Trump impeachments as a congressional consultant and frequent commentator to assess Trump's aberrant presidency his impeachments and whether impeachment remains a useful tool against an overreaching president Daily Report, Foreign Radio Broadcasts United States. Central Intelligence Agency, 1963

The Presidential Republic Gary L. Gregg, 1997 For two centuries American presidents have considered themselves to be representatives of the American people In this detailed study of presidential representation Gary Gregg explores the theory history and consequences of presidents acting as representatives in the American political system Gregg explores questions such as what it means to be a representative how the Founding Fathers understood the place of the presidency in the Republic established by the Constitution and the effects a representational presidency has on deliberative democracy This important examination of the presidency's place in our political system is essential reading for those interested in American political theory constitutional studies and American history

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