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Chapter 5

Power Without Persuasion

Identifying Executive Influence

William Howell and Douglas Kriner

In his classic work on the presidency, Richard Neustadt argues that presidents must bargain and compromise in order to achieve their goals. Yet, much has changed in the political environment since Neustadt wrote his seminal work in 1960. Washington politics, particularly involving the president and Congress, is now characterized by higher levels of polarization, with an increased propensity for divided government. Advocates of the polarization thesis note that gone are the days when legislators from both parties could work behind the scenes to craft compromise legislation. As a result, the leadership strategies that Neustadt recommends may be less amenable to the politics of the twenty-first century than they were almost a half century ago. If so, then new strategies of presidential leadership will be required.

In this chapter, William Howell and Douglas Kriner examine the idea of "power without persuasion" or the propensity of presidents of both political parties to use their unilateral powers to secure the policies they prefer. Presidents can employ executive orders, proclamations, and other tools of the unilateral presidency to advance their goals. Howell's (2003) own recent work demonstrates that presidents are more active in using executive orders to advance their policy goals, but the question remains, how successful are presidents in using this strategy? In this chapter, Howell and Kriner address this question by exploring four case studies from the presidency of George W. Bush. These case studies demonstrate both the potential and the limitations of the unilateral presidency approach. While there are limitations to the approach, importantly, these case studies reveal that in many situations presidents can employ their powers unilaterally to greatly increase their leverage over Congress, as well as to achieve their preferred policy outcomes. While presidents cannot ignore the need to bargain and work with Congress, it is no longer the only game in town for presidents.

♦ ♦ ♦

Power Without Persuasion

William G. Howell, Jon Pevehouse



Power Without Persuasion:

Power without Persuasion William G. Howell, 2015-07-15 Since the early 1960s scholarly thinking on the power of U S presidents has rested on these words Presidential power is the power to persuade Power in this formulation is strictly about bargaining and convincing other political actors to do things the president cannot accomplish alone Power without Persuasion argues otherwise Focusing on presidents ability to act unilaterally William Howell provides the most theoretically substantial and far reaching reevaluation of presidential power in many years He argues that presidents regularly set public policies over vocal objections by Congress interest groups and the bureaucracy Throughout U S history going back to the Louisiana Purchase and the Emancipation Proclamation presidents have set landmark policies on their own More recently Roosevelt interned Japanese Americans during World War II Kennedy established the Peace Corps Johnson got affirmative action underway Reagan greatly expanded the president s powers of regulatory review and Clinton extended protections to millions of acres of public lands Since September 11 Bush has created a new cabinet post and constructed a parallel judicial system to try suspected terrorists Howell not only presents numerous new empirical findings but goes well beyond the theoretical scope of previous studies Drawing richly on game theory and the new institutionalism he examines the political conditions under which presidents can change policy without congressional or judicial consent Clearly written *Power without Persuasion* asserts a compelling new formulation of presidential power one whose implications will resound

Presidential Control over Administration Patrick O'Brien, 2022-04-27 The US Constitution recognizes the president as the sole legal head of the executive branch Despite this constitutional authority the president s actual control over administration varies significantly in practice from one president to the next *Presidential Control over Administration* provides a new approach for studying the presidency and policymaking that centers on this critical and often overlooked historical variable To explain the different configurations of presidential control over administration that recur throughout history collapse innovation stabilization and constraint O'Brien develops a new theory that incorporates historical variation in a combination of key restrictions such as time knowledge and the structure of government as well as key incentives such as providing acceptable performance and implementing preferred policies O'Brien then tests the argument by tracing the policymaking process in the domain of public finance across nearly a century of history beginning with President Herbert Hoover during the Great Depression and ending with the first two years of the Trump presidency Although the book focuses on historical variation in presidential control especially during the New Deal era and the Reagan era the theory and empirical analysis are highly relevant for recent incumbents In particular O'Brien shows that during the Great Recession and beyond the initial efforts of Presidents Barack Obama and Donald Trump to change the established course during a period of unified party control of the government were largely undercut by each president s limited control over administration *Presidential Control over Administration* is a groundbreaking contribution to our understanding of the presidency and policymaking **Originalism,**

Federalism, and the American Constitutional Enterprise Edward A. Purcell, 2007-12-28 In this lively historical examination of American federalism a leading scholar in the field refutes the widely accepted notion that the founding fathers carefully crafted a constitutional balance of power between the states and the federal government Edward A Purcell Jr bases his argument on close analysis of the Constitution's original structure and the ways that structure both induced and accommodated changes over the centuries There was no clear agreement among the founding fathers regarding the true nature of American federalism Purcell contends nor was there a consensus on correct lines dividing state and national authority Furthermore even had there been some true original understanding the elastic and dynamic nature of the constitutional structure would have made it impossible for subsequent generations to maintain any original or permanent balance The author traces the evolution of federalism through the centuries focusing particularly on shifting interpretations founded on political interests He concludes with insights into current issues of federal power and a discussion of the grounds on which legitimate decisions about federal and state power should rest

The Presidency and Political Science: Paradigms of Presidential Power from the Founding to the Present: 2014 Raymond Tatalovich, Steven E Schier, 2014-12-18 This history of presidential studies surveys the views of leading thinkers and scholars about the constitutional powers of the highest office in the land from the founding to the present

The Myth of the Imperial Presidency Dino P. Christenson, Douglas L. Kriner, 2020-07-13 Throughout American history presidents have shown a startling power to act independently of Congress and the courts On their own initiative presidents have taken the country to war abolished slavery shielded undocumented immigrants from deportation declared a national emergency at the border and more leading many to decry the rise of an imperial presidency But given the steep barriers that usually prevent Congress and the courts from formally checking unilateral power what stops presidents from going it alone even more aggressively The answer Dino P Christenson and Douglas L Kriner argue lies in the power of public opinion With robust empirical data and compelling case studies the authors reveal the extent to which domestic public opinion limits executive might Presidents are emboldened to pursue their own agendas when they enjoy strong public support and constrained when they don't since unilateral action risks inciting political pushback jeopardizing future initiatives and further eroding their political capital Although few Americans instinctively recoil against unilateralism Congress and the courts can sway the public's view via their criticism of unilateral policies Thus other branches can still check the executive branch through political means As long as presidents are concerned with public opinion Christenson and Kriner contend that fears of an imperial presidency are overblown

The Toddler in Chief Daniel W. Drezner, 2020-04-07 An avalanche of repeated presidential absurdity The reader realizes that this pattern is not part of the Trump presidency it is the whole thing Washington Post Americans should know that there are adults in the room And we are trying to do what's right even when Donald Trump won't An anonymous senior administrative official in a New York Times op ed September 5 2018 Every president faces criticism and caricature Donald Trump however

is unique in that he is routinely characterized in ways more suitable for a toddler What's more it is not just Democrats pundits or protestors who compare the president to a child Trump's staffers subordinates and allies also describe Trump like a badly behaved preschooler Daniel W Drezner began curating every example he could find of a Trump ally describing the president like a toddler So far he's collected more than one thousand tweets In *The Toddler in Chief* Drezner draws on these examples to take readers through the different dimensions of Trump's infantile behavior from temper tantrums to poor impulse control How much damage can really be done by a giant man baby Quite a lot Drezner argues due to the winnowing away of presidential checks and balances over the past fifty years Drezner also shows the lasting impact the Trump administration will have on American foreign policy and democracy exhorting the American people to think carefully about the person they elect to be the next commander in chief He also shows how we must rethink the terrifying powers we have given the presidency Occasionally funny also overwhelmingly grim New York Times A crisp witty and highly readable philippic New Statesman

The President's Czars Mitchel A. Sollenberger, Mark J. Rozell, 2012-04-27 Faced with crises that would challenge any president Barack Obama authorized pay czar Kenneth Feinberg to oversee the 20 billion fund for victims of the BP oil spill and to establish and enforce executive pay guidelines for companies that received 700 billion in federal bailout money Feinberg's office comes with vastly expansive policy powers along with seemingly deep pockets yet his position does not formally fit anywhere within our government's constitutional framework The very word czar seems inappropriate in a constitutional republic but it has come to describe any executive branch official who has significant authority over a policy area works independently of agency or Department heads and is not confirmed by the Senate or subject to congressional oversight Mitchel Sollenberger and Mark Rozell provide the first comprehensive overview of presidential czars tracing the history of the position from its origins through its initial expansion under FDR and its dramatic growth during the presidencies of George W Bush and Barack Obama *The President's Czars* shows how under pressure to act on the policy front modern presidents have increasingly turned to these appointed officials even though by doing so they violate the Appointments Clause and can also run into conflict with the nondelegation doctrine and the principle that a president cannot unilaterally establish offices without legislative support Further Sollenberger and Rozell contend that czars not only are ill conceived but also disrupt a governing system based on democratic accountability A sobering overview solidly grounded in public law analysis this study serves as a counter argument to those who would embrace an excessively powerful presidency one with relatively limited constraints Among other things it proposes the restoration of accountability starting with significant changes to Title 3 of the U S Code which authorizes the president to appoint White House employees without regard to any other provision of law Ultimately the authors argue that czars have generally not done a good job of making the executive branch bureaucracy more effective and efficient Whatever utility presidents may see in appointing czars Sollenberger and Rozell make a strong case that the overall damage to our constitutional system is great and that this

runaway practice has to stop *By Executive Order* Andrew Rudalevige, 2021-04-06 In this eye opening book Andrew Rudalevige examines more than five hundred executive orders from the 1930s to today as well as more than two hundred others negotiated but never issued shedding vital new light on the multilateral process of drafting supposedly unilateral directives He draws on a wealth of archival evidence from the Office of Management and Budget and presidential libraries as well as original interviews to show how the crafting of orders requires widespread consultation and compromise with a formidable bureaucracy Rudalevige explains the key role of management in the presidential skill set detailing how bureaucratic resistance can stall and even prevent actions the chief executive desires and how presidents must bargain with the bureaucracy even when they seek to act unilaterally **The Powers of the Presidency**, 2013 This is a comprehensive and illustrative work on the historical and contemporary perspective on presidential powers guiding readers through the presidency as a constitutional office with many updated features from the previous edition **Principles and Practice of American Politics** Steven S. Smith, 2024-08-26 Combining timeless readings with cutting edge current selections *Principles and Practice of American Politics* effectively animates today's institutions and political arrangements in the study of American Government and politics Each selection is artfully framed by contextual headnotes and many of the readings are written specifically for the volume The Eighth Edition includes readings that present institutions of majority rule the nature of racial discrimination the proper role of the court and other issues that provide students an opportunity to think through and discuss their views on the future direction of American civic life **While Dangers Gather** William G. Howell, Jon Pevehouse, 2011-06-27 Nearly five hundred times in the past century American presidents have deployed the nation's military abroad on missions ranging from embassy evacuations to full scale wars The question of whether Congress has effectively limited the president's power to do so has generally met with a resounding no In *While Dangers Gather* William Howell and Jon Pevehouse reach a very different conclusion The authors one an American politics scholar the other an international relations scholar provide the most comprehensive and compelling evidence to date on Congress's influence on presidential war powers Their findings have profound implications for contemporary debates about war presidential power and Congress's constitutional obligations While devoting special attention to the 2003 invasion of Iraq this book systematically analyzes the last half century of U S military policy Among its conclusions Presidents are systematically less likely to exercise military force when their partisan opponents retain control of Congress The partisan composition of Congress however matters most for proposed deployments that are larger in size and directed at less strategically important locales Moreover congressional influence is often achieved not through bold legislative action but through public posturing engaging the media raising public concerns and stirring domestic and international doubt about the United States resolve to see a fight through to the end

Logos and Power in Isocrates and Aristotle Ekaterina V. Haskins, 2004 *Logos and Power in Isocrates and Aristotle* presents Isocrates vision of discourse as a worthy rival rather than a mere precursor of Aristotle's Rhetoric It argues that

much of what Aristotle said about the status of rhetoric and the role of discourse may have been a reaction to Isocrates

Constitutional Conflicts between Congress and the President Louis Fisher, 2014-08-19 Over three decades after its initial publication Louis Fisher's durable classic remains at the head of its class a book that Congressional Quarterly called as close to being indispensable as anything published in this field This newly revised sixth edition emphatically reinforces that sterling reputation Fisher dissects the crucial constitutional disputes between the executive and legislative branches of government from the Constitutional Convention through President Clinton's impeachment battles to the recent controversies over President Bush's conduct as commander in chief He ventures beyond traditional discussions of Supreme Court decisions to examine the day to day working relationships between the president and Congress By analyzing a mixture of judicial pronouncements executive acts and legislative debates Fisher pinpoints the critical areas of legislative executive tension appointment powers investigatory powers legislative and executive vetoes the budgetary process and war powers He then examines these areas of tension within a concrete political and historical context To scholars this book offers a comprehensive examination of the institutions and issues of public law For practitioners general readers and students of American government it demonstrates how constitutional issues shape and define current events The new edition covers for the first time Obama's military decisions in Afghanistan and Iraq Military operations against Libya in 2011 Threatened attacks on Syria in 2013 Efforts to close Guantanamo Obama's recess appointments during a pro forma session Fast and Furious scandal Holder's contempt and Obama's executive privilege The growth of presidential czars Executive branch secrecy and lack of accountability State Secrets Privilege after 9/11 Distinguishing between implied powers constitutional and inherent powers not constitutional Pocket vetoes and the growth of hybrid vetoes New developments in the President's removal power

Overreach George C. Edwards, III, 2012-03-25 How Obama overestimated the power of rhetoric and persuasion during his presidency When Barack Obama became president many Americans embraced him as a transformational leader who would fundamentally change the politics and policy of the country Yet two years into his administration the public resisted his calls for support and Congress was deadlocked over many of his major policy proposals How could this capable new president have difficulty attaining his goals Did he lack tactical skills In *Overreach* respected presidential scholar George Edwards argues that the problem was strategic not tactical He finds that in President Obama's first two years in office Obama governed on the premise that he could create opportunities for change by persuading the public and some congressional Republicans to support his major initiatives As a result he proposed a large expensive and polarizing agenda in the middle of a severe economic crisis The president's proposals alienated many Americans and led to a severe electoral defeat for the Democrats in the 2010 midterm elections undermining his ability to govern in the remainder of his term Edwards shows that the president's frustrations were predictable and the inevitable result of misunderstanding the nature of presidential power The author demonstrates that the essence of successful presidential leadership is recognizing

and exploiting existing opportunities not in creating them through persuasion When Obama succeeded in passing important policies it was by mobilizing Democrats who were already predisposed to back him Thus to avoid overreaching presidents should be alert to the limitations of their power to persuade and rigorously assess the possibilities for obtaining public and congressional support in their environments 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

Presidents, Populism, and the Crisis of Democracy William G. Howell, Terry M. Moe, 2020-07-14 To counter the threat America faces two political scientists offer clear constitutional solutions that break sharply with the conventional wisdom Steven Levitsky New York Times bestselling coauthor of *How Democracies Die* Has American democracy's long ambitious run come to an end Possibly yes As William G. Howell and Terry M. Moe argue in this trenchant new analysis of modern politics the United States faces a historic crisis that threatens our system of self government and if democracy is to be saved the causes of the crisis must be understood and defused The most visible cause is Donald Trump who has used his presidency to attack the nation's institutions and violate its democratic norms Yet Trump is but a symptom of causes that run much deeper social forces like globalization automation and immigration that for decades have generated economic harms and cultural anxieties that our government has been wholly ineffective at addressing Millions of Americans have grown angry and disaffected and populist appeals have found a receptive audience These were the drivers of Trump's dangerous presidency and they're still there for other populists to weaponize What can be done The disruptive forces of modernity cannot be stopped The solution lies instead in having a government that can deal with them which calls for aggressive new policies but also for institutional reforms that enhance its capacity for effective action The path to progress is filled with political obstacles including an increasingly populist anti government Republican Party It is hard to be optimistic But if the challenge is to be met we need reforms of the presidency itself reforms that harness the promise of presidential power for effective government but firmly protect against that power being put to anti democratic ends *Historical Dictionary of the Reagan-Bush Era* Richard S. Conley, 2017-03-09 From the vantage point of the 2016 presidential election and the deepening polarization of American politics in recent decades it is striking how much more distant the Reagan Bush era of the 1980s and early 1990s seems compared to the years that have actually passed Whither the Republican Party of yesteryear Like reincarnated characters from Samuel Beckett's classic play *Waiting for Godot* many disillusioned conservatives in the new millennium continue to search obdurately and in vain for a leader who embodies the acclaimed leadership traits of Ronald Reagan This second edition of *Historical Dictionary of the Reagan Bush Era* contains a chronology an introduction appendixes and an extensive bibliography The dictionary section has over 300 cross referenced entries on important personalities politics economy foreign relations events institutions policies and issues This book is an excellent resource for

students researchers and anyone wanting to know more about this era **After the Rubicon** Douglas L. Kriner, 2010-12-15 When the United States goes to war the nation's attention focuses on the president As commander in chief a president reaches the zenith of power while Congress is supposedly shunted to the sidelines once troops have been deployed abroad Because of Congress's repeated failure to exercise its legislative powers to rein in presidents many have proclaimed its irrelevance in military matters After the Rubicon challenges this conventional wisdom by illuminating the diverse ways in which legislators influence the conduct of military affairs Douglas L Kriner reveals that even in politically sensitive wartime environments individual members of Congress frequently propose legislation hold investigative hearings and engage in national policy debates in the public sphere These actions influence the president's strategic decisions as he weighs the political costs of pursuing his preferred military course Marshalling a wealth of quantitative and historical evidence Kriner expertly demonstrates the full extent to which Congress materially shapes the initiation scope and duration of major military actions and sheds new light on the timely issue of interbranch relations *Historical Dictionary of the U.S. Presidency* Richard S. Conley, 2015-12-14 This book covers the development of the presidential office within the context of constitutional interpretations of presidential power and socio political and economic developments as well as foreign affairs events from 1789-2015 It provides details on the men who have held the office and biographies of vice presidents unsuccessful candidates for the office and noteworthy Supreme Court and other appointees The Historical Dictionary of the U S Presidency contains a chronology an introduction appendixes and an extensive bibliography The dictionary section has over 300 cross referenced entries on the development of the institution of the presidency and details the personalities domestic and foreign policy governing contexts elections party dynamics and significant events that have shaped the office from the Founding to the present day This book is an excellent resource for students researchers and anyone wanting to know more about the U S Presidency Take Up Your Pen Graham G. Dodds, 2013-05-30 Graham G Dodds explores the constitutional and historical development of unilateral presidential directives the ability of presidents to bypass the legislative process and set public policy via their own executive orders and how such a practice fits Americans conception of democracy

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