

# The Cavalier Presidency Executive Power And

Executive Power Checks in the Balance The Discretionary President The Relation of the Executive Power to Legislation Nationhood, Executive Power and the Australian Constitution The Cavalier Presidency Executive Power in Theory and Practice The Executive and Public Law An Essay on the True Principles of Executive Power in Great States With the Stroke of a Pen The Powers of the Executive Department of the Government of the United The Executive Power in the United States The President Who Would Not Be King An Essay on the True Principles of Executive Power in Great States Executive Power and Its Constitutional Limitations The Independence of the Executive Executive Privilege The Controversial Broad Executive Powers The Unitary Executive By Order of the President Benjamin Robbins Curtis Alexander Bolton Benjamin A. Kleinerman Henry Campbell Black Peta Stephenson Justin P. DePlato H. Liebert Paul P. Craig Jacques Necker Kenneth R. Mayer Alfred Conkling Adolphe de Pineton marquis de Chambrun Michael W. McConnell Jacques Necker United States. Congress. House. Committee on the Judiciary Grover Cleveland Mark J. Rozell Karim Saba Steven G. Calabresi Phillip J. Cooper

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how access to resources and policymaking powers determines the balance of power between the legislative and executive branches the specter of unbridled executive power looms large in the american political imagination are checks and balances enough to constrain ambitious executives checks in the balance presents a new theory of separation of powers that brings legislative capacity to the fore explaining why congress and state legislatures must possess both the opportunities and the means to constrain presidents and governors and why without these tools executive power will prevail alexander bolton and sharece thrower reveal how legislative capacity which they conceive of as the combination of a legislature s resources and policymaking powers is the key to preventing the accumulation of power in the hands of an encroaching executive they show how low capacity legislatures face difficulties checking the executive through mechanisms such as discretion and oversight and how presidents and governors unilaterally bypass such legislative adversaries to impose their will when legislative capacity is high however the legislative branch can effectively stifle executives

bolton and thrower draw on a wealth of historical evidence on congressional capacity oversight discretion and presidential unilateralism they also examine thousands of gubernatorial executive orders demonstrating how varying capacity in the states affects governors power checks in the balance affirms the centrality of legislatures in tempering executive power and sheds vital new light on how and why they fail

examines both the peril and the promise of presidential power to clarify that what can destroy our constitution can if the threat is dire also save it an unusually balanced study that argues for a middle path whereby presidents choose consciously to act temporarily outside or even against the laws in serving the nation s best interest

this text analyzes an ever present issue the struggle between the president and the congress for power it also provides insight into the issues of balance of powers in the earlier years of the presidency under presidents theodore roosevelt and woodrow wilson

the first comprehensive study of the nature and scope of the nationhood power this book brings a fresh perspective to the scholarship on the powers of the executive branch in australia the question of when the federal executive government can act without the authorisation of the parliament is contested and highly topical in australia in recent judicial decisions australian courts have suggested that statutory authorisation may not be required where the federal executive government is exercising the nationhood power that is the implied executive power derived from the character and status of the commonwealth as the national government the federal executive government has relied on this power to implement controversial spending programs respond to national emergencies and exclude non citizens from australia together the chapters in this book analyse and evaluate judicial observations about the operation of the nationhood power in these different contexts and the limits which apply to it while the focus of this book is on the nationhood power it also addresses broader issues concerning the relationship between the legislative and executive branches in parliamentary systems of government this book makes an important contribution to the literature on executive power and will appeal to constitutional lawyers scholars and practitioners and those who are involved in the administration of government

in this book justin deplato examines and analyzes the reasons and justifications for as well as instances of executive emergency power in political thought and action the book begins by analyzing the theory of executive emergency power across a wide breadth of philosophical history from ancient greek renaissance through modern american political thought this analysis indicates that in political philosophy two models exist for determining and using executive emergency power an unfettered executive prerogative or a constitutional dictatorship the modern american approach to executive emergency power is an unfettered executive prerogative whereby the executive determines what emergency power is and how to use it the book addresses the fundamental question of whether executive power in times of crisis may be unfettered and discretionary or rather does the law define and restrain executive emergency power the author reviews and analyzes seven u s presidencies that handled a domestic crisis washington jefferson madison jackson lincoln g w bush and obama to show that presidents become extraordinarily powerful during crises and act unilaterally without oversight the use of executive emergency power undermines the normal processes of democratic republicanism and harms the rule of law the author analyzes the u s constitution formerly classified department of justice memos primary sourced letters signing statements

executive orders presidential decrees and original founding documents to comprehensively conclude that presidential prerogative determines what emergency powers are and how they are to be executed this book challenges the claim that presidents determine their emergency power with appropriate congressional oversight or consultation the analysis of the empirical data indicates that presidents do not consult with congress prior to determining what their emergency powers are and how the president wants to use them justin deplato joins the highly contentious debate over the use of executive power during crisis and offers a sharp argument against an ever growing centralized and unchecked federal power he argues that presidents are becoming increasingly reckless when determining and using power during crisis often times acting unconstitutional

since september 11 2001 long standing debates over the nature and proper extent of executive power have assumed a fresh urgency in this book eleven leading scholars of american politics and political theory address the idea of executive power

for most of the past two hundred years or more the grand era of national constitution making founding fathers and constitutional scholars alike seem to have focused more sharply on questions of legislative power than they have on executive power executive power by contrast they worried much less about and sought to delimit less thoroughly the scope of executive power and its accountability are however endemic problems which arise within federal and non federal states nor are these issues unique to common law constitutional orders problems concerning the nature and delimitation of executive power also arise in civil law jurisdictions and in the european union despite the historical constitutional focus on legislative power it is executive authority which seems in the early 21st century to be the more threatening this book addresses two sets of questions that are under researched in constitutional scholarship what is the proper scope of executive authority how is executive power delimited and how should it be defined how is executive authority best held to account politically and legally these questions are both descriptive and normative and they are addressed accordingly in each of the chapters by leading public lawyers from a variety of jurisdictions the book examines executive power in the united kingdom from a british and from a distinctively scottish perspective there are chapters on the four common law jurisdictions of australia new zealand canada and the united states on the four civil law jurisdictions of france germany italy and spain and on the european union this insightful comparative perspective allows themes to be drawn together and lessons extracted on the nature of executive power and its accountability

throughout the nation s history executive orders have allowed presidents to make momentous unilateral policy choices creating and abolishing executive branch agencies reorganizing administrative and regulatory processes handling emergencies and determining how legislation is implemented from the louisiana purchase to the emancipation proclamation from franklin roosevelt s establishment of the executive office of the president to bill clinton s authorization of loan guarantees for mexico from harry truman s integration of the armed forces to ronald reagan s seizures of regulatory control american presidents have used executive orders or their equivalents to legislate in ways that extend far beyond administrative activity by analyzing the pattern of presidents use of executive orders and the relationship of those orders to the presidency as an institution mayer describes an office much more powerful and active than the one depicted in the bulk of the political science literature publisher

this book is a comprehensive examination of the powers of the executive branch of the us government as well as the broader constitutional and political context in which these powers operate the author explores the nuances of executive power and its relationship to the other branches of government providing a useful resource for students of american politics and government this work has been selected by scholars as being culturally important and is part of the knowledge base of civilization as we know it this work is in the public domain in the united states of america and possibly other nations within the united states you may freely copy and distribute this work as no entity individual or corporate has a copyright on the body of the work scholars believe and we concur that this work is important enough to be preserved reproduced and made generally available to the public we appreciate your support of the preservation process and thank you for being an important part of keeping this knowledge alive and relevant

vital perspectives for the divided trump era on what the constitution s framers intended when they defined the extent and limits of presidential power one of the most vexing questions for the framers of the constitution was how to create a vigorous and independent executive without making him king in today s divided public square presidential power has never been more contested the president who would not be king cuts through the partisan rancor to reveal what the constitution really tells us about the powers of the president michael mcconnell provides a comprehensive account of the drafting of presidential powers because the framers met behind closed doors and left no records of their deliberations close attention must be given to their successive drafts mcconnell shows how the framers worked from a mental list of the powers of the british monarch and consciously decided which powers to strip from the presidency to avoid tyranny he examines each of these powers in turn explaining how they were understood at the time of the founding and goes on to provide a framework for evaluating separation of powers claims distinguishing between powers that are subject to congressional control and those in which the president has full discretion based on the tanner lectures at princeton university the president who would not be king restores the original vision of the framers showing how the constitution restrains the excesses of an imperial presidency while empowering the executive to govern effectively

the independence of the executive by grover cleveland delves into the crucial role of the executive branch within the framework of the united states government published in 1913 this work offers insights into the principles underpinning the separation of powers and the importance of maintaining the executive s autonomy cleveland a former president brings practical experience and a deep understanding of the challenges faced by the nation s leader this book examines the historical context shaping the executive s powers and analyzes landmark events and decisions that have tested the boundaries of presidential authority readers gain a comprehensive view of the intricate relationship between the executive legislative and judicial branches and a deeper appreciation for the checks and balances designed to safeguard american democracy the independence of the executive remains relevant for anyone seeking to understand the foundations of american governance and the enduring debates surrounding presidential power this work has been selected by scholars as being culturally important and is part of the knowledge base of civilization as we know it this work was reproduced from the original artifact and remains as true to the original work as possible therefore you will see the original copyright references library stamps as most of these works have been housed in our most important libraries around the world and other notations in the work this work is in the public domain in the united states of america and possibly other nations within the

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this book provides an in depth history and analysis of executive privilege from president nixon to president obama and its relation to the proper scope and limits of presidential power

scientific essay from the year 2013 in the subject politics political systems in general and in comparison fort hays state university course ids 804 language english abstract main argument in the paper is that the increase in the presidential power does not always mean the president is eager to increase his powers in order to achieve a unilateral system as the majority of the scholars postulate i reflected other reasons that pushed the executive power to increase such as the media and the nature of the internal affairs however mainly it comes from two reasons congress that is not exercising its full powers of checks and balance and an attorney general who does not counsel the president when the president exceeds the powers vested into his position

this book is the first to undertake a detailed historical and legal examination of presidential power and the theory of the unitary executive this theory that the constitution gives the president the power to remove and control all policy making subordinates in the executive branch has been the subject of heated debate since the reagan years to determine whether the constitution creates a strongly unitary executive steven g calabresi and christopher s yoo look at the actual practice of all forty three presidential administrations from george washington to george w bush they argue that all presidents have been committed proponents of the theory of the unitary executive and they explore the meaning and implications of this finding

cooper defines the different forms these powers take executive orders presidential memoranda proclamations national security directives and signing statements demonstrates their uses critiques their strengths and dangers and shows how they have changed over time here are washington s neutrality proclamation lincoln s emancipation proclamation and the more than 1 700 executive orders issued by woodrow wilson in world war i fdr issued many executive orders to implement his national industrial recovery act but also issued one that led to the incarceration of japanese americans during world war ii truman issued orders to desegregate the military and compel loyalty oaths for federal employees eisenhower issued numerous national security directives jfk launched the peace corps and issued an order to control racial violence in alabama all through executive action

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