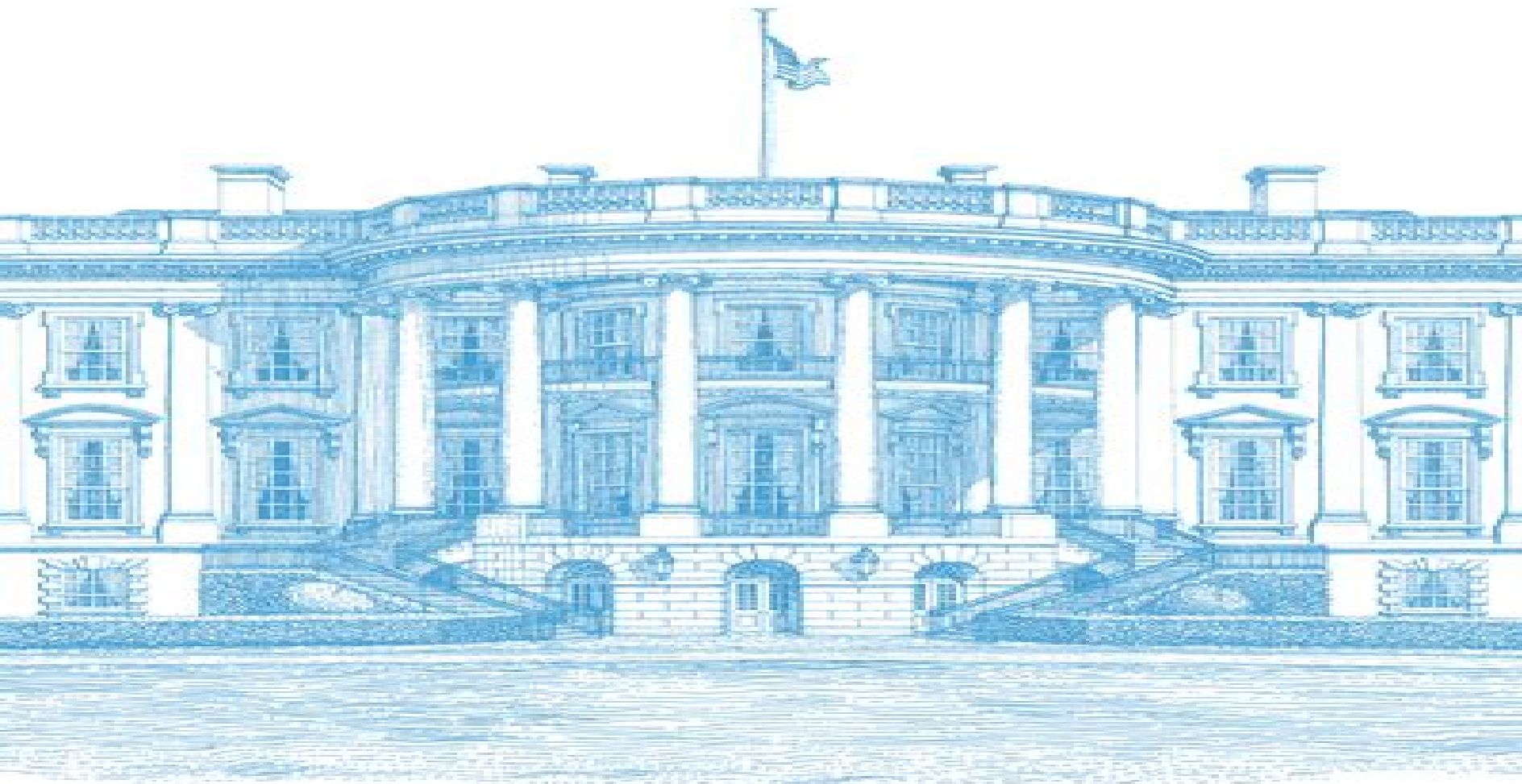


THE POLITICS OF EXECUTIVE PRIVILEGE



LOUIS FISHER

The Politics Of Executive Privilege

**United States. Congress. Senate.
Committee on Government
Operations. Subcommittee on
Intergovernmental Relations**

The Politics Of Executive Privilege:

The Politics of Executive Privilege Louis Fisher, 2004 For over 200 years Congress and the President have locked horns on an issue that will not and cannot go away legislative access to executive branch information Presidents and their advisers often claim that the sought for information is covered by the doctrine of executive privilege and other principles that protect confidentiality among presidential advisers For its part Congress will articulate persuasive reasons why legislative access is crucial In terms of constitutional principles these battles are largely a standoff and court decisions in this area are interesting but hardly dispositive What usually breaks the deadlock is a political decision the determination of lawmakers to use the coercive tools available to them and political calculations by the executive branch whether a continued standoff risks heavy and intolerable losses for the President Many useful and thoughtful standards have been developed to provide guidance for executive legislative disputes over access to information Those standards constructive as they are are set aside at times to achieve what both branches may decide has higher importance settling differences and moving on Legal and constitutional principles finely honed as they might be are often overridden by the politics of the moment and practical considerations Efforts to discover enduring and enforceable norms in this area invariably fall short Efforts to resolve interbranch disputes on purely legal grounds may have to give ground in the face of superior political muscle by a Congress determined to exercise the many coercive tools available to it By the same token a Congress that is internally divided or uncertain about its institutional powers or unwilling to grind it out until the documents are delivered will lose out in a quest for information Moreover both branches are at the mercy of political developments that can come around the corner without warning and tilt the advantage decisively to one side It is tempting to see the executive legislative clashes only as a confrontation between two branches yielding a winner and a loser It is more than that Congressional access represents part of the framers belief in representative government When lawmakers are unable or unwilling to obtain executive branch information needed for congressional deliberations the loss extends to the public democracy and constitutional government The system of checks and balances and separation of powers are essential to protect individual rights and liberties This book is also available in paper binding T ightly reasoned nuanced and thoroughly researched Athan Theoharis Marquette University Political Science Quarterly

Executive Privilege Mark J. Rozell, 1994 Drawing on White House and congressional documents as well as on personal interviews Mark Rozell provides both a historical overview of executive privilege and an explanation of its importance in the political process He argues for a return to a pre Watergate understanding of the role of executive privilege

Executive Privilege Mark J. Rozell, 2002 Mark Rozell s Executive Privilege has provided for the past decade an in depth review of the historical exercise of executive privilege and an analysis of the proper scope and limits of presidential power Now Rozell has updated this important work to cover two new presidents Bill Clinton and George W Bush and show how both have revived the national debate over executive privilege Book jacket

Executive Privilege, Secrecy in Government United States. Congress. Senate. Committee on Government Operations. Subcommittee on Intergovernmental Relations, 1976

Executive Privilege, Secrecy in Government, Freedom of Information United States. Congress. Senate. Committee on Government Operations. Subcommittee on Intergovernmental Relations, 1973

Presidential Claims of Executive Privilege Morton Rosenberg, 2010 Contents 1 Introduction The Watergate Cases Post Watergate Cases Executive Branch Positions on the Scope of Executive Privilege Reagan Through George W Bush Implications and Potential Impact of the Espy and Judicial Watch Rulings for Future Executive Privilege Disputes Recent Developments George W Bush Claims of Executive Privilege 2 Concluding Observations 3 Appendix Presidential Claims of Executive Privilege From the Kennedy Administration Through the George W Bush Administration 1 Kennedy 2 Johnson 3 Nixon 4 Ford and Carter 6 George H W Bush 7 Clinton 8 George W Bush

The Oxford Companion to American Politics David Coates, 2012-07-12 Provides students and scholars with a valuable reference source in the field of American Politics The Companion will equip readers with a deep understanding of the complex interaction between governmental institutions and processes and the wider American economy and society that they govern

The Politics of Shared Power Louis Fisher, 1998 As Congress and the president battle out the federal deficit foreign involvements health care and other policies of grave national import the underlying constitutional issue is always the separation of powers doctrine In *The Politics of Shared Power* a classic text in the field of executive legislative relations Louis Fisher explains clearly and perceptively the points at which congressional and presidential interests converge and diverge the institutional patterns that persist from one administration and one Congress to another and the partisan dimensions resulting from the two party system Fisher also discusses the role of the courts in reviewing cases brought to them by members of Congress the president agency heads and political activists illustrating how court decisions affect the allocation of federal funds and the development and implementation of public policy He examines how the president participates as legislator and how Congress intervenes in administrative matters Separate chapters on the bureaucracy the independent regulatory commissions and the budgetary process probe these questions from different angles The new fourth edition addresses the line item veto and its tortuous history and prospects A chapter on war powers and foreign affairs studies executive legislative disputes that affect global relations including the Iran Contra affair the Persian Gulf War in 1991 and American presence in conflicts such as Haiti and Bosnia An important new discussion focuses on interbranch collisions and gridlock as they have developed since 1992

Executive Privilege Mark J. Rozell, Mitchel A. Sollenberger, 2020-07-13 Executive Privilege called the definitive contemporary work on the subject by the *Journal of Politics* is widely considered the best in depth history and analysis of executive privilege and its relation to the proper scope and limits of presidential power This fourth edition is revised and updated to include the two Obama administrations and the first three years of the Trump administration The new edition includes President Obama's failure to live up to the high expectations of his campaign promises and President Trump's

controversies including the investigations into Russian meddling in the 2016 election the proposed addition of a citizenship question on the 2020 Census and the ongoing inquiry into White House security clearances The Presidency and the Political System Michael Nelson,2020-07-17 The Presidency and the Political System showcases the best of presidential studies and research with top notch presidency scholars writing specifically for an undergraduate audience Michael Nelson rigorously edits each contribution to present a set of analytical yet accessible chapters and offers contextual headnotes introducing each essay Chapters represent the full range of topics institutions and issues relevant to understanding the American presidency covering approaches to studying the presidency elements of presidential power presidential selection presidents and politics and presidents and government This Twelfth Edition fully incorporates coverage of the Trump administration **The Political Thought of Justice Antonin Scalia** James B. Staab,2006-05-04 The Political Thought of Antonin Scalia A Hamiltonian on the Supreme Court traces Justice Antonin Scalia s jurisprudence back to the political and constitutional thought of Alexander Hamilton Not only is there substantial agreement between these two men in the areas of constitutional interpretation federalism separation of powers executive and judicial power but the two men also have similar temperaments bold decisive and principled By examining the congruence in thought between Hamilton and Scalia it is hoped that a better and deeper understanding of Justice Scalia s jurisprudence will be achieved While an abundance of scholarship has been written on Justice Scalia no one has systematically examined his political philosophy This book also draws out the important differences between Justice Scalia s jurisprudence and that of the other conservative members of the Court the late Chief Justice William Rehnquist and Justices Sandra Day O Connor Anthony Kennedy and Clarence Thomas *Executive Privilege : Presidential Power, Secrecy, and Accountability* Mark Rozell,2013 *Presidential Secrecy and the Law* Robert M. Pallitto,William G. Weaver,2007-05-01 A look at how U S presidents from Truman to George W Bush employed secrecy and how it has affected the presidency and the American government State secrets warrantless investigations and wiretaps signing statements executive privilege the executive branch wields many tools for secrecy Since the middle of the twentieth century presidents have used myriad tactics to expand and maintain a level of executive branch power unprecedented in this nation s history Most people believe that some degree of governmental secrecy is necessary But how much is too much At what point does withholding information from Congress the courts and citizens abuse the public trust How does the nation reclaim rights that have been controlled by one branch of government With *Presidential Secrecy and the Law* Robert M Pallitto and William G Weaver attempt to answer these questions by examining the history of executive branch efforts to consolidate power through information control They find the nation s democracy damaged and its Constitution corrupted by staunch information suppression a process accelerated when black sites enemy combatants and ghost detainees were added to the vernacular following the September 11 2001 terror strikes Tracing the current constitutional dilemma from the days of the imperial presidency to the unitary executive embraced by the administration of George W Bush Pallitto and Weaver

reveal an alarming erosion of the balance of power Presidential Secrecy and the Law will be the standard in presidential powers studies for years to come The well organized and clearly written book illustrates the way the president s use of document classification and state secrets privilege to solidify presidential control are reinforced by legal decisions sympathetic to presidential power Chronicle of Higher Education *Gerald Ford and the Separation of Powers* Alex E. Hindman,2017-02-03 The constitutional presidency is the crown jewel of the separation of powers in the American system Designed in 1787 the office was structured to weather a wide variety of political circumstances accommodate broad ranges of personalities in its incumbents and educate officeholders to become better presidents Nowhere are these three effects clearer than during the brief unelected tenure of President Gerald Ford because he occupied the presidency amid tremendous strains on the country and the separation of powers After the dual traumas of Watergate and Vietnam the public was profoundly skeptical of government in general and the presidency in particular As a result the post Watergate Congress claimed the mantle of public support and proposed reforms that could have crippled the presidency s constitutional powers Weakened by the Nixon pardon Ford stood alone in this environment without many of the informal political strengths associated with the modern presidency As a result he had to rely in large measure on the formal powers of his constitutional office Based on archival research this book shows that Ford s presidency placed the Constitution at the center of his time in office The constitutional presidency allowed him to preserve his own political life his presidential office and the separation of powers amid a turbulent chapter in American history American Political Culture Michael Shally-Jensen,Mark J. Rozell,Ted G. Jelen,2015-04-28 This all encompassing encyclopedia provides a broad perspective on U S politics culture and society but also goes beyond the facts to consider the myths ideals and values that help shape and define the nation Demonstrating that political culture is equally rooted in public events internal debates and historical experiences this unique three volume encyclopedia examines an exceptionally broad range of factors shaping modern American politics including popular belief political action and the institutions of power and authority Readers will see how political culture is shaped by the attitudes opinions and behaviors of Americans and how it affects those things in return The set also addresses the issue of American exceptionalism and examines the nation s place in the world both historically and in the 21st century Essays cover pressing matters like congressional gridlock energy policy abortion politics campaign finance Supreme Court rulings immigration crime and punishment and globalization Social and cultural issues such as religion war inequality and privacy rights are discussed as well Perhaps most intriguingly the encyclopedia surveys the fierce ongoing debate between different political camps over the nation s historical development its present identity and its future course By exploring both fact and mythology the work will enable students to form a broad yet nuanced understanding of the full range of forces and issues affecting and affected by the political process **Weekly Compilation of Presidential Documents** ,1973 **Who Guards the Guardians - Secrecy in Government** Rahul Sagar,2013-10-13 Secrets and Leaks examines the complex

relationships among executive power national security and secrecy State secrecy is vital for national security but it can also be used to conceal wrongdoing How then can we ensure that this power is used responsibly Typically the onus is put on lawmakers and judges who are expected to oversee the executive Yet because these actors lack access to the relevant information and the ability to determine the harm likely to be caused by its disclosure they often defer to the executive s claims about the need for secrecy As a result potential abuses are more often exposed by unauthorized disclosures published in the press But should such disclosures which violate the law be condoned Drawing on several cases Rahul Sagar argues that though whistleblowing can be morally justified the fear of retaliation usually prompts officials to act anonymously that is to leak information As a result it becomes difficult for the public to discern when an unauthorized disclosure is intended to further partisan interests Because such disclosures are the only credible means of checking the executive Sagar writes they must be tolerated However the public should treat such disclosures skeptically and subject irresponsible journalism to concerted criticism

Executive Secrecy and Democratic Politics Dorothee Riese, 2023-05-26 This book investigates the parliamentary negotiation of executive secrecy Parliaments depend on information to fulfil their roles as the people s representatives legislators and overseers of the executive However there are examples of executive secrecy across all policy fields How then do parliamentary actors try to reconcile secrecy and the normative demands of an open democratic society This volume analyses parliamentary arguments conflicts and patterns of agreement around this topic in the case of Germany Based on two case studies intelligence agencies secrecy and Public Private Partnership secrecy it argues that substantive justifications of secrecy focusing on necessity are highly contested By contrast procedural legitimation of secrecy namely deciding about it democratically is crucial Still there are inherent limits to the legitimation of executive secrecy The book therefore underlines the fragility of secrecy s legitimation and its need for constant actualisation *Investigation of Political Fundraising Improprieties and Possible Violations of Law* United States. Congress. House. Committee on Government Reform and Oversight, 1998

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 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

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Table of Contents The Politics Of Executive Privilege

1. Understanding the eBook The Politics Of Executive Privilege
 - The Rise of Digital Reading The Politics Of Executive Privilege
 - Advantages of eBooks Over Traditional Books
2. Identifying The Politics Of Executive Privilege
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an The Politics Of Executive Privilege
 - User-Friendly Interface
4. Exploring eBook Recommendations from The Politics Of Executive Privilege
 - Personalized Recommendations
 - The Politics Of Executive Privilege User Reviews and Ratings
 - The Politics Of Executive Privilege and Bestseller Lists

5. Accessing The Politics Of Executive Privilege Free and Paid eBooks
 - The Politics Of Executive Privilege Public Domain eBooks
 - The Politics Of Executive Privilege eBook Subscription Services
 - The Politics Of Executive Privilege Budget-Friendly Options
6. Navigating The Politics Of Executive Privilege eBook Formats
 - ePub, PDF, MOBI, and More
 - The Politics Of Executive Privilege Compatibility with Devices
 - The Politics Of Executive Privilege Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of The Politics Of Executive Privilege
 - Highlighting and Note-Taking The Politics Of Executive Privilege
 - Interactive Elements The Politics Of Executive Privilege
8. Staying Engaged with The Politics Of Executive Privilege
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers The Politics Of Executive Privilege
9. Balancing eBooks and Physical Books The Politics Of Executive Privilege
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection The Politics Of Executive Privilege
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine The Politics Of Executive Privilege
 - Setting Reading Goals The Politics Of Executive Privilege
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of The Politics Of Executive Privilege
 - Fact-Checking eBook Content of The Politics Of Executive Privilege
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning

- Utilizing eBooks for Skill Development
- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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