

PRG REPORT

Newsletter of the Presidency Research Group of the American Political Science Association

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Spring 2008



A LETTER FROM THE SECTION PRESIDENT

Greetings! I do hope this finds you enjoying your summer break – APSA will be here before you know it. We have made much progress on the issues first reported to you last fall.

If you are reading this, you can join me in congratulating David Crockett on his inaugural newsletter edition. We can expect great things from David in the two years ahead.

As promised, we sent out a short, online survey asking questions to gauge what the membership would find most useful in the *PRG Report*. Despite a few technical glitches (thank you for your patience), we received a great deal of informative feedback. We are currently compiling an executive summary of the survey findings to share with you at our business meeting at APSA. Many thanks to those of you who participated and please continue to send along your thoughts and suggestions to David.

I would like to give you a brief update regarding the initiatives for this year that I laid out in my Letter from the Section President in last fall's *PRG Report*. Jeff Cohen, our Secretary/Treasurer, has undertaken a financial review of the section, and will be presenting his analysis to the Board at APSA. Similarly, Robert Spitzer (chair) and the task force charged with exploring membership and recruitment-related issues are finalizing their report to be given to the Board in Boston. Along the same lines, with APSA's assistance, we identified former section members who had allowed their membership to lapse. We sent an email to each of them touting the recent activities of our PRG and asked them to rejoin, and a number of them did. This effort highlights the fact that our section's best recruiting tool is us, its members, promoting our organization. So, if you know of any colleague who is not a PRG member but you think would benefit from being so, please encourage them to join the section. Remember that all you have to do is select the PRG section when you renew your APSA dues.

We continue to raise funds for our Neustadt Book Award and Edwards Dissertation Award. As reported last fall, we have reached the minimum to endow the Edwards Award, but have yet to achieve this goal for the Neustadt Award. Contributing to these awards continues the great PRG tradition of honoring excellence in the past, present, and future pursuit of presidency research. Please join in with the many other section members who have already participated in this worthy endeavor. If you are interested in making a contribution, feel free to contact me.

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PRG REPORT

The *PRG REPORT* is published twice annually on behalf of the Presidency Research Section of the American Political Science Association.

The *PRG REPORT* serves the scholarly community in presidential and executive politics. The editor of the Report welcomes your submissions and ideas.

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Visit the American Political Science Association's website at
http://www.apsanet.org/section_222.cfm to access the online program
for the 2008 Annual Meeting: "Categories and the Politics of Global
Inequalities."
Boston, MA
August 28-31, 2008

ANNOUNCEMENTS

Getting a Job at a Teaching Institution – and Succeeding!

This short course will provide an overview of the interview and pre-tenure career experience at a diverse range of teaching institutions, providing participants with an opportunity to ask questions about associated opportunities and challenges. We look forward to strong and interesting conversations between the faculty panel and all participants. There will also be an opportunity to review and strengthen curriculum vitae and cover letters, if participants wish. Please come! All questions and insights will be welcomed.

The short course will be hosted on Wednesday, August 27, 1-5pm, at one of the conference hotels. For further location details, see the preliminary program at the APSA web site. If you have questions, or would like to submit materials for review, please contact MaryAnne Borrelli (mabor@conncoll.edu), Associate Professor of Government, Connecticut College, in advance.

Please be sure to share this opportunity with your graduate school, graduate student, and mentoring networks. Many thanks!

PRG Events in Boston

PRG Reception: Thursday, August 28, 7:30-9:00 pm

PRG Business Meeting: Saturday, August 30, 12:15-1:15 pm

Division panels:

- 23-1 The American Presidency and Civil Liberties: A Conversation Across Disciplines
- 23-2 Roundtable: Madam President in 2008? Assessing Hillary Clinton's Candidacy
- 23-3 Roundtable: Evaluating the Bush Presidency
- 23-4 Roundtable: Forecasting the 2008 U.S. Presidential Election
- 23-5 Staffing and Decision Making in the White House
- 23-6 Public Opinion and the Presidency
- 23-7 Religion and the Presidency
- 23-8 Ideology in the Executive Branch and the Separation-of-Powers: Theory and Methods
- 23-9 Roundtable: Preparing Transition 2009: Lessons in Political Science

APSA Short Course

Teaching the Presidency: Best Ways to Engage your Students
Sponsored by the Presidency Research Group

The PRG will be sponsoring a short course on the Wednesday morning prior to the APSA Annual Meeting. The course will afford an opportunity to discuss innovative approaches for teaching the presidency.

Short Course 19

Contact Person: Dr. Leah Murray, Weber State University
Email: lmurray@weber.edu P: (801) 626-6695

Registration: Faculty - \$10; Graduate Students - \$5
Please make checks payable to the Presidency Research Group
Fee Address: Leah Murray; 1203 University Circle, Ogden UT 84408

Time: 9:30 AM – 1:00 PM

Location: On the premises of the APSA Annual Meeting
Instructors: See below

9:30 – 9:45 AM: Welcome and Session Overview
Welcome by APSA Presidency Section Chair
Session Overview & Introductions by Short Course Coordinator

9:45 – 10:45 AM: The President and the Presidency: The Man (or Woman) and the Office

Russell Renka, Southeast Missouri State University
Graham Dodds, Concordia University
Lilly Goren, Carroll College

10:55 – 11:55 AM: Innovative Teaching Strategies for Presidency Classes

Janet M. Martin, Bowdoin College: Engaging Students through Multimedia in Presidency Classes

Justin Vaughn, Cleveland State University: Reaching Students through Culture in Presidency Classes

Victoria Farrar-Myers, The University of Texas at Arlington: Promoting Active Learning through Simulations in Presidency Classes

12:00 – 1:00 PM: Building a Better Syllabus
Moderated by Short Course Coordinator

Distribution of example presidency syllabi
Sharing of course construction ideas

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FROM THE EDITOR

I want to take this opportunity to thank the members of the PRG Board of Directors for giving me the opportunity to serve as the editor of the *PRG Report* for the next two years. I hope to build upon the success of my worthier predecessors, especially Rich Powell, who established the template for the *Report's* current look. Given my utter lack of experience with desk-top publishing, that look is unlikely to change.

I will, of course, continue to maintain regular features like the book scan and article scan, and encourage you to make me aware of any publications that might escape my purview. I also want to enjoy you to consider the *PRG Report* as a possible outlet for your scholarship. Articles on all aspects of the presidency are welcome. Topics particularly suited for this venue include articles dealing with researching and teaching the presidency. Also appropriate are “think pieces” or assessments of current (or past) presidency-related activities and short articles based on new books recently published or pending publication.

We have excellent examples of these latter two categories in this issue. Russell Riley has written an interesting original article that compares the European Union’s effort to establish a presidency to the American experience. Jim Pffifner and Steve Schier have also contributed short pieces summarizing arguments made in newly-published (in Jim’s case) or soon-to-be published (in Steve’s case) books. If you have books that are well into the publication process, consider using the *PRG Report* to inform your scholarly community about your work. The health and usefulness of the *Report* depends on your contributions and support.

In the future we hope to take the results of the newsletter survey and use them to craft a product that will meet your needs and desires. Feel free to send me all items you would like considered for publication—my contact information in on page 2. You do not need to send material in hard copy or on disk—a standard Word document sent as an attachment to an email will be fine.

Again, I look forward to this task. Send all ideas, comments, suggestions, complaints, and arguments my way. And I hope to see everyone in Boston.

David A. Crockett

Letter, *continued from Page 1*

As you know, APSA will be held August 28 – 31 in Boston. Our Section Chair, Diane Heith of St. John’s University, has done a wonderful job of pulling together panels from many submissions she received. The Preliminary Program is now online on the APSA website. I strongly encourage you to attend these fine panels – both for the excellent, cutting-edge scholarship that will be shared and because panel attendance is a critical factor in allocating panels at future APSA conferences.

This year the section also will be sponsoring a short course entitled Teaching the Presidency: Best Ways to Engage Your Students, from 9:30 a.m. – 1:00 p.m. on Wednesday, August 27th (a day before the APSA conference begins). Our thanks go out to Leah Murray of Weber State University for all her hard work and efforts in organizing this offering. I hope that you will attend and encourage others that you think might be interested to do so as well.

Our section reception during APSA will be held on Thursday, August 28th from 7:30 – 9:00 p.m., and our business meeting will on Saturday, August 30th from 12:15 – 1:15 p.m. Among the highlights at the business meeting, we will recognize our section award winners. Please plan to attend both of these events and be sure to check your APSA program to confirm their location. Also, think about inviting others who you would like to introduce to our group. Our section has been widely recognized for the mentorship program spearheaded by Martha Joynt Kumar and George Edwards, and in that tradition I would encourage you to make our reception and meeting most welcoming to all that share our scholarly interest.

Speaking of welcoming, it is that time again where we need to send a call out to our membership for anyone who might be interested in serving on the Board. Nominations and self-nominations are encouraged, so please send them along to me prior to August 15th.

Speaking of next year, it is my pleasure to announce that Randall Adkins of the University of Nebraska at Omaha has graciously agreed to serve as Section Head for the 2009 APSA Annual Meeting. The theme of the program will be “Politics in Motion: Change and Complexity in the Contemporary Era” and it is not too early to start thinking about papers or panels that fit this theme.

I have greatly enjoyed my year as PRG President thus far and look forward to our discussions and catching up at APSA. Meanwhile, if you have any questions or have thoughts to share, please send them along to me at Victoria@uta.edu.

See you all soon in Boston!

All my best –

Victoria A. Farrar-Myers
PRG President 2007-2008

- 23-10 Presidential Leadership Versus Party Leadership
- 23-11 War and the Presidency
- 23-12 Alternative Routes of Presidential Involvement in the Policy Process
- 23-13 Presidential Use of Executive Orders
- 23-14 Roundtable: Restoring the Constitutional Presidency
- 23-15 Presidential Success in Congress
- 23-16 Analytical Examinations of Presidential and Congressional Leadership
- 23-17 Presidential Communication Strategies
- 23-18 Media Coverage of Presidents and Candidates
- 23-19 Going Public and the Rhetorical Presidency
- 23-20 The 2008 Elections and Judicial Selection
- 23-21 The 2008 Presidential Nomination Process: Resource Aggregation and Momentum Formation During the Pre-Primary Period, Iowa Caucus and New Hampshire Primary

- Kathleen Hall Jamieson and Jeffrey Gottfried: A Rhetorical Judiciary, Too?
- Mel Laracey: Presidents' Party Affiliations and their Communication Strategies
- Nicole Mellow: The Rhetorical Presidency and the Partisan Echo Chamber
- Sidney M. Milkis: The Rhetorical and Administrative Presidencies
- Thomas Pangle: The Puzzle of *The Rhetorical Presidency*
- Richard M. Pious: Presidential Rhetoric from Wilson to "W": Popular Politics Meets Recalcitrant Reality
- Paul J. Quirk: When the President Speaks, How Do the People Respond?
- Diane Rubenstein: Allegories of Reading Tulis
- Adam D. Sheingate: "Publicity" and the Progressive-Era Origins of Modern Politics
- Jeffrey K. Tulis: Reply—*The Rhetorical Presidency* in Retrospect



Critical Review is not normally on our radar scope for presidency material, but the newest edition constitutes a 20th anniversary retrospective on Jeffrey Tulis's seminal volume *The Rhetorical Presidency*. PRG members may want to consider seeking out this volume for its contribution to this line of presidency research. Below is the list of articles and contributors.

Jeffrey Friedman: Introduction—A "Weapon in the Hands of the People": The Rhetorical Presidency in Historical and Conceptual Context

Terri Bimes: The Practical Origins of the Rhetorical Presidency

James W. Ceaser: Demagoguery, Statesmanship, and the American Presidency

David A. Crockett: The Layered Rhetorical Presidency

John J. DiIulio, Jr.: The Hyper-Rhetorical Presidency

Bryan Garsten: The Idea of an Un-Rhetorical Presidency

Susan Herbst: The Rhetorical Presidency and the Contemporary Media Environment

LOOKING FOR EUROPE'S GEORGE WASHINGTON

Russell L. Riley

On the second Friday in June of 2008—Friday the 13th—the European continent was rocked by a political earthquake. With only the scantest of warnings, Irish voters said “No” when asked to ratify by referendum the Treaty of Lisbon, a painstakingly crafted set of reforms expected to strengthen the capacity of Europe’s continental political institutions to govern. The rejection of that agreement reverberated sharply across the Irish Sea and English Channel, because that single negative was sufficient, by European Union requirements of unanimous consent, to moot pro-reform sentiment in twenty-six other European states. Ireland’s refusal was all the more breathtaking, however, given the lineage of the Lisbon Treaty, which was bred to avoid precisely this problem. Almost exactly three years ago, Europe experienced a similar catastrophe when French and Dutch voters rejected a European constitutional treaty, a document many critics feared would lead to something too closely approximating a “United States of Europe.” It took Europe’s pro-Union political elites nearly two full years to re-gather their senses after those earlier defeats. The Lisbon Treaty was their answer—a somewhat more modest set of reforms advancing the cause of deeper and wider continental integration in a more politically palatable way. Or so they thought. Today, the future direction of the Continent’s central government is anybody’s guess.

These events are worth the attention of students of American politics because the opportunities for comparison between the European experience of continental union-building and our own are so rich. There are, among other things, fights between small states and large ones; regional biases; questions about the role of central institutions; and, most fundamentally, an enduring reluctance to sacrifice local power for a broader association.¹ *Yet the main purpose of this essay is to encourage students of the American presidency to pay attention to what is unfolding in Europe.* For the European unionists are now affording us extraordinary opportunities to study issues of evolving continental leadership, in real-time, that until now we have had to rely on our history books alone to follow.

Take, for example, the very fact of the Irish rejection of the Lisbon Treaty. We have long been instructed, in our own case, about the importance of George Washington in convincing the Americans of his time to forsake their state allegiances in favor of a continental union. The power of Washington’s image helped bind Americans to a common cause when the abstractions of their new governing forms alone were too weak to do so.² The failure of the Lisbon Treaty should, then, renew our appreciation

for the vital, centripetal role of George Washington’s leadership as our founders struggled with their own centrifugal impulses. In his post-mortem of Ireland’s vote, Robert Kagan discusses the enduring jealousy within the national capitals in Europe and their reluctance to grant more power to Brussels—all of which make it exceedingly difficult to enact reforms like those embodied in the Lisbon Treaty. But, he also emphasizes, “the consensus [in Brussels] is that Europe is bereft of strong leadership.”³ In other words, they have no George Washington, no leader who, like Washington, has the power to help elevate the aspirations of Europeans from their abiding nationalism in favor of a broader common vision.

More to the point, the Treaty of Lisbon has been moving the Continent closer to selecting somebody—perhaps even Tony Blair—as the inaugural “President of Europe.”⁴ As of this writing, it is hard to know exactly what the Irish negative will mean for these efforts. It could fully torpedo them. But there is enormous momentum outside Ireland to find a way around that single No vote, including arranging for a second Irish referendum (for which there is historical precedent) and the possibility of drumming Ireland out of the Union in some form or fashion. In any event, the idea of a “President of Europe” will undoubtedly be one focal point of an on-going debate. And for those with a bit of scholarly imagination, this debate over the creation of a continental presidency for Europe hearkens to the birth of our own.

The core political circumstances giving rise to a continental presidency are the same on both sides of the Atlantic. In both cases, the presidency was seen as essential for strengthening what was judged as a profoundly weak central government. Americans invented their presidency to help make possible “a more perfect Union.” And, in the argot of the EU, Europeans have sought a president able to help establish an “ever closer union among the peoples of Europe.”⁵

Just as was the case with the Articles of Confederation here, the European central government, as currently configured, exercises some executive functions, but these are shared by multiple actors with competing allegiances and fragmented responsibilities. The top executive now within the EU is the President of the European Commission, a body that serves as something of a continental cabinet. The EC President is appointed for a five-year term by the heads of the EU’s member states, convened as the Council of Europe, with confirmation by the popularly elected European Parliament. In some ways that job is best defined as a midpoint between prime minister and “bureaucrat in chief,”

1 For a more general treatment comparing, historically, the union-building efforts on both sides of the Atlantic, see Russell L. Riley, “Europe’s Flickering Philadelphia Moment,” *Brown Journal of World Affairs*, spring/summer 2007.

2 Barry Schwartz, *George Washington: The Making of an American Symbol* (Ithaca: Cornell University Press, 1987).

3 Kagan, “In Europe, a Slide Toward Irrelevance,” *The Washington Post*, June 15, 2008, B7.

4 Charlemagne, “The other presidential race,” *The Economist*, April 17, 2008.

5 The European quote originates with the Treaty of Rome (1957) establishing the European Economic Community.

for the Commission President appoints the other commissioners (with heavy influence from the member states) and allocates the headship of administrative departments (agriculture, environment, justice, etc.) to each. But the EC resident is not alone.

The Council of Europe itself also features a presidency, rotating on a six-month basis to the heads of those member states. And because the balance of power in the European Union still tilts for the most part in the direction of the member states, that presidency exceeds in importance the Commission President on questions of overall direction. Small wonder that in this environment outsiders still quote Henry Kissinger's dismissive query about which phone number to use "if I want to call Europe."⁶ And small wonder that Europeans, interested in advancing their common interests in an increasingly globalized world, might find a reconfigured presidency a partial solution to their fragmentation. These anxieties would have been readily recognizable by those who pressed for, and succeeded in, the Philadelphia convention of 1787.

What the European press has taken to calling the "President of Europe" in the potentially reconfigured continental government is actually a revised version of the job still formally known as the "President of the European Council." The position's presumed new empowerment begins with changes in the job's appointment and term. No longer would the presidency of the Council rotate semi-annually, and automatically, among the heads of the member states. Instead, "The European Council shall select its President...for a term of two and a half years, renewable once." Further, the President is forbidden by the Treaty to hold *any* national office, a pregnant change intended to diminish the pull of national allegiance in favor of strengthening continental ambitions within the presidency. These reforms would elevate to a position of preeminence among the national leaders, in Council, a person who has no formal authority other than through this position, and who has no formal obligations that would raise the interest of any constituent state above the continental good.

As in the US Constitution, the formal powers of the office are only briefly arrayed in the new framing charter. The new President is to chair the European Council and to "drive forward its work," which is defined as providing "the Union with the necessary impetus for its development" and helping to establish its "general political directions and priorities." The President also has the responsibility for calling meetings of the Council; for ensuring "the preparation and continuity of [its] work;" for facilitating its "cohesion and consensus;" and for reporting to the European Parliament after each of its meetings.⁷ Nowhere is the President explicitly vested with "executive" powers. But it is certainly possible to detect a leadership role within the penumbra of these enumerated responsibilities.

What, exactly, this new presidency will look like,

6 John Lichfield, "What is the role of the EU President, and who are the leading candidates? The big question," *The Independent* [London], March 18, 2008, p. 40.

7 The Treaty of Lisbon, from which the above quoted provisions are taken, can be found at http://bookshop.europa.eu/eubookshop/FileCache/PUBPDF/FXAC07306ENC/FX-AC07306ENC_002.pdf. For the relevant clauses on the presidency and the European Council, see Article 9B, pages 19-20 of the pdf. text.

however, is—quite apart from the skeletal nature of these formal provisions—exceptionally difficult to predict.⁸ There are *three* closely related reasons for this continued murkiness.

The *first* is that the office has been conceived in circumstances of on-going, unsettled conflict, obscuring the "intent of the framers." In 2003, to great fanfare, a European constitutional convention was held, working under the leadership of former French President Valerie Giscard d'Estaing. That convention produced the draft of a new European Constitution, which took major steps toward centralizing the locus of political power in a unified continental government—including a stronger presidency. Indeed, the European constitution-makers were mindful throughout of the US experience, and on many occasions Giscard likened his own role to that of such American icons as Benjamin Franklin. That framing convention, however, refused to follow one crucial American precedent: Unlike the Americans, they decided to abide by their existing obligations requiring unanimous consent for revision of their charter. The results produced in Europe what was Publius's worst nightmare, when voters in France, and then the Netherlands, said "No" to their framers' handiwork. The Treaty of Lisbon arose from the failure of Giscard's historically ambitious Constitution.

Yet as it happens, the formal provisions creating a new presidency survived virtually intact into the Lisbon treaty. This raises some interesting questions. A reformed presidency was originally created to work in a centralized union. The rejection of that original constitutional form in two countries, and the widespread skepticism that it met in many others, indicates a refusal on the part of Europeans to embrace the kind of very powerful union for which a strong presidency might have been a useful—even necessary—contrivance.⁹ Is it possible, then, for the presidency of that original constitutional vision to work as intended in what would seem to be a vastly less hospitable environment for presidential leadership? Or is this surviving presidency merely a vestigial organ? The troubled path of European constitutional politics over the last three years—punctuated now by Ireland's No—makes it hard to pose an answer with any confidence.

Moreover, because open differences do remain among Europeans about the summary power of their central government, conflict about its internal forms will surely continue. Some Europeans still prefer steady movement toward a "United States of Europe" (with a few even pressing to make the presidency popularly elected¹⁰); others would rather maintain a loose confederation of relatively independent states; and still others hope for a collapse of the continental experiment entirely, in favor of a return to the historic dominance of the national capitals. These preferences, of course, have implications for the kind of presidency the Europeans decide to cultivate. But institutional profiles are not easily discernible in such political whirlwinds.

A second reason that it is difficult to predict what this new presidency will look like is that the Europeans are invent-

8 Giles Merritt, "Choosing 'Mr Europe' isn't as easy as it looks," *Taipei Times*, April 13, 2008, p. 9.

9 It is telling, for example, that most of the provisions in the initial Constitution solidifying a European identity were stripped from the Lisbon Treaty—with a continental flag, motto, and anthem losing their constitutional status.

10 Lichfield, "What is the role of the EU President?", p. 40.

ing the office without any consensus vision about *who* will first take the job and thereby create its institutional identity by living in it. Americans evidently understood from early on that George Washington would fill that role. In the Europe of today, as we have already seen, there is no such unifying figure. Instead, the struggle to define the European presidency is being joined to the struggle over who might be the inaugural President.¹¹

Those who would like to see Europe move closer to the US model are now pressing for someone who bears, in the words of Gouverneur Morris at our Philadelphia convention, a “Continental reputation.”¹² This would be somebody whose own personal gravitas, like Washington’s, would lend instant credibility to their union-building enterprise. And this person would probably become, in an important phrase, the “face of Europe.” By far the most prominent candidate in the European media primary is Tony Blair.¹³ Blair’s willingness to entertain the idea has generated a flood of attention to what the job is and what his presence in it might mean for Europe.

Although Blair’s public comments on the matter have been spare, the conventional wisdom has been that he would take the post *if* it were properly defined. As one British press account has it, “Friends believe he would accept a heavy hitting role as a ‘Mr Europe’ figure but would not want the job if most of his time was to be spent chairing meetings and brokering deals among the EU’s 27 member states.”¹⁴ Or, as London’s left-of-center *Guardian* proclaimed in a February 2008 headline, “I’ll be president of Europe if you give me the power.”¹⁵ His sudden appearance in early February on a popular morning drive-time radio program in Paris—speaking a surprisingly fluent French—led to the inevitable conclusion that Blair was engaging in a bit of off-the-books campaigning for the job.¹⁶

The reactions to Blair’s candidacy provide a fascinating window onto diverse European conceptions of their continental presidency. His supporters claim that he would be able, through his own personal charisma, to elevate the image of the European Union and to give it a place on the global stage that to date it has not enjoyed.¹⁷ Like Washington, Blair could capture the imagina-

11 “The job specification will be written once the post is filled.” Denis Macshane, “Europe needs the leadership and ability of Blair,” *The Financial Times*, February 11, 2008, p. 11.

12 Recorded in Elliot’s Debates, http://www.teachingamerican-history.org/ratification/elliott/vol5/0717_1787.html.

13 Dan Bilefsky, “2 leaders back Blair as European Union president,” *International Herald Tribune*, October 19, 2007.

14 Andrew Grice, “Allies say Blair wants to be president of EU,” *Independent* [London], February 1, 2008.

15 Patrick Wintour, *The Guardian* [London], February 2, 2008. See also Martin Kettle, “Comment & Debate: President Blair can make Sarkozy’s dream come true: The French leader has the classic Gaullist vision: Europe, with our former prime minister in the chair, shaping the world,” *The Guardian*, January 19, 2008, p. 39.

16 Charles Bremner and Richard Beeston, “Tony Blair casts himself as a candidate for European president,” *The Times* [London], February 2, 2008. See also “Blair for president? The race for the EU presidency,” *The Economist* [US], January 19, 2008, p. 54.

17 See Jürgen Krönig, “Tony Blair, EU-Präsident?” *Die Zeit*, January 21, 2008.

tion of his people in a way that conventions and untested institutional reforms could not.¹⁸ Of course it is an interesting historical commentary on today’s politics that Blair’s past might prepare him for such a role—for, to paraphrase Lloyd Bentsen, Tony Blair is no George Washington. Nonetheless, Blair clearly possesses a kind of political stature and skill-set that many think would make him not just a good choice for Europe’s first president, but *the* choice.

The expressed opposition to Blair has taken several forms.¹⁹ One is a kind of European sectionalism: Blair ought to be disqualified because he’s a Brit. His British-ness is problematic on several counts. Most fundamentally, there remains a question about whether England properly qualifies as “Europe” geographically. Some continentals remain troubled about the prospect of placing into a leadership position an islander, whose cultural and political history—and thus presumably national interests—are so distinctive from their own. Those perhaps archaic sentiments are revived by the UK’s recent history of practicing cafeteria unionism: selecting to participate in certain EU innovations, and rejecting others (including the euro), as it suits their purposes. And Tony Blair’s close association with the US, especially with President George W. Bush, cements the impression that there is something different about the UK. Also, Blair has a thin record as a devoted EU insider. Others have paid their dues tilling the fields, and, so the argument goes, one of them ought to be rewarded with this key leadership position if the time for real institution-building is indeed at hand.

The other names prominently in the mix among Europe’s political elites will be little known to most Americans. “The smart money in Brussels,” claims one recent Reuters report, “is on Luxembourg Prime Minister Jean-Claude Juncker, the centre-right chairman of the finance ministers of the 15-nation euro zone, who has been at the heart of every European compromise since he came to power in 1995.”²⁰ Juncker is the quintessential insider candidate. Others interested include Danish Prime Minister Anders Fogh Rasmussen and, ironically, former Irish Prime Minister Bertie Ahern (whose own recent troubles with an ethics investigation may have hurt the Treaty’s prospects in his homeland). If the Europeans decide to fill the seat with one of these more obscure figures, one noted mostly for dexterity in European bureaucratic politics, this will signal something important about the kind of presidency they prefer.

A *third* complication in predicting the course of their presidential institution is a distinctive European variation on the mess of the vice-presidency. The problem in the US model arose, of course, from the issue of succession—and the Philadelphia convention produced an unexpectedly awful solution, remedied in short order by the 12th Amendment. The biggest problem created by that original error was the placement within the president’s inner family of competition he didn’t want there. The Europeans have doubled this problem, in ways completely unrelated to succession (which is dealt with simply by having the

18 See Sidney M. Milkis and Michael Nelson, *The American Presidency: Origins and Development, 1776 – 1993*, 2nd ed. (Washington: CQ Press, 1994), p. 73.

19 See, for example, the website www.stopblair.eu.

20 Paul Taylor, “Diplomats say Blair unlikely to get EU presidency,” *Reuters UK*, February 5, 2008.

Council reconvene and choose again.) The Lisbon Treaty carves out *two* of the most important pieces of a conventional presidential portfolio and gives them to two other members of the inner family. The organization and administration of the government (that is, the executive departments) remains the province of the European Commission President. And foreign policy goes mainly to a post excessively named the High Representative of the Union for Foreign Affairs and Security Policy, which is one of the members of the Commission. At least part of the rationale for this division is to create opportunities for geographical balance among these posts, or equipoise between large and small states. But the overall effect has been to lead some of the most accomplished candidates for the presidential position to wonder whether there is anything left to the job. Juncker, when queried about his own interest, replied, “It will all depend on the precise job description. I have no intention of just cutting ribbons.”²¹ Aware of this reluctance on the part of some first-class candidates, the EU has generated an attractive set of compensations: a “White House’ style residence;” a personal staff of up to 22; a salary reported to be in the neighborhood of \$400,000; and a private plane the European press is already calling “Blair Force One.”²²

It is striking, however, that even as individual countries are deciding on the Treaty—functionally repeating the labor of our own ratifying conventions—there are such frequent expressions of uncertainty about what the President’s job will entail. Was such confusion a commonplace of our own process of presidency invention in the late 18th century, notwithstanding the significant differences? It is nearly impossible now, looking back through the order that is imposed on our retrospectives by the force of George Washington’s incumbency and the crystalline logic of *The Federalist Papers*, to understand fully how much uncertainty actually enveloped our own maiden experience with an independent presidency. Europe’s current confusions may be a helpful reminder to look harder.

The ray of hope for those committed to a vigorous continental presidency can be found in the fact that the Council of Europe is by far the dominant (if not the sole) actor charged by the Lisbon Treaty with naming both the President of the Commission and the High Representative for Foreign Affairs. Accordingly, if the Council could be convinced—perhaps by the demands of common continental interest or by the appeal of a genuinely charismatic leader—that a strong presidency is necessary for European progress, the Council President could form a government by working his or her will through the authority of a compliant Council. These other two insiders would then effectively be the President’s people.²³ Whether that kind of unified deference is possible from a body composed solely of European heads of state is the 64,000 euro question. It certainly is not behavior compelled by the Treaty. But the prospect brings to mind a truism of American presidentialism that has fallen into some disrepute in recent years. Assuming the Treaty of Lisbon survives, presiden-

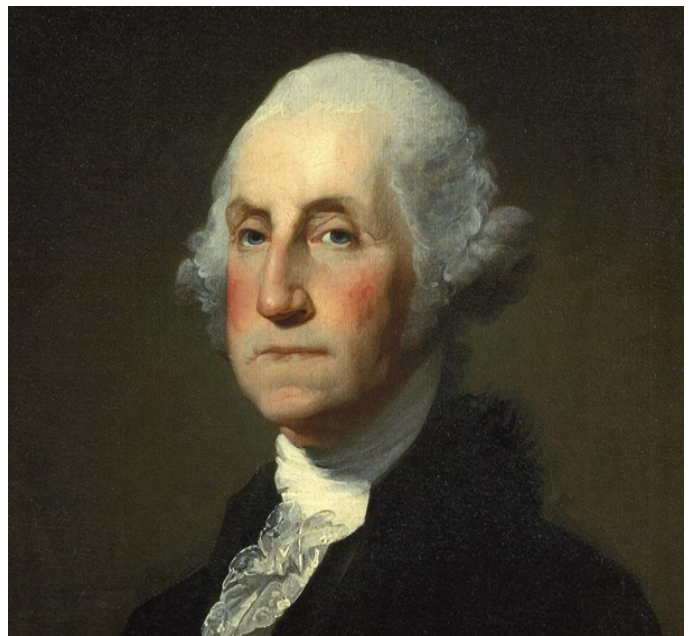
21 *Ibid.*

22 Bruno Waterfield, “Palace, jet and personal staff of 22’ for the new EU president,” *Telegraph* [London], April 14, 2008.

23 One possible solution is to combine the jobs of Council President and Commission President, an option that arguably is not proscribed by the Lisbon treaty, which forbids the holding of a *national* office by the former. See www.whodoicall.eu/why/.

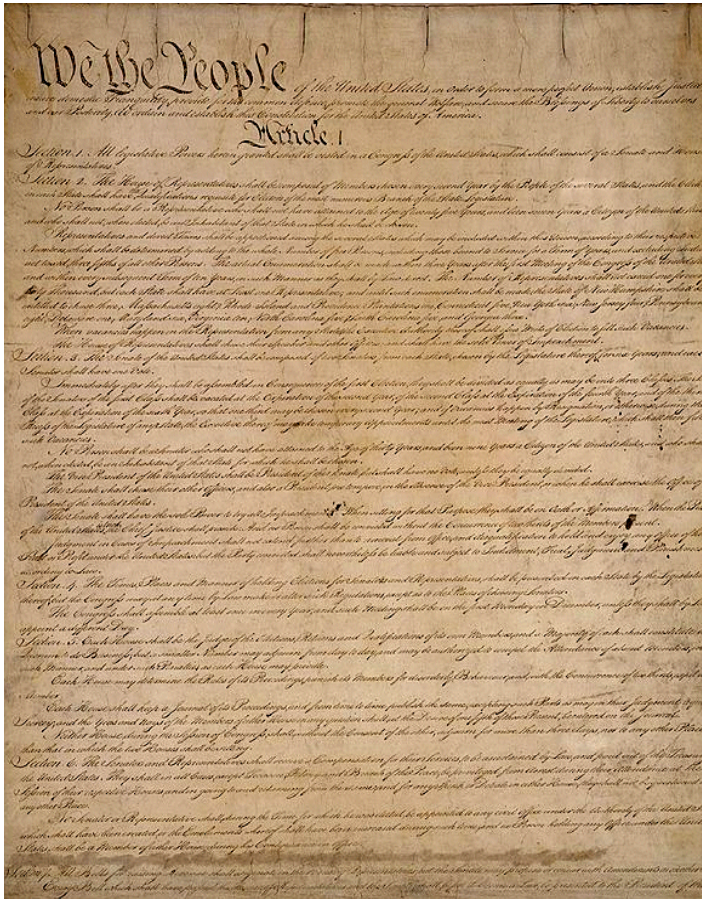
tial power in Europe may ultimately be the power to persuade.

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PRESIDENT BUSH AND THE CONSTITUTION

James P. Pfiffner



During his first six years in office President Bush issued signing statements that challenged the constitutionality of more than 1,000 provisions of laws enacted by Congress. The signing statements intimated that the president had authority not to execute those challenged provisions of laws. These assertions were based on the president's authority alone.

In these actions as president, George W. Bush challenged the basis of the separation of powers system. He and Vice President Richard Cheney chafed under the constraints placed on the presidency by the Constitution. They felt that the congressional reaction to the "imperial presidency" of Presidents Johnson and Nixon went too far in tilting the balance of policy making power toward Congress. They particularly saw the presidency as being illegitimately constrained by laws that did not allow the president free enough rein to deal with the challenges of the post-9/11 world. The atrocities of 9/11 gave them the opportunity to shape the separation of powers system to fit their own vision of the rightful balance among the three branches – with the president clearly in charge, particularly in national security matters. The Bush administration worked consciously and systematically to make the executive more independent of the other two branches by asserting presidential prerogatives and by shielding its actions from scrutiny by the public or the other two branches.

When Americans established the Constitution in 1789, they reasserted many of the rights of Englishmen that had been wrested from kings of England centuries before. When he denied the right of habeas corpus and due process to those who were declared "enemy combatants," President Bush was asserting a monarchical prerogative that Magna Carta (1215), the Petition of Right (1628), the Habeas Corpus Act (1679), and the common law had taken away from English kings over the centuries. His denial of habeas corpus and oversight by Congress or the courts placed him above the law and beyond the constraints of the Constitution.

The right of the people to be represented by Parliament and the ability of the laws passed by Parliament to bind the king came only after centuries of often bloody struggle. The framers of the Constitution went even further than the English had in providing for a legislature with significant political power. They rejected the British unity of power in both Parliament and king and created a separation of powers system that made the legislature independent of the executive and able to limit presidential power through law. Article I gives Congress "All legislative Powers," and Article II of the Constitution provides that the president "shall take Care that the Laws be faithfully executed."

During his two terms in office, President Bush challenged the principle that the president could be bound by laws passed by Congress. He ignored the Foreign Intelligence Surveillance Act that required the executive branch to obtain a warrant before spying on people in the United States. And when his

From 2002 to 2005 the Bush administration argued that it could imprison an American citizen (Jose Padilla) indefinitely, deny him access to a lawyer or his relatives, deny him the constitutional right to appeal for a writ of habeas corpus, and subject him to solitary confinement and extreme sensory deprivation. This claim was based on the president's authority alone.

From 2002 to 2004 hundreds of detainees in the war on terror were imprisoned at Guantanamo and Abu Ghraib; some were subjected to inhumane treatment, and some of them were tortured. During the war on terror, more than 100 persons detained by the United States died at the hands of U.S. personnel. Many of the incidents of torture and abuse grew out of President Bush's claim that he could suspend the Geneva Conventions and authorize the use of harsh interrogation techniques on those suspected of terrorism. The suspension of the Geneva Conventions was based on the president's authority alone.

From 2001 through 2006 President Bush ordered the National Security Agency, without a warrant required by law, to conduct surveillance on American citizens thought to be communicating with foreign suspects of terrorism. This order was justified by the president's authority alone.

secret program was exposed, he claimed that he was not bound by the law because he said that it impinged on his authority as commander in chief. In his frequent use of signing statements he intimated that he would not execute those provisions of law that he thought were inconsistent with his executive power. These claims by the president fundamentally challenged the authority of Article I and the constitutional legislative process. When President Bush suspended the Geneva Conventions and sanctioned what most of the world would call torture, he was ignoring a treaty that Article VI of the Constitution calls the “Supreme Law of the Land.” He was, in effect, asserting that the president was above the law.

Insofar as President Bush tried to exclude Congress and the courts from their legitimate constitutional duties, he claimed the authority of all three branches of government to himself. James Madison argued in *Federalist 47*: “The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.” In each of the claims to constitutional authority discussed above President Bush was asserting that he alone could exercise the authority of each of the three branches.

One might argue that the threat to the Constitution is no longer a problem and the cases have become moot, since Congress has effectively legalized in statute some of what President Bush had been doing, and in any case President Bush must leave office in January 2009. But this line of reasoning misses the *constitutional* point. The precedents of his constitutional claims, unless effectively challenged, will remain as “loaded weapons” (Jackson dissenting in *Korematsu*) that future presidents can use to justify their own unilateral assertions of executive power. Unless the other two branches authoritatively assert their constitutional prerogatives, future presidents will claim and expand upon the claims to executive authority made by President Bush.

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LEGACIES: GEORGE W. BUSH AND THE TWO PILLARS

Steven E. Schier

Two pillars support and structure the American political situation: global geopolitical hegemony and domestic economic prosperity (Schier 2000, 2004). Since George W. Bush took office in 2001, both pillars have been shaken, rearranging America's politics. The events of 9/11 revealed international dangers far more clear and present than most commentators had imagined. The international politics of American security are far more central to presidential governance than they appeared before 9/11. With terrorism the larger threat, the Bush administration deemphasized the multilateralist approach of the Clinton administration. This pattern predated 9/11, when the administration withdrew from the Kyoto accord on global warming, and the International Criminal Court (Daalder and Lindsay 2003).

Will the administration's deemphasis of multilateralism be a lasting approach? That depended upon the domestic political success of the Bush administration and the course of the terror war. These two fates are entangled. By 2003, the Bush administration had achieved considerable public approval through its aggressive response to the terror threat in Afghanistan and Iraq. The troublesome military occupation of Iraq, however, eroded popular support for Bush's foreign policy. Whatever the costs of his foreign policy in terms of international diplomacy and domestic public opinion, Bush did solidify his domestic political coalition around this approach. But that coalition dwindled to include only a majority of fellow GOP partisans by 2008. Bush's experience made multilateral talk and action far more likely a priority with his presidential successor.

The second pillar, domestic economic prosperity, is far less stable than it appeared to be in 2000. Then, healthy levels of economic growth produced a booming stock market and a federal government bulging with budget surpluses. Real GDP growth slowed after 2000 and unemployment rose to over six percent by mid-2003. Bush in response was as bold as in foreign policy. In his recurrent advocacy of tax cuts, he sought to rearrange parameters of fiscal policy discussion as dramatically as he transformed foreign policy. The priority of tax cuts downgraded traditionally hallowed budget balance as a policy goal. A successful economic stimulus through additional tax cuts proved tactically brilliant for the 2004 election, but the ensuing deficits left unsolved the looming problem of growing entitlement spending obligations for the future. Despite reductions in unemployment and steady growth during most of his presidency, Bush received little credit from the public for his economic stewardship. Democrats challenged his policies with zest following their takeover of Congress in 2006. An economic slowdown coupled with rising inflation in 2008 endangered GOP prospects for retaining the White House. Bush was unable to establish a political superiority for the GOP in the realm of economic policy.

George W. Bush's presidency will ultimately be judged by how well the president took control of the events that trans-

pired on his watch. This administration's definition of "control" was a very expansive one. The goal was the resurrection of "political time" through the installation of a lasting conservative political regime. This sort of restoration has not achieved completion since FDR entrenched the New Deal coalition during the 1930s. It is a historically big task. Bush ran the risk of fracturing his own coalition as many regime articulators have done before, Lyndon Johnson and his father among them in recent history. George W. Bush managed to keep his GOP coalition together during his presidency, but notably failed to expand it. Meanwhile, his ambitious and controversial foreign and economic policies energized his Democratic opponents.

Bush thus proved not to be on top of his "political time," raising the question whether any president can so succeed. Perhaps we are in an era of "permanent preemption" in which scrappy survival is the best outcome a president can hope for. Or maybe the GOP reversals of recent years portend a "disjunction" involving "a president affiliated with a set of established commitments that have in the course of events been called into question as failed or irrelevant responses to the problems of the day" (Skowronek 1997, 39), as was the case with Herbert Hoover and Jimmy Carter. If political time persists, it has not been kind to Bush's leadership, and Democrats have a stellar chance to become America's majority party for years to come. At this writing, the emergence of such a durable majority coalition seems less likely than an extended period of even partisan balance coupled with "sticky" national institutions resistant to the construction of any lasting partisan regime. In Skowronek's terms, permanent preemption, not political time, seems to be with us. If political time has vanished, George W. Bush's fate is one that many of his successors – Democrat and Republican – will share.

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