

KEYNOTE ADDRESS

An Argument on Behalf of a Stronger U.S. Presidency

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It is a great pleasure to come back to Oklahoma, where I have lots of family, where I had my wedding, and for which I have such fondness. Thank you, Tony Wohlers, for your generous invitation to speak here today; and thanks also are owed to my publisher, Pearson, which handled all the logistics in getting me here, and which has done so much to support the introductory American politics textbook that I wrote with John Coleman and Ken Goldstein.

Today I'd like to speak about presidential power, a topic that has stood at the very center of my research interests over the last decade. But unlike my previous forays into this topic, today's will take a distinctly normative turn. Rather than assess how much power presidents in fact wield when they issue unilateral directives, exercise military force abroad, or leverage war to influence the domestic policy agenda—topics, all, that I have written on at some length—today I want to reflect upon how much power presidents should have—and I want to argue that they should have a good deal more than they currently do. This is an argument that Terry Moe from Stanford University and I

have been developing for some time, and that we hope will form the basis of a book. I'm pleased, therefore, to have the chance to sketch out some of the argument's components for you today.

To begin, let me first try to characterize the problem that, in our view, calls for continued institutional reform. I want to reflect a bit on the capacity of the federal government to address trenchant social problems: problems for which there are no obvious or costless solutions; problems that are the subject of serious ideological dispute; problems that require the mobilization of numerous competing and often conflicting constituencies, both domestically and abroad; and problems that, left unaddressed, will worsen over time.

Lest we drift too far into abstraction, let me offer an example of what I have in mind: the halting and episodic inter-branch struggles over the national debt. It was just a little over a year ago, in the summer of 2011, that Congress and the president attempted to negotiate a comprehensive solution to the twin challenges posed by mounting debt and a frustratingly slow economic recovery. With just hours left before the federal government would default on its loan commitments, a deal was brokered that charged a bi-partisan committee of legislators with developing a long-term plan to curb the nation's debt. And then, to improve its chances of success, Congress required that the committee's recommendations be voted on an up or down basis. Going one step further, Congress mandated across-the-board cuts should its members fail to enact the recommendations of the so-called "Super Committee."

What followed? The answer we know only too well. After meeting just a handful of times during the early fall, members of the not-so-super committee disbanded without so much as even offering the beginnings of a recommendation. Standard and Poor's promptly downgraded the U.S. credit rating, which, according to the Government Accountability Office, subsequently increased the government's borrowing costs to the tune of billions of dollars. Congress proved utterly incapable of making any headway on the debt problem. Indeed, to the extent that it showed any penchant for addressing the issue, it was by selectively backtracking on the across-the-board cuts slated for 2013. But even these efforts failed, and it now looks increasingly possible that the cuts will come to pass. Meanwhile, significant portions of the federal bureaucracy have been unable to do any serious budget forecasting. And for the

foreseeable future, the budgetary process—once streamlined and routinized—now lurches from one partisan showdown to the next.

But the case for a stronger presidency does not ride on this single issue. Indeed, the challenges presented by the national debt pale in comparison to those of another issue: namely, climate change. Here, the outcomes may prove nothing less than catastrophic. According to the Special Report on Emissions Scenarios by the Intergovernmental Panel on Climate Change, when temperatures increase by roughly one degree, there arise significant risks of species extinction. Increases of two degrees are accompanied by heightened flood and storm damages. At three degrees, and 30 percent of species become at risk of extinction. And with each subsequent temperature jump, the consequences grow more and more dire.

So what do we know about recent temperature trends? Well, since 1960, Alaska has warmed by fully three degrees. Villages in Alaska have begun sinking into the ground as permafrost in coastal regions thaws. According to the Army Corps of Engineers, relocation costs will run into the tens of millions of dollars. The Alaskan sea lion population has declined over 50 percent. Between 1980 and 2000, the Arctic Circle warmed almost 2 degrees. Almost half of the ice thickness in the Arctic was lost between 1980 and 2008. At current rates of decline, Arctic Sea ice may disappear as soon as the 2020s. Further south, average temperatures in China have risen by more than a degree since 1980. And since 1970, average temperatures in New England have risen by 1.5 degrees.

The precise causes of these temperature changes, of course, remain the subject of some dispute. Solutions, meanwhile, are themselves fraught with uncertainty. But what, exactly, has the federal government done to meet the basic challenges presented by these warming trends, the fact of which every reputable scientist now recognizes? The short answer is very little. Bills are introduced, hearings are held, but during the last half century no systematic, comprehensive effort to deal with climate change has gained traction within Congress.

Note that the national debt and climate change exhibit all the qualities of deep, trenchant social problems. They present complex scientific and social challenges; reform, if it is to occur, will require the coordination of many different political actors, interest groups, and nations; and over time, the material problems that the nation's debt and climate change presents will only grow worse.

The national debt and climate change, however, hardly exhaust the deep, trenchant social problems that we as a country face. Energy, immigration, national security, rising inequality, the tax code, and a good deal more all exhibit their core qualities. And not surprisingly, the various individuals and agencies that constitute our federal government have responded to all of these issues with a strange mix of pervasive indifference and isolated displays of spastic self-righteousness.

This is no way to govern a country. This will not do. We need leaders who can define the problems that the country faces not merely in moments of crisis, but in the longer-term struggle for peace; who can chart out meaningful, pragmatic solutions to these problems; who can call upon the American public to make smaller sacrifices today so that more substantial sacrifices are not required tomorrow; who will take stock of the full scope, both national and international, of these problems and the solutions they require.

The question I want us to consider this afternoon is this: where are we likely to get the leadership needed to address such issues? To set some limits on possible answers, let's assume that we are going to continue to work within our current system of separated and federated powers. And let's further assume that these issues—in some capacity or another—are the legitimate subjects of government policy. Who, within our polity, is best equipped to constructively define these problems and then chart a way forward?

Before responding in the affirmative, let me rule out a handful of possibilities. The first lies in the spontaneous eruptions of public sentiment—in, that is, an informed and mobilized public that will not merely work around the gridlock within Washington D.C., but will render it mute. Ah, but were the public so forceful an agent of change. Left to its own devices, the public has reliably demonstrated an extraordinary penchant for ignorance and rashness. The Founders were well aware of the public's limitations, which goes some distance

toward explaining the existence of the Electoral College, the 18th and 19th Century practices of having state legislators, rather than the broader public, select Senators, and the numerous checks and balances that define our system of governance. Walter Lippmann and other Progressives have written at length about the whimsical qualities of public opinion. And since the Michigan School of Political Science cast forth a half century ago, a cottage industry of social scientists has devoted itself to documenting the shallow, unstructured character of political beliefs. To put your stock in an unfettered public is to deny the very need for leadership. And such a denial, in my view, offers no remedy to the kinds of trenchant social problems that we as a country face.

Perhaps what we need, then, is simply a better, more committed batch of politicians. The problem, by this formulation, lies with the individuals currently in office and not the larger political frame work in which they operate. So say the “I voted for the other guy” bumper stickers that adorn the cars driven by the smug and indignant. But this argument is much too flippant, too vacuous, too ahistorical to offer much insight. There are reasons why our elected officials so reliably equivocate, diminish, and deny. They face powerful incentives to behave the way they do, and these incentives have deep institutional origins. Until we attend to the institutional impediments to change, we cannot hope to make substantive headway on the challenges we face.

So what, then, of Congress? Through careful deliberation and a recommitment to basic norms of reciprocity, we tell ourselves, Congress may pave a way forward. But here again, there are ample reasons for skepticism. For truth be told, Congress is unlikely to provide the leadership needed to identify and design solutions for the nation’s most trenchant social problems. Its very character as a collective decision-making body nearly guarantees that it won’t. Congress, after all, is not an “it”, but a “they”. And the “they” consists of 535 members from almost as many districts and states, each with radically different views about what good policy looks like. Moreover, the overarching objective of each member is to get reelected, and the way she does this is by standing up for the parochial interests of her constituents. It comes as no surprise, then, that the recent history of legislative activity is littered with bills that, in name, promise to

confront challenges of national importance, but that in fact constitute little more than disfigured conglomerations of sectional initiatives.

Where then might we look for the leadership needed to address and solve trenchant social problems? By now, my answer should not surprise: in the president. Contemporary arguments for a stronger presidency have not exactly resonated politically, in large part because they have been tied to concerns about the conduct of a largely clandestine war on torture. These concerns are legitimate, and in no way do I want to soft peddle them. But they are not the whole story.

What do we know about the American presidency? Here are some stylized facts—ones, to be sure, that are highly reductionist; but ones, nonetheless, that bear recognition when we think about the possibility, if not always the realization, of presidential leadership:

1. More than any other elected official, presidents represent the country as a whole. While we, as a nation, elect hundreds of thousands of people to local, state, and federal offices, we elect only one ticket (a president and vice-president) that serves a distinctly national constituency.
2. Again more than any other elected official, presidents care about their legacies—and legacies are ultimately defined not by public opinion today, the results of the latest congressional elections, or the clattering ephemera that preoccupy our fragmented and hyperventilating news sources, but rather by a demonstrated ability to craft lasting policy solutions to genuine problems.
3. Though they rely upon all sorts of advisors and bureaucrats for help, presidents ultimately speak with one voice and act with one set of hands. Compare an executive order and an enacted law; or, for that matter, the content of a presidential proposal and a final law. Invariably, laws are laden with add-ons, conflicting imperatives, deliberately vague language, and compromises expressly designed to build the supermajorities needed to navigate the treachery that is our legislative process. The result is a corpus of law that is replete with ambiguities, tensions, and inefficiencies; and an overwrought and utterly confused bureaucracy that is asked to implement it.

I am hardly the first to make these points. Recall the Progressives of the late 19th and early 20th Century, who worried a great deal about the capacity of the federal government to respond to the profound challenges of industrialization, the influx of new immigrants from Europe, and the emergence of the United States onto the world stage. The answer, for them, lay not in constraining presidents who demonstrated a periodic willingness to resist a narrow reading of Article II powers. Rather, it involved exalting the presidency, breaking through the constitutional form that does so much to undermine efforts at coordinated government action, and building new modes of policymaking in which presidents, more than anyone else, exerted influence.

It is no accident, then, that the powers of the presidency over the last Century have undergone such significant transformation. Since 1921, the president has had the responsibility of proposing a budget, which formally initiates the appropriations process. We have witnessed an extraordinary rise of executive agreements, which now outnumber treaties by an order of more than 10 to 1. Breaking from 19th Century precedence, modern presidents regularly rely upon executive orders, proclamations, and national security directives to advance substantive policy change. Nearly all major policy initiatives come at the behest of presidential—not congressional—initiative. Presidents regularly enter into and exit war not with Congress’s formal consent, but rather through a series of unilateral directives. Congress has willingly delegated broad emergency powers to the president through statutory delegation. And on and on.

We should conceive of the presidency, then, very much as a work in progress. The presidency we have today is a far cry from the one that the Founders created, wherein few formal powers were granted (commander in chief, veto power, responsibility to receive ambassadors, etc.), and those that were (e.g. the vesting and take care clauses) were fraught with ambiguity.

Should we now seek to curb these developments or build upon them? Given the challenges before us, I think we ought to build upon them, albeit purposefully, incrementally, and cautiously. Let me say that again: purposefully, incrementally, and cautiously. Power should not be granted on a whim, motivated by some vague sense that the president

can deliver where Congress and the courts cannot; hence, the kinds of new authority granted should match the specific comparative advantages of executive leadership. Change must not proceed from the fanciful imaginations of a cloistered institutional designer; hence, changes to the presidency must recognize the many inter-dependencies of successive generations of reformers. And finally, we must not lose sight of the manifest ways in which presidents can make mistakes all of their own; hence, future grants of executive authority should be provisional, just as the exercise of future power remains contested.

That we should proceed purposefully, incrementally, and cautiously, however, is no excuse for not proceeding at all. The singular political question of our age, so far as I can tell, concerns whether we can continue to delay and deny the challenges of national debt, climate change, and the like. If not, then we have no choice but to place bets on who stands the best chance of offering the leadership needed to address these trenchant problems. I'm putting mine on an invigorated presidency.