

# THE CAVALIER PRESIDENCY



*Executive Power and Prerogative  
in Times of Crisis*

JUSTIN P. DEPLATO

# The Cavalier Presidency Executive Power And

**Marie Goupy**



## **The Cavalier Presidency Executive Power And:**

*The Cavalier Presidency* Justin P. DePlato, 2014-02-14 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

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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.

American Presidential Power and the War on Terror: Does the Constitution Matter? Justin DePlato, 2015-09-01. This book examines the use of presidential power during the War on Terror. Justin DePlato joins the debate on whether the Constitution matters in determining how each branch of the federal government should use its power to combat the War on Terror. The actions and words of Presidents George W. Bush and Barack Obama are examined. DePlato's findings support the theory that executives use their own prerogative in determining what emergency powers are and how to use them. According to DePlato, the Presidents argue that their powers are implied in Article II of the Constitution, not expressed. This conclusion renders the Constitution meaningless in times of crisis. The author reveals that Presidents are becoming increasingly cavalier and that the nation should consider adopting an amendment to the Constitution to proffer expressed executive emergency powers.

The United States Supreme Court and Politics Justin P. DePlato, 2019-11-22. While common sense attitudes towards the United States Supreme Court have been focused on what decisions they are likely to make, this book aims to focus on the impacts of other politicized elements of the Court. Through statistical modeling and other quantitative analyses, Justin DePlato examines the ability of the presidency and the Senate to influence and shape policy through the Court's nomination process, docket selection, and judicial retirements. The Court operating as a political institution threatens to affect where it hasn't already outright intervened: civil liberties and social issues in the modern era and represents a controversial mechanic in the workings of American statecraft.

Emergency Politics in the Third Wave of Democracy Claire Wright, 2015-12-09. Emergency Politics in the Third Wave of Democracy aims to make an important contribution to the study of emergency politics by offering an up-to-date study of how it works in practice. Specifically, it studies the uses given to the regime of exception mechanism in Bolivia, Ecuador, and Peru in the first decade of the 21st century and analyzes potential incompatibilities with the two pillars of democratic governability: efficiency and legitimacy. This book offers a thorough review of existing literature on emergency politics, offering conceptual clarification, identifying

three types or paradigms of emergency politics repressive administrative and disaster and pointing to regimes of exception as a useful route to their study It also provides an overview of emergency politics in Latin America throughout history pointing to the predominance of regimes of exception and the repressive paradigm The book describes the continuity of the repressive paradigm in Peruvian emergency politics to deal with both social protest and the apparent threat of organized crime and terrorism as well as how Bolivia has shifted from a repressive to a disaster paradigm in the face of pressure to deal with climate change It also analyzes the predominance of an administrative paradigm in Ecuadorian emergency politics in the context of weak institutions and difficulties in implementing policy as well as a populist style of leadership Ultimately the book offers some best practices in relation to the design and use of regimes of exception in democratic contexts Other studies on emergency politics tend to focus on legal or formal issues in the context of the United States War on Terror This study is decidedly political and empirical in focus offering analysis and interpretation as a result of intensive fieldwork carried out by the author in Bolivia Ecuador and Peru Consequently this volume offers important contributions to our understanding of emergency politics in general with evidence from the periphery as well as to our understanding of democratization processes in the Third Wave American Democracy Justin P. DePlato, 2015-09-28 Following the Renaissance democracy was still considered a dangerous form of government Democracy was often regarded as a fool's folly and a madman's paradise The well-wishers of the Republican Government would have fanciful debates in intellectual circles but paternal monarchies dominated the western and eastern world Yet in a heroic and herculean way a group of Anglo Saxons who grew up under proud monarchies rose to dethrone the English Crown and to establish the greatest democracy in history What theories inspired these men Why didn't they just simply create an American King Or better yet make themselves kings The answers to these questions lie in the eloquent and exact writings of great American Founders Presidents and Enlightened Philosophers such as James Madison George Clinton Edmund Randolph Thomas Paine Thomas Jefferson George Washington Patrick Henry John Adams Alexander Hamilton Benjamin Rush John Hancock John Jay Cicero Aristotle John Locke Hugo Grotius John Winthrop Franklin Roosevelt Abraham Lincoln William McKinley Ronald Reagan and more Unlike other rulers American rulers are bound to the law There is no doubt that the Founding of America is an event of unparalleled greatness This book allows the reader to share in the dreams and thoughts of these great men in their own words and allows the reader to draw informed conclusions that they surmise from reading the primary documents 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 to 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 presidential elections removal of the president and vice president and succession Powers of the Presidency including the unilateral powers of the presidency and those as chief of state chief administrator legislative leader commander in chief and chief economist The President the Public and the Parties including presidential appearances the president and political parties the president and the news media the presidency and pop culture public support and opinion and the president and interest groups The Presidency and the Executive Branch including the White House Office the Office of the Vice President supporting organizations the cabinet and executive departments presidential commissions and executive branch housing pay and perquisites Chief Executive and Federal Government including the president and Congress the president and the Supreme Court and the president and the bureaucracy Presidents their Families and Life in the White House and Beyond including the daily life of the president the first lady the first family friends of presidents and life after the presidency Biographies of the Presidents Vice Presidents First Ladies This new volume also features more than 200 textboxes tables and figures Major revisions cover the supporting White House organizations and the president s role as chief economist Additional reference materials include explanatory headnotes as well as hundreds of photographs with detailed captions

The Creation of the Presidency, 1775-1789 Charles Coleman Thach (Jr.), 1923      The Creation of the Presidency, 1775-1789 Charles Coleman Thach, 1923      The Unitary Presidency Graham Dodds, 2019-08-05

The theory of the unitary executive is one of the most controversial and significant constitutional doctrines of the past several decades It holds that the U S president alone embodies all executive power and therefore has unlimited ability to direct the many people and institutions within the federal government s vast executive branch It thus justifies the president s prerogative to organize the executive branch and to direct its activities to tell executive personnel what to do and to fire them if desired to control the flow of information and to issue signing statements that make judgments about constitutionality and determine the extent to which laws will be implemented In some versions it also endorses implied or inherent powers and permits the president to completely control foreign policy and military action Proponents say this conception of the presidential office is faithful to the Constitution facilitates the sort of energetic executive that Alexander Hamilton argued for and enhances administrative efficacy and political accountability for governance Critics say this arrangement is constitutionally inaccurate is belied by historical practice and legal precedents and is dangerously close to the monarchical power that provoked the American Revolution and can be especially threatening in the era of Donald Trump This book examines how controversies about unitary executive power have played out from the

founding era to the present day with a focus on recent presidents it explores arguments both for and against the unitary executive theory and it looks ahead to future implications for American politics

### **Konsepsi Hukum Tata Negara**

**Darurat Dalam Perspektif UUD 1945** Qurrata Ayuni, penyimpangan hukum itu dinamakan state of exception kata Carl Schmitt Menurutnya syarat diberlakukannya hukum normal adalah situasi normal Sehingga jika terjadi kondisi abnormal maka hukum normal tidak lagi berlaku Dalam Political Theology Four Chapters on the Concept of Sovereignty Carl Schmitt menyatakan Every norm presupposes a normal situation and no norm can be valid in an entirely abnormal situation As long as a state is a political entity this requirement for internal peace compels it in critical situations to decide also upon the domestic enemy Kajian Carl Schmitt ini kemudian menjadi dasar dari pemberlakuan State of Exception State of Emergency atau yang dalam literatur Indonesia disebut Hukum Tata Negara Darurat Konsep inilah yang kemudian dikembangkan oleh Carl Schmitt dalam menggunakan Pasal 48 Konstitusi Weimar memberikan memungkinkan tindakan yang diperlukan untuk memulihkan keamanan dan ketertiban umum dengan bantuan kekuatan bersenjata dan menanggulangi hak-hak dasar Mengapa Pasal 48 Konstitusi Weimar dan state of exception dari Carl Schmitt menjadi landmark hingga saat ini Terlepas digunakan sebagai landasan hukum lahirnya kesewenangan Hitler Nazi Pasal 48 Konstitusi Weimar ini memberikan sebuah paradigma baru mengenai konsepsi kedaruratan dalam konstitusi Hal ini dikarenakan Konstitusi Weimar memberikan secara detail 1 pre kondisi apa saja yang dapat mengaktifkan keadaan darurat 2 hak constitutional apa saja yang dapat ditanggulangi saat darurat 3 apa kekuasaan yang dapat didapatkan oleh pemimpin pada saat darurat Ketiganya merupakan norma yang tidak banyak diatur dalam konstitusi pada masa itu Mengutip John Ferejohn Pasquale Pasquino 2004 model kedaruratan klasik Roman Dictatorship Model hanya mengatur pemberian kewenangan kepada pemimpin untuk berlaku apa saja demi mempertahankan kedaulatan negara Namun model ini tidak dilengkapi dengan batasan-batasan dan syarat-syarat detail tentang hak-hak apa saja yang tidak boleh dilanggar yang proporsional Kondisi ex ante tentang apa yang mungkin dibutuhkan pada saat darurat diupayakan diteliti untuk dapat dituliskan dalam sebuah norma Sehingga terbentuk sebuah arsitektur hukum tata negara baru yang dijalankan dalam kondisi darurat dengan berbagai instrument pengawasan yang dimungkinkan Pendekatan ex ante ini yang kemudian banyak di promosikan dalam pendekatan kedaruratan termasuk yang digunakan pula dalam Legislative Model Penulis sengaja menjabarkan teori Carl Schmitt tentang State of Exception untuk merespon perdebatan mengenai penggunaan dalil stilus populi supremo et sola lex esto seolah-olah menjadi dalil untuk dapat mengenyampingkan segala galanya

□□□□ □□□□ □□□□ □□□□, 2017-01-20 2 1 2 *O estado de exceção: ou a impotência autoritária do Estado na era do liberalismo* Marie Goupy, 2023-09-19 A Editora Contracorrente tem a satisfação de anunciar a publicação do livro *O estado de exceção ou a impotência autoritária do Estado na era do liberalismo* da aclamada pensadora francesa Marie Goupy Em sua densa obra cuja cuidada tradução para o português ficou a cargo de Victória Bianchi Okubo a autora oferece um estudo aprofundado sobre o pensamento de Carl Schmitt De acordo com Robert Chapuis L Ours

2017 Marie Goupy analisa os acontecimentos políticos que marcaram o período entreguerras particularmente a crise de 1929 e a ascensão do fascismo na Alemanha bem como as crises do parlamentarismo na França no mesmo período Ao faz-lo não procura encontrar uma analogia com o período atual mas produzir uma genealogia que nos permita refletir sobre as contradições que a nossa democracia liberal ainda hoje apresenta Nas palavras de Cédric Moreau de Bellaing Droit et Société 2018 ao não mais apreender a crise como um fenômeno conjuntural mas como condição sine qua non para o desencadeamento do estado de exceção e portanto como parte da própria teoria Marie Goupy lança luz sobre uma contradição interna na obra de Carl Schmitt longe de romper com a ordem liberal a teoria do estado de exceção apenas a renovaria esta oferecendo primeira em momentos de crise os meios concretos para que um governo qualquer que seja sua forma perdure Goupy levanta assim a hipótese de que Carl Schmitt desconhece que a ordem liberal funciona por sucesso de crises e que essa cegueira se deve a um enfoque extremo do jurista além do nominalismo político deixando de lado o fato de que a ordem liberal promove formas de despolitização em todos os domínios sociais economia moralidade cultura etc Ao faz-lo não só a teoria da exceção não entra em contradição com a ordem liberal como at um meio de salvá-la pois assim que ela passa por uma crise e estruturalmente passa regularmente o estado de exceção oferece-lhe a possibilidade de se perpetuar Ou mais exatamente a teoria da exceção surge como essa não o que solapa as instituições liberais ao identificar sua fragilidade consubstancial e como solução para sua preservação ao menos na ordem política Trata-se portanto de uma obra de leitura indispensável que enriquecer enormemente o debate público brasileiro

**The Cavalier Spirit and Its Influence on the Life and Work of Richard Lovelace** Cyril Hughes  
Hartmann, 1925 [The Cavalier Spirit and Its Influence on the Life and Work of Richard Lovelace \(1618-1685\)](#) Cyril Hughes  
Hartmann, 1925 *The Constitution on the Campaign Trail* Andrew Busch, 2007 This book is designed to be the most comprehensive book on splenic pathology to date It is an easy to use overview of the lesions both neoplastic and nonneoplastic that arise in the spleen Topics of focus include infectious diseases and lymphoproliferative disorders of the spleen It analyzes each entity under the categories of definition etiologies and pathogenesis clinical presentations treatment prognosis imaging macroscopic features microscopic features cytopathology and ancillary studies and differential diagnosis This text would be an ideal tool for surgical pathologists Hematopathologists pathology residents and medical students  
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Amirsys eBook Advantage™ an online version of the print book with fully searchable text **From Wealth to Power**  
Fareed Zakaria, 1999-08-15 What turns rich nations into great powers How do wealthy countries begin extending their influence abroad These questions are vital to understanding one of the most important sources of instability in international politics the emergence of a new power In *From Wealth to Power* Fareed Zakaria seeks to answer these questions by examining the most puzzling case of a rising power in modern history that of the United States If rich nations routinely

become great powers Zakaria asks then how do we explain the strange inactivity of the United States in the late nineteenth century By 1885 the U S was the richest country in the world And yet by all military political and diplomatic measures it was a minor power To explain this discrepancy Zakaria considers a wide variety of cases between 1865 and 1908 when the U S considered expanding its influence in such diverse places as Canada the Dominican Republic and Iceland Consistent with the realist theory of international relations he argues that the President and his administration tried to increase the country s political influence abroad when they saw an increase in the nation s relative economic power But they frequently had to curtail their plans for expansion he shows because they lacked a strong central government that could harness that economic power for the purposes of foreign policy America was an unusual power a strong nation with a weak state It was not until late in the century when power shifted from states to the federal government and from the legislative to the executive branch that leaders in Washington could mobilize the nation s resources for international influence Zakaria s exploration of this tension between national power and state structure will change how we view the emergence of new powers and deepen our understanding of America s exceptional history      *The Law of the Executive Branch* Louis Fisher,2014 The Law of the Executive Branch Presidential Power places the law of the executive branch firmly in the context of constitutional language framers intent and more than two centuries of practice Each provision of the US Constitution is analyzed to reveal its contemporary meaning and in concert with the application of presidential power      Waging War on Trial Brian R. Dirck,2003-06-25 A thought provoking and engaging guide to the legal moral and political issues that arise when the United States goes to war From the American Revolution to the Bush administration s new type of war on terror Waging War on Trial views warfare from a legal social cultural and political standpoint Included are homefront debates during major hostilities brushfire incidents and how the events of September 11th have shaped our domestic wartime policy The battle continues today as the President and Congress debate over who begins and ends military operations Concerns about civil liberties the draft and internal security are as relevant today as during the Civil War Questions arise on how dissenters and minorities are treated and if America can legally control the behavior of our soldiers It s an intricate interplay between war and America s institutions      The Presidency Dale Vinyard,1971

## Whispering the Strategies of Language: An Psychological Journey through **The Cavalier Presidency Executive Power And**

In a digitally-driven world wherever monitors reign great and instant conversation drowns out the subtleties of language, the profound strategies and psychological nuances concealed within words usually get unheard. However, situated within the pages of **The Cavalier Presidency Executive Power And** a charming literary treasure sporting with raw emotions, lies a fantastic quest waiting to be undertaken. Composed by a talented wordsmith, that wonderful opus invites visitors on an introspective journey, gently unraveling the veiled truths and profound impact resonating within the very fabric of each word. Within the psychological depths with this emotional evaluation, we will embark upon a heartfelt exploration of the book is core styles, dissect their interesting publishing type, and succumb to the powerful resonance it evokes heavy within the recesses of readers hearts.

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