The first version of this book took shape in my mind before September 11, 2001, but it was largely written after the mass murders of that day. The American reaction to September 11 has of course been extensive. Furthermore, both in formulation and execution, it has been driven largely by the presidency. The authority exercised by President George W. Bush, both granted by legislative action and claimed beyond those grants—for instance, to unilaterally designate American citizens as “enemy combatants” out of reach of the judicial system or the Constitution—was astonishing in its scope. Presidential assertiveness, and legislative deference, seemed at unprecedented levels.

Perhaps this was fair enough in the wake of events that had “changed everything.” Yet it struck me that these developments also flowed naturally, if at a quicker pace and higher volume, from other aspects of recent American history—specifically the ebbs and flows of presidential power leading up to and away from the Vietnam/Watergate era. Back in 1973 the historian Arthur M. Schlesinger Jr. had affixed an enduring adjective to the Nixon presidency: it was, he said, “imperial.” This didn’t mean that the president literally had become emperor, as some anti-Federalist authors had feared back in the 1780s. But it did suggest both that the occupant of the office exercised more absolute power over more issues than the constitutional framework suggested and, more broadly, that the office itself had expanded in its power relative to other governmental actors. The presidency had breached old boundaries, bringing more and more authority over more and more aspects of American governance under its control.
Still, no sooner had Schlesinger written his magisterial indictment than Congress began to fight back. Nixon was forced to resign his office as the full scope of the Watergate scandal became known, and a wide range of laws were passed that, collectively, reinserted Congress into the key areas of policy Nixon had claimed for himself. Legislators grabbed back the power of the purse and the sword and committed themselves to policy leadership and aggressive oversight of executive behavior. James Sundquist captured the era in his own reply to Schlesinger, *The Decline and Resurgence of Congress*.

My primary goal in this book is to add an installment or two to this ongoing narrative. As Sundquist rightly concluded, it was up to Congress to make the resurgence stick: I suggest that Congress did not live up to that challenge and that the resurgence therefore receded. The 1970s framework that was meant to guide and constrain presidential behavior, in times of war and peace both, slowly eroded over the decades that followed.

Going back to the framing of the presidency in the Constitution, I describe the evolution of executive power in our separated system of governance; discuss the abuses of power that prompted what I will call the “resurgence regime” against the imperial presidency; and ask how and why, over the three decades that followed Watergate, presidents regained their standing. September 11 and the reaction to it rightly receive special treatment in a separate chapter; still, when considered within this broader sweep, they represent developments different in degree but perhaps not in kind.

This is a book about politics, not of political science. I have taken on the task the historian John Lewis Gaddis once assigned to “lumpers” (as opposed to “splitters”): to systematize, to generalize, to reduce the “chaos, disorder, and sheer untidiness of history to neat patterns.” The questions herein are complicated, and those looking to find a counterexample to the trends I delineate will, in fact, find many. But the pattern, I think, prevails. And if the narrative here is in large measure synthesis, that synthesis aggregates into an argument: that the freedoms secured by the checks and balances of government are not automatic but depend on the exertions of public servants and the citizens they serve. Such an argument is hardly new—yet it is greatly relevant to the present day. As Schlesinger noted in the preface to *The Imperial Presidency*,

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x PREFACE & ACKNOWLEDGMENTS
“much of the historical recital in these pages is at least a thrice-told tale. Yet the contemporary argument rushes along with astonishingly little reference to the national experience.” One might argue that the present volume brings the count to at least four times told—yet on the arguments rush, similarly ungrounded. At the least, I hope this volume will capture in one place for students and policymakers the fate of the post-Watergate regime built by Congress and the courts. At best, I hope it will serve to remind them that without considering our history we will not act in a way true to the ideals that underlie it. Most of all, I hope, along with Justice Stevens, that we will not “wield the tools of tyrants even to resist an assault by the forces of tyranny.”

No book can provide the final word on a set of topics so broad. Anyone dealing with contemporary events must choose an endpoint, and this narrative stops on November 3, 2004, the day Sen. John F. Kerry conceded the vote count in Ohio and thus President Bush’s narrow reelection victory. That election’s full ramifications will not be known for some time, but the developments traced here did not depend on its outcome. Had Senator Kerry become President Kerry, I suggest, he would have been a very different person in office but perhaps not such a different chief executive. All presidents try to push the limits of their power: it is inherent in the office’s position in the constitutional framework. The key question becomes, then, Will other political actors push back? Part of the point of this volume is to argue that they must. Presidential leadership is a necessity, given the challenges that face us as citizens—but it comes with risks of its own. How to resolve that balance deserves careful thought, not the mindless denunciations that have too often substituted for debate in our recent politics.

I owe thanks to a wide array of scholars, without whom this book would not have been possible or would at the least have made less sense. Obviously Arthur Schlesinger heads the list; I have enjoyed rediscovering the eloquence of The Imperial Presidency, which is perhaps more cited than read these days—a pity if so. James Sundquist deserves special mention for his comprehensive research on the “resurgence” Congresses, as does Louis Fisher for his thoughtful writings on presidential-congressional interaction and their constitutional ramifications. Many others have written with far more erudition than I on specific aspects of the subjects
treated herein, and I hope I have done right by their research. They are too many to name here (and I fear leaving someone out), but my debts are made clear in the references to each chapter.

I also want to thank those who helped more tangibly with the writing of this book. I am grateful to Provost Neil Weissman of Dickinson College and to the college’s Research and Development Committee for their financial support of this project. Dickinson has been a warm and supportive setting not just for teaching but for pursuing my research agenda; I thank all my colleagues in the Department of Political Science and across the campus, with a special nod to Vickie Kuhn for her inexhaustible supply of good-natured assistance of all stripes and Harry Pohlman for his vast knowledge of constitutional precedent and principle. Harry read the entire manuscript and provided many valuable suggestions, along with a frightening amount of aged scotch. (Thanks to Pat Pohlman for putting up with the latter.) I also want to thank several semesters’ worth of students for tolerating and improving my musings on the “world after Watergate.” I am especially grateful to one of those students, Brendan Lilly, who later served as a research assistant for this project.

Princeton University’s Center for the Study of Democratic Politics (CSDP) served as my base for the final round of revisions to the manuscript; many thanks to Larry Bartels for bringing me aboard, to Diane Price and Helene Wood for their help and humor, and to all those associated with CSDP for their hospitality and collegiality. At the University of Michigan Press, warm thanks go to the manuscript’s reviewers; to Kevin Rennells and his copyediting staff; to Jim Reische, acquisitions editor; and to Alan Wolfe, this series’ editor. Jim has been unwaveringly supportive, even of my bliss-induced lack of work ethic during the 2004 baseball playoffs, and made important substantive and stylistic suggestions along the way. Alan prodded this book into being when, visiting our campus, he came to speak about political ethics to my freshman seminar. There was, we realized, no single book available for the course I wanted to teach. So I decided to write it, and have been in good hands ever since.

Two more acknowledgments are warranted. We all owe a debt to those in government, who work hard in the face of general derision, and especially at times like these to those men and women in the armed ser-
vices, who do what most of us won’t. A special appreciation goes to two specific public servants: first, to my brother-in-law, Corporal Jim Burns of the Army’s Second Infantry Division, who actually reads books like this and who, as I write, is serving us all in Ramadi, Iraq; and second, to Richard E. Neustadt. Dick, a member of the Truman administration and (less memorably for him and history) of my dissertation committee at Harvard, died in the fall of 2003 before this manuscript took final shape. The author of the touchstone work on the modern presidency, *Presidential Power*, Dick was a valued adviser to a half century’s worth of presidents but always took time to share his vast knowledge of politics and polity with the most junior of graduate students. I am forever grateful for that kindness and for his contribution to the field I study.

Finally, I thank my family for their love, inspiration, and immense generosity. My wife, Christine, will never recoup what I owe her; she made it possible to write this book in a compressed period of time, with grace and loving patience. My children, Owen and Eliza, provided many joyous reminders of my real-world priorities. And my parents, Don and Sue Rudalevige, have always impressed upon me the vital necessity of principled activism in the public sphere. It is to all of them, with deep gratitude for the lessons they continue to teach me, that I dedicate this book.