

Book Review (The President's Czars: Undermining Congress and the Constitution)

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Class:

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## **The President's Czars: Undermining the Congress and the Constitution**

The essay seeks to review the book 'The President's Czars: Undermining the Congress and the Constitution' by Mitchel A. Sollenberger and Mark J. Rozell. The book strives to raise the issue of Czars to the public and explain the reasons the presidents of the United States have been violating the Constitution as well as undermining the powers of the Congress. In the review, the assertion by the two authors will critically be analyzed and conclusion derived on whether their claims are solid or have any effect in the governance of the country.

### **Summary of the Book**

In the book, Mitchell A. Sollenberger and Mark J. Rozell begin by directly pointing to the challenge and crisis that any government faces. The authors' reference the aspect of president's Czars by referring to the presidency of Obama.<sup>1</sup> In the book Sollenberger and Rozell asserts that president Obama authorized Kenneth Feinberg whom they referred as the an example of the president's Czars to oversee the payment of the \$20 billion to the victims of the BP oil spill and also to establish and implement the pay guidelines of \$700 billion to the companies that were successful for the federal bailout. In the context of the Sollenberger and Rozell, the new office that Obama created through the appointment of Feinberg came with vast policy and financial powers. Feinberg had access to billions of dollars and held policy powers yet the new office does not fit in the government system as well as constitutional framework.<sup>2</sup> The authors described the meaning of the word Czars by indicating that the term refers to an individual who has significant authority over a policy and is independent of any head except the president. The individual is not confirmed by the senate as other presidential appointments and is not liable to any congress oversight. Sollenberger

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<sup>1</sup> Sollenberger, Mitchel and Mark Rozell. The President's Czars: Undermining congress and the constitution (2012), 145.

<sup>2</sup> Ibid

and Rozell revisit the history lane and try to identify the incidences where the past presidents had to appoint individuals contrary to the constitution or congress approval. They try to establish the origin of the Czars and its dramatic growth during the presidencies of George W. Bush and Barrack H. Obama.<sup>3</sup> Sollenberger and Rozell further assert that the modern presidency when faced with intensive pressure to act on policies, they turn on these appointed individuals (Czars) even though by doing so, they violate the law on appointment, and could easily go contrary to the doctrine and principles that bars the president from unilateral establishing offices without the support of the legislative arm of the government. The authors indicate that the appointment of Czars by the president is ill conceived and disrupts a governing system that is based on democratic accountability. Sollenberger and Rozell propose the restoration of accountability beginning with the changes in the US Code that allows the president to appoint the employees of the white house without any regard to the provisions of the law. The authors further indicate that the Czars have not done any good in improving the effectiveness and efficiency of the executive branch of government. They concluded by point out that the appointment of Czars violates the constitutional system and have to be stopped.<sup>4</sup>

### **Critique**

Sollenberger and Rozell have done well in explaining the meaning of Czars and the reasons they think is wrong and should be stopped. They offer counter argument to those in favor of powerful presidency. However, Fisher indicates that the presidents sometimes need the authority above the senate and congress to ensure certain policy implementation and formulation is affected.<sup>5</sup> There are some instances where both houses; the senate and the congress have majority members of the opposition. In that environment, the president may

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<sup>3</sup> Ibid

<sup>4</sup> Ibid

<sup>5</sup> Fisher, Louis. *Constitutional dialogues: Interpretation as political process*. (Princeton University Press, 2014), 23.

have a hard time in implementing and formulating certain policies that he deems necessary. However, the book does well to remind the readers on the history of the US presidency and their Czars appointments. The book mentions that the appointments of Czars were more prevalence in the 1980s and 1990s. However, the book targets more the presidencies of George W. Bush and Barack Obama. Barack Obama faces the sharpest and harshest criticism of the two presidents.

Despite the various contexts that Sollenberger and Rozell share in regard to the presidents undermining congress and violation of constitution by appointing the Czars, the book exhibits certain strengths. The major strength of the book is that it provides critical analysis of the nature of presidency in the history of the United States and the positions various presidents filled with disregard to the constitution and the congress. The argument of the Sollenberger and Rozell is exemplary and their assertion on the reasons the powers of the president should be limited is convincing. However, the book exhibited certain weaknesses. The first weaknesses are that that the authors (Sollenberger and Rozell) do not provide substantial claim or evidence of Czars appointments over the history of the United States. Majority of the presidencies that Sollenberger and Rozell have discussed are not effectively accurate. Some of the presidents discussed in the book appointed relatively few or no Czars at all. Some even had their appointments rejected by the congress after the congress fought back by exercising their powers and legislations. The other weakness exhibited in the book is that it has little literature evidence to support the claim of the Sollenberger and Rozell. Little academic literature is the evidence that the book does not exhibit exquisite validation of the claim. Thus majority of the information contained in the book only provides an insight of the authors' (Sollenberger and Rozell) take on the issue.

### **Personal Response**

Sollenberger and Rozell have done well in trying to justify their assertion concerning the powers of the president and on whether the president appoints the Czars legally in accordance to the constitution. In their context, the authors specifically gave the example of president Barack Obama appointment of Feinberg to oversee the payment of \$20 billion to the victims of BP oil disaster and \$700 billion to the companies that received federal bailout as the perfect example of president exercising power that is unconstitutional and undermines the authority of the congress. However, despite the authors striving to justify their claim, it would be impractical for the president to seek consent to the congress or the senate in all of his or her appointment.<sup>6</sup> The consent that the authors are advocating will render the presidency powerless. If all the action of the president will require a third party approval then what is the need of having a president. The matter is even complex when the opposition has the majority in both houses which means any appointments by the president will be met with intense rejection and barriers. According to the constitution, the Article II, Section 2, Clause 2 (Appointment Clause) the president has the power to appoint certain public officials with advice and consent from the senate.<sup>7</sup> However, the president is allowed to appoint lower level officials without advice or consent from the senate. The allowance that the provision in the constitution accords the president, Sollenberger and Rozell refer to them as Czars. Despite their claim of accountability being valid, it would be difficult for the president to conduct his or her mandate if all his or her appointments will be subjected to the senate for advice and consent.

## **Conclusion**

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<sup>6</sup> Walcott, Charles. "Czars in the White House: The Rise of Policy Czars as Presidential Management Tools. (University of Michigan Press, 2015), 248.

<sup>7</sup> Salomonsen, Houlberg. "Czars in the White House: The Rise of Policy Czars as Presidential Management Tools." (*Public Administration* 2016), 145-146.

The book brings into the picture the aspect of accountability. Sollenberger and Rozell assert that the appointments by the president that are not subject to senate approval violate the appointment clause. However, critical analysis of the clause in the constitutions shows that the president has significant rights to conduct the appointment. Therefore, their argument concerning the issue in the book is not conclusive, but valid.

## Bibliography

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