WEAPONIZING THE EPA: PRESIDENTIAL CONTROL AND WICKED

PROBLEMS

by

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DEDICATION

TO MEDENNE. She is my wife, my friend, the love of my life and a constant source of inspiration and motivation, without whom this dissertation would not have happened. To Kendall and Bethany, you motivate me and inspire me to be better every single day.

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ABSTRACT

In its broadest sense, presidential control encompasses all the actions, in both word and deed, whereby presidents "go it alone" to adopt policies in the absence of congressional will to do so, and sometimes directly contrary to it. This dissertation studies how President Obama used rhetorical and administrative tools of presidential control to address the "wicked problem" of climate change. The "administrative presidency" and the "rhetorical presidency" are familiar political science terms, but in the case of climate change policy, they appear to be moving policymaking in a new and perhaps profound direction, which this study refers to as "post-deliberative policymaking." Applying these two areas of scholarship together to the wicked problem of climate change creates a helpful window through which to study how President Obama utilized administrative and rhetorical strategies and tools during his presidency. In particular, the study examines how he rhetorically constructed and rationalized his use of the Environmental Protection Agency to implement federal climate change regulations via the federal Clean Power Plan. Among the insights revealed by this analysis are how President Obama, in an age of acute political partisanship and polarization, positioned the role of the bureaucracy, how he invoked executive power, and what his actions reveal and may portend about executive views of democratic institutions and norms. This dissertation analyzes President Obama's rhetoric through a study of his speeches from 2009 through 2015 that explicitly or implicitly reference climate change, greenhouse

gases, and the Clean Power Plan, but also related topics, such as energy policy and

climate agreements.

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LIST OF ABBREVIATIONS

ACE	Affordable Clean Energy Rule
BTU	British Thermal Unit
CAA	Clean Air Act
CBO	Congressional Budget Office
CFC	Chlorofluorocarbon
CO_2	Carbon Dioxide
CPP	Clean Power Plan
DOE	Department of Energy
EIA	Energy Information Administration
EPA	Environmental Protection Agency
GCC	Global Climate Coalition
GHG	Greenhouse Gas
IPCC	Intergovernmental Panel on Climate Change
RCP	Relative Concentration Pathway
RPS	Renewable Portfolio Standard
SRES	Special Report on Emissions Scenarios
UNFCCC	United Nations Framework Convention on Climate Change
U.S.	United States

CHAPTER ONE: PRESIDENTIAL POWER AND WICKED PROBLEMS

Traditionally, it has been conservative Republicans who warned about the need to check the power of a president lest he become dictatorial, while liberal Democrats lobbied for a strong chief executive. Today the two camps essentially have switched sides.

—Gerald F. Seib, The Wall Street Journal, 1989

In its broadest sense, presidential control encompasses all the actions, in both word and deed, whereby presidents "go it alone" to adopt policies in the absence of congressional will to do so, and sometimes directly contrary to it. Such actions include using the "bully pulpit" of the executive office to rhetorically set the agenda, frame issues, and mobilize the populace.[1] They also include all the tools the unitary executive has at his or her disposal to set and shape policy, including, among other things, executive orders, budgets, presidential memoranda, signing statements, appointment powers, and agency rulemaking. And while partisan views on presidential power and prerogative shift over time, as the above quote indicates, the fact remains that all modern presidents utilize formal and informal power to their advantage. While the use or abuse of power is frequently in the eye of the partisan beholder,[2] the tools of presidential control

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[1] The term "bully pulpit" is attributed to Teddy Roosevelt who famously observed, "Most of us enjoy preaching, and I've got such a bully pulpit" (Roosevelt, 1889). The term "bully pulpit" is especially appropriate in this context because, as David Greenberg (2011) notes: "No president before him had made such regular, skillful use of this declamatory vehicle, which Roosevelt, by naming, fairly invented; no one to that point so acutely discerned or eagerly seized the opportunity, afforded simply by being president, to command attention with rousing, morally laden speeches. Roosevelt used speeches about policy and legislation to circumvent Congress—to lead from the White House" (pp. 1067-1068).

[2] In reflecting on the often subjective views of power, political scientist John Gaus observed that "how one feels about power depends on whether one has it" (as quoted in Kettl, 2000, p. 16). This is certainly true for

are valued by each modern executive entering the Oval Office. Thus, while perspectives on presidential control change with shifting political winds, campaign rhetoric notwithstanding, the practice of presidential control does not (Moe, 1985; Rudalevige, 2005; Lewis, 2009; Wood and Waterman, 1991; Waterman, 2009; Sousa and Klyza, 2007; Klyza and Souza, 2008; Klyza and Souza, 2013). It is precisely this enduring presence that makes presidential control an important area of study, and what we see from presidents today seems to be a historically significant amplification of presidential power accompanied by a breakdown in legislative deliberation. Such a breakdown also has implications for democratic principles in that it may lead to what this study refers to as "post-deliberative policymaking," where presidents continually expand their policymaking power in a partisan fashion and Congress increasingly declines to engage in the deliberative function it was designed to perform.

To be sure, presidential control has been extensively studied from various angles in such diverse academic disciplines as public administration, public policy, political science, law, psychology, and communication. The attention by scholars is well deserved. Like few other actions by citizens and policymakers alike, the way in which presidential control is exercised can fundamentally shape the process by which polices are adopted and implemented. This has important implications for both governance and our foundational democratic principles. The aspects of presidential control this study examines are the coordinated use of the bully pulpit and control of administrative agencies, respectively, to promote and adopt policies apart from congressional action.

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the way presidential control is viewed by citizens and politicians alike who find themselves at various times on opposite sides of the argument depending on who's in office, the issue at hand, or both.

Thanks to existing scholarship, we know much about how presidents frequently act through administrative agencies in pursuit of policy goals—originally coined the "Administrative Presidency" by Richard Nathan (1983).[3] We also know a great deal about how presidents use their position to frame policy goals, set the agenda, and "speak over the heads of Congress" to promote those very same goals—referred to as the "Rhetorical Presidency" by Jeffrey Tulis (1987). However, we may be missing important insights about the interplay, or perhaps co-production, of these presidential prerogatives because administrative action and rhetoric typically are not studied simultaneously. Only a few scholars have connected the two in at least a general way (Milkis, Rhodes, and Charnock, 2012; Whitford and Yates, 2009) or commented on the need to simultaneously examine the administrative presidency and rhetorical presidency as executives continue to entrepreneurially create and enforce public policy (Whitford and Yates, 2009; Beasley, 2010; Milkis et al., 2012).

Therefore, using the "wicked problem" (Rittel and Webber, 1973) of climate change, this study aims to bring these two familiar phenomena together as it considers the adoption of federal greenhouse gas regulations under the Obama Administration. [4] Such

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[3] The term was first used by Richard Nathan in 1976 in *The Public Interest*. However, Nathan is commonly cited from his book by the same name published in 1983; thus, this author follows the ordinary convention of citing the 1983 work.

[4] The term "wicked problem" is borrowed from a study addressing complex urban planning and infrastructure projects in the 1970s. In the study, the authors distinguish more ordinary technical or engineering problems from "wicked problems" that by comparison are more difficult to resolve because they are difficult to define, value-laden, divisive, expensive, and lack easily identifiable solutions. A number of scholars have used the term in relation to natural resource conflicts, including climate change, and it remains an apt descriptor of climate change and climate change policy. *See, e.g.*, Nie, 2008; McBeth, et al., 2010; Levin, et al., 2007; Lazarus, 2008. Guy Peters (2017) argues that referring to complex policy problems as "wicked" is unhelpful and more work needs to be done in identifying whether problems are indeed wicked or just complex (see also Coyne, 2005). Finally, wicked problems share aspects of what Herbert Simon (1973) called "ill-structured problems" in that such problems lack clarity

an approach offers an opportunity to take a fresh look into what the study of the

administrative and rhetorical presidencies reveal about governance. It also provides an

opportunity to consider broader implications on democratic principles. Wicked problems

are particularly useful for analysis in this regard because they tend to accentuate the

rhetoric and actions surrounding them. As the name suggests, wicked problems are

complex policy problems that are difficult to define, value-laden, divisive, and lack

poorly understood or straightforward solutions (Rittel and Webber, 1973; Nie, 2008;

McBeth et al., 2010; Levin et al., 2007; Lazarus, 2008). Unsurprisingly, they also are

politically-charged, and only a handful of wicked problems in the United States rise to

the level of climate change in this regard. In fact, so difficult has the formulation and

adoption of policy been that climate change has even been characterized as a "super

wicked problem" (see, e.g., Levin et al., 2007, 2012; Lazarus, 2008; Head et al., 2014;

Grundmann, 2016).

For this reason, climate policy offers a helpful window through which to study

how President Obama utilized administrative and rhetorical strategies and tools to pivot

away from climate change legislation that had stalled in the Senate in 2009.[5] In particular,

the study addresses how Obama rhetorically constructed and rationalized his use of the

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with how they are defined, are interdependent with other problems, and suffer from having poorly
understood characteristics and solutions (see also Peters, 2017).

[5] The American Clean Energy and Security Act of 2009 (also called the Waxman-Markey Bill), which would
have established a federal CO_2 cap-and-trade program, passed the House of Representatives on June 26,
2009 by a vote of 219-212—the first bill of its kind addressing possible threats from climate change
passed in either chamber of Congress (Broder, 2009). The bill, however, was not presented in the Senate
for either discussion or a vote. In the face of insurmountable opposition, including among Democrats,
Senate Majority Leader Harry Reid, a Democrat from Nevada, chose not to present the bill to the full
Senate. After pulling the bill from consideration, Reid commented, "It's easy to count to 60. I could do it
by the time I was in eighth grade. My point is this, we know where we are. We know we don't have the
votes [for a bill capping emissions]. This is a step forward" (Davenport and Samuelsohn, 2010).

Environmental Protection Agency (EPA) to implement federal climate change

regulations via the federal Clean Power Plan (Friedman and Plumer, 2017). Among the

insights revealed by this analysis are how Obama positioned the role of the bureaucracy,

particularly in an age of tremendous political polarization, how he invoked executive

power, and what his actions reveal about executive views of democratic institutions and

norms (Friedman and Plumer, 2017). Understanding such views is particularly relevant

since executive action tends to be easier to revise than congressional action, leading to a

relatively less durable and more fluid state of regulatory oversight.[6] The impermanent

nature of executive action is precisely what has allowed the Trump administration to

rescind and replace the Clean Power Plan, essentially stripping it of its most impactful

regulations, through similar unilateral actions (EPA, 2019). Yet, addressing climate

change in any kind of a serious fashion will require long-term, sustainable, and adaptable

policy solutions that account for "new information and changing circumstances,"

something only a governance structure established by a legislative body can provide

(Lazarus, 2008). Clearly, presidential control is not "owned" or "abused" by any

particular political ideology, and this example underscores that control is more about

policy than it is about party (Moe, 1985; Rudalevige, 2016).

     As mentioned, the "administrative presidency" and the "rhetorical presidency" are

commonly treated as two separate and distinct areas of scholarship, although they are

certainly complementary—like two sides of a coin, as some scholars have noted (Milkis,

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[6] While rulemakings are easier than drafting or amending new laws, they do require extensive time and effort by agencies because of the stringent requirements of the Administrative Procedures Act. However, once promulgated, regulations have the force of law, and once implemented are often difficult to reverse. See generally, Corenlius Kerwin and Scott Furlong (2011).

2012). However, the two sides may have a compounding influence on one another that alters the dynamic of presidential control in important ways. As a result, it may be more descriptive and helpful to think about the administrative and rhetorical presidency as notes on a sheet of music that are arranged and emphasized in various ways, at various times, to affect the composition and adoption of policy. By viewing the administrative and rhetorical presidency in this way, the possibility of a more interactive relationship between the two themes of presidential control becomes easier to visualize. As this study will demonstrate, adopting this perspective and studying the two in concert reveals distinct shifts in rhetoric that correspond with and signal Obama's switch to administrative action. Such shifts are at least muted by treating the two strands of scholarship separately. With this in mind, it is important to consider that the two combined may very well magnify presidential influence in ways that have been understudied (Whitford and Yates, 2009).

Importantly, as alluded to above, what we see from presidents today seems to be a historically significant amplification of presidential power. In fact, not only did Obama embrace and make full use of the administrative presidency beginning in 2010 (Rudalevige, 2016), but Trump has followed suit to reverse many of the executive actions of his predecessor (Milkis and Jacobs, 2017; Konisky and Woods, 2018). Moreover, Democrat presidential candidates have positioned themselves for the 2020 election by proclaiming what they will accomplish in the first 100 days, not by legislation but by executive order (Janes, 2019).

At the same time, the amplification of presidential control is accompanied by a breakdown in legislative deliberation (Bulman-Pozen and Metzger, 2016; Milkis and

Jacobs, 2017). Such a breakdown encourages presidents to bypass Congress and rely on

unilateral action to implement policies that avoid the crucible of scrutiny until they hit the

courtroom (Bulman-Pozen and Metzger, 2016). Following the path of least policy

resistance in this manner may normalize post-deliberative policy making—an implication

explored later in this study—where party politics and rhetoric dominate policymaking at

the federal level. Follow-on effects to this policymaking dynamic include deep political

polarization along with dramatic swings in policy, which act as both positive and

negative feedback loops (Abramowitz and Saunders, 2008; Pielke Jr., 2018; Farina, 2010;

Baumgartner and Jones, 2009). Indeed, as this study reveals, the rhetorical presidency is

often used to rationalize the use of the administrative presidency, meaning that neither

can be examined separately if we are to understand them fully. By examining these two

areas of presidential control together as the administrative-rhetorical presidency we gain

a deeper and richer understanding about the way in which presidents—President Obama

in this case—wield these powerful policy tools (Milkis, 2012; Whitford and Yates, 2009).

Problem Definition

At its most fundamental level, the story of administrative action in the United

States is a story about the competitive control of its policies (Kagan, 2001). While this is

certainly true for policies in general, it is especially amplified for high-profile policy

problems that are by nature divisive, value laden, and therefore resist straightforward

solutions. Such problems are more than just complex or "ill-structured problems," as

Herbert Simon (1973) referred to them, which lack clarity and possess interdependent

and poorly understood characteristics. As a result, wicked problems readily become

political in nature. Rittel and Webber (1973) originally referred to such problems as

"wicked," because in contrast to strictly technical problems, wicked problems are difficult to define, defy resolution, and are teeming with often conflicting values (p. 160; see also McBeth et al., 2010). In their original work, Rittel and Webber (1973) discussed wicked problems in the context of urban planning. However, as is the case with certain social policy issues (i.e., abortion, gun control, and immigration), some environmental policy issues exhibit wicked characteristics. As described by Nie (2003), wicked environmental problems are "value-based political conflicts grounded in deep core human values…. [Such problems are] acrimonious, symbolic, intractable, divisive, and expensive" (pp. 307-308). They also defy easy problem definitions and, echoing Simon, embody poorly understood characteristics, solutions, and outcomes. Not surprisingly, then, wicked problems are prone to political influences (McBeth et al., 2010) and, by logical extension, presidential administrative action, or what Nathan (1976) called the "Administrative Presidency."

Such is the case with federal climate change regulations. This study focuses on Obama's shift away from a deliberative but ultimately unaccommodating congressional process to a more favorable and responsive administrative rulemaking process, which marked an important evolution in the development of climate policy at the federal level. Obama's administrative action also continues the longstanding practice of presidents using the administrative presidency to advance policies that would otherwise be impossible to implement through an unfriendly congressional process. The focus of this study captures the beginning of Obama's presidency, when he was focused on legislative climate action, and continues through his pivot to administrative action, when he directed the EPA to implement the Clean Power Plan by way of a relatively novel and empowered

reading of the Clean Air Act (CAA)[7]. Notably, the Clean Power Plan followed a series of international efforts, executive orders, and policy documents set forth by the Obama Administration. It was designed to cap CO_2 emissions from fossil-fuel electric generating units and mandated a 32% reduction in CO_2 emissions from 2005 levels by 2030 (Tarr, 2013). Two years later, the Trump Administration directed the EPA to rescind the Clean Power Plan and has now replaced it with the Affordable Clean Energy rule, relying on a more conservative and less prescriptive interpretation of the CAA (EPA, 2017; EPA, 2019). This "whipsaw" action has implications for industry, environmental and economic interests, and the public by creating an uncertain regulatory environment, governed by special interest lobbying and litigation instead of institutions and rules (McCabe, 2017; Pielke Jr, 2018).

The federal climate regulation case therefore also has important implications for democracy, including how it affects government accountability and responsibility. If wicked problems can be resolved and modified by administrative action alone, then why not less wicked, even ordinary problems (Lowi, 1979)? The use of administrative action in this way not only leads to capricious policies, but it also aggrandizes the presidency, disempowers Congress (Bulman-Pozen and Metzger, 2016), and normalizes a post-deliberative policymaking process. After all, if administrative action is all that is needed, what then is the role of elected officials and the non-elected bureaucracy in making and implementing public policy? A deeply divided public thus finds itself navigating ever-shifting policies, while different administrations devise and dismantle regulations along

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[7] Eric Groten (personal communication, September 7, 2017) commenting on the novel approach of using §111(d) of the CAA to regulate CO_2 emissions, as well as the difficulty in general of regulating CO_2 given its chemical properties and the current structure and content of the CAA.

party lines. Of course, such a path frustrates important policy deliberations, encourages partisan politics and populist appeals, and reinforces "an executive-centered party system that relies on presidential candidates and presidents to pronounce party doctrine" (Milkis et al., 2012). Although wicked problems such as climate change accentuate these themes (Garsten, 2011), the expediency of post-deliberative policymaking may have spillover effects on how all policy problems are addressed.

Importantly, the administrative actions of presidents, especially with respect to wicked policy problems on which Congress fails to act, pose serious questions about the proper role of the bureaucracy in America. As originally conceived by Nathan (1976), the administrative presidency relies heavily on the belief that the president runs the bureaucracy and should utilize it to implement policy preferences. In times of political ossification, to modify a phrase from Clausewitz (1873), this often leads to the continuation of legislation by other means—that is, by presidential administrative action through the bureaucracy. Of course, the appropriate extent of administrative action has long been debated in public administration. A central aspect of the debate is the proper role of the bureaucracy in making and shaping policy, especially where competing values are in conflict and interest groups seek to influence the decision-making process (Friedrich, 1940; Finer, 1941; Frederickson, 1971; Lowi, 1979; Lewis, 2009). One purpose of this study is to take a closer look at the administrative presidency's use of the bureaucracy, especially when buttressed by rhetoric, to shape policy on issues for which Congress either lacks the appetite or ability to address.

A primary contribution this study endeavors to make is in the bringing together of "administrative presidency" scholarship with "rhetorical presidency" scholarship in

analyzing the EPA and the Clean Power Plan. "Rhetorical presidency" scholarship examines how presidents use rhetoric to not only engage the public but also to define problems, set the agenda, propose solutions, and indirectly influence political actors (Tulis, 1987; Quirk, 2007). The term "rhetoric" is used in diverse ways by different scholars (Garsten, 2011; Fleming, 1998), but for the purposes of this study, rhetoric is defined in the classical, Aristotelian tradition as understanding what is persuasive and using it to convince others under a variety of circumstances (Foss, 2009; Rapp, 2010). Yet, the consequences of the rhetorical presidency, especially as it is evolving today, extend beyond just the presidential use of rhetoric to persuade.

According to Tulis (2007), a president's rhetoric concerns the "constitutional order" and governance, and it is the vehicle by which contemporary presidents seek to influence policy and govern the citizenry. Governance in this sense is taken to mean a "government's ability to make and enforce rules, and to deliver services," as well as where the locus of control lies for such services, whether at the local or centrally controlled, federal level (Fukuyama, 2013, p. 3). The rhetorical presidency thus describes the willingness of presidents to bypass Congress and "mobilize the public as a routine means of governance" (Stuckey, 2010, n.p.). Some scholars, such as Tulis (1987; 2007), view this practice as destructive to American constitutional principles, while others see its impact on democracy as ranging from unimportant (Edwards, 2006) to harmful (Hart, 1987; Jamieson, 1988). Regardless of how scholars have come to view it, the study of the rhetorical presidency indicates that it is at least "a potentially potent force and a significant political resource that needs to be understood and used wisely" (Stuckey, 2010, n.p.). It is important to point out that the "potentially potent force" of the rhetorical

presidency described by Stuckey (2010) may very well be magnified when combined with the administrative presidency, making the admonition to understand and use it wisely all the more compelling. We are currently seeing that potentially potent force play out today as President Trump's rhetoric and administrative focus erodes and modifies democratic norms (Milkis and Jacobs, 2017).

This dissertation lies at the intersection of these three scholarly areas: the wicked problem of climate change policy making; the administrative presidency; and the rhetorical presidency. Wicked environmental problems have garnered significant attention from myriad policy scholars (see, for example, Sabatier and Jenkins, 2014; McBeth, Jones, and Shanahan, 2014; Nie, 2003; Fahey, 2013). The administrative presidency has been extensively studied over the years by political scientists and public policy and administration scholars (Kagan, 2001; Moe, 1985; Moe and Howell, 1999; Lewis, 2009; Rudalevige, 2005; Lowande and Milkis, 2014; Nathan, 1983). And the rhetorical presidency has been studied by communication scholars and political scientists over the past three decades (Aune, 2008; Moe and Howell, 1999; Lewis, 2009; Stuckey, 2010; Skowronek, 2002; Whitford and Yates, 2009; Kernell, 2006; Edwards, 2006; Tulis, 1987; Tulis, 2007). This dissertation aims to bring these different scholarly conversations together in order to draw some larger conclusions about their implications on democratic decision-making.
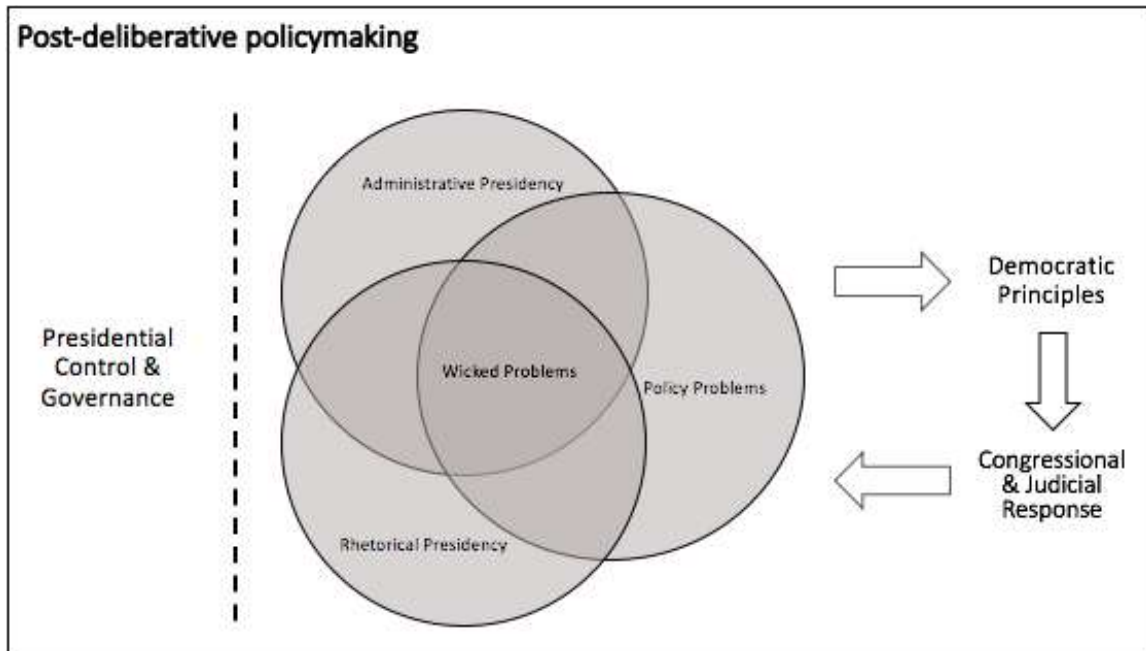
Figure 1.1   Post-Deliberative Policymaking Model

As shown in Figure 1.1, this study brings these three concepts together under a framework called the Post-Deliberative Policymaking Model, which reflects the post-deliberative nature by which modern presidents address wicked problems through the administrative presidency and rationalize their actions through the rhetorical presidency. The model also considers how administrative and rhetorical impulses may amplify and co-produce each other. The framework forms the basis for this research and helps derive richer insights about the post-deliberative policymaking process, in particular as it relates to wicked problems. Ideally, the conclusions from this work will contribute to themes of significant concern to public administration scholars, such as government accountability, responsibility, and democratic principles (Lowi, 1979; Moe and Howell, 1999; Lewis, 2009; Stuckey, 2010; Tulis, 1987).

Research Question

With Stuckey's (2010) admonition in clear view—to better understand the "potentially potent force" and "significant political resource" that is the rhetorical presidency—this study begins by asking **how President Obama rhetorically constructed the role of the EPA, effectively weaponizing it to implement federal climate change regulations.**[8] Importantly, the way in which presidents rationalize their use of the administrative presidency may reveal an evolving view of the bureaucracy in implementing policy, including under what conditions strong executive action is justified and whether there are any limits to such action. Such an analysis may also provide insights into whether the administrative presidency is simply one tool of executive power, or reflects more broadly on how presidential action may be shifting how the executive office and bureaucracy are viewed. While presidents undoubtedly push the boundaries of their authority (Rudalevige, 2014; Milkis and Jacobs, 2017), situating Obama within the various presidential traditions will help inform the question of whether we are seeing something new in how governance and the role of the bureaucracy are positioned or merely witnessing a later manifestation of earlier approaches under new circumstances. In other words, is this a case of "old news happening to new people?"[9] In any event, a better understanding of the "potentially potent force" of a weaponized bureaucracy and

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[8] The term "weaponized" is intended to be politically neutral, in the partisan sense of the word. In this context, it is simply a description of how the EPA was utilized to address climate change policy that had previously failed in Congress and would have been sidelined but for executive action via an administrative agency. When considering a similar use of the EPA by a subsequent presidency to address the same policy issue but in the opposite direction, the term becomes even more apt.

[9] This quote comes from British journalist Malcom Muggeridge (n.d.). The entire original quote is "All new news is old news happening to new people" (as quoted in Zacharias, 1997, p. 130).

how presidents wield it may help reveal new insights about how the use of the bureaucracy to implement presidential policies affects democratic principles.

With respect to this last point, Donald Kettl's (2000) framework of how presidents view governance and the role of bureaucracy is helpful in orienting the analysis in various presidential traditions and will be explored in greater detail in Chapter 6. Borrowing from and modifying Kettl's framework to augment this study will also help anchor it within the broader public administration literature, and provide points of comparison to previous presidencies, even as this study endeavors to extend those boundaries.

Plan of the Dissertation

As this introduction highlights, this study brings together two strands of scholarship in the context of the wicked problem of climate change and U.S. climate policy at the federal level. This study focuses specifically on President Obama's use of the EPA to address climate change and rhetoric to rationalize his actions as a case study in this policy area. The next chapter provides background on the progression of climate policy at the U.S. national level and sets the stage for post-deliberative policymaking to address climate change. In Chapter 3, the study sets forth the post-deliberative policymaking framework, which contextualizes presidential control and rhetoric in the wicked problem of climate change. The theoretical framework will be followed by a more detailed literature review of presidential control and the two elements of control—the administrative presidency and rhetorical presidency—that are the focus of this study.

In Chapter 4, the study shifts its focus to President Obama specifically by orienting him within rhetorical and administrative presidency literature. Chapter 5 sets

forth the methodology and highlights the contribution this study is making, in particular as it relates to President Obama, by bringing the administrative and rhetorical presidencies together and deriving a sum that is greater than the individual parts that have heretofore been the focus academic scholarship. Chapter 6 provides an analysis of the research, which identifies the key rhetorical strategies Obama employed and historically situates how he positioned governance and the bureaucracy in his administration. In Chapter 7, I explore implications of post-deliberative policymaking and then offer some concluding thoughts about the study and future research pathways in Chapter 8.

CHAPTER TWO: A BRIEF HISTORY OF U.S. NATIONAL CLIMATE POLICY

In terms of sheer wickedness, there is perhaps no more wicked problem in America than climate policy. So difficult has the formulation and adoption of policy been that climate change has even been characterized as a "super wicked problem" (see, for example, Levin et al., 2007 and 2012; Lazarus, 2008; Head et al., 2014; Grundmann, 2016). Such a characterization has been well earned, at least in part, because U.S. climate politics have historically been hyper-partisan, and implementable policy solutions are languishing at the federal level (Nisbet, 2009; Dunlap, McCright, and Yarosh, 2016; Conlan and Posner, 2016). Indeed, climate change is unique in both its breadth of impact and depth of discord, joining gun control, taxation, immigration, and abortion in the way it hardens the partisan divide and "defines what it means to be a Republican or Democrat" (Nisbet, 2009, p. 14). Thus, the wicked problem of climate change is among a handful of issues that are acutely steeped in partisan politics, where presidential rhetoric can both set the tone and amplify the way in which partisans view the problem (Zarefsky 2004). Combined with the way in which the underlying contributors of anthropogenic climate change are embedded in the institutions, infrastructure, and economy of the United States, such characteristics make climate change policy ripe for presidential influence and, therefore, an ideal backdrop for studying the administrative and rhetorical presidency.

Of course, federal environmental policy in the United States is greatly influenced by the priority that presidents place on it at any given time (Vig, 2016). In periods of

divided government, presidents can and do act unilaterally to push their environmental

agenda, whether seeking to expand or contract environmental protection (Vig, 2016).

Climate policy, while simultaneously being a part of and subsuming environmental

policy, is no different. While the backdrop of this dissertation is President Obama's pivot

from the Waxman-Markey Bill to the Clean Power Plan, it is important to understand the

historical ebbs and flows of climate policy preceding the pivot. For the purpose of this

study, the historical ebbs and flows of climate policy begin in earnest in the late 1980s

and end in 2015. Like ripples in a pond, previous climate actions continue to influence

today's climate decisions. The ripples also echo Kingdon's (1984) pre-decisional

environment, what he calls the "the policy primeval soup," where policies take shape

over time in a political, social, economic and, in this case, environmental struggle for life.

Understanding the pre-decisional environment of federal climate policy is thus important

for understanding how presidents act within it and sets the stage for Obama

administratively acting on climate policy through the EPA. Climate policy's primeval

soup also provides important context for Obama's use of rhetoric and administrative

action to advance his climate policies. With that in mind, this section describes the

historical context of U.S. climate policy, including an overview of climate change as a

policy problem, its general political context, the general policy responses available, and

the major policy responses leading up to the Waxman-Markey Bill and President

Obama's shift to the Clean Power Plan.[10]

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[10] Nathan Loewentheil (2012) has developed an helpful summary of major US climate actions that preceded the Waxman-Markey bill, which this study has utilized and augmented to provide context for President Obama's decision to purse climate goals through the EPA.

The focus of this study is primarily national. However, it is important to briefly recognize and acknowledge the implications of the current dynamic at the subnational level as well.[11] As this study argues in Chapter 1, the congressional impasse over climate policy has created a policy vacuum that is being filled by presidential unilateral action through the administrative presidency. At the same time, space has been created for subnational action through state and local governments as well (Bulman-Pozen and Metzger, 2016). In fact, in many ways, state and even local governments have dominated climate policy since the early 2000s (Rabe, 2011; Konisky and Woods, 2016; Bulman-Pozen and Metzger, 2016).

Two prominent ways state governments have dominated is by acting through cooperative federalism and as "laboratories of democracy" in how they experiment with regulatory oversight.[12] First, federalism creates an opening for subnational action in climate policy because, broadly speaking, although air emissions rules are set at the federal level, states are responsible for implementing them (Konisky and Woods, 2016). This has led to both collaboration and opposition that either expands or restricts federal programs (Bulman-Pozen and Metzger, 2016). Second, state experimentation has led to policies to restrict state and regional CO_2 emissions through such programs as the Regional Green House Gas Initiative, California's cap-and-trade program, and requiring specified amounts of electricity from zero-emission energy sources through renewable

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[11] For a more in depth discussion of subnational climate policy, see Konisky and Woods (2016).

[12] This phrase was originally coined by Supreme Court Justice Louis Brandeis in his dissent of the Supreme Court's ruling in *New State Ice Co. v. Liebmann* (Brandeis, 1932). Although there is disagreement about how the phrase should be understood today (see, e.g., Tarr, 2001)—as a progressive approach to bringing about social change or a conservative approach to reinforcing states' rights—the phrase is frequently used to capture the idea that allowing states to experiment is helpful in sorting out complicated public policies.

portfolio standards. Elements of state programs have even worked their way into federal programs, such as the Clean Power Plan's trading mechanism. Notably, state actions have cut both ways by actively promoting actions to address climate change and remaining passively indifferent, if not entirely oppositional, to such actions, leading to a variety of subnational policies and approaches (Konisky and Woods, 2016; Bulman-Pozen and Metzger, 2016). Although beyond the scope of this study, these actions also have important implications on the degree to which they either expand or restrict presidential powers and even reinforce congressional inaction on wicked problems, including climate change (Bulman-Pozen and Metzger, 2016).

At the national level, it is helpful to discuss the era of climate policymaking as occurring in a series of successive periods. This is because U.S. climate policymaking spans several decades now, is complicated by scientific, sociopolitical and socioeconomic factors, and is dominated by divergent interests and conflicting values. Bodansky (2001) has offered a helpful classification of the various stages of the international climate change regime through the Kyoto Protocol in 1997 that also is useful in thinking about the more amorphous U.S. climate regime. Although Bodansky's stages (shown in Table 2.1 below) cover only a short period of time, they can be applied, with some modification, to account for the period covered in this study.[13]

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[13] In addition, it is worth noting that although there is some overlap with Andersen's (1994) stages heuristic, where public policy moves along the five consecutive stages of agenda-setting, formulation, decision making, implementation, and evaluation, this dissertation does not examine U.S. climate policy from a policy process perspective. The intent of identifying the phases here therefore is not to show how they fit within the policy process, rather it is simply to point out that all policies go through stages of development and to frame the ensuing discussion to help put the evolution of U.S. climate change policy in context.

As Bodansky (2001) describes it, the international climate change regime begins with a "foundational period," during which the scientific understanding of climate change had progressed to a point where scientists became increasingly concerned about global warming. The period covers the early stages of climate science through the mid-1980s. The next stage covers the period from 1985 to 1988, which Bodansky (2001) terms the "agenda-setting phase." This is the stage Bodansky identifies as climate change evolving from a scientific problem to a policy problem. Next is the "prenegotiation" period from 1988 to 1990, where national governments became seriously engaged in developing policy solutions. The fourth stage covers the subsequent period through the May 1992 adoption of the United Nations Framework Convention on Climate Change (UNFCCC) and is called the "formal intergovernmental negotiations" phase. Bodansky's final stage is called the "postagreement" phase and covers the timeframe between the adoption of the UNFCCC and the adoption of the Kyoto Protocol in 1997, during which signatories negotiated additional commitments codified in the Kyoto Protocol.

Table 2.1   Bodansky's Climate Policy Stages

Stage 1: Foundational Period	Steady progression of scientific knowledge followed by growing concern about climate change.
Stage 2: Agenda-Setting	The evolution of climate change from a scientific problem to a policy problem.
Stage 3: Pre-negotiation	Nations become seriously engaged in developing policy solutions.
Stage 4: Formal Intergovernmental Negotiation	Subsequent adoption of the UNFCCC treaty in Rio in 1992.
Stage 5: Post-agreement	Negotiation of additional commitments codified in the Kyoto Protocol in 1997.

While these stages are still useful today for outlining the progression of action to address climate change on the international level, Bodansky's approach needs to be adapted so that it better explains national climate policy dynamics. The unsettled nature of U.S. climate policy leaves a chasm between problem definition, possible solutions, and politics, which continues to frustrate the adoption of an implementable policy solution at the national level. Consequently, as will be discussed, the U.S. climate regime is out of step with the international regime because of the strong opposition mounted by political conservatives and economic interests to frame climate change as too uncertain to demand action and, in any event, too expensive to do anything about it (McCright and Dunlap, 2000, 2003, 2010; Moser, 2010; Carmichael and Brulle, 2017; Brulle, Charmichael, and Jenkins, 2012; Brulle, 2014). This opposition creates a domestic climate policy environment that has been perpetually stuck in Bodansky's prenegotiation stage and is characterized by an ongoing struggle over problem definition, policies, and politics.

Considering this dynamic, then, the following borrows from Bodansky's international stages in setting the historical context for U.S. climate policy but accounts for the key differences in how the two regimes have progressed. Because Bodansky's first two stages, the foundational period and agenda setting phase, characterize the early stages of both international and domestic climate policy, they are incorporated as the first two stages in this discussion. However, the similarities end there. U.S. climate policy essentially remains in Bodansky's third stage—prenegotiation—and resembles Kingdon's pre-decisional environment. As a result, this discussion refers to the third, and current, stage as "pre-decisional policy formulation" to capture the ongoing, unsettled nature of U.S. climate policy. Notably, because there is no U.S. equivalent to Bodansky's

final two stages of formal intergovernmental negotiations and postagreement, the pre-decisional policy formulation stage functions as the final stage, at least for the time being, of U.S. climate policy. An additional important modification to Bodansky's stages is in accounting for the lack of clear breaks between the stages in the U.S. climate regime. For example, as will be discussed, the United States essentially remains in the foundational period because of how climate science is framed. As such, it overlaps and even interacts with the agenda setting and pre-decisional policy formulation periods, which in turn overlap and interact with one another. Such policy turmoil is not explicitly captured in the clean progression of Bodansky's stages but is an important dynamic to portray in U.S. climate policy.

Given the wickedness of U.S. climate policy, the "messiness" of these stages is expected and serves to highlight the primeval soup from which climate policy has been unable to emerge (Kingdon, 1984). To accommodate the messiness, I first address the foundational period, which covers early climate science through the introduction of the Waxman-Markey Bill in 2009. I then recount the agenda setting period that ran from the late 1980s through 2009 and the pre-decisional policy formulation period that ran from the mid-1990s through 2015, when EPA issued the Clean Power Plan. Additionally, as mentioned, because no climate policy has been adopted at the federal level, Bodansky's final two stages are yet to be determined in the U.S. federal climate regime and therefore are not addressed.

The Foundational Period

As described by Bodansky (2001), the foundational period covers the timeframe of when the accumulation of scientific evidence and understanding about climate change

rose to the level of scientific concern and began attracting the attention of policymakers. Almost from the beginning the policy implications of addressing climate change, especially its economic considerations, led to a deep political divide in the United States (Dunlap and McCright, 2008; Antonio and Brulle, 2011). As Antonio and Brulle (2011) argue, the divide was intensified by a growing neoliberal hegemony, where political conservatives sought to blunt the effects of environmental regulation in general and climate policy in particular. However, before addressing the politicized dimensions of climate change, it is first important to address the physical dimensions that gave rise to it as a problem to begin with. In this section, I will first outline the history of climate science by highlighting some of its key early milestones and focusing primarily on the late-1980s through 2009. Importantly, scientific work on climate change is ongoing and, while I briefly touch on recent climate science developments, the study takes a historical approach to the state of climate science leading up to the rise and fall of the Waxman-Markey Bill and Obama's subsequent pivot to Clean Power Plan.

Preparing the Foundation

Our scientific understanding of climate change has advanced considerably since its earliest origins and especially after the first coordinated international efforts to better understand global warming and assess climate risk began in the late 1980s. Much of that advancement has come from international efforts stemming from the Intergovernmental Panel on Climate Change (IPCC), established in November 1988 (Bodansky, 2001). A multitude of university scientists, scientific institutes, think tanks, and governmental efforts, such as the U.S. National Climate Assessment, have also contributed significantly to the climate change body of knowledge. In addition, international agreements beginning

with the 1997 Kyoto Protocol have prompted various experiments on policy responses to address climate change. Although not a comprehensive treatment of the science, the following captures the major advances in climate science to provide a baseline of what is meant by global warming and climate change, as well as why CO_2 is the primary focus of actions to mitigate potential harmful effects from it.

From a geologic perspective, the climate has been changing for as long as it has been in existence (Hulme, 2016). However, the science of global climate emerged in the nineteenth century through the scientific endeavors of a number of influential scientists. In his 1824 essay to the Academie Royale des Sciences in Paris, French physicist Jean-Baptiste Joseph Fourier was the first scientist to publish the asymmetric relationship between solar heat entering and leaving the earth's atmosphere, later referred to as the "greenhouse effect" (Hulme, 2009). Later in the nineteenth century, British scientist John Tyndall pioneered the theory that the accumulation of carbon dioxide (CO_2) and other gasses trap heat in the atmosphere preventing the earth from freezing (Selin and VanDeveer, 2016). Tyndall concluded that the earth's temperature is maintained at a warmer temperature with increased levels of CO_2 in the atmosphere. In 1896, Swedish scientist Svante Arrhenius studied the effects of increasing levels of CO_2 in the atmosphere and, while his conclusions are mixed, advanced the scientific understanding of climate sensitivity related to CO_2 emission in the atmosphere (Hulme, 2009). The next significant advancement in climate science came in 1938 when British engineer Guy Stewart Calendar hypothesized human-caused (anthropogenic) climate change from CO_2 emissions (primarily from burning coal as heat and fuel for power plants) (Hulme, 2009). Calendar's work was followed in 1956 by American Scientist Gilbert Plass, who

concluded that increasing levels of CO_2 in the atmosphere would contribute to significant heat-trapping properties that warm the earth's climate (Selin and VanDeveer, 2016).

Then, in 1960 Charles David Keeling began measuring CO_2 levels in the atmosphere from the Mauna Loa Observatory in Hawaii. The Keeling curve (Keeling, 1960), as it became known, has remained one of the few undisputed facts in climate science and was responsible for raising the level of concern and scientific consciousness in the late 1960s and early 1970s (Bodansky, 2001). From this foundation, scientific theory and advancements on climate change have progressed through continued observations and modelling to measure and project the impacts of increasing levels of CO_2 in the atmosphere (Hulme, 2009). From the 1970s through the 1980s, substantial improvements in technology and computing capability allowed the development of increasingly sophisticated atmospheric computer models that contributed to increasing scientific confidence in global warming projections, although computer modeling remains inherently uncertain and a significant point of contention (Bodansky, 2001; Tangney, 2019). Nonetheless, the modelling advancements led the U.S. National Academy of Sciences in 1979 to conclude that if CO_2 continued increasing in the atmosphere "there is no reason to doubt that climate change will result and no reason to believe that these changes will be negligible" (National Research Council, 1979, p. viii; see also Bodansky, 2001).

<u>Laying the Foundation</u>

Although these early decades of the foundational period led to increasing scientific warnings, the American public and policymakers remained mostly unconcerned about climate change—that is, until the summer of 1988, which ushered in the hottest

recorded year since the mid-1800s, a year in which two thousand temperature records were set in the United States alone (Hulme, 2009; Leiserowtiz, 2005; McCright and Dunlap, 2011). It was during that summer that Dr. James Hansen, climatologist and director of the NASA Goddard Institute of Space Studies, testified before the U.S. Senate Energy and Natural Resources Committee hearing about the projections of climate modeling and the looming dangers of climate change. During his testimony, Hansen announced "with 99 percent confidence" that global warming was indeed real, dangerous, and changing the climate right now (The Greenhouse Effect, 1988, p. 39; Leiserowitz, 2005; Besel, 2013). Such claims were supported by atmospheric scientist and Nobel laureate Stephen Schneider, who pioneered important improvements in climate modeling and effects of climate change on biological systems (Ehrlich, 2010). Like Hansen, Schneider openly engaged the public about his findings and argued that, despite inherent modeling uncertainty, the response to the risk of dangerous climate change is predicated on a value judgment and calls for caution in impacting the climate system through human activities (Schneider, 1994; Nuzzo, 2005). Thus, an important development in the growing scientific alarm during the foundational period was an increasing willingness of scientists, who were normally more cautious and measured about projections (Besel, 2013), to begin going public about their concerns. These public declarations of scientific revelations, combined with a careful examination of historical temperatures that indicated an increasing trend since mid-century, led many in the policy community, including scientists, interests groups, and elected officials, to push for United States action to address climate change (Bodansky, 2001).

In fact, the late 1980s and early 1990s were marked by increasing alarm about global environmental issues, ranging from depletion of the stratospheric ozone layer, deforestation, and loss of biological diversity to ocean pollution, acid rain, and increasing levels of hazardous waste and hazardous waste sites affecting the public (Dunlap, 1995; Vig and Kraft, 1997). So profound were the culmination of influences of global environmental concerns that in 1988 *Time* magazine named the beleaguered planet Earth "Planet of the Year" (Sancton, 1989). This was also an important time period for climate change policy. The discovery of the ozone hole above the Antarctic and scientific confirmation that it was related to chlorofluorocarbons (CFCs) demonstrated in dramatic fashion that anthropogenic effects on a global scale were indeed possible (Bodansky, 2001). Consistent with these trends, public perceptions about anthropogenic global warming and eventually climate change began shifting, with increasing levels of the public accepting that global warming was both worrisome and human-caused (Leiserowitz, 2005). For example, a May 1989 Gallup survey asked the American public: "How much do you personally worry about the greenhouse effect or global warming?" The Gallup poll found that fully 63% of respondents worried either "a fair amount" or "a great deal" about global warming (Leiserowitz, 2005). While subsequent polls showed a decline in worry to just 50% by 1997, Gallup polls in 2000 and 2002 revealed an increase to 72% and 58% respectively (Brewer, 2002). As Leiserowitz (2005) observes, virtually all polls taken between 1997 and 2005 found that a large majority of Americans believed global warming was real. In fact, a Harris Interactive poll conducted in September 2002 found that 74% responded they "believe the theory that increased carbon dioxide and other gases released into the atmosphere will, if unchecked, lead to

global warming and an increase in average temperatures" (PIPA, 2003, as cited in Leiserowitz, 2005, p. 1435).

Such anthropogenic factors are, of course, complicated by natural variability. Changes in climate, even dramatic ones, including rising temperature and CO_2 concentrations, are normal and have occurred in both directions over the course of millennia. A number of factors contribute to these changes, including solar cycles, volcanic eruptions, and variability related to the Earth's orbit (Hulme, 2009). As a result, global mean surface temperatures rise and fall on an annual basis. However, natural cycles and phenomena that interact with anthropogenic factors, such as increasing CO_2 emissions, may be cause for alarm if such interactions mean increasing the global mean surface temperature above what otherwise would occur naturally. Scientists observed just such a trend during the foundational period. From 1906 to 2005, for example, the global mean surface temperature increased by 0.74°C (IPCC, 2007). Importantly, in terms of both science and climate policy, every year except one between 1995 and 2006 ranked as one of the twelve warmest years on record (IPCC, 2007).[14] The trend elicited substantial alarm within the scientific and environmental communities. In 2007, referring to increases in global air and ocean temperatures and rising sea levels, among other things, the IPCC (2007) concluded, "warming of the climate system is unequivocal" (p. 2). According to the IPCC, such warming was the result of anthropogenic forcing from the combustion of fossil fuels, along with land use changes, resulting in increased greenhouse gas and aerosol emissions. The IPCC also concluded that global greenhouse gas

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[14] While there are more current statistics on temperature, I focus on this period because it coincides with the timeframe studied in this dissertation, including the transition from the Waxman-Markey bill to the Clean Power Plan.

emissions from human activities increased by 70% between 1970 and 2004 (IPCC, 2007). Such conclusions would be validated and punctuated in subsequent reports.

For example, in 2014, the IPCC updated its assessment with an even more dire observation when it concluded in its Fifth Assessment Report (IPCC, 2014) that "[h]uman influence on the climate system is clear, and recent anthropogenic emissions of greenhouse gases are the highest in history" (p. 2). The most recent U.S. National Climate Assessment (Wuebbles et al., 2017) echoed the IPCC report in its affirmation that the planet has experienced a global average temperature increase of about 1.8°F from 1901 to 2016 "and observational evidence does not support any credible natural explanations for this amount of warming; instead, the evidence consistently points to human activities, especially emissions of greenhouse or heat-trapping gases, as the dominant cause" (Hayhoe et al., 2018, p. 73). Using the highest relative concentration pathway (RCP 8.5), the report described the Earth's climate system as "now changing faster than at any point in the history of modern civilization, primarily as a result of human activities" (Jay et al., 2018, p. 34) with projected impacts intensifying overtime, the severity of which depends on actions taken to reduce greenhouse gas emissions.

As the foundational period progressed, international concerns about climate change grew more intense when policies to reduce greenhouse gases in the atmosphere seemed mostly ineffective. Because of these growing concerns over anthropogenic forcing, the IPCC developed the Special Report on Emissions Scenarios (SRES) to analyze the effect of increasing levels of greenhouse gas emissions in the atmosphere (Nakicenovic *et al.,* 2000). According to the IPCC, *"*high agreement and much evidence" exists that without changes to current policies, greenhouse gas emissions will increase by

as much as 90% from 2000 to 2030 (Nakicenovic et al., 2000), leading to a projected

increase of global mean temperature of 1.1 to 6.4°C by the end of the 21st century. As a

result, the IPCC and others at the time projected increases in the frequency and severity

of extreme weather and sea level rise (IPCC, 2007), changing ecosystems (Leemans and

Eickhout, 2004), impacts to water resources, human migration (Barnett and Adger, 2003),

and ocean acidification (Caldeira and Wickett, 2003). Subsequent IPCC reports, such as

AR5 in 2014 and *Global Warming of 1.5° C* in 2018, also reaffirm previous findings and

raise a higher degree of concern for immediate action to dramatically reduce CO_2

emissions to avoid the most harmful effects of climate change (IPCC, 2018). Recent

reports from the U.S. National Climate Assessment provide further scientific justification

for action and sound the direst warning to date that climate change is a clear and present

danger that must be addressed (Hayhoe et al., 2018).

Such projections created alarm during the foundational period among many in the

scientific and policy community. For example, the Stern Review (Stern, 2006) concluded

that the economic cost of doing nothing, or marginally helpful policies, outweighs the

disadvantages of significant and meaningful early action. Others called for significant

decreases in the use of fossil fuels to curb CO_2 emissions and behavioral changes toward

the threat of climate change (O'Neill and Nicholson-Cole, 2009; Rising Tide, 2007).

However, CO_2 emissions rose during this time period and climate change narratives, with

some exceptions to certain population segments, generally failed to engage the public and

spur action (O'Neil and Nicholson-Cole, 2009). In fact, climate change policy has been

plagued by somewhat of a paradox in the United States, where climate change

knowledge, awareness, and concern about its effects remain high, yet broad-based policy

support and meaningful federal action remain illusory (Leiserowitz, 2006; Marquart-Pyatt et al., 2011; Sarewitz and Pielke Jr., 2001; Lahsen, 2008).

The paradox is at least partly explained by the wicked nature of the climate change problem. In other words, firmly held values and varying perceptions of what "dangerous" climate change (Leiserowitz, 2005) means have overwhelmed the national discourse. This is especially true in light of how such values and perceptions are promoted and manifest in dueling movements, and even dueling scientific understandings (McCright and Dunlap, 2000, 2003, 2010; Lahsen, 2008). The paradox also helps explain why the foundational stage has yet to end—that is, while the policy remains unsettled, the scientific foundation on which future policies will rest (even in the case of no policy) continues to be built. It is also important to note that not only has the study of climate emerged and scientifically evolved over the past two centuries, it has transcended normal scientific process and entered a post-normal phase where it has taken on social, cultural, ethical, and political dimensions as well (Funtowitcz and Ravetz, 1993; O'Neil and Nicholson-Cole, 2009; McCright and Dunlap, 2000). As noted by Selin and VanDeveer (2007), climate change policies in the United States are "social processes shaped by participants' interests and actions, as well as knowledge, norms, and ideas" (p. 2). Such social processes, including perceptions of risk, are an active and vibrant component to agenda setting, which is Bodansky's second stage and a topic to which this study now turns to continue setting the context for U.S. climate policy.

The Agenda-Setting Period

According to McCright and Dunlap (2011), climate change became a fixture on the U.S. national agenda in the late 1980s and, by the early 1990s, had been well

established by the environmental community and scientists as a problem deserving significant attention from policymakers. However, like so many environmental policy problems in the United States, there was little consensus among policymakers on the severity of the problem or the policy solutions to address it. Indeed, virtually simultaneous with the emergence of climate change as a problem on the national agenda, it faced serious challenges from a countermovement determined to resist United States action to address it (Jacques, Dunlap, and Freeman, 2008; Dunlap and McCright, 2000, 2003; McCright and Dunlap, 2011; Brulle, 2014). To this day, the politicization and polarization that defines the divide is represented on one side by left leaning and predominantly Democratic political elites, environmental interests, and a substantial majority of university and agency scientists who advocate for immediate, decisive, and sustained mitigation to prevent the more extreme effects of climate change (McCright and Dunlap, 2011; Alm et al., 2010). And on the other side are the right leaning and Republican political elites, conservative think tanks, industry associations, and those concerned with the economic consequences of policies addressing climate change (McCright and Dunlap 2011; Alm et al., 2010; Layzer, 2007; Brulle et al., 2012; Carmichael and Brulle, 2017; Brulle, 2014). As will be discussed, this has led scholars to observe a deep ideological division in the United States breaking along political lines. This division is characterized by an ongoing competition in framing and defining the problem of climate change, which only served to harden the divide and create a lasting policy sclerosis (Nisbet, 2009; Dunlap and McCright, 2008; Hamilton et al., 2015; Roser-Renouf et al., 2014; Hart and Nisbet, 2012).

As McCright and Dunlap (2011) observe, climate change's problem status has been intensely contested through agenda setting, as well as framing, since it first emerged on the U.S. national agenda in the late 1980s (Pralle, 2009; McCright and Dunlap, 2000). Agenda setting is the process of gaining or losing the attention of the public and policy community, and agendas exist to identify and prioritize the set of issues policymakers will consider for disposition (Birkland, 1997). The protracted conflict that would come to characterize climate policy agenda setting began to emerge during the summer of 1988 when a heat wave raised considerable alarm, prompting congressional hearings and a defensive posture within the energy industry (Bodansky, 2001; Kolk and Levy, 2001). A year later the Global Climate Coalition (GCC) was formed to represent major fossil-fuel interests and to lobby against new federal regulations by calling into question the reliability of scientific studies related to global warming (Layzer, 2007). Efforts also involved undermining the legitimacy of the fledgling IPCC, which was created in 1988 to advance the scientific understanding of climate change (Kolk and Levy, 2001).

While there has historically been a well-established opposition to the environmental movement in general and environmental protections in particular, mainly at the local or regional level, it was not until the mid-90s that the opposition moved from a relatively diverse set of interests to a distinctively conservative movement, which manifested in what has been called a "green backlash" (Switzer and Vaughn, 1997, pp. xii-xiii; Brulle, 2000; McCright and Dunlap, 2000). As a result, "the global frame of environmental problems" (McCright and Dunlap, 2000, p. 517) created by climate change generated a strong conservative counter movement to delegitimize its status as a

policy problem worthy of significant attention. As McCright and Dunlap (2000) conclude,

> [T]he controversy over global warming—and the resulting difficulty its advocates have in keeping it on the public agenda—is not simply a function of waning media attention, the ambiguities of climate change signals, or the complexities of climate science, but stems, in large part, from the concerted efforts of a powerful countermovement. (p. 517)

Part of the countermovement was the presentation of science that conflicted with the growing consensus science of the IPCC. The movement sought to cast doubt on the existing scientific evidence for climate change by emphasizing the inherent uncertainty and potential bias of modeled climate projections, as well as the economic consequences of being wrong on the policy (McCright and Dunlap, 2000, 2003, 2010; Lahsen, 2005, 2008; Layzer, 2007; Oreskes and Conway, 2010).[15]

Republican policymakers in particular sought to cast doubt on climate science to preempt the adoption of national and international policies intended to address it. As Lahsen (2008) observes, "Democrats and Republicans alike have contributed to the gridlock that has undermined preventive national climate policy, but Republicans have been particularly vehement in their opposition to the Kyoto Protocol in particular, and to preventive policy on the issue in general" (p. 205). For example, congressional Republicans, after gaining control of Congress in 1994, advanced an array of conflicting views on climate change in congressional hearings (McCright and Dunlap, 2000, 2003,

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[15] Such economic concerns were not without warrant, with Nobel economist William Nordhaus (2018) recently finding that the optimal temperature target for climate policy is 4.5° C, more than twice as high as the 2° C temperature target advocated by the IPCC and others. Nordhaus, while still arguing for swift climate action, also found that targets lower than the optimal were both unlikely to be achieved with current technology and economically harmful.

2010; Oreskes and Conway, 2010; Lahsen, 2005, 2008). As a result, the conservative

counter movement was able to successfully oppose the climate change movement,

redefine the problem, and frame the ongoing debate in terms of uncertainty, doubt, and

economic imperatives threatened by preventive climate action. These simultaneous

actions of sounding and dampening the alarm of climate change during the foundational

period embody the heart and soul of agenda setting.

Agenda setting exists to identify and prioritize the set of issues policymakers

consider and is influenced greatly by the level of attention issues attract in the public

sphere (Birkland, 1997). Two important ways of attracting attention are through problem

definition and framing. As Schattschneider (1960) keenly observed, the ability to define

an issue "is the supreme instrument of power," because it sets the terms for how it will be

addressed by policymakers (p. 68). Issues that are defined as immediate, catastrophic, and

proximate will find a higher place on the governmental agenda than issues that are

defined as uncertain, economically expensive, socially undesirable, or occurring in the

distant future (Litfin, 1994; Jasanoff, 1995; Leiserowitz, 2005; Pralle, 2009). Not

coincidentally, this was a dividing line in the climate change debate during the

foundational period, which was often dichotomously characterized, on one hand, as an

existential threat and the "defining issue of our time" and, on the other, as a "hoax" that is

too expensive and too uncertain to worry about.[16] Both views are frames that played a

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[16] The statement "the defining issue of our time" was used in reference to climate change in the February 26, 2014 report jointly issued by the U.S. National Academy of Sciences (NAS) and the Royal Society in the United Kingdom, which sought to provide a clearly written reference document for policy makers, educators, and others about the current state of climate change science. Senator James Inhofe stated in July 28, 2003 speech on the Senate floor that "catastrophic global warming is a hoax" and went on to highlight the expense of climate change mitigation and inherent uncertainties of climate change science. *See* 149 CONG. REC. S10021 (July 28, 2003). Donald Trump, prior to being elected President of the United

crucial role in shaping perceptions about climate change, and which created a

particularized and lasting impression based on a definite perspective (Goffman, 1974).

Importantly, framing also acts to increase or decrease issue salience, which affects an

issue's agenda status and, in turn, both the level and type of attention it garners from

policymakers (Rochefort and Cobb, 1994, as cited in Pralle, 2009).

Such framing was pivotal in President Bush rejecting the Kyoto Protocol in 2000

on the basis of lingering scientific uncertainties and vital economic considerations

(Lahsen, 2008). The conservative countermovement subsequently was able to offer

powerful resistance to IPCC findings, international agreements, and arguments for

climate action set forth by President Obama, thereby forestalling climate action at the

federal level. The media was both eager and quick to pick up on the conflict and

counterclaims and amassed a substantial number of articles that framed climate change in

the conservative movement's terms of "debate, controversy or uncertainty" (Antilla,

2005). Because of the way the media was presenting scientific frames and counter

frames, it contributed to an overall sense that the science was far less settled than was

actually the case among consensus views (Boykoff and Boykoff, 2004). In other words,

in attempting to present a balanced view, the media presented a biased view of greater

controversy among scientists than was actually the case (Boykoff and Boykoff, 2004).

As argued by McCright and Dunlap (2011), "Conservative think tanks and their allied

climate change contrarians successfully exploited American news media norms—

especially the 'balancing norm,' or the equation of 'objectivity' with presenting 'both

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States, echoed Inhofe's characterization when he tweeted, "Global warming is a total, and very expensive, hoax!" on December 6, 2013, as well as in in a number of subsequent tweets (Trump, D. (2013, December 6). Twitter. Retrieved from https://twitter.com/realdonaldtrump/status/408977616926830592.

sides of the story'—to achieve a level of media visibility incommensurate with the limited scientific credibility of their claims" (p. 159).

The framing and defining of climate change during this period had important implications on how the contrasting views of the conservative movement and climate change advocates manifested in U.S. politics. As McCright and Dunlap (2011) argue, the actions of the conservative counter movement have contributed to a deep division, falling along ideological and political lines, among the public and elected officials that prevents federal action to address climate change. For example, from a strictly ideological standpoint, Democrats tend to support strong environmental protections, while Republicans tend to oppose them for a variety of reasons (Layzer, 2007; Alm et al., 2010). Although the classification is oversimplified and political views fall along a continuum, American political affiliation is divided dichotomously among conservative and liberal views, with independents acting as swing votes in the soft middle. Such a dichotomy has deep roots in the core ideological foundations of members of both political parties (McCright and Dunlap, 2011; Layzer, 2007). For example, political conservatives place a high value on limited government, free markets, personal liberty, and the preservation of private property right (Brulle, 2011). Political liberals, on the other hand, are less averse to government intervention (including in free markets) and place a high value on social responsibility and justice related to marginalized groups (i.e., collective welfare), limited access to and preservation of natural resources, and environmental protection (McCright and Dunlap, 2007). Environmental protection in particular infringes on conservation values through market intervention and restrictions on property rights. However, liberal values see such protections as not only necessary but

imperative to protecting collective welfare in both social and environmental terms (McCright and Dunlap, 2007). Moreover, as Abramowitz and Saunders (2008) observe, over the period from 1972 to 2007, there was an increasing relationship between ideological views and party affiliation leading to a "marked increase in ideological polarization between Democratic and Republican identifiers" (p. 547).

Like other wicked problems that have come before it, this polarization also shaped climate policy. As Nisbet (2009) confirms, polling on climate change views during this time reflected a deep polarization of opinions, "resulting in two Americas divided along ideological lines" (p. 14). Not surprisingly, the divide broke along predictably political lines, with Republicans questioning the certainty of the science of climate change and urgency of its effects and Democrats endorsing climate science findings and reacting with growing concern about possible deleterious effects on the environment and society (Nisbet, 2009). Notably, the partisan divide was unaffected by education or knowledge. Roser-Renouf et al. (2014[17]), find that Americans held a slightly more diverse, albeit similarly divided view, of global warming, resulting in six discrete groups they refer to as "Global Warming's Six Americas" (p. 5). However, despite a more refined parsing of views on global warming, their data reflects a similar break along the same ideological lines described by Nisbet. Thus, when considering U.S. climate policy during the agenda setting period, whether one saw two or six Americas, the conclusion is the same: climate policy was characterized by deeply divided and firmly held ideological views that reflected its inherent wickedness.

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[17] The original study was published in 2009.

The nature of climate change also ensured that solutions would not materialize. For those seeking to limit action on climate change, a stalemate during this time was a win because the status quo preserved their underlying economic and political goals (Layzer, 2007). On the other hand, those seeking immediate action were able to maintain significant levels of scientific, public, and political support for addressing climate change (Moser and Dilling, 2007). Therefore, while actionable solutions existed, such as capping and/or taxing emissions and, as will be discussed next, were promoted on a near constant basis, none were able to gain the broad and lasting support of policymakers and the American public. Such a dynamic has preserved the salience of climate change despite decades of federal inaction and without it falling victim to Downs's (1972) issue attention cycle. The reason for this persistent salience despite the "prolonged limbo" are generally attributable the existence of either significant "benefits to a majority or a powerful minority" (Downs, 1972, p. 41-42). Arguably, as highlighted above, majorities and powerful minorities existed on both sides of the climate policy divide during the agenda setting period thus making climate change both steadfastly salient and stubbornly resistant to solutions.

The Pre-Decisional Policy Formulation Period

As discussed above, climate change policy has been and remains one of the most complicated topics on the U.S. policy agenda. Not only is it characterized by deeply divided views, it also is complicated by a multitude of both domestic and international social, environmental, economic, and national security priorities. There are many actions nations can take to regulate or reduce greenhouse gas emissions within their borders, and the various actions nations implement contribute to the dynamics of U.S. policy

considerations. While there are many possible starting points for addressing policy

formulation, some beginning in the 1970s and earlier, the 1987 Montreal Protocol on

Substances that Deplete the Ozone Layer (Montreal Protocol) provides a helpful place to

begin. Although the Montreal Protocol addresses ozone depletion and not CO_2, it marks

an important step in the formal, coordinated international effort to address atmospheric

emissions. And, importantly for this study, it is the international component of climate

change that formed both the impetus and basis for Obama's domestic administrative

actions (Outka, 2016). The Montreal Protocol, which grew out of the Vienna Convention

for the Protection of the Ozone Layer, was signed in 1987 and eventually ratified by 198

countries including the United States (Montreal Protocol, 1987). The Montreal Protocol

provided the framework from which individual nations have acted to phase out the

production and use of ozone depleting substances (Litfin, 1994).

Policy Formulation's Early Years

Following the lead of the Montreal Protocol effort and hoping to emulate its

success, international governments signed the United Nations Framework Convention on

Climate Change (UNFCCCC) at the Rio Earth Summit in June 1992 to coordinate and

compel intergovernmental efforts to reduce the risk of climate change (UNCED, 1992).

The UNFCCC established the framework by which the now 195 signatory governments

agreed to the ultimate objective of stabilizing greenhouse gas concentrations, as defined

in Article 2, "at a level that would prevent dangerous anthropogenic (human induced)

interference with the climate system." The UNFCCC was signed and ratified by the

United States under the George H.W. Bush administration. Countries that have ratified

the UNFCCC treaty (referred to as Parties to the Convention) meet annually in what is

called Conferences of the Parties (COP) to assess the effectiveness of climate action and agree to future actions to limit the impact of climate change. Notably, the UNFCCC treaty itself is not legally binding nor does it set mandatory greenhouse gas limits or allow for any enforcement mechanisms. Rather, the UNFCCC is a framework that allows for periodic amendments. As will be discussed, the first such amendments came in 1997 via the Kyoto Protocol, which established the first legally binding mandatory CO_2 emission limits for agreeing parties. Therefore, while the UNFCCC encouraged industrialized nations to reduce greenhouse gases, the Kyoto protocol was intended to compel its signatories to do so, something the United States was unwilling to do then and has proven unwilling to do to this day (Christoff, 2006; Nordhaus, 2010; Gupta, 2010). And therein lies the rub for U.S. climate policy. From the nascent policies of the 1990s to the well-formed domestic and international options that exist today, the U.S. Congress remains stubbornly resistant to implementing any kind of federally mandatory greenhouse gas reductions. While the myriad reasons for this are beyond the scope of this research, the types of policy responses themselves are nonetheless helpful in setting the context for the various attempts at implementing a United States response at the federal level.

In 1993, at about the same time that international efforts to reduce CO_2 emissions were getting off the ground, President Clinton was attempting to initiate a British thermal units (BTU) tax on domestic energy production (Greenhouse, 1993). The so-called BTU tax was aimed at the heat content (measured in BTUs, which is the amount of heat required to raise one pound of water one degree Fahrenheit) of various sources of energy, such as coal, natural gas, petroleum, gasoline, nuclear, hydropower, and imports.

Proponents favored the tax because it would have boosted conservation efforts they saw as lagging, while critics saw the tax as unfair and having too harmful of an impact on the economy and employment (Rosenbaum, 1993; Adler, 1996). Clinton reportedly favored a BTU tax because of the revenue it would raise—$71.4 billion over 5 years and $22 billion per year thereafter—and the cachet it would garner amongst environmentalists (Arndt, 1993). Clinton also believed the tax would be more equitably distributed around the nation than other alternatives (Arndt, 1993). The tax narrowly passed along a strictly party line vote in the House but died in the Senate. So unpopular was the BTU tax that Republicans swept the ensuing 1994 House elections, removing 28 Democrats who had supported the tax in what became known as "getting BTU'd." (Wessel, 2009; Loewentheil, 2013). The outcome of the 1994 House elections had a chilling effect on the reception of the Kyoto Protocol in the ensuing years.

With echoes of the BTU tax and fallout of Democrats who supported it, the Senate voted 95-0 in July 1997 to adopt the Byrd-Hagel Resolution, which expressed the sense of the Senate that the United States should not sign onto any protocol or agreement related to the UNFCCC during the Kyoto or subsequent negotiations that would mandate new CO_2 limits for developed nations without also mandating commitments for developing nations or that would seriously harm the U.S. economy (Byrd-Hagel Resolution, 1997). In other words, the resolution made "meaningful" participation of developing countries a *conditio sine qua non* for ratification (Byrd-Hagel Resolution, 1997). In December of the same year, the UN Conference of the Parties adopted the Kyoto Protocol, which became the first international treaty to place a cap on greenhouse gas emissions. The Kyoto Protocol was based on the understanding that global warming

was occurring and extremely likely to be caused by human activity (Kyoto Protocol, 1997). As a result, it was intended to address the UNFCCC objective to ameliorate global warming by reducing greenhouse gas atmospheric concentrations to "a level that would prevent dangerous anthropogenic interference with the climate system" (Kyoto Protocol, Article 2, 1997). The first commitment period was 2008—2012, and reductions were predicated on the basis of common but differentiated responsibilities that obligated developed countries to shoulder the responsibility for reducing emissions by 5% below 1990 levels by 2012 (Kyoto Protocol, 1997). Vice President Al Gore and Senator Joe Lieberman (D-CT) helped lead the drafting of the Kyoto Protocol, and the Clinton Administration signed on to it but never submitted the treaty to the Senate for ratification because it did not conform to the requirements specified in the Byrd-Hagel Resolution (McKibbin and Wilcoxen, 2002). The level of support for the Byrd-Hagel Resolution during this time period, combined with ratification requiring a 2/3 majority vote in the Senate, marked the beginning of the end of the Kyoto Protocol in the United States.

The Bush Years and Climate Policy Retrenchment

Opponents of the Kyoto Protocol rejected it as a "deeply flawed agreement that manages to be both economically inefficient and politically impractical" (McKibbin and Wilcoxen 2002, p.107). In fact, after years of detailed negotiations on its concrete implementation, the protocol became more of a symbol than a solution since it accomplished very little in terms of global emission reductions and lacked the requisite enforcement mechanisms to make it meaningful (Barret, 2008; Nordhaus, 2010; see also Buchner et al., 2002 and Springer, 2003 for historic surveys of Kyoto assessment studies). Indeed, such views led President George W. Bush to officially remove the

United States' signature from the Kyoto Protocol in 2001, calling it "fatally flawed" and "exempting 80% of the world, including major population centers such as China and India, from compliance, and would cause serious harm to the US economy'' (White House, 2001; C-Span, 2001). Later referring to the Kyoto Protocol as too costly and unfounded in science, Bush called for additional research and new voluntary measures to curb greenhouse gas emissions (Pizer and Kopp, 2003). Currently, the US, China, and Canada (which withdrew in 2012)—3 of the 4 largest greenhouse gas emitters in the world—are not part of the Kyoto Protocol. While the protocol was at the center of climate policy during this era, its weak enforcement mechanisms, absence of commitments from countries with the largest CO_2 emissions, and general inability to incentivize reductions from signatory nations, made the treaty more of a symbol than an effective tool against increasing CO_2 emissions. (Nordhaus, 2010; Hulme, 2009). In the immediate years after the Kyoto Protocol was negotiated and abandoned, a number of climate bills were introduced into Congress, most of which never made it to the floor of the House or Senate for a vote. For example, the most noteworthy of the climate bills at the time was the Clean Power Act (S. 556) sponsored by Senator Jeff Jeffords (I-VT). The bill would have mandated reductions of multiple emissions from electric generating units, including CO_2, SO_2, NOX, and mercury (C2ES, n.d.). With respect to CO_2, the bill would have required CO_2 to be reduced to 1990 levels by 2008, which would have placed in line with Kyoto Protocol goals (C2ES, n.d.). While the Clean Power Act was reported out of the Senate Environment and Public Works Committee, it was never voted on by the full Senate (C2ES, n.d.).

These early 2000 events signaled an important dynamic in the evolution of U.S. climate policy as the Bush administration sought to disrupt the policy formulation process by forestalling not only international action on climate change but domestic administrative and legislative action as well (Byrne, et al., 2007; Rosenbaum, 2016). As the international community struggled to develop cooperative policies that would lead to actual CO_2 reductions, the United States under Bush prioritized technological advancement of both fossil fuel (to reduce CO_2 intensity) and nuclear energy over all other options, including support for renewable resources like wind and solar (White House, 2004; Byrne, et al.,2007). At the same time, the George W. Bush administration continued to question the urgency and need for immediate solutions to address climate change (Antonio and Brulle, 2011; Brulle, 2014; Layzer, 2007; Rosenbaum, 2016). For example, EPA administrator Stephen Johnson determined that CO_2 was not a pollutant and therefore the agency was not required to regulate it under the CAA (Rosenbaum, 2016). A coalition of states then sued EPA to compel it to regulate CO_2 in a case that eventually went to the Supreme Court. In 2007, in a landmark decision for climate policy, the Supreme Court agreed with the states in *Massachusetts v. EPA* and ruled that CO_2 could endanger human health or the environment under the CAA (Massachusetts vs. EPA, 2007). Accordingly, the Supreme Court directed the EPA to determine whether CO_2 did pose such a risk, called an *endangerment finding*, which after a series of lawsuits EPA later did in 2009 under the Obama administration.

It is worth noting that these Bush era actions did not occur in isolation from the agenda setting influences discussed in the previous section. On the contrary, they reflected the conservative movement's energy policy priorities endorsed by the National

Energy Policy Development Group, led by Vice President Cheney, which promoted ''dependable, affordable and environmentally sound'' energy resources predicated on expanding natural gas, coal, and nuclear energy (National Energy Policy Development Group, 2001). Importantly, these policy priorities not only reflected the influence of the conservative movement's agenda setting activities, they also foreshadowed and shaped how climate policy formulation would proceed over the next decade.

The 2000s: A Legislative Dead End for Climate Policy

Despite these efforts by the Bush administration, Congress continued to explore opportunities to legislate greenhouse gas emissions as several pieces of legislation continued to evolve. For example, from 2003 to 2004, five major climate bills were introduced in the House and Senate. Notably, several of the more prominent environmental interest groups, such as Environmental Defense Fund and Natural Resources Defense Council, began working with Republicans on climate legislation (Loewentheil, 2013). The result was the McCain-Lieberman Climate Stewardship Act (S. 139) in 2003 (Symons, 2003). The bill was also co-sponsored by then Senator Obama and Senator Olympia Snowe (R-ME). The bill would have set an economy-wide cap on CO_2 emissions to year 2000 levels by 2050 and required reductions in CO_2 and other greenhouse gases emitted by electric generating units, refineries, and other industrial sources (Climate Stewardship Act, 2003). The bill also would have created an emissions cap and allowed market-based trading of emissions allowances to ease impacts on the U.S. economy (Climate Stewardship Act, 2003). Also of note was the stated purpose of the bill that, along with reducing greenhouse gases, would have promoted scientific research on climate change and a reduction of United States dependence on foreign oil,

foreshadowing the energy independence and American exceptionalism that Obama would later articulate in promoting his climate policies (Besel, 2012).

The McCain-Lieberman Climate Stewardship Act was ultimately defeated 55-43 but was reintroduced in 2005 as the Climate Stewardship and Innovation Act (Symons, 2003; Climate Stewardship Act, 2005). The 2005 version of the bill (S. 1151) was similar in nature to the 2003 bill but also added provisions for government-led research and development to commercialize new energy technologies, in particular for nuclear energy. The bill also called for a cap of U.S. greenhouse gas emissions at year 2000 levels with no additional reductions and a trading scheme to reduce economic impacts (Climate Stewardship Act, 2005). The bill was ultimately defeated in the Senate on a vote of 38-60. The Senate was able to muster enough votes in June 2005 to pass a resolution calling for the enactment of greenhouse gas legislation to reverse the impact of climate change without also harming the U.S. economy (reminiscent of the Kyoto Protocol). The resolution also encouraged major U.S. trading partners to take comparable action (Kintisch, 2005).

In January 2007, McCain and Lieberman reintroduced the Climate Stewardship and Innovation Act one last time. The 2007 version of the bill collected additional bi-partisan co-sponsors and modified the previous versions by adding a provision that would gradually lower the greenhouse gas emission cap to an amount equivalent to about one-third of 2000 levels by 2050. Similar to the previous versions, the 2007 bill would have allowed regulated entities to address compliance costs and operational requirements through trading, banking, and borrowing emissions credits. The bill also would have allowed the creation of "offset" credits by inducing non-covered entities to reduce their

emissions as well or capture and store greenhouse gases (Climate Stewardship Act, 2007). Multiple other climate change bills were floated in both the House and Senate during this timeframe but none manage to garner enough support to be seriously considered. For example, some of the more notable pieces of legislation included bi-partisan support for federal renewable energy portfolio standards, or minimum generation requirements, which established targets ranging from 10%—20% by 2020 to 20% by 2027 (Union of Concerned Scientists, 2005, as cited in Byrne et al., 2007). The Republican-led Senate also passed bills containing national renewable portfolio standards (RPS) targets of 10% by 2020 in 2002, 2003, and 2005 (Belyeu, 2005, as cited in Byrne et al., 2007).

<u>The Rise and Fall of the Waxman-Markey Bill</u>

The policy formulation activity throughout the decade culminated in the most consequential and historic climate policy action in the United States. In the wake of floundering policy options, the U.S. Climate Action Partnership (USCAP) formed in 2006 as a collaboration between businesses and major environmental organizations to compel the federal government to take action on climate change (USCAP, 2006). In advocating for its policy solutions, USCAP developed an aggressive blueprint in January 2009 for legislative action to help guide the drafting of legislation (Loewentheil, 2013). Then, in March 2009, Henry Waxman (D-CA) and Ed Markey (D-MA) unveiled draft climate legislation, which largely reflected the USCAP blueprint (Loewentheil, 2013). The bill was introduced into the House as the American Clean Energy and Security Act (H.R. 2454), commonly referred to as the Waxman-Markey Bill.

Among the more notable provisions of the Waxman-Markey Bill were the creation of two cap-and-trade programs that would have utilized market incentives to reduce greenhouse gas emissions, primarily from CO_2, and mandated that 20% of electricity sales by 2020 be met by renewable energy and energy efficiency transitions (CBO, 2009). The cap-and-trade program would have limited the total amount of greenhouse gases that could be emitted by reducing emissions over the 2012 to 2050 period. Reductions of 3% would have been required in 2012, and further reductions would have occurred incrementally until 2050, when an 83% reduction would have been required. After an initial, partial distribution of allowances, regulated entities then would be able to buy or sell allowances on the market, which also would have been established by the bill (CBO, 2009). In addition, the Waxman-Markey Bill included an expansion of savings from energy efficiency, including improvements to building codes, appliance and lighting standards, and more expansive residential and commercial retrofit programs. Incentives would have been collected from the sale of allowances and made available for certain energy efficiency initiatives (CBO, 2009). The Congressional Budget Office (CBO, 2009) projected at the time the Waxman-Markey Bill would have a net economic benefit, increasing revenues by $873 billion from 2010 to 2019 and direct spending by $864 billion over the same period. Moreover, the CBO (2009) estimated that enacted legislation would reduce budget deficits by $9 billion from 2010 to 2019 and limit the net tax burden of households to an average of 0.2% of after-tax income. According to the American Council for an Energy Efficient Economy (Select Committee, 2009), the Waxman-Markey Bill may have resulted in as much as $350 billion of net energy bill sales and 424,000 new jobs by 2030.

The Waxman-Markey Bill passed the House of Representatives on June 26, 2009, by a vote of 219-212—the first bill of its kind passed in either chamber of Congress to address climate change (Broder, 2009). However, the bill was not presented in the Senate for either discussion or a vote. In the face of insurmountable opposition, including among Democrats, Senate Majority Leader Harry Reid, a Democrat from Nevada, chose not to present the bill to the full Senate. After pulling the bill from consideration, Reid commented, "It's easy to count to 60. I could do it by the time I was in eighth grade. My point is this, we know where we are. We know we don't have the votes [for a bill capping emissions]. This is a step forward" (Davenport and Samuelsohn, 2010).

Despite the step forward, there was no meaningful additional legislative action on climate change in the years 2009-2016. The primary reason for this was an expansion of conservative representation in Congress, which eventually led to Republicans' controlling both the House and Senate during the time period (Lowande and Milkis, 2014; Rudalevige, 2016a). However, the rise and eventual fall of the Waxman-Markey bill also underscores the continuing policy debate surrounding the regulation of CO_2. On the one hand, as noted by law scholar Rachel Brewster (2010), many of the bill's proponents specifically tied it to broader efforts to regulate CO_2 at the international level and, thus, saw the legislation as a means of laying a foundation and creating momentum for a future international agreement on climate change. On the other hand, opponents were clearly opposed to the policy implications of CO_2 legislation, either because of costs imposed on industry or out of fear that it would open the door to more comprehensive climate change regulations, even though it was tied to the same market mechanisms that were successfully implemented to regulate sulfur dioxide (SO_2) emissions in the 1990s

(Schmalensee and Stavins, 2013). Schmalensee and Stavins (2013) observe that it is painfully ironic that the same broadly supported and successful market approach used to reduce SO_2 failed to garner support from conservative legislators, who tend to favor market mechanisms, to reduce CO_2. Of course, one of the primary reason CO_2 cap-and-trade failed was an underlying opposition to climate change regulation, rather than opposition to the mechanism of regulation itself (Schmalensee and Stavins, 2013). This irony underscores the influence of agenda setting and framing on climate change policy formulation and is yet another manifestation of its wicked nature.

Obama's Administrative Shift

Having failed to move climate legislation through Congress, among other legislative priorities, Obama shifted to an administrative presidency strategy, in this case relying on administrative agencies to advance his climate policy agenda (Lowande and Milkis, 2014; Rosenbaum, 2016). Following a series of presidential memos to agency heads that directed greenhouse gas reductions through agency rules, including a memo from the Council on Environmental Quality requiring climate change assessments as part of federal environmental reviews, federal agencies began taking incremental steps to address climate change (Harris and Davenport, 2015). The most significant of these actions became the cornerstone of Obama's national and international climate policy when CO_2 cap-and-trade was revitalized in 2013. Leveraging his Climate Action Plan and an empowered reading of the Clean Air Act following the 2007 Massachusetts v. EPA Supreme Court decision, Obama directed the EPA to promulgate regulations to reduce CO_2 emissions from existing power plants using a somewhat obscure section of

the Clean Air Act, referred to as the Clean Power Plan by the administration (Presidential Memo, 2013; Rudalevige, 2016; Groten, 2015).

Following several years of rulemaking activity in which over 4 million public comments were received on the proposed rule, the EPA released the Clean Power Plan in final form on August 3, 2015, thereby establishing the first ever nationwide limits on carbon pollution (EPA Carbon Pollution Emission Guidelines, 2015). The Clean Power Plan was designed to allow states as much flexibility as possible to achieve the CO_2 standards established for them, including the opportunity to design their own plans, submit multi-state plans, and establish interstate trading programs (EPA Carbon Pollution Emission Guidelines, 2015). Enforceable CO_2 emissions limits would begin in 2022 and gradually become more stringent until full implementation of the rule by 2030 (EPA Carbon Pollution Emission Guidelines, 2015). The rule relies on section 111(d) of the CAA, which authorizes EPA to establish emission guidelines for existing sources that are based on the "best system of emission reduction," or BSER (EPA Carbon Pollution Emission Guidelines, 2015). States then are required to establish performance standards that reflect the BSER for regulated categories. In setting the BSER, EPA developed a minimum performance level for existing fossil fuel plants, which established mandatory emissions reductions for each state. EPA then identified three building blocks that could be utilized to achieve reductions: 1) improving heat rates at power plants, resulting in lower CO_2 emissions rates; 2) shifting energy generation from higher-emitting sources (such as coal and oil generating units) to lower-emitting combined cycle natural gas plants; and 3) switching from fossil fuel-fired electricity generation to renewable energy generation (EPA Carbon Pollution Emission Guidelines, 2015).

To allow states and power plant owners time and flexibility to achieve emissions reductions, EPA provided an interim period to phase in the reductions that consisted of three successive compliance steps—2022 to 2024, 2025 to 2027, and 2028 to 2029—with full compliance by 2030 (EPA Carbon Pollution Emission Guidelines, 2015). States were also given the option of defining state-specific interim milestones as long as the state could demonstrate that its plan would achieve the interim period reduction requirements. To encourage early action, EPA offered incentives in the form of reduction credits for early investments in renewable energy and low-income energy efficiency programs (EPA Carbon Pollution Emission Guidelines, 2015). EPA projected the Clean Power Plan would achieve a 32% reduction in electric sector CO_2 emissions by 2030, relative to 2005 levels (EPA Carbon Pollution Emission Guidelines, 2015).[18] EPA analysis also indicated that implementing the rule could save the United States $20 billion in climate-related costs and provide anywhere from $14 billion to $34 billion in public health benefits (EPA Carbon Pollution Emission Guidelines, 2015). The EPA estimated that the average household would see annual savings of $85 on electricity bills in 2030 (EPA Carbon Pollution Emission Guidelines, 2015).

<u>Trump's Administrative Rebuttal</u>

Given the wickedness of climate change and especially climate policy in the United States, it is only fitting that the significant and historic move by the Obama administration to unilaterally act on climate change would face its own headwinds. In fact, the Clean Power Plan faced an onslaught of court challenges by way of 15 separate

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[18] The base year of 2005 was chosen because it represented the peak year of CO2 emission in the U.S. at that time (EIA, 2017).

cases originating from a variety of parties, including 26 states from various coalitions and a multitude of industry parties (Tsang and Wyatt, 2017). The challenges were primarily centered on EPA's statutory interpretation of the CAA, legislative history of the relevant portions of the act, and what was characterized as an intrusion on state and FERC jurisdiction over energy matters (Tsang and Wyatt, 2017)

One coalition was led by West Virginia, the largest coal-producing state in the nation, which argued that the Clean Power Plan exceeded the EPA's authority under the CAA and violated states' rights over the regulation of electrical power within their borders (Scobie, 2016). In addition, numerous state, municipal, and industry parties sided with EPA and intervened on behalf of the agency. Among the intervenors supporting EPA was a coalition of 18 states and cities comprised of all of the states with CO_2 caps and emissions trading programs (Clancy, Harrington, and Witte, 2016). The cases were consolidated into a single case by the Court of Appeals for the D.C. Circuit (D.C. Circuit), *West Virginia v. EPA*, which denied a request to suspend the implementation of the Clean Power Plan pending the outcome of the case (Scobie, 2016). In an unusual procedural step, states and industry parties then applied to the U.S. Supreme Court for a stay of the rule (Tsang and Wyatt, 2017). In an equally unusual response without explanation, the Supreme Court agreed and ordered that the rule should be paused until all legal challenges have been heard (Tsang and Wyatt, 2017). This was a significant blow to Obama's administrative pivot, since never before had the Supreme Court issued a stay on regulations prior to an initial review by a federal appeals court (Scobie, 2016). Because the D.C. Circuit would not be able to conclude the case before a new presidential administration took office in 2017, the Supreme Court's decision meant the

Clean Power Plan could be rescinded if the next administration were opposed to the

regulations. As it turned out, the next administration was indeed opposed to the

regulations.

Shortly after coming into office, President Trump signed Executive Order 13783,

Promoting Energy Independence and Economic Strength, which specifically called out

the Clean Power Plan for regulatory review and possible rescission. The executive order

directed executive-level departments and agencies to, among other things:

> [R]eview existing regulations that potentially burden the development or use of
> domestically produced energy resources and appropriately suspend, revise, or
> rescind those that unduly burden the development of domestic energy resources
> beyond the degree necessary to protect the public interest or otherwise comply
> with the law. (White House, 2017, n.p.)

Trump's executive order also rescinded multiple Obama-era executive orders and policies

related to climate change and made it the policy of the United States "to take appropriate

actions to promote clean air and clean water for the American people, while also

respecting the proper roles of the Congress and the States concerning these matters in our

constitutional republic" (White House, 2017, n.p.). As the EPA applied it, Executive

Order 13783 required the agency to "prioritize the protection of jobs and energy security,

while also ensuring that [its] policies provide clean air and clean water for all of our

citizens" (U.S. EPA, 2017a, n.p.).

The full effect of the executive order on climate policy was felt in October 2017,

when EPA proposed a rule rescinding the Clean Power Plan in its entirety and leaving

open the possibility of replacing it with another rule (U.S. EPA, 2017b). EPA's proposal

was largely legal in nature, focusing on arguments that the Obama EPA exceeded the

agency's statutory authority under section 111(d) of the CAA,[19] while its current proposed interpretation was the most appropriate reading of the statute (EPA Repeal of Carbon Emission Guidelines, 2017). In fact, the EPA entirely avoided discussing climate change, climate science, or any scientific basis for the rulemaking, using the terms "climate change" and "climate" in only a few instances in the proposal. Instead, the EPA argued the CAA "text, context, structure, purpose, and legislative history," along with the agency's prior "understanding and exercise of its statutory authority," were incorrectly interpreted and inappropriately applied in the Clean Power Plan (p. 48036). The EPA also argued that its proposed rule was consistent with Supreme Court precedent in *UARG vs. EPA* that an interpretation having "vast 'economic and political significance'" (i.e., the Clean Power plan) required a clear statement of congressional intent assigning such authority to an agency, which it argued the CAA does not (U.S. EPA, 2017b, p. 48042). According to the Regulatory Impact Analysis included in the proposal, the repeal would result in forgoing an estimated $18.8 billion in energy efficiency benefits in 2030 and $500 million in unrealized climate benefits, while avoiding up to $33 billion in compliance costs in the same year (U.S. EPA, 2017b).

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[19] In terms of the costs and benefits of the proposal, according to the accompanying Regulatory Impact Analysis (RIA) (U.S. EPA, 2017c), while the CPP relies on global costs and co-benefits in its cost-benefit analysis, the repeal proposal limits its analysis to potential impacts of climate change anticipated to occur within U.S. borders. Thus, EPA is comparing domestic costs with domestic benefits in the repeal proposal, whereas the CPP compared domestic costs with global benefits, plus an adder for co-benefits of reducing other pollutants. EPA's methodology was heavily criticized (and applauded) but is not directly challengeable in court, although opponents nonetheless sought to discredit it in making broader arguments against the validity of EPA's justification of the proposal. According to the RIA (U.S. EPA, 2017c), the repeal would result in forgoing an estimated $18.8 billion in energy efficiency benefits in 2030 (p. 9) and $500 million in unrealized climate benefits (p. 12), while avoiding up to $33.3 billion in compliance costs in the same year (p. 12).

Then, in August 2018, the EPA proposed the Affordable Clean Energy (ACE) rule as a replacement of the Clean Power Plan (EPA Emission Guidelines for Greenhouse Gas Emissions, 2018).[20] The ACE rule was proposed under the same section of the CAA as the Clean Power Plan but with a dramatically different regulatory framework. While the ACE rule defined the best system of emissions reduction (BSER) as certain types of heat rate improvements, called "candidate technologies," similar to the Clean Power Plan, the EPA did not establish emissions standards for each state or build generation shifting to low- or no-CO_2 emitting resources (EPA Emission Guidelines for Greenhouse Gas Emissions, 2018). Instead, EPA applied a more conservative interpretation of section 111 by establishing a "guideline" that identifies the BSER to use in setting standards of performance. States then would be required to submit a plan to EPA that includes standards of performance (i.e., amount of CO_2 reductions achievable) for each affected source, which only included coal plants in the ACE rule (EPA Emission Guidelines for Greenhouse Gas Emissions, 2018). Thus, the EPA took a less prescriptive approach than the Clean Power Plan and gave states more flexibility in developing plans to comply with the ACE rule (Detterman, Tolley, and Barnes, 2019). EPA projected power sector-based CO_2 reductions from full implementation of the ACE rule of 1% to 2% percent from a "no CPP" baseline, or an increase in CO_2 emissions of about 1% to 3% above the Clean Power Plan (U.S. EPA, 2018a, p. 3-15).

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[20] The final rule, which was published in the *Federal Register* July 8, 2019 in substantially similar form as the proposal, retains the key components of the proposed rule in that CO_2 reductions are not mandated, but instead EPA provided guidelines for limiting emissions based on the proposed BSER "candidate technologies" (EPA Repeal of the Clean Power Plan, 2019).

Notably, the reductions are similar not because the ACE rule achieved similar reductions but because of power sector changes that have been driving a transformation in the U.S. power sector over the past 16 years (U.S. EIA, 2017). Such changes include the retirement of older coal units, increasing environmental compliance costs, renewable energy policy, low electricity growth, and, the most significant change, a steep drop in the price of natural gas resulting from the shale gas boom in the mid-2000s (U.S. DOE, 2016). Based on its modeled projections of the proposed ACE rule, EPA (2018b) concluded that "when states have fully implemented the proposal, U.S. power sector CO_2 emissions could be 33% to 34% below 2005 levels, higher than the projected [32%] CO_2 emissions reductions from the [Clean Power Plan]" (n.p.). While EPA's statement was intended to preemptively address criticism that the ACE rule would do little or nothing to reduce CO_2 emissions compared to the Clean Power Plan, it is actually emblematic of the larger power sector transformation. As a result, regardless of regulatory action, energy-related CO_2 emissions in the United States have been trending downward since 2007 and are now approaching 1990 levels, although emissions are expected to increase in future years (U.S. EIA, 2019b, p. 194[21]).

Conclusion

In many ways, the pre-decisional policy formulation period reflects the agenda setting period that preceded and overlapped it. Beginning in the 1990s, U.S. climate

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[21] According to the U.S. Energy Information Administration (2019b), "energy-related CO_2 emissions account for about 98% of U.S. CO_2 emissions. The vast majority of CO_2 emissions come from fossil fuel combustion, with smaller amounts from the non-combustion use of fossil fuels, as well as from electricity generation using geothermal energy and non-biomass waste. Other sources of CO_2 emissions include industrial processes, such as cement and limestone production. Data in the U.S. Energy Information Administration's (EIA) Monthly Energy Review (MER) Tables 11.1–11.6 are estimates for U.S. CO_2 emissions from energy consumption, plus the non-combustion use of fossil fuels" (p. 203).

policy has been torn between international and domestic efforts to adopt policies

addressing the scientific concern over climate change and economic and industry efforts

to limit such policies. As a result, Congress has been gridlocked and powerless to address

climate change. As Bulman-Pozen and Metzger (2016) observe, some of the "legislative

paralysis" is related to institutional factors, but the widening ideological gap among both

policy elites and the electorate is a primary factor (p. 308). In fact, American voters have

become more consistent in their policy views within each party and thus have become

"more homogeneously partisan" (Bulman-Pozen and Metzger, 2016, p. 311; see also

Abramowitz, 2010; Jacobson, 2013; Persily, 2015). Similarly, policymakers have become

more ideologically consistent within their own parties, leading to enhanced legislative

powers when the government is unified but dysfunction when it is not, since there is little

incentive to compromise (Mann and Ornstein, 2012; Persily, 2015; Bulman-Pozen and

Metzger, 2016). The ideological consistency was reflected in actions to promote and

forestall legislative action throughout the pre-decisional policy formulation period.

As legislative action on important policy issues wanes under what some have

called hyperpolarization (Pildes, 2014), presidential action expands as partisan will is

expressed through agency discretion (Lowande and Milkis, 2014; Milkis et al., 2012). In

this way, although decisions are officially derived from federal agencies, they are

instrumentally shaped by presidential control (Heinzerling, 2014; Saiger, 2011; Watts,

2015). Importantly, the inability to formulate policy through legislation given the

polarized nature of politics makes administrative action through the presidency "all the

more likely, and all the more significant (Bulman-Pozen and Metzgar, 2016). This was

certainly the case during the pre-decisional policy formulation period when President

Obama pivoted away from Congress to formulate climate policy through the EPA. However, even this significant act was challenged by a subsequent presidential administration using the same agency and the same process. The pre-decisional policy formulation period thus has been characterized by move and countermove, leading only to stalemate during this time and illustrating the super wicked nature of climate change.

CHAPTER THREE: THEORETICAL FRAMEWORK AND LITERATURE REVIEW

As Chapter 2 illustrates, the dynamics of federal U.S. climate policy have been complex, deeply polarized, and punctuated in recent years by executive action through the administrative presidency. These very dynamics make rhetoric an essential element in framing the problem, shaping the debate, and rationalizing positions. They also make the rhetorical presidency an indispensable tool for presidents as they seek to shape and implement policies to take, or delay, action to address the wicked problem of climate change. By bringing together the three concepts of administrative presidency, rhetorical presidency, and wicked problems, this study is creating a new framework for analyzing their implications on democratic decision-making.

As discussed in Chapter 1, we know a great deal about the administrative and rhetorical presidencies as separate and distinct phenomena. However, because studying the two simultaneously has received little attention up to this point, there remains a gap in the literature about how they interact and what implications their interaction may have on governance, the bureaucracy, and democratic principles (Whitford and Yates, 2009; Beasley, 2010). Introducing wicked problems into the mix offers a helpful window through which to examine the two together because such problems tend to accentuate the actions and rhetoric surrounding them. In the following chapter, I lay the theoretical foundation for bringing the three concepts together into a single framework, called Post-Deliberative Policymaking, and review the administrative presidency and rhetorical presidency literature. In doing so, this chapter first sets forth the theoretical framework

and describes the relationship between the three concepts of administrative presidency, rhetorical presidency, and wicked problems. Next, wicked problems and presidential control are addressed at a high level, including the various ways in which presidents have positioned governance within their administrations. The chapter then concludes by describing the treatment of the administrative presidency and the rhetorical presidency in the literature.

Post-Deliberative Policymaking

The Post-Deliberative Policymaking Model (Figure 3.1 below) depicts the way in which democratic principles are impacted by how the administrative presidency and rhetorical presidency are used to solve wicked problems. Of course, as shown by the Venn diagram, the way in which administrative action, rhetoric, and policy problems interact varies depending on the problem being addressed. Some policy problems are so straightforward and routine that they are easily dealt with by executive action with little or no controversy. For example, presidential memoranda and executive orders directing agencies in administrative matters or priorities that are not policy consequential. Others are only dealt with rhetorically because they either are not a priority for action, not ripe for action, or not politically expedient to act upon. Some policies related to foreign policy, human rights, immigration, gun control, and abortion, along with legislation Congress is considering, would fall into this category. Wicked problems occur at the center of the intersection and represent how executive action and rhetoric combine to address them. Importantly, the area of the diagram devoted to wicked problems is not simply a function of the nature of the problems themselves, rather it is also a function of how presidents prefer to solve problems. In other words, if policy problems are treated

like wicked problems for the sake of expediency, then the total area of problem solving to

which the administrative presidency and rhetorical presidency are devoted will expand.

This, of course, translates into the expansion of post-deliberative policymaking, which in

turn has implications for democratic decision making.
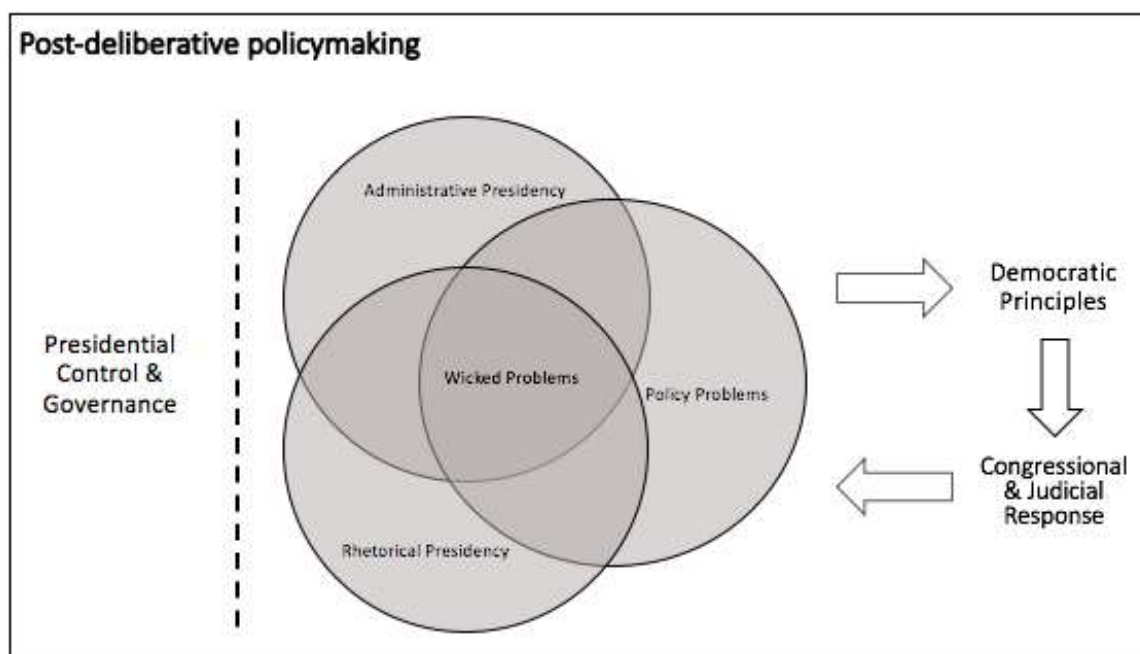
Figure 3.1   Post-Deliberative Policymaking Model

The last component of the model is presidential control and governance. As

discussed in more detail below, presidential views of governance can be expressed in four

general categories linked to the political philosophies of Hamilton, Jefferson, Madison,

and Wilson (Kettl, 2000). According to the framework, presidents exhibit governance

characteristics consistent with the category in which they fall, a topic that is explored in

much more detail later in this study. These characteristics form the foundation for how

presidents position presidential control and governance within their administrations and

provides a starting point for considering how they exercise presidential power. Although

the model captures all the tools of presidential control available to today's executives,

this study is focused on the bureaucracy and the way in which it is wielded to implement policies that appear beyond the capacity of Congress.

Ultimately, how Congress and the courts respond to post-deliberative policymaking can either check or enable its expansion. As a result, these two branches of government provide an important feedback mechanism to presidents. If Congress and the courts do not check presidential power, then a post-deliberative policymaking process may become normalized, which will in turn aggrandize the presidency at the expense of deliberation and a disempowered Congress (Bulman-Pozen and Metzger, 2016). Such an outcome is bound to encourage presidents to bypass Congress and reinforce the use, if not the expansion, of unilateral action (Bulman-Pozen and Metzger, 2016; Milkis et al., 2014; Milkis and Jacobs, 2017).

Wicked Problems, Super Wicked Problems, and Presidential Control

As discussed in the previous chapters, almost from the beginning climate change has been a wicked problem in America. The original construct of wicked problems was first developed in the planning literature by Rittel and Webber (1973). In their construction, wicked problems were juxtaposed to "tame" problems (p. 160). And, even though some tame problems might be complex and challenging to solve, they fit neatly within generally agreed upon definitions and solutions with known outcomes. Tame problems also lack the political or social complexities that vex their wicked cousins. In addition to their political and social characteristics, wicked problems also involve multiple actors and conflicting values (Nie, 2003; Peters, 2017). As originally conceived by Rittel and Webber (1973, pp. 161-167), wicked problems demonstrate the following characteristics:

1. Indefinite formulations leading to ambiguous definitions;

2. No stopping rule or clear point when the problem is solved;

3. Solutions are value based, not true or false;

4. No immediate or ultimate test for solutions;

5. No opportunity to learn from trial-and-error;

6. No exhaustively describable set of solutions;

7. Every wicked problem is unique;

8. The representation of wicked problems is subjective; and

9. No flexibility for a wrong solution.

Clearly, problems that embody the above characteristics pose unique challenges for policymakers. Such characteristics also make them particularly susceptible to political influences, including presidential rhetoric.

Some scholars have noted that certain wicked problems, such as climate change, exceed others in their complexity and divisiveness and therefore should inhabit a unique classification as "super wicked problems" (Levin et al., 2012; Lazarus, 2008). According to Lazarus (2008), these types of problems up the ante on complexity to such a degree that current laws and governance structures appear insufficient to handle them (see also Peters, 2017). In addition to the original conception of wicked problems, super wicked problems introduce the element of time. For example, as the IPCC Special Report: Global Warming of 1.5° C concludes, immediate action to reduce CO_2 emissions is necessary to prevent the most severe climate effects (IPCC, 2018). And not acting in a timely fashion carries exponentially harmful consequences in the form of escalating economic burdens on society as the duration of inaction extends further into the future (Rose, Richels,

Blanford, and Rutherford, 2017). Super wicked problems also are inherently long-term

problems with impacts on large scales. As such, short-term, geographically-limited

solutions are ineffective because meaningful solutions require long-term, comprehensive,

flexible, and enforceable measures, something the public sector in democratic regimes

may be too ill-equipped to address (Jacobs, 2011; as cited in Peters 2017). A final,

important point on super wicked problems is that the solutions to such problems are

frequently dependent on those who are creating and benefitting from the problem in the

first place (Lazarus, 2008). This last point underscores the wicked nature of climate

change since society in general reaps both substantial benefits and costs from the

activities that produce CO_2 emissions (Sovacool and Dworkin, 2014), meaning even the

calculation of tradeoffs is oftentimes a divisive endeavor.

Climate change thus exhibits "wickedness" that is unique in its breadth of impact

and depth of discord and joins a handful of issues in the U.S. that are characterized to

such a partisan degree that they virtually draw the dividing line between Republicans and

Democrats (Nisbet, 2009). Of course, with such characteristics, climate change is

saturated in partisan politics where presidential rhetoric sets the tone for how their

constituents view the wicked problem (Zarefsky, 2004). As described above, such tone

setting provides an ideal backdrop for examining the administrative and rhetorical

presidencies.

Importantly, part of setting the tone involves the way in which climate change is

defined and framed as a policy problem, which also contributes to its utility as a focus of

the study. For example, who defines the problem has important implications as well. As

noted by Pralle (2009), issue salience waxes and wanes with how a problem is defined.

Issues that are defined as immediate, catastrophic, and proximate will find a higher place

on the public and governmental agenda than issues that are defined as uncertain,

economically expensive, socially undesirable, or occurring in the distant future (Zarefsky,

2004). As discussed in the preceding chapter, such definitions create a dividing line in the

climate change debate. On one side are those that are alarmed and motivated by urgency

to take immediate and determined action. On the other side are those that dismiss the

science, the severity, or the certainty and are determined to forestall any action that

entails significant economic consequences. This dynamic creates positive and negative

feedback loops, and when combined with crises, or focusing events, can lead to either

long periods of equilibrium as the status quo is maintained or punctuated moments of

dramatic change (Baumgartner and Jones, 2012). Arguably, climate change policy has

experienced high degrees of both positive and negative feedback loops, yet with little

change.

One reason for this, as Nisbet (2009) argues, is revealed in recent polling on

climate change views that reflect a deep polarization of opinions, "resulting in two

Americas divided along ideological lines" (p. 14). The divide breaks along predictably

political lines, with Republicans increasingly questioning the certainty of the science of

climate change and urgency of its effects, while Democrats increasingly endorse climate

science findings and react with growing concern about possible deleterious effects on the

environment and society (Nisbet, 2009). Notably, the partisan divide is unaffected by

education or knowledge (Nisbet, 2009). Roser-Renouf et al. (2014), find that Americans

hold a slightly more diverse, albeit similarly divided view, of global warming, resulting

in six discrete groups they refer to as "Global Warming's Six Americas" (pp. 6-8).

However, despite a more refined parsing of views on global warming, their data reflects a similar break along the same ideological lines described by Nisbet (2009). Thus, when considering climate change, whether one sees two or six Americas, the conclusion is the same: climate change is characterized by deeply divided and firmly held ideological views, making it among the most wicked of not only environmental problems but social problems as well. It also makes it susceptible to the influences of the party in control of the bureaucracy.

Mapping Presidential Control

In order to understand how presidents view their authority and the role of bureaucracy, it is helpful to place the various views on the matter in historical context. Notably, political control of the bureaucracy is the quintessential element underlying the politics-administration dichotomy.[22] While this study does not focus on the dichotomy *per se*, the familiar refrain of its principal arguments certainly echoes in the background. From a normative standpoint, an important question is how active executives should be in directing administrative agencies to shape public policy, especially where Congress has not specifically acted to fill a policy void by statute or clarified the implementation standards of how more ambiguous statutes should be implemented. In other words, what

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[22] The roots of the bureaucracy-democracy tension extend to Woodrow Wilson and his articulation of the politics-administration dichotomy. In its most basic construction, the politics-administration dichotomy argues for a distinction between politics and administration. Views in favor of a dichotomy during the Progressive Era were motivated by the belief that a better practice of public administration, one that was separated from the influence of politics, would lead to better outcomes. Thus, government could be improved to the extent its career bureaucrats were insulated from "political meddling." *See*, e.g., Kettl (200). As Wilson (1887) asserted, "[A]dministration lies outside the proper sphere of politics…. [a]lthough politics sets the tasks for administration, it should not be suffered to manipulate its offices" (p. 210). For historic representations and helpful modern discussions of the politics-administration dichotomy, *see also* James C. Charlesworth (1968); Nicholas Henry (1975); Leonard White (1926); Frank Goodnow (2017); James Pfiffner (1967); Kenneth Meier and Laurence O'Toole Jr. (2006).

role should administrative agencies play when there is both a legal and policy vacuum? And since presidents direct the actions of agencies, how proactive should executives be in filling the void of congressional inaction? Perhaps a more fundamental question is how do presidents themselves view their use of presidential control? How one views presidential control goes a long way in answering these questions and whether value-laden, polarized, and unsettled policy problems, like climate change, should be addressed through administrative action rather than through a deliberative, congressional process. Another important consideration is the sense of urgency, and even opportunity, motivated by values, priorities, and politics, presidents feel when Congress leaves a void that creates space out of which policies can be adopted through administrative action. Such occasions grant executives freedom to pursue policies that are controversial and unsettled (i.e. wicked in nature), albeit not without legal, congressional, and political challenges. After all, wicked problems like climate change remain wicked because of the vigor with which policies addressing them are promoted, defended, and opposed (Nisbet, 2009). At the same time, presidents will utilize policy voids to pursue their own political and policy ends.

For example, scholars have long noted, some more approvingly than others, that administrative actions via the bureaucracy, as well as the independent actions of administrators themselves, are a means to social, economic, and political ends that may or may not reflect broader and more diverse public values (Frederickson, 1971; Lowi, 1979). As such, it matters greatly who does the influencing and how it occurs. As noted by Lewis (2009), using the bureaucracy to achieve political ends is frequently a factor of either agency capture or the influence of interest groups, neither of which tend to be

broadly representative of the public interest. In a similar vein, Lowi (1979) describes how

the influence of special interest groups leads to "the atrophy of institutions of popular

control" (p. 58), which describes what happens when policy becomes untethered from

"clear standards of implementation" (p. 298), leaving the priorities of institutions to those

with the greatest influence over them.[23] The same principle holds for the executive office.

Even though the president is formally in control of executive agencies, his views are not

necessarily representative of even a majority of the populace (Farina, 2010). Therefore,

whether presidents or special interests control the bureaucracy, narrowly defined

priorities may frustrate the realization of broader social values.

These insights are helpful in better understanding the criticism associated with

unilateral administrative actions that deviate from clear legislative priorities and

requirements. However, as noted above, legislation is rarely so clear or prescriptive,

especially where wicked problems are concerned, leaving executives and administrative

agencies to set policies or to sort out Congress's intent through administrative rulemaking

(Wilson, 1990). Naturally, such actions are not universally welcome. And one clearly

observable result has been an expansion of litigation surrounding agency rulemaking and

priorities (Spence, 1999).

The Clean Power Plan is representative of such a dynamic, as it has been in

litigation since the Obama Administration EPA's final order implementing it in 2015.[24]

Now that the Trump Administration EPA has rescinded and replaced the Clean Power

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[23] For an in depth discuss, see also James Q. Wilson (1990, 1991).

[24] As noted by the Environmental Defense Fund (n.d.), "Opponents of the Clean Power Plan have been suing since before the rule was even finalized in August 2015, and EDF has been defending it in court every step of the way" (n.p.).

Plan, the regulatory landscape will change but the prevalence of litigation will not, since those favoring stronger CO_2 regulation have already sued EPA for weakening it (Environmental Defense Fund, n.d.).[25] As this dynamic plays out, EPA's interpretation of the relevant statute and views of its own interpretive discretion, while appearing schizophrenic, are merely symptomatic of the climate change policy void coupled with strikingly divergent policies of the Obama and Trump administrations.[26] In the light of expanding litigation regarding agency rulemaking, numerous scholars have observed that administrative agencies have become "gun-shy and produced an 'ossified' agency decision-making process that is less flexible, less rational, and less effective" (Spence, 1999, p. 426, see also Lipsky, 1980; McGarity, 1991, Sunstein, 1995). It is likely this predicament is in some fashion exacerbated by presidential control over agency agendas, priorities, and even the rules they promulgate, leading to more constrained agency action. Some scholars would argue this outcome speaks to the need for enhanced agency discretion to more fully represent societal values and mitigate negative, or unforeseen, consequences of implemented policies (Frederickson, 1971; Friedrich, 1940), while others would argue for clearer legislation to limit agency discretion (Finer, 1941: Lowi, 1979), not to mention presidential control.

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[25] On the same day the Trump EPA's Affordable Clean Energy rule was published in the Federal Register (July 8, 2019), the American Lung Association and American Public Health Association filed a joint lawsuit challenging EPA's action. In a press release signaling their lawsuit, the American Lung Association stated, "In repealing the Clean Power Plan and adopting the ACE rule, EPA abdicates its legal duties and obligations to protect public health under the Clean Air Act, which is why we are challenging these actions" (American Lung Association, 2019, n.p.).

[26] *See, e.g.*, Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units, 2017 and the EPA's updated interpretation finding the Obama Administration EPA exceeded the agency's statutory authority under section 111(d) of the Clean Air Act.

Regardless of the merits of either view of bureaucratic discretion, the fact remains that agencies, as well as presidents, frequently interpret congressional intent (Wilson, 1990). Of course, there is typically ample room for interpretation, since it is virtually impossible to draft legislation that contemplates all possible future conditions. This is particularly true when technology, goals, implementation, future conditions, and overlapping tasks—first described as polycentric tasks by philosopher Michael Polanyi (1951)—cannot be defined, let alone identified, upfront (Wilson, 1990, see also Fuller and Winston, 1978). [27] This legislative ambiguity may even allow, if not invite, executive action to fill the void, or at least shape it to fit their policy preferences (Moe and Howell, 1999). Given the prominent role presidents play in this regard, contextualizing how they have done so historically provides valuable insights about executive actions. Here, Kettl is helpful in sorting out the main ways in which presidents have approached governance, in particular the way in which they position the bureaucracy as a means for promoting policies. Kettl's framework also provides a systematic way of thinking about how and where a post-deliberative presidency might fit within historical constructions of bureaucracy's role in making and shaping policy.

Although Kettl (2000) developed his framework as a way of categorizing the main academic and practitioner views on "administrative ideas and political philosophy" (p. 14) (i.e., the politics-administration dichotomy), it also functions well as a typology of presidential approaches to the question of the role of bureaucracy. As shown in Table 3.1, the first type is the Madisonian tradition, which maintains that governance is predicated on political power as opposed to administrative efficiency (Kettl, 2000). As described by

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[27] For a good general discussion on this topic, *see also* Aligica and Tarko (2012).

Kettl (2000), the Madisonian view is "rich . . . in balance-of-power politics" (p. 15),

where politics is very much a part of administration.

Table 3.1   **Typology of Presidential Control in the U.S. (Kettl, 2000)**

	Wilsonian (Hierarchical)	Madisonian (Balance of Power)
Hamiltonian (Strong-Executive/ Top-Down)	Strong-executive Top-down accountability Hierarchical authority	Centered on non-bureaucratic institutions Focus on political power Top-down accountability
Jeffersonian (Weak-Executive/ Bottom-Up)	Weak-executive Bottom-up responsibility Responsive to citizens	Centered on non-bureaucratic institutions Focus on local control Bottom-up responsiveness

The second type is in the Hamiltonian tradition, which is best characterized by the

Federalist Alexander Hamilton, who argued that "energy in the executive is a leading

character of the definition of good government" (Kettl, 2000, p. 15). In other words,

Hamiltonians are characterized by a strong executive branch actively seeking to serve the

public interest but "held in check by popular institutions" (Kettl, 2000, p. 16). The third

type rests in the Jeffersonian tradition, which is characterized by the preservation of

individual autonomy through grassroots, bottom-up governance that is limited in scope

and power, and situated at the lowest possible level of government (Kettl, 2000). In the

Jeffersonian tradition, the bureaucracy, if there is any at all, should be as small as

possible. Finally, no typology of public administration would be complete without the

Wilsonian tradition. The Wilsonian tradition adheres to the politics-administration

dichotomy and is characterized by a competent and professional bureaucracy separated

from the influence of politics (Kettl, 2000; Wilson, 1887). In other words, Wilsonians

believe in an accountable, technically capable bureaucracy unencumbered by politics and

nonthreatening to democracy (Kettl, 2000).

To summarize Kettl's theoretical framework, then, the Hamiltonian and Jeffersonian types are contrasted with one another and capture views of government hierarchy. Thus, the Hamiltonian type represents a "strong-executive/top-down" construct, while the Jeffersonian type represents a "weak executive/bottom-up" construct. The Wilsonian and Madisonian types are contrasted with one another and capture the way in which the bureaucracy is viewed respectively as "hierarchy, authority, process, and structure" versus "political balance-of-power" (Kettl, 2000, pp. 16-17). Because the typology represents the dominant ideas in public administration and governance since the late nineteenth century (Kettl, 2000), it provides a useful way to begin assessing how Obama positioned the respective roles of government and the bureaucracy and, as I discuss in Chapter 5, was used to inform the coding of presidential statements.

Notably, the role of the bureaucracy in making and shaping policy is a central aspect highlighted by the typology, and it is important to keep in mind that the typology is more than a mere abstraction. On the contrary, each type represents a dominant theme in the history of American public administration and governance. Which theme is the most appropriate depends on ideological views of the role of government as well as more pragmatic views of who's in charge of it. Thus, it may be that ideological purity fades into the shadow of expediency. Ultimately, as described by Kettl (2000) referencing an argument made by John Gaus, "how one feels about power depends on whether one has it" (p. 16, see also Gaus, 2006). To apply the same sentiment to this study, how one feels about administrative action depends on which administration is acting and how such actions are rationalized through presidential rhetoric, making both the administrative and rhetorical presidency important concepts for further analysis.

Zeroing in on the Administrative and Rhetorical Presidencies

In the following, this study takes a closer look at the administrative and rhetorical aspects of presidential control and more precisely delineates their application by various presidents. While the two aspects of control are frequently exercised somewhat independently of one another, their joint use is particularly noteworthy when presidential priorities meet congressional resistance. However, regardless of the level of resistance to policies, occupants have, without exception, entered the Oval Office intent on advancing their favored policies (Vig, 2012). To that end, presidents have framed and promoted issues through campaign speeches, press conferences, inaugural and State of the Union addresses, and now through the social media venue of Twitter (Vig, 2012).[28] By doing so, each president has played an important role in signaling policy intentions. In the environmental policy arena, there arguably was no president more actively engaged in promoting environmental policies than Teddy Roosevelt, who put the power and energy of the president fully behind the conservation movement through his rhetoric and actions (Vig, 2012). Indeed, according to historian Paul Cutright (1985, as cited by Dorsey, 2004), meaningful strides in the conservation movement were achieved only after Roosevelt applied his presidential heft to what he saw as a moral, even religious, response to the mismanagement of natural resources.[29] In more recent times, presidents have framed issues and employed their powers to both expand and restrict environmental regulations, sometimes with the help of Congress but often on their own (Vig, 2012, 2016; Kraft, 2016). Thus, presidents have played an integral role by word and deed in

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[28] For a helpful discussion of Donald Trump's use of Twitter during his presidency see Ott (2017).

[29] For a general discussion of presidential environmental rhetoric see also Cutright (1985) and Peterson (2004).

shaping and implementing polices since the inception of the environmental movement and will continue to do so in the climate change era as well.

To illustrate the point, in the modern era, presidents Richard Nixon, Jimmy Carter, George H. W. Bush, Bill Clinton, and Barack Obama used the executive office to advance environmental protections, in such diverse areas as the establishment of the EPA, energy conservation, acid rain, environmental justice, and greenhouse gas reductions (Vig, 2012; Kraft and Vig, 2016). On the other hand, presidents Gerald Ford, Ronald Reagan, George W. Bush, and Donald Trump have used the same office to blunt or even reverse the actions of prior presidents, punctuated by Reagan's and Trump's deregulatory activities (Layzer, 2012; Vig, 2012). The effort of presidents in this regard has attracted the attention of scholars interested in both environmental policy and presidential studies, although not commonly at the intersection of the two (Moe, 2009; Vig, 2012). Scholars also have devoted considerable effort studying environmental policy disputes, with their highly politicized and polarized nature, conflicting values, and intractable positions (Alm et al., 2010; Jasanoff, 1990; Litfin, 1994; Jenkins-Smith et al., 2014; Williams and Matheny, 1995).

As noted, such problems also are prone to rhetorical influences, making rhetoric a potent force in agenda setting. Although agenda setting is not a topic of this dissertation, it bears mentioning that presidential rhetoric plays a prominent role in framing wicked problems and therefore an instrument role in agenda setting. This is particularly important because the U.S. legislative system tends to reinforce the status quo, and implementing policy solutions requires the aid of focusing events, policy entrepreneurs, executive action, or all the above (See generally Baumgartner and Jones, 2012; Birkland,

1998; Kingdon, 1984; Litfin, 1994; Skodvin and Anderson, 2009).[30] Such is the context for climate policy and legislative action intended to mitigate harmful impacts attributed to a warming planet. Consequently, future policies to address such impacts, or maintain the status quo of not addressing them, are influenced and rationalized by the rhetorical presidency and the way in which problems and solutions are framed.

Therefore, unilateral presidential action remains prominently at the heart of making and shaping environmental policy (Vig, 2012). For example, from 1970 to 1990 in a unique act of bi-partisan cooperation on environmental policy, Congress passed nearly every prominent environmental law on which today's regulations are based (Vig, 2012). Since the passage of the Clean Air Act Amendments of 1990, however, Congress has had extremely limited success in enacting or amending any nationally significant environmental laws, making the unilateral, administrative action of the president one of the primary means of implementing environmental reform and advancing new policies (Kraft and Vig, 2016; Vig, 2012). While some scholars, such as Richard Neustadt (1990) and John Burke (2009), have pointed out that the fragmented, polarized, and systemic structural constraints in the U.S. political system contributes to a weak executive office, presidential studies—especially recent studies—point to growing presidential powers through executive management of the bureaucracy and an increasing willingness to rely on such power rather than an uncertain legislative process (Neustadt, 1990; Burke, 2009; Vig, 2012; Rabe, 2007; Lowande and Milkis, 2014). This primarily has taken the form of centralizing power in the White House and politicizing the bureaucracy to circumvent an

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[30] For a description of the policy process that is more dynamic and interpretive, yet leading to similar conclusions, see Stone (2002).

uncertain, and sometimes hostile, legislative process by attempting to control policy outcomes through administrative action (Moe, 1985; Vig, 2012, 2016). According to Vig (2012), scholars have thus focused presidential studies "increasingly on the rational exercise of administrative powers, especially during periods of divided government, gridlock in Congress, and national emergency" (p. 308, see also Moe, 1985; Lewis, 2009; Moe and Howell, 1999; Waterman, 2009). Of course, seeking to influence outcomes and direct policy through the bureaucracy gets at the heart of the administrative presidency, a subject to which this article now turns in more depth.

Describing the Administrative Presidency

As described by Kagan (2001), writing prior to her Supreme Court appointment, "[t]he history of the American administrative state is the history of competition among different entities for control of its policies" (p. 2246). These entities include the president, Congress, and the courts, all of which possess potent constitutional powers that make it unlikely that any single entity will emerge ultimately triumphant, although at various points in history each seems to hold sway on important policy matters (Kagan, 2001). According to Kagan (2001) and other scholars, the rise of the administrative presidency since the 1970s means the executive office currently enjoys a more dominant policymaking position than either Congress or the courts (see also Moe and Howell, 1999). In fact, since the initial expansion of presidential powers under President Nixon, executive influence over administrative agencies has increased with each subsequent presidency, leading to increasingly greater influence over policy matters either unilaterally or by directing agency activities (Kagan, 2001; Moe and Howell, 1999). In addition to the gridlock and divided government noted above, scholars have observed that

the ongoing shift is due to a number of factors, including a deeply divided electorate, an inordinate focus on re-election, and Polanyi's polycentric circles resulting from an increasingly complex political and bureaucratic system (Aberbach and Rockman, 1988; Moe and Howell, 1999; Kagan, 2001).

In the light of such factors, the expansion of the administrative presidency is understandable, especially since presidential success is often defined by presidential competence in implementing policies (Kagan, 2001). Presidents also are concerned with their legacies. They want to be "regarded in the eyes of history as strong and effective leaders" and, in order to succeed, they must exert administrative control over policies and priorities to achieve desired outcomes (Moe and Howell, 1999, p. 136). As noted by a number of scholars, such demands are overwhelming and actually surpass the power of the executive office to realize presidential goals, thus, incentivizing the expansion and exertion of power and control over agencies (Lowi, 1985; Moe and Howell, 1999). However, while the rise of administrative presidencies in this context is perhaps predictable, it has neither come easily nor without controversy.

From the beginning, presidents have endeavored to shape and control the outcomes of administrative agencies (Kagan, 2001; Rudalevige, 2016). Not surprisingly, such endeavors have historically been difficult to accomplish. Presidents through the decades have frequently commented on the difficulty of prompting a recalcitrant bureaucracy to implement presidential will or a resistant Congress to consider policy solutions. In speaking of the difficulty of controlling agencies, President Harry Truman is quoted as exclaiming, "I thought I was the president, but when it comes to these bureaucrats, I can't do a damn thing" (as quoted in Kagan, 2001, p. 2272). Similarly,

President John F. Kennedy is said to have once remarked about a request for administrative action, "I agree with you, but I don't know if the government will" (as quoted in Kagan, 2001, p. 2272). Similar quotes can be added for Carter, Reagan, and others (Kagan, 2001). Of course, it is not just the bureaucracy that sometimes frustrates presidents. With respect to legislation, one recent example occurred during President Obama's last term, when he eschewed an uncooperative Congress in favor of executive action predicated on a "We Can't Wait" policy (Lowande and Milkis, 2014, pp. 5-6). Again, this mindset is neither novel nor uncommon—it extends back to Theodore Roosevelt, who argued that presidents have the duty, unless explicitly prohibited by the Constitution, to take whatever steps necessary to promote the nation's interest (Moe and Howell, 1999).[31]

While presidents have justified their exercise of power, expansion of executive control has largely occurred at the expense of legislative control (Aman, 1988). Yet, Congress has done little in reaction, despite the many substantive changes enacted by presidents in addition to *merely* clarifying policies and priorities (Aman 1988; Rudalevige, 2016). As Nathan (1983) and others argue, the expanding administrative presidency highlights the tension in the traditional public administration model of a distinction between politics and administration (see, e.g., Svara, 1999). Notably, after four years in office, Nixon favored the view that the president, as the chief executive, should employ a more managerial approach to agency action, undercutting the Wilsonian

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[31] In employing his "stewardship theory" Roosevelt observed, "Under this interpretation of executive power I did and caused to be done many things not previously done by the president and the heads of departments. I did not usurp power, but I did greatly broaden the use of executive power" (Moe and Howell, 1999, p. 157).

view of an administration free from the influence of politics (Nathan, 1983; Kettl, 2000; Riccucci, 2010).[32] In writing about the administrative presidency, Nathan (1983) agrees and argues, "[t]he basic premise is that management tasks can and should be performed by partisans. This concept is not only appropriate, but necessary, to a functioning democracy in a large and technologically advanced nation such as the United States" (p. 7, see also West, 2006). For those who hold this view, it is not a question of whether a president should intervene in administrative agencies, it is rather a question of how, how much, and to what end (Kraft and Vig, 1984).

In this light, it is interesting to note that ever since its inception, the Environmental Protection Agency (EPA) purportedly has either been captured by industry or colluded with environmental activists, depending on which party occupies the Oval Office (Mintz, 2005; Tyson, 2014).[33] Regardless of the veracity of such claims, the view that the EPA is weaponized to achieve policy goals reflects the common understanding that natural resource agencies in general and the EPA in particular are subject to the policy priorities of whichever presidential administration is in power (Vig, 2012, 2016). As Durant (2009) argues, there is a longstanding practice of using administrative mechanisms for policy implementation by other means as a way for presidents to achieve policy goals in the face of recalcitrant political adversaries. By way of example, Durant (2009) highlights the *greening of the government* (a frame) during the

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[32] See generally Woodrow Wilson's (1887) discussion about bureaucracy and political control.
[33] For example, during the Obama Administration, the U.S. Senate Committee on Environment and Public Works (EPW) conducted oversight on the role of the Natural Resources Defense Council (NRDC), and other environmental groups, in what the EPW Majority Staff Report (2015) concluded was an improper influence of "policy options, technical support, legal rationale, and public relations campaign" for the Clean Power Plan (p. 2).

Clinton Administration through executive orders and government-wide administrative

reform (pp. 95-96). The Obama and Trump administrations have taken similar

approaches in recent times, albeit from different perspectives on the role of government.

Perhaps not coincidentally, then, presidents Clinton, Obama, and now Trump have

employed similar administrative tactics after multiple-term presidencies of the opposite

party. In the cases of Obama and Clinton, the environmental agencies emerged from eight

and twelve years, respectively, of significant pressure to limit or constrict environmental

regulatory activity (Layzer, 2012; Freeman and Vermeule, 2007). With new

administrations and new priorities more aligned with environmental agency missions,

administrative mechanisms became an expedient way of implementing previously

neglected regulations and policies, especially in the absence of bipartisan cooperation

(Rossi, 2001; Freeman and Vermeule, 2007).

In practice, then, the administrative presidency cuts both ways across the political

spectrum and is a common tool among modern presidents. Indeed, history has shown and

scholars have noted that every modern president since Nixon has employed any means

necessary to advance his policy goals (Kagan, 2001; Kraft and Vig, 1984). The relevant

point is that where roadblocks exist, administrative presidencies will find a way around.

In fact, as already mentioned, legal ambiguity may even allow, if not altogether invite,

executive action to fill the void. As a result, administrative presidencies play an active

role in establishing values and priorities, especially when there is no clear direction from

Congress, or at times of deep political divide when legislatively addressing an existing

void is impossible (Tulis, 1987). However, presidents do not just act, they rather mobilize

the public and set the governmental agenda by signaling their intentions to act through

formal and informal proclamations through the rhetorical presidency (see generally Tulis, 1987; Dorsey, 2004; Carcasson, 2004). In so doing, presidents are able to embark on a process of policy change through the rhetorical presidency, whereby they bypass Congress in pursuit of political ends (Tulis, 1987). As discussed in the following Part, the rhetorical presidency covers the bully pulpit of the executive office. However, the rhetorical presidency is more than just arousing sentiment, setting the agenda, and signaling priorities; it is also mobilizing public support in an effort to displace the less certain, less expeditious, and more methodical process of congressional deliberation.

Describing the Rhetorical Presidency

As originally conceived by Tulis (1987), the rhetorical presidency encompasses the way in which presidents use rhetoric to bypass Congress and engage the public to define problems, set the agenda, propose solutions, and indirectly influence political actors (see also generally Quirk, 2007; Whitford and Yates, 2009). Yet, the rhetorical presidency is much more than just the presidential use of rhetoric to persuade; it concerns the "constitutional order" and governance, and it is the vehicle by which contemporary presidents seek to influence policy and govern the citizenry (Whitford and Yates, 2009). At its most basic level, it describes the willingness of presidents to bypass Congress and "mobilize the public as a routine means of governance" (Stuckey, 2010, p. 43).

While Tulis's work formally marks the beginning of the rhetorical presidency as a branch of study, Neustadt's seminal and influential study, *Presidential Power,* is an important beginning point for presidential studies in general. As Skowronek (2002) points out, the aspirations of the progressive era to create a government with the president at the center was complicated by the institutional barriers against sweeping reform.

Neustadt (1990) describes the resulting environment as one where presidents are limited by a constitutional system designed to allow incremental change but frustrate sweeping reform. Because of this, according to Neustadt (1990), presidents must rely on their personal skills and become adept at bargaining and persuasion to successfully meet the often-overinflated public expectations of the office. Echoing Moe's criticism of Neustadt's approach, Tulis argues that viewing the presidency from the president's perspective ignores more prevailing institutional factors. Indeed, viewing the presidency "from over the President's shoulder," as Neustadt (1990, p. xxi) does, creates an impression of an institutionally weak executive office.[34] However, presidential studies indicate increasing presidential powers and the liberty with which presidents wield them (Neustadt, 1990).

With this in mind, Skowronek (2002) observes that Tulis identifies a trend by modern presidents to become policy activists as they "attempt to displace the original constitutional structures that had supported the politics of the past" (p. 745, see also generally Moe, 1985; Tulis, 1987). Under the original constitutional order of governance, as Tulis (1987) argues, the U.S. Constitution proscribed demagoguery, or popular leadership, and favored deliberation among the elected representatives of the people. The modern presidency, on the other hand, ushered in by the Progressive leadership of Theodore Roosevelt and Woodrow Wilson, placed more energy in the executive by prescribing popular appeals to the public, marking the beginning of a "second constitution" under which presidents now govern (Tulis, 1987, p. 18; Whitford and Yates,

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[34] See also generally Moe (1985) and Tulis (1987).

2009).[35] The effect of the transaction is that presidential appeals to the public subvert the original constitutional order, which leads to a decline in policy deliberation and ascension of demagoguery (Tulis, 1987).

In addressing the state of deliberation, Kernell (2006) observes that presidential rhetoric, by way of "going public" as a policy strategy, has a destabilizing effect on deliberative processes—that is, traditional pluralistic bargaining processes are discarded in favor of insular and unilateral decision making (pp. 3-4, see also Whitford and Yates, 2009). The result of this political exchange means policy is made and rationalized by public opinion (Kernell, 2006). Scholars have mixed views on what this means for democracy. As previously discussed, some view this practice as undercutting constitutional principles (Ceaser et. al., 1981; Hart, 1987; Jamieson, 1988; Milkis, 2012; Tulis, 1987), while others view it as inconsequential (Edwards, 2006) or even expected (Garsten, 2011; Stuckey, 2010).

However, as Edwards (2006) argues, the rhetorical presidency may be more limited in its power to persuade than conventional wisdom suggests. Edwards (2006) finds little support in the literature for the power of presidential rhetoric to significantly move public opinion. Indeed, after examining public opinion polls assessing presidential actions and approval, as well as legislative initiatives, Edwards (2006) finds no systemic evidence that presidential rhetoric significantly influences public views on either the president or the president's initiatives (see also Barrett, 2004). However, subsequent studies suggest that presidential rhetoric can be influential in certain respects, such as when presidents go public on congressional appropriations or simply to improve their

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[35] See also Milkis (2012 and Whitford and Yates (2009).

standing (Canes-Wrone, 2004; see also Cohen and Powell, 2005; Wood, Owens, and Durham, 2005). In any event, while presidential appeals to the public have some effect, it may not be the overwhelming influence of the bully pulpit that is frequently assumed, leading some scholars to sound the death knell of the rhetorical presidency. Although, to paraphrase Mark Twain, the reports of the rhetorical presidency's death may be greatly exaggerated.[36]

Conclusion

After placing the framework of post-deliberative policymaking on the foundation of administrative presidency, rhetorical presidency, and wicked problems, this study now focuses on President Obama. An understanding of the ongoing debate about the importance and influence of the rhetorical presidency and the propriety of the administrative presidency form a backdrop for this dissertation. Both were unquestioningly relied upon by Obama to address the wicked problem of climate change. The aim of this study, therefore, is to better understand and explicate the way in which Obama made full use of the post-deliberative policymaking process and rationalized his use of the administrative presidency through the rhetorical presidency. A deeper understanding may reveal important insights about the post-deliberative policymaking process and what implications it has on democratic principles. Finally, the study strives to uncover insights into whether the administrative presidency is simply a tool of the executive or a reflection of the way in which a president positions the role of the bureaucracy. Taken together, the deeper understanding and explication of the *potentially potent force* of a weaponized bureaucracy may help ensure that it is used wisely in the

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[36] *See* Whitford and Yates (2009, pp. 22-24) for a discussion arriving at the same conclusion.

preservation, rather than deterioration, of democratic principles. The next step in arriving

at that deeper understanding is to orient Obama within the broader rhetoric and

administrative presidency literature, something that is taken up in the following chapter.

CHAPTER FOUR: ORIENTING PRESIDENT OBAMA IN ADMINISTRATIVE AND

RHETORICAL LITERATURE

Because this dissertation focuses on President Obama, it is important to first

orient his presidency within the broader administrative and rhetorical literature to provide

some background for context. Like all presidents, Obama has attracted a great deal of

scholarship in both areas. On the administrative side, researchers have examined the

constitutional efficacy of presidential control over the bureaucracy (see, for example,

Strauss, 2014; Shapiro and Wright, 2010; Coglianese, 2009 and 2017; Farina, 2010;

Farina, Newhart, and Heidt, 2012), policy implementation through rulemaking

(Rudalevige, 2014, 2016; Lowande and Milkis, 2014), and the unitary executive (Schier,

2011; Lowande and Milkis, 2014; Milkis et al., 2012; Milkis and Jacobs 2017). On the

rhetorical side, Obama's speeches have been fertile ground for an abundant and diverse

array of scholarship, ranging from racial (Atwater, 2007; Teasley and Ikard, 2010; Harrel,

2010; Aden et al., 2016), to political (Rowland and Jones, 2007; Bostdorff, 2017; Coe

and Rietzes, 2010; Vaughn and Mercieca, 2014), to policy-oriented (Ivie and Giner,

2009; Ivie, 2011; Frank, 2009; Rowland, 2011; Jamieson, 2013), among many others.

One study cannot capture the myriad views on Obama as both president and rhetor.

However, in the section below, I identify a number of themes that help situate this

dissertation's work on Obama in existing literatures. This brief review provides a

backdrop for this research and especially the analysis. It also begins filling a gap in the

scholarship by viewing Obama's rhetorical and administrative presidencies

simultaneously to better understand the way in which they interact and potentially

amplify each other (Whitford and Yates, 2009; Beasley, 2010). With that in mind, the

following section highlights the way scholars have generally viewed Obama's

presidency, first with respect to his rhetoric and then through his administrative actions.

Obama's Rhetorical Approach

It is not surprising that multiple rhetorical themes would emerge from the

literature. After all, Obama's impressive and diverse array of rhetorical approaches

throughout his presidency are well documented, as noted above. Among the more

dominant themes are Obama's use of American political myths in the forms of American

Exceptionalism and the American Dream that, according to Rowland (2011), were often

woven together and combined to create a "rhetoric of hope" (Atwater, 2007). Much of

Obama's rhetoric is also infused with polysemy, especially through strategic ambiguity

(Ivie, 2011), which allows diverse audiences to attach different fundamental

understanding to a single, unifying message (Ceccarelli, 1998). As with many of his

speeches during his time in office, Obama sought to finesse strategically ambiguous

arguments about race, war, the economy, energy, and climate change, rather than

attempting to debunk opposing viewpoints altogether (Ivie, 2011; Aden et al., 2016).

Obama's more circumscribed arguments were calculated to channel attention away from

divisive positions, shape perceptions, and create unity through his careful framing of

policy choices. Notably, all presidents maintain a persona that is a symbolic reflection of

the office they hold. With that persona in mind, presidents are "perpetually attempting to

create an idea of 'the people' with collective identity and common cause" (Beasley, 2014,

p. 271, as quoted in Aden et al., 2016). Because Obama saw himself as a transcendent

figure, much of his rhetoric was aimed toward convincing Americans to be transcendent as well by setting aside differences, finding common ground, and replacing division with unity (Ivie and Giner, 2009; Chirindo and Neville-Shepard, 2015). This section now turns to the scholarly treatment of these dominant themes.

To begin with, Obama's affinity toward "rational argument and his professorial persona," is well documented but frequently panned as lacking a personal connection with the public (Rowland, 2011, p. 704). However, according to Robert Rowland (2011), "faith in public reason is at the very core of Obama's commitment to an exceptionalist vision of America and to his aim to revitalize the American Dream" (p. 704). Public reason is thus an essential and complementary component to Obama's rhetorical approach and helps make the case for American Exceptionalism and the American Dream to both liberal and conservative America (Rowland, 2011). Faith in public reason, therefore, forms a foundation for American Exceptionalism and of the American Dream, where the American Dream is dependent upon a community coming together to make a better life. The American Dream thus is only possible when the community rises above its unproductive differences to make the dream possible for individuals within the community (Rowland, 2011). And American exceptionalism is only possible when the community is able to rise above its circumstances with the help of the nation's values and institutions. Public reason is what brings the two together. As Rowland (2011) describes it,

> Achieving the American Dream ultimately depends upon the capacity of the community to use the resources of public reason to choose good policies. A revitalized sense of the power of public reason, of the possibility of 'civil conversation' in which facts and reason are valued, is also essential for achieving American Exceptionalism. (p. 716)

Both Martin Medhurst (2012) and David Frank (2009) argue that Obama relies on American civil religion to inform his rhetoric, in particular through a cosmopolitan representation of Christianity, which elicits a less personal and more abstract depiction of God. Although this approach to Obama's rhetoric will only be touched upon in this dissertation, it is important for further contextualizing his reliance on public reason and how it manifests in his rhetoric. According to Medhurst (2012), Obama's 2009 inaugural address sets the stage for his "rhetorical signature" throughout his presidency. In that speech, Obama uses the terms "faith," "hope," and "courage" most frequently and, when combined with "journey," these form a persuasive narrative that both describes Obama's rise to the White House and how he intends to govern (Medhurst, 2012; Frank, 2011). Further, incorporating the notion of American civil religion means that Obama is also embracing a "composite audience" (Perelman and Olbrechts-Tyteca, 1971) of varying views on theology and religious experiences. Thus, when Obama speaks of his own journey, he is also addressing the "composite journey" of his audience, which allows him to speak to both political conservatives and political liberals in a way that focuses on what they have in common, rather than on what they disagree (Frank, 2011). Obama also offers the hope of reconciliation. As Ivie (2011) notes, "Obama's rhetorical quest would draw upon religion to reconcile differences, seek common ground, and recognize a common humanity in an interdependent world to remake the world in the image of justice—gradually" (pp. 738-739).

From a policy standpoint then, political liberals believe that properly designed and managed programs are able to produce an exceptional nation through common values and reasoned discourse. For political conservatives, America is "exceptional simply because

God willed it" (Rowland, 2011, p. 705). Yet, there remains work to do, primarily through

the effort of free individuals acting in good faith rather than through government

intervention. As Rowland (2011) describes it, "[C]onservatives can embrace a variant of

the American Dream that privileges the heroic individual and views the government and

community as impediments to be overcome" (p. 705). In contrast, although a place exists

among political liberals for divine intervention, God's role in creating an exceptional

nation is less important than the role of government institutions in implementing policy

choices that are settled upon by public reason. According to Frank, "The crucial point is

that faith in public reason underlays the belief that better policy choices could solve the

nation's problems. It was by focusing on the stronger arguments that the better policy

would be identified" (p. 707). This in essence also summarizes a common theme in

Obama's rhetorical approach.

      Notably, the themes of hope, change, emancipation, and unity remained fixtures

of Obama's rhetoric throughout his time in office (Coe and Rietzes, 2010). These themes

invoke patriotic, American traditions linked to the founding of the nation where unity is

emphasized over diversity (Riehl, 2008). This emphasis is a continuation of Obama's

campaign speeches where he de-emphasized the differences among Americans and

instead argued that their core identity is simply that of being an American (Riehl, 2008).

In this manner, Obama's articulation of national security, immigration, and energy

incorporated a more sweeping and less dichotomous vision of American exceptionalism

(Coe and Rietzes, 2010; Ivie and Giner, 2009; Dorsey and Díaz-Barriga, 2007). As Harrel

(2010) concludes, Obama's challenge to Americans was to find the common ground at

"[t]he core of American experience….that makes our improbable experiment in

democracy work" (p. 173). Obama's rhetorical approach, therefore, had something for everyone, and his polysemous message to the American public captured Obama's version of the American Dream, where community is emphasized over individualism (Atwater, 2007).

The dominant themes in Obama's rhetoric generally fall within American Exceptionalism and the American Dream. In fact, compared to his predecessors, Obama overwhelmingly emphasized American exceptionalism in his speeches (Gilmore, Sheets, and Rowling, 2016). However, like Obama's approach to policy formulation, his rhetoric does not fall into clearly delineated binary categories. Instead, Obama frequently relies on convergence and consilience through public reasoning to move a composite audience away from the differences that divide and toward mutual agreement on universal values (Frank, 2011). To this he adds the complementary element of polysemy to re-envision what is possible and drive home the point that there is something in his policies for everyone. As Chirindo and Neville-Shepard (2015) conclude, "The lynchpin of the Obama doctrine, then, was not minimalism, interventionism, isolationism, idealism, nor realism alone, but mutuality," up against which he "juxtaposed the follies of isolationism and balkanization" (p. 217-218). As I now turn toward a review of how Obama is situated in the administrative presidency, it is notable that his diplomatic instincts were closely aligned with those of Thomas Jefferson and Woodrow Wilson (Mead, 2010), reflecting an "exceptionalist ethos" (Edwards, 2012, p. 342, as quoted in Chirindo and Neville-Shepard, 2015) that was more "egalitarian" in its orientation (Chirindo and Neville-Shepard, 2015, p. 217). As the analysis in this study reveals, Obama's diplomatic instincts appear to be closely aligned with his administrative impulses in that they both

mirror those of Woodrow Wilson, a comparison to which I will return later in this

dissertation.

Obama's Administrative Approach

To begin with, Obama was viewed by his supporters as using presidential control

in a much more sparing fashion than his predecessors (Rudalevige, 2016). Obama even

presented himself during his campaign "as a transcendent leader who could imbue the

policy state with new causes and moral fervor" (Milikis and Jacobs, 2017). Ostensibly,

such an outcome would be one in which Congress would set aside partisan differences

and deliberate the successful resolution of the important causes of the time. Yet, upon

reaching office, the grand vision of bi-partisan policymaking had dissipated in a cloud of

hyper-partisan rancor (Milkis and Jacobs, 2017). Not being able to stand apart from the

entrenched partisan reality that divided Congress, Obama had little choice but to fully

embrace the administrative presidency in pursuit of his progressive policies (Jacobs and

King, 2009; Coglianese 2009; Skocpol and Jacobs, 2012; Milkis and Jacobs, 2017). This,

however, is not to say that Obama reluctantly embraced the use of executive powers.

Indeed, despite his attempts to separate his presidential style from his predecessors,

Obama unreservedly acted in similar fashion to "ensure that executive branch agencies

act in ways consistent with his priorities" (Coglianese, 2009, p. 637). To ensure that

agencies would be responsive to the policy priorities of the executive branch, Obama

took great care to appoint advisors and policy czars, without Senate confirmation, for the

express purpose of ensuring that agency policymakers worked diligently and consistently

to advance the president's agenda (Shapiro and Wright, 2010; Coglianese, 2009).

Significantly, in policy fields such as energy and climate change that were unlikely to

attract bipartisan support, Obama followed the lead of his predecessors to act

administratively to "convey the impression that [he is] personally responsible for the

conduct of domestic governance" (Strauss, 2007, 702). Shapiro and Wright (2010) also

observe that Obama "adopted the same approach to controlling the federal bureaucracy

that his predecessors employed" (p. 577). In other words, presidents are loathe to give

away power and control, and the administrative presidency is the most effective way of

centralizing power in the White House through the extensive use of political appointees

to monitor and control agency actions (Shapiro and Wright, 2010).

Milkis, Rhodes, and Charnock (2012) have written about the dualism in Obama's

administrative style as an attempt to reconcile his Progressive Era impulse to mobilize a

nonpartisan administration to promote social welfare with the partisan reality of

accomplishing his own party objectives. In this manner, they explain,

> [Obama] sought to navigate the complex terrain of a 'new American party
> system,' characterized by high expectations for presidential leadership in a
> context of widespread dissatisfaction with government, strong and intensifying
> political polarization, and high-stakes battles over the basic direction of domestic
> and military programs. (p. 58)

As a result, Obama assertively recalibrated Bush-era rules through executive action to

more aggressively apply environmental regulations to air and water pollution, including

the authority to regulate greenhouse gases as a pollutant under the Clean Air Act.

Through his efforts, Obama sought to establish "a new regulatory era that could

significantly expand the role of the executive branch" (Milkis et al., 2012, p. 67). Such

calculated and assertive action did not go without notice. As Andrew Rudalevige (2016)

documents, although Obama's commitment to executive action was a tactic his opponents

rarely failed to stress, Obama's allies defended his executive centered action by claiming

that he had issued the lowest number of executive orders in the modern presidential era

(Rudalevige, 2016). White House Senior Advisor Dan Pfeiffer even underscored the

point by highlighting that Obama was "issuing executive orders at the lowest rate in 100

years." Obama himself later made similar statements, claiming that "[t]he history is that I

have issued fewer executive actions than most of my predecessors, by a longshot . . . .

[T]ake a look at the track records of the modern presidency, I've actually been very

restrained" (as quoted in Rudalevige, 2016, p. 3-4). However, while it is true that Obama

issued fewer executive orders than his predecessors, it is a demonstrable exaggeration to

claim that he "issued fewer executive actions…by a long shot." In fact, Obama did issue

the fewest *executive orders* per year since Grover Cleveland, including only 20 in 2013

(Rudalevige, 2016). However, "executive actions," including all the tools available to the

administrative presidency, are far more expansive than the narrow category of executive

orders. Moreover, the quantity of executive orders says nothing about their policy

significance. As Rudalevige (2016) observes, "many of those orders served as significant

policy tools," ranging from reversal of Bush Administration policies to promoting social

reform by requiring private contractors to the federal government to pay higher minimum

wages, not discriminate against sexual orientation and identity, and strengthen

compliance with laws governing business integrity and ethics (p. 15). In fact, despite both

his and his allies' disavowals of the unitary tools of the office, Obama willingly

embraced executive orders, presidential memoranda, and signing statements, among

others, when it was convenient and efficacious to do so (Schier 2011).

This is a good place to pause and reflect on all the tools presidents have at their

disposal to influence policy through administrative actions. Executive orders tend to

garner the most attention because they are a very high-profile way of setting policy.

Executive orders are typically published in the *Federal Register* and are often aimed at

pressing policy problems, making them both very public and frequently controversial

(Rudalevige, 2016). However, as Rudalevige (2016) points out, the number of executive

orders published since the 1930's has declined steadily from a peak of 573 in 1933, 80 in

1953, and 62 in 1963 to an average of 30.7 per year over from 2005 to 2015. With the

expansion of the bureaucracy under FDR and rise of the administrative presidency under

Nixon, the decline in the routine use of executive orders has been supplanted by a variety

of other unilateral actions, including memoranda, proclamations, formal findings,

designations, letters, signing statements, regulatory discretion, guidance documents, and

rulemakings (Relyea, 2008; see also Cooper, 2014; Rudalevige, 2016). In fact, as a result,

focusing on executive orders and not all the other tools available to presidents is a poor

representation of executive action, and this dissertation considers all the tools by which

Obama pursued climate policy through the administrative presidency.

Obama's "sustained reliance on the executive administrative" led his detractors to

frequently and stridently accuse him of making unprecedented and improper use of

executive action by taking unilateralism to new and more perilous unilateral heights

(Milkis and Jacobs, 2017, p. 588). On the other hand, his defenders wondered how a

president who showed great restraint by making such little use of executive orders could

be accused of so greatly abusing executive action. So which, if either, is correct? As

Rudalevige (2016) observes, neither position is entirely true:

> Despite his early rhetoric disclaiming unilateralism, Obama fully inhabited the
> institutional structure of the administrative presidency he inherited from his
> predecessors, and their reliance on 'creative lawyers' to boot. In some areas, he

built extensions on their work. In general, though, these were changes in degree and not in kind. (p. 13)

While it is true that Obama did show somewhat less interest in the actual management of the administrative state, he was nonetheless extremely interested in wielding "the power of the administrative state" to influence both foreign and domestic policies (Rudalevige, 2016). This was particularly the case after important legislative victories (e.g., the Affordable Care Act) and the loss of Democratic control of Congress in 2010. At the time, David Axelrod, a key Obama political aid, remarked, "[T]he next phase is…less about legislative action than it is about managing the change that we've brought about" (as quoted in Rudalevige, 2016). Managing the change occurred, in part, through the bureaucracy that implemented the statutes but which also relied on "creative lawyers" to interpret the statutes using executive orders, memoranda, and informal guidance documents to allow Obama's polices to move forward (Rudalevige, 2016). Such actions are not new, but as Martha Derthick (2011) notes about regulating nicotine in the 1990s using the 1938 Food and Drug Act, "Much of the activity of American policymaking consists of attempts not to pass new laws but to invest old ones with new meanings" (p. 56). This is, of course, precisely what the Obama administration attempted to do by regulating CO_2 emissions under a novel legal interpretation of the Clean Air Act, which even EPA attorneys admitted was "challenging" (Davenport, 2014, n.p.). The Supreme Court later took the unprecedented step of staying EPA's existing power plant CO_2 rule over concerns that the agency went too far in creatively interpreting the Clean Air Act (UARG v. EPA).

In a broader sense, as Milkis and Jacobs (2017) note, once the 112th Congress "ground to halt" after the midterm elections flipped the power away from congressional

Democrats, Obama consciously pivoted to a strategy that would free himself from the

expectation that he would be held hostage by the gridlock of a now oppositional Congress

(Savage 2012). As will be discussed in more detail later in Chapter 6, it was at this point

that Obama initiated his "We can't wait" policy. In other words, where Congress would

not act, or act consistent with his policies, Obama would go it alone through the

administrative presidency (Lowande and Milkis, 2014). Such an approach was

encouraged and supported by John Podesta, White House senior counsel, who had been

urging Obama to more aggressively focus on executive authority to bypass Congress, in

particular with regard to climate change (Allen and Brown, 2013). To this end, the

Obama Administration eagerly embraced the role of regulator, taking a centralized role in

the process and issuing approximately 3,500 rules in his first term, 10% of which were

regulatorily significant and subject to the Office of Management and Budget review

process (Rudalevige, 2014). Obama also eagerly embraced the use of signing statements

to circumvent the vicissitudes of legislation that work in often unwelcome ways for

sitting presidents (Crouch, Rozell, and Sollenberger, 2013). Regardless of rhetoric,

presidents clearly are not going to abandon the institutional power of their office. They

are also not going to be held hostage by an oppositional congress and, when possible,

"will govern without direct congressional involvement" (Savage, 2012, n.p.; see also

Crouch et al., 2013).

Thus, like every other president, especially Ronald Reagan and George W. Bush,

Obama took full advantage of the administrative presidency to "exploit national

administrative power for partisan purposes" as he sought to implement his policies in

spite of a gridlocked Congress (Milkis and Jacobs, 2017, p. 609). However, unlike his

predecessors, as Milkis and Jacobs (2017) observe, Obama wielded his executive tools in a much more subtle and creative way that "framed administrative partisanship as more routine and less visible" (p. 609). By doing so, he was able to surpass the "institutional strategies" of his predecessors and push the bounds of the more informal tools of the office, such as memoranda and waivers, that were often more difficult to translate into existing law but, once in force, were "policy-consequential" and carried the full force of law (Milkis and Jacobs, 2017, p. 589). After all, as he and his allies correctly underscored, Obama's use of executive orders was relatively restrained. Yet, as noted above, the tools of the administrative presidency are diverse, and Obama took "full advantage" of all the other mechanisms by which a president can exert executive power, in particular through agency rulemaking (Rudalevige, 2016, p. 28). In fact, as Rudalevige (2016) concludes, "President Obama has taken full advantage of [the administrative presidency]. His Administration has clearly been aggressive in utilizing both its administrative discretion under existing law and its regulatory authority to implement new law in ways that suit presidential preferences" (p. 36). Notably, such efforts were focused on wicked problems like health care, immigration, and climate change where Obama found Congress unwilling or unable to act (Lowande and Milkis, 2010; Rudalevige, 2014 and 2016; Milkis and Jacobs, 2017; Coglianese, 2017; Milkis et al., 2012). All of this serves to confirm what Nathan (1983) originally argued about the administrative presidency: "In a complex, technologically advanced society in which the role of government is pervasive, much of what we would define as policymaking is done through the execution of laws in the management process" (p. 83).

CHAPTER FIVE: OVERVIEW OF METHODOLOGY AND SUITABILITY OF

QUALITATIVE APPROACH

Insights from approaches used in qualitative social science and rhetorical analysis (typically used in the humanities) informed the methodological approach used in this study. In particular, the study employed an iterative grounded theory approach to analyze how President Obama rhetorically rationalized his use of the administrative presidency to implement climate policy. Obama's shift away from a deliberative but ultimately unaccommodating congressional process to a more favorable and responsive administrative rulemaking process marked an important evolution in the development of climate policy in the U.S. at the federal level. His administrative action also continues the longstanding practice of presidents using an administrative presidency to advance policies that would otherwise be impossible to implement through a less friendly congressional process. The study of the administrative and rhetorical presidency has a rich history, and the grounded theory approach used in this study provides a way of examining them together and allowing for the emergence and consideration of new theories by which to understand these common practices. In addition, rhetorical analysis was used to examine the distinct rhetorical strategies employed by Obama to make the case for his administrative action to the American public. As explained below, this hybrid approach not only allows for a richer understanding of Obama's administrative actions, it also allows for the consideration of emergent questions, insights, and ongoing assessment of the method of analysis (Charmaz, 2006). The data analyzed covers Obama's speeches,

presidential memos, executive orders, and agreements, collectively referred to as presidential statements.

While the administrative presidency and rhetorical presidency have been extensively studied over the past several decades, there has not been any research combining the two ideas and examining them in the context of the wicked problem of climate change. The lack of knowledge specific to this area of study makes it well suited generally for qualitative analysis and specifically for grounded theory, whereby the data are analyzed inductively to identify emergent themes that are "grounded" in the data, as opposed to being deductively verified by existing frameworks (Glaser and Stauss, 1967; Charmaz, 2006; Luker, 2009; Tracy, 2013). Such an approach is similar to the approach scholars might take when doing discourse analysis to reveal patterns in human communication (Cresswell, 2013; Starks and Trinidad, 2007; Wertz, 2011). Because an overarching goal of the study is to generate new knowledge and form a deeper understanding of how presidents explain and promote their policy choices and rationalize their use of the administrative presidency, an important element of this dissertation is that it incorporates rhetorical analysis as a system of investigation rather than as a specific methodology (Medhurst, 2006).[37] Rhetorical analysis also facilitated the iterative nature of the research—that is, when a particular rhetorical strategy emerged from the data (e.g., locus of the irreparable and strategic ambiguity), I was able to identify it in the literature, code it, and expand on it in relation to Obama's administrative actions in the findings.

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[37] As Medhurst (2006) explains, "…I am interested in substantive matters, which I choose to study through the instrumentality of rhetoric. To focus on matters of public affairs is to incur the responsibility to understand, as best one can, the factors that contribute to those affairs" (p. 381).

The approach therefore was not purely inductive, but instead it relied on existing theory to inform interpretations of the data.

It is worth noting here that the field of public administration scholarship has not historically borrowed from methodologies developed in the humanities, such as rhetorical analysis, making this study unique within public administration scholarship. However, by incorporating the investigative attributes of rhetorical analysis, this study brings a fresh perspective to the field by augmenting and animating traditional understandings of the discipline. By incorporating rhetorical analysis therefore, I was able to introduce a new perspective on an old theme by using it to critically examine and explicate arguments for specific policies, such as the Clean Power Plan, and rationalizations of administrative action to implement them (Benson, 1989; Medhurst, 1996; Medhurst, 2006).

Because rhetorical analysis is unusual in public administration scholarship, it is worth pausing to elaborate on some of its key elements to ensure a good understanding of the approach. Rhetoric itself is defined in various ways in popular writing, often with a negative connotation, but scholars typically define rhetoric in its classical, Aristotelean sense as communication that persuades (Croucher and Cronn-Mills, 2014; Foss, 2009). According to Foss (2009), rhetoric involves the use of symbols in communication—both verbal and visual—that represent ideas and are intended to influence the audience or create a better understanding of the author's or speaker's perspective. Similarly, Cathcart (1991) offers that "rhetoric…refers to a communicator's intentional use of language and other symbols to influence or persuade selected receivers to act, believe, or feel the way the communicator desires" (as quoted in Croucher and Cronn-Mills, 2014, p. 312). Lastly, Kuypers (2005) defines rhetoric as "the strategic use of communication, oral or

written, to achieve specifiable goals" (p. 5). Rhetoric thus is a powerful tool used to shape how audiences perceive reality in order to sway their views (Foss, 2009) and plays an important role in defining policy problems and their solutions, including how they are prioritized and rationalized.

From an empirical standpoint, methods of rhetorical analysis provide a systematic way of evaluating rhetoric and involve the study of written and spoken texts to analyze how they are crafted and how effectively they persuade (Jasinski, 2001; Foss, 2009). Such methods are diverse and multifaceted, ranging from traditional, or neo-Aristotelean, approaches to feminist, Marxist, and ideological criticism, among many others (Kuypers, 2016; Foss, 2009; Croucher and Cronn-Mills, 2014). Generally speaking, rhetorical analysis is interested in what is going on in the text, why certain rhetorical moves (i.e., strategies) are being used, and how the audience is affected (Foss, 2009; Kuypers, 2005, 2016). Although all three of these elements are commonly addressed in rhetorical analysis, this study focuses only on the rhetorical strategies used to rationalize administrative action. As a result, this study relies on one aspect of traditional rhetorical analysis that focuses on the reasoning, arguments, and evidence that make up the corpus of how Obama rationalized his use of the administrative presidency to implement climate policy through the EPA. Ultimately, regardless of methodological approach, rhetorical analysis enables researchers to "begin making statements about messages rather than statements about…feelings" (Foss, 2009, p. 6). It also facilitates a more sophisticated understanding of communication that enables richer, deeper, and more discerning analysis of the symbols used in communication (Foss, 2009, Kuypers, 2005, 2016). As a result, rhetorical analysis in this study serves an important function in illuminating the

interaction of presidential action and presidential rhetoric to better understand their implications on policy and, in a broader sense, the way in which policy is both developed and implemented.

In policy studies in particular, rhetorical analysis captures the inherently rhetorical nature of policy (Medhurst, 2006). It also elucidates the strategic and systematic use of rhetoric to persuade the public to adopt a particular view of a policy problem and support a particular course of action instead of other possible actions (Majone, 1989). As Giandominico Majone (1989) argues, "Every politician understands that arguments are needed not only to clarify his position with respect to an issue, but to bring other people around to this position….We miss a great deal if we try to understand policy-making solely in terms of power, influence, and bargaining, to the exclusion of debate and argument" (p. 2). Viewed in this light, rhetoric is a powerful and instrumental tool in the hands of policymakers to "construct policy problems, craft solutions, and promote policies to citizens" (Asen, 2010, p. 122). Rhetorical analysis thus allows for a greater consideration of the "role of rhetoric as a constitutive force" (Asen, 2010, p. 128) in U.S. policymaking and enhances our understanding of the choices of policymakers in framing problems and contingent solutions. It is in this respect in particular that I use rhetorical analysis as a system of investigation to better understand and contextualize Obama's rhetorical presidency as a complementary, if not co-productive, tool of his administrative presidency.

Using rhetorical analysis in such a hybrid manner also recognizes David Zarefsky's (2004) insightful observation that the study of presidential rhetoric necessarily incorporates perspectives from the humanities and social sciences. In other words, a

humanities perspective opens the study to observations about the uniqueness and recurrent patterns of presidential rhetoric, while at the same time analyzing specific actions from a social science perspective that give rise to the rhetoric in the first place (Zarefsky, 2004). As Zarefsky (2004) argues, "[Presidential rhetoric] increasingly is what the presidency is about..." (p. 607). After all, just as a president makes calculated policy choices so does he, as rhetor, make calculated rhetorical choices intended to promote those policy choices in the most convincing manner possible (Zarefsky, 2004). Importantly, given rhetoric's potential to persuade and "shape the world's appearance such that we make this move rather than that choice" (Murphy, 2001, p. 260), incorporating rhetorical analysis also enabled a more sophisticated consideration of the role of rhetoric in enhancing the tools of presidential control.

A deeper and richer understanding about the way in which presidents—President Obama in this case—wield these powerful policy tools is thus facilitated by seeing them as inextricably linked through the administrative-rhetorical presidency (Milkis, 2012). With that in mind, Obama's rhetoric was viewed, in the words of rhetoric scholar Martin Medhurst (2006), as "both a strategic and productive art directly related to leadership in public contexts" (p. 381). In the case of this study, understanding Obama's administrative presidency and the policies proceeding from his "leadership in public contexts" was significantly aided by also understanding the rhetoric that brought them to life (Medhurst, 2006). As a result, analyzing Obama's statements through rhetorical analysis provided helpful insights about how he rhetorically constructed the role of the EPA to implement climate policy, thereby connecting executive action with the rationalization behind that action.

As discussed in more detail below, the analysis for this study began by analyzing Obama's presidential statements with an emphasis on context and rhetorical strategies. While staying open to emergent themes, the study also analyzed presidential statements for how Obama framed the role of bureaucracy in implementing climate policy. As mentioned above, this approach is similar to inductively analyzing data from the "bottom up," rather than deductively from the "top down," such as by superimposing external criteria onto the content of their statements. However, sensitizing concepts from previous research on governance and the bureaucracy (see, for example, Kettl 2000; Tulis, 1987; Bertelli and Lynn, 2006; Edwards III, Kessl, and Rockman, 2009; Friedman and Friedman, 2012; Rudalevige, 2006; Milkis, 2007) were used to inform "initial but tentative" impressions of the data, as described by Charmaz (2014, p. 30). These impressions added richness and depth to the analysis by creating opportunities to explore connections between how Obama rationalized his use of the EPA and how scholars have described the various approaches presidents have taken toward governance. In particular, these impressions were helpful in considering how to situate Obama in historical context with previous presidents. Notably, such impressions were not locked in as "definitive concepts" (Charmaz, 2014, p. 31). Instead, they were treated as leads to evaluate and pursue or discard, depending on how they fit with the data (Charmaz, 2014).

As rhetorical themes and governance leads emerged, they were examined more closely in the literature, which allowed the study to draw upon and anchor the data to existing scholarship. At the same time, the analysis explored areas where such literature may be expanded or revised. For example, as discussed in Chapter 3, Kettl's (2000) theoretical framework, which organized the various views on governance and the

bureaucracy into a framework consisting of Madisonian, Hamiltonian, Jeffersonian, and Wilsonian ideals (Kettl, 2000), both informed the analysis and provided a way of situating Obama among other presidents. In addition, although not pursued by Kettl, categorizing the main academic and practitioner views on "administrative ideas and political philosophy" (i.e. the politics-administration dichotomy) functions well as a typology of presidential approaches to the role of bureaucracy (see Table 5.1). Using the framework as a typology in this way was helpful in explicating Obama's administrative and rhetorical strategies. As explored later in this study's findings, those strategies suggest a Progressive Era orientation that falls within the Wilsonian type. In this manner, then, the research progressed from an inductive to deductive understanding (and sometimes back) through iterative analysis (Tracy, 2013). Such an approach allowed for the systematic, comparative, and interactive testing of both established and emergent understandings to arrive at a richer description of what Obama's executive actions and rhetoric reveal about his approach to governance and use of the bureaucracy. Thus, in addition to focusing on the emergent themes, the research also creatively engaged with the data to consider additional theoretical applications (Charmaz, 2006; Luker, 2009; Tracy, 2013).

Table 5.1   Typology of Presidential Control in the U.S. (Kettl, 2000)

	Wilsonian (Hierarchical)	Madisonian (Balance of Power)
Hamiltonian (Strong-Executive/ Top-Down)	Strong-executive Top-down accountability Hierarchical authority	Centered on non-bureaucratic institutions Focus on political power Top-down accountability
Jeffersonian (Weak-Executive/ Bottom-Up)	Weak-executive Bottom-up responsibility Responsive to citizens	Centered on non-bureaucratic institutions Focus on local control Bottom-up responsiveness

Data Collection and Sample Size

Because the study uses climate policy and EPA's Clean Power Plan as a window

through which to analyze Obama's administrative and rhetorical actions, the study used a

total population sample of Obama's oral presidential statements related to these two

areas. As described in more detail below, the presidential statements were gathered from

"The American Presidency Project," an online database of public presidential documents

maintained at the University of California Santa Barbara (Wooley and Peters, 2020). As

shown in Tables 5.2 below, the data included a full range of Obama's formal and

informal rhetoric from January 2009 through December 2015, including speeches,

addresses, remarks, interviews, news conferences, and debates, which specifically

referenced greenhouse gases, climate change, clean energy, or the Clean Power Plan, as

well as related topics such as energy policy and climate agreements when relevant.[38]

Using a total population sample was appropriate in this study given the relatively small

population of possible presidential statements and being able to reach saturation with the

available data (i.e., finding no new information in the data) (Creswell, 2013; Tracy,

2013).

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[38] "Clean energy" was added as a search term after reviewing the data because Obama commonly used it in conjunction with his statements on climate policy (e.g., "a clean energy economy"). Additional search terms, including "global warming," "extreme weather," "carbon pollution," and "CO2" were explored but either did not yield additional results or returned documents that made only a passing reference to the term and could not be coded or analyzed for this study.

Table 5.2   Document Categories and Key Word Search Terms

Document Categories	Campaign Documents, Convention Speeches, Elections and Transitions, Correspondent's Association, Debates, State of the Union Addresses, Spoken Remarks and Addresses, Interviews, News Conferences, Miscellaneous Remarks
Key Words	Climate, Climate Change, Clean Power Plan, Carbon, Carbon Pollution, CO_2, Greenhouse Gases, Extreme Weather, Clean Energy

The time period was chosen because it captures the lead up to the rise and subsequent fall of the Waxman-Markey Bill in Congress, Obama's pivot to implementing climate policy through administrative action via the EPA, and EPA's finalization of the Clean Power Plan in 2015. Notwithstanding Obama's use of executive powers during his final year in office (a common occurrence among all modern presidents), the year 2016 was not included because it falls outside the time period of this study's primary emphasis—that is, when Obama was focused on implementing the Clean Power Plan through the administrative presidency. As a result, the presidential statements analyzed in this study tracked the beginning of Obama's efforts to rally Congress and the American public to embrace legislative climate action and continued through his subsequent pivot and rationalization for going it alone through administrative action when legislative efforts failed. The time period thus captured a rich and full range of Obama's rhetoric on climate policy and included a diverse range of formal and informal remarks, foreign and domestic addresses, State of the Union addresses, major speeches articulating energy and climate policy, and his pivot to a "We Can't Wait" campaign (Lowande and Milkis, 2014) in the face of an uncooperative Congress.

To arrive at the total population sample, I conducted multiple searches of "The American Presidency Project" database using key words in the literature that are often connected with climate change and EPA's Clean Power Plan. A helpful feature in the database is its use of "document categories" that organize the records by types of written and oral presidential statements. Table 5.2 includes a list of the document categories and key words used to obtain the total population sample. By using key words in each of the oral document categories, I was able to focus on Obama's oral presidential statements without having to separate them from the written records, as well as to search in each category independently to provide context for where the statements were delivered. The initial key word searches included "climate," "climate change," and "Clean Power Plan." Subsequent searches included "carbon," "carbon pollution," "CO2," and "extreme weather" but yielded very few additional records. In addition, after reading through several documents, I refined the search by adding "clean energy" (as in "clean energy economy") which is a term that Obama commonly incorporated into his rhetoric when discussing climate change and the Clean Power Plan. Notably, searches on "climate" and "climate change" also returned all of Obama's remarks on the Paris Climate Agreement, which was important to capture because of the Clean Power Plan's role in meeting international climate agreements (Schreurs, Selin and VanDeveer, 2016). Once I reached a point of saturation where no new terms were found in the text and additional search terms returned no new records, I determined the search had returned as close to a total population sample as possible. In all, as shown in Table 5.3, the searches returned a total of 1,084 out of a possible 14,192 records related to Obama's presidential statements on climate change and the Clean Power Plan.

Table 5.3   Number and Type of Presidential Statements Collected

Presidential Statements	2009	2010	2011	2012	2013	2014	2015	Total
Campaign, Convention, Fundraising, and Elections Speeches	15	4	33	132	6	27	15	231
Correspondent's Association	-	-	-	-	-	-	1	1
Debates	-	-	-	2	-	-	-	2
State of the Union Addresses	-	1	1	1	1	1	1	6
Spoken Remarks and Addresses[39]	20	18	20	11	10	12	9	103
Interviews	7	11	6	6	5	7	9	51
New Conferences	20	15	15	6	7	12	16	91
Miscellaneous Remarks[40]	136	167	51	46	54	56	90	596
All Presidential Statements	198	216	126	204	83	115	141	1084

Each record then was reviewed to ensure it contained the above key words in relation to climate change and the Clean Power Plan, or references to broader energy policy and climate agreements. Records that did not pertain substantively to these areas were eliminated from the study. For example, records that made only a passing reference to the search criteria were not further evaluated because they could not be coded or

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[39] "Spoken Remarks and Addresses" include presidential statements delivered at commencements, inaugurals, legislatures, major to nation, Congress, toasts, and United Nations general assembly.
[40] "Miscellaneous Remarks" includes presidential statements delivered at bill signings, appointments, budget submissions, citations, conferences, deaths, informal, National Prayer Breakfast, nominations, resignations, swearing-in, and town hall/discussion/Q&A.

analyzed for their rhetorical import. Because the study was interested in the rhetorical content and not the instances of occurrence, as is sometimes the focus of content analysis, records that were duplicative in nature also were eliminated from the study. However, duplicative with respect to this study does not simply mean repeating the same theme, rhetorical strategy, or use of the same language in various statements. Indeed, the repetitive use of such statements was an essential element in identifying Obama's overarching rhetorical themes and strategies. Rather, records were eliminated as duplicative when the same speech, such as campaign or fundraising speeches, was repeated successively to multiple audiences. In such cases, one representative record was coded and analyzed. As a result, identifying passing references and duplicative records led to eliminating an additional 937 records, leaving a total of 147 records that were selected for analysis, as shown in Table 5.4. In terms of length, generally speaking, Obama's speeches ranged from 7 to 16 pages, depending on whether they were major policy speeches; remarks ranged from 3 to 10 pages; interviews were 2 to 12 pages; and news conferences were 1 to 9 pages.

Table 5.4   Number and Type of Presidential Statements Analyzed

Presidential Statements	2009	2010	2011	2012	2013	2014	2015	Total
Campaign, Convention, Fundraising, and Elections Speeches	5	1	7	1	3	-	1	18
Correspondent's Association	-	-	-	-	-	-	-	-
Debates	-	-	-	-	-	-	-	-
State of the Union Addresses	-	1	1	1	1	1	1	6
Spoken Remarks and Addresses[41]	3	3	2	1	2	4	2	17
Interviews	1	6	-	-	2	3	3	15
New Conferences	5	-	1	-	-	3	2	11
Miscellaneous Remarks[42]	35	11	6	4	10	7	7	80
All Presidential Statements	49	22	17	7	18	18	16	147

Data Analysis

As discussed above, the study employed a grounded theory approach that began by inductively analyzing the presidential statements in order to identify emergent themes that were "grounded" in the data. However, the approach was not purely inductive, since the emergent themes were then identified in the literature and used to explicate Obama's

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[41] "Spoken Remarks and Addresses" include presidential statements delivered at commencements, inaugurals, legislatures, major to nation, Congress, toasts, and United Nations general assembly.
[42] "Miscellaneous Remarks" includes presidential statements delivered at bill signings, appointments, budget submissions, citations, conferences, deaths, informal, National Prayer Breakfast, nominations, resignations, swearing-in, and town hall/discussion/Q&A.

rhetorical strategies. Also as previously discussed, Kettl's (2000) framework was used to historically situate Obama's combined usage of executive action and rhetoric in the various traditions of governance and views of the bureaucracy. As a result, the emergent concepts were not initially generated from or compared to existing theory. Instead, they were allowed to emerge from the data. These emergent concepts generated codes that were drawn from the presidential statements themselves. The method of analysis relied on an iterative approach (Tracy, 2013), whereby the presidential statements were read through multiple times each. As explained below, the first time through was to become familiar with the topic and delivery of each statement, with subsequent readings leading to two rounds of coding that were documented in a code book (see Appendix A). The code book was developed during the initial read through of the data and was updated and refined as necessary during the coding cycles. In addition to capturing and refining the emergent codes, the code book facilitated making consistent comparisons, scrutinizing the data, generating substantive theoretical findings, and ensuring a proper degree of analytical rigor and explanation (Tracy, 2013; Charmaz, 2014).

In terms of actual coding, the data were coded manually through two rounds of coding.[43] The study relied on manual coding for two primary reasons. First, the data was of a manageable size, which obviated the need to rely on computer aided coding. Second, and more importantly, manual coding facilitated a closer interaction with the data and enabled a deeper and more intimate understanding of Obama's rhetorical choices. It also called attention to any tensions the coding created and uncovered nuances that were

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[43] The author was the sole coder of the data. Being the sole coder provided two primary benefits of facilitating a more intimate connection with the data and ensuring there were no discrepancies in how the data was analyzed and interpreted.

important to the analysis. For example, as discussed in more detail below, Obama's statements revealed a consistent use of strategic ambiguity, morality, and economic rationality that were eventually grouped together as polysemy to capture the way in which he appealed to a broad cross section of society. Computer aided coding may not have revealed how Obama was using these strategies, and the study therefore would have missed an important finding.

The first, or initial, round of manual coding involved interacting closely with the data to define and label what is "going on" or being expressed in the statements, including what is said and left unsaid (Charmaz, 2014, p. 115). For example, shortly after returning from the 2009 United Nations Climate Change Conference in Copenhagen, Obama (December 19, 2009) delivered a message in Washington D.C. in which he stated the following:

> So even though we have a long way to go, there's no question that we've accomplished a great deal over the last few days. And I want America to continue to lead on this journey, because if America leads in developing clean energy, we will lead in growing our economy and putting our people back to work and leaving a stronger and more secure country to our children. That's why I went to Copenhagen yesterday, and that's why I will continue in these efforts in the weeks and months to come.

In this statement, Obama touches on a number of important and recurring themes in his rhetoric, including recognizing the difficult path ahead, American leadership, the economic rationality of developing clean energy, and safeguarding the future for "our children." Early in the coding process, these were interesting ideas that were flagged as leads, or potentially important concepts, to keep in mind during subsequent coding. Initial coding thus was essentially a familiarizing process with the content of the presidential statements and the first step by which descriptive characteristics were attached to the

data, which included identifying, labeling, grouping, and describing phenomena found in the text of the statements (Charmaz, 2006; Tracy, 2013; Cresswell, 2013). Initial coding also formed the basis for identifying patterns and groupings that were an essential part of making sense of the data (Tracy, 2013). In this manner, as ideas such as "American leadership," "economic prosperity through clean energy," and "safeguarding our children" emerged from the data and recurred in subsequent speeches, I began forming color-coded groupings as leads that warranted deeper analysis. As the analysis progressed, the color-coded groupings became more refined and uniquely associated with the focused codes.

The second, or focused, round of coding deepened the analysis by synthesizing and focusing the key analytical direction of initial codes (Charmaz, 2014, pp. 138-140). In other words, during the second round of coding the data were viewed from a theoretical perspective, rather than descriptively, and brought together under "umbrella" categories that connected the codes conceptually (Tracy, 2013, p. 195). In this manner, using the above examples, the grouping of concepts related to American leadership to address climate change became the second-level code, "Leading the Way." Concepts related to economic prosperity and clean energy were grouped under the second-level code of "Clean Energy Utopia," and those concepts related to safeguarding future generations were coded as "Transgenerational Trust." Ultimately, these leads were followed to a review of rhetorical literature dealing with economic rationality (see, e.g., Aune, 2001), morality (see, e.g., Condit, 1987; Lakoff, 2002; Rhodes and Hlavacik, 2015), and strategic ambiguity (see, e.g., Burke, 1969; Eisenberg, 1984; Ivie, 2011). Notably, E.E. Schattschneider (1960) also addressed the benefits of strategically

expanding the scope of conflict in order to increase the level of support for policies that were either losing or struggling for attention. Following these leads, among others, eventually led to identifying polysemy, or attaching different fundamental understandings to a single, unifying message (Ceccarelli, 1998), as one of Obama's key rhetorical strategies for rationalizing his administrative action related to climate policy. The outcome of the second round thus facilitated the connection of the data to theory and opened the way for a richer and deeper understanding of the way key rhetorical elements were rendered in the data.

In addition, during the coding cycles, analytic memos were written to capture observations, insights, and reactions to the data, as well as to identify and explore theoretical connections. These memos served as "reflective forms of analysis…that articulate mental processing of the data that have been collected" (Saldaña and Omasta, 2018, p. 255). In other words, the analytic memos formed the basis for synthesizing the data and established the foundation for building to the findings and outcome of the research (Cresswell, 2013; Saldaña, 2013). As such, they played a complementary and contemporaneous supplement to coding and were instrumental in explicating the underlying themes in the presidential statements, as well as connecting the coding, analysis, and findings portions of the research (Tracy, 2013). The analytic memos therefore formed an integral part of the data analysis process and research outcome by capturing observations, insights, comparisons, and reactions to the data that ultimately led to the theoretical connections of Obama's presidential statements. Figure 5.1 captures the fundamental purpose behind analytic memos, although not all elements are included in each memo.

Analytic Memos
A) Define the code as carefully as possible.
B) Explicate the code's properties.
C) Provide examples of raw data that illustrate the code.
D) Specify conditions under which a code arises, is maintained, or changes.
E) Describes a code's consequences.
F) Show how codes relate to one another.
G) Develop hypotheses about the code.

Figure 5.1   Fundamental Purpose of Analytic Memos (Charmaz, 2006)

To offer an example, Figure 5.2 shows an analytic memo that was drafted after coding Obama's 2010 State of the Union address. In this memo, several first-level codes are highlighted, including the need for a diverse energy portfolio, climate change skepticism, prosperity through domestic clean energy development, safeguarding future generations, and pragmatism. Contextualizing and describing these codes aided in developing what would later become the second-level codes in which they were ultimately grouped. Capturing candid reactions to the data is an important element in coding, and my reactions and impressions of the speech, which are included at the end of the memo, were instrumental in linking the codes to rhetorical theory. For example, I comment in the memo about how Obama was appealing to multiple interests and positioning himself as a voice of reason. The lead generated by this memo eventually resulted in identifying polysemy as one of Obama's key rhetorical strategies. Moreover, Obama's use of polysemy to make what is arguably a populist appeal for climate action

was later used to argue for compelling similarities between Obama's and Wilson's use of

the administrative and rhetorical presidencies.

Analytic Memo Example

**Address Before a Joint Session of the Congress on the State of the Union
January 27, 2010**

Analytic Memo: 7/15/2018

In his 2010 SOTU speech, Obama emphasizes the need for a clean/green energy economy through bipartisan legislation (Waxman-Markey Bill), acknowledging passage of the bill in the House and looking forward to a similar bill in the senate. Notably, Obama also advances an all of the above energy strategy by mentioning "safe, clean nuclear power plants," "making tough decisions about opening new offshore areas for oil" (I see this as a tone of compromise to the oil industry for support of the W-M bill), biofuels, and clean coal technologies (primarily CCS).

Obama also broaches the topic of various views on the science of climate change by stating, "I know that there are those who disagree with the overwhelming scientific evidence on climate change." However, he says it in more of a passing way in order to make the point that science is almost beside the point because building a clean energy economy is the "right thing to do for our future" regardless, because of the domestic and global benefits of a "clean energy economy." He also notes that (because of Copenhagen) the U.S. has "gone from a bystander to a leader in the fight against climate change." However, this is significantly separated from the clean energy portion of the speech.

Finally, Obama talks about the messiness of democracy at the end of the speech stating, "Democracy in a nation of 300 million people can be noisy and messy and complicated. And when you try to do big things and make big changes, it stirs passions and controversy. That's just how it is." He also mentions the children and grandchildren in the context of keeping the American drive alive for them.

As I read this SOTU address, I'm struck by the fact that Obama is treading carefully on the subject of climate change and making climate action more about the economy and a green energy revolution that will allow the US to compete for what he sees as the inevitable expansion of renewables. His argument is that America must step up in order to compete and take advantage of what is an emerging market with opportunities to grow the economy, increase jobs, address national security and have the side benefit of saving the planet for our children. Who could argue with that? It's clear that Obama is attempting to appeal to moderate Republicans who could provide the votes needed in the Senate without stirring the ideological pot. He is the "voice of reason" in this speech. Notably, there's a little in the speech for everyone, including coal interests because of the mention of CCS.

Obama clearly steers clear of flexing his executive muscle by pointing to the "messy and complicated" process of democracy. He also disavows "going it alone," stating that he "never suggested that I could do it alone" and that change would not be easy. This appears to be a president at this time focused on legislative solutions and doing his best to encourage Congress to pass the W-M bill because it's the "right thing to do" for a whole bunch of reasons. This is a clear step back from the AP and signaling his intention to support legislation on the matter.

Emerging codes are "right thing to do" and "pragmatism." Obama also is attempting to come across as the "voice of reason" that he was at Copenhagen. There is really nothing controversial or provocative in the speech, just a president laying out his legislative priorities and attempting to seek some common ground.

I keep thinking about Obama's eventual pivot to the AP and wondering what will emerge as his rationalization of that pivot. It seems that much of the foundation is being laid here.

- Taking climate action is the right thing to do for the economy, America's future economic growth and jobs, competing with other nations and winning, lots of energy alternatives…just not coal without CCS.
- Those who argue with such an approach are unreasonable, anti-progress, backward thinking Luddites who support technology that is passing them by from an economic and environmental standpoint.
- Transitioning to a clean energy economy is what makes sense for America and the future of our children.

Figure 5.2   Analytic Memo: Address Before a Joint Session of the Congress on the State of the Union (Obama, January 2010)

At various points in the coding process, meta-memos were written to integrate the analytic memos into a composite picture of the emerging concepts (Saldaña and Omasta, 2018). These meta-memos were used to synthesize the empirical data gathered in the analytic memos (Saldaña and Omasta, 2018) and bridge the analysis to the larger theoretical connections through an iterative process that informed the understanding and interpretation of the codes. They essentially facilitated bringing the various pieces of the empirical puzzle into clearer theoretical focus through a "deliberate weaving" (Saldaña and Omasta, 2018, p. 256) of topics, relationship of concepts, and connection of underlying themes. The meta-memos were instrumental in connecting the findings to

existing theory by exploring the relationship between Obama's administrative actions and rhetoric and the typology of presidential views on governance and the bureaucracy derived from Ketttl's (2000) framework. This approach of connecting the research to existing theory and allowing it to inform the interpretation of the data is consistent with Charmaz's (2006) observation that researchers rarely approach research as a "blank slate." On the contrary, researchers bring their knowledge and prior experience with the subject matter to their research. Recognizing existing frameworks and incorporating them into the research therefore allows for emergent findings to be juxtaposed against pre-existing views to test how such views compare with the newly derived information. Sensitizing concepts to facilitate weaving the theoretical connection together were developed using Kettl's framework, as described in Figure 5.1, and the data were also analyzed from an etic, or externally derived, understanding to assess how Obama's presidential statements related to the typology.

Limitations to the Study Approach

All forms of social inquiry require the researcher to make choices regarding methodology and data. Such choices are driven by numerous constraints, including, among other things, time, cost, availability and quality of data, suitability of data for a given methodological choice, the skill of the researcher, and the research question being asked. Accordingly, all research is subject to certain limitations, this dissertation being no exception. One of the strengths of this research approach (i.e., its hybrid nature) is also a limitation. Because the research design incorporates both grounded theory and rhetorical analysis, it does not fit precisely within the margins of either.

For example, grounded theory as applied in this dissertation addresses the what and how of President Obama's rhetorical construction of the EPA but stops short of general theorizing about presidential rhetoric that "transcend[s] situated action" (Charmaz, 2014, p. 228). In other words, although the findings of the analysis explicate Obama's rhetorical and administrative actions, additional analysis is needed to begin making generalizations about non-situational presidential rationalizations of executive action. However, focusing on the what and how of the research is common in grounded theory studies and provides a beginning for future analyses that may lead toward developing a generalizable and predictive theory (Charmaz, 2014). In addition, the research incorporates rhetorical analysis, as discussed above, as a system of investigation rather than as a specific methodology. The analysis thus explicates Obama's reasoning, arguments, and evidence for how he rhetorically constructed the role of the EPA. However, the analysis does not seek to derive answers about reception, such as how audiences may have been impacted, that typically would be part of a rhetorical analysis approach.

Disciplinarians in both rhetoric and qualitative social science are likely to be surprised by the hybrid approach used in this dissertation. Since rhetoricians typically use more interpretive methods in their research, they may be surprised by using a coding approach to analyze speeches. Qualitative social scientists, on the other hand, may be surprised by the way the analysis applies codes to existing source material (existing speeches in this case), rather than to interview data, for example. There is a risk then that neither group will be fully satisfied with the research. In addition, it would have been interesting to compare President Obama's rhetoric with that of his predecessor, George

W. Bush, or even with President Trump, which was considered early on. Given the way Trump has used executive authority to specifically counter Obama's own use of executive authority, such a comparison would have been rich in data and captured a dynamic that appears likely to only increase over time. However, comparing one president to another using the methods in this dissertation would have greatly expanded the data analyzed and time involved. Trump's rhetoric also posed a problem because its often chaotic and unconventional nature makes comparisons to other presidents more challenging. Nevertheless, these types of comparisons would be fertile ground for future study.

In the end, the methodological choices in this dissertation function well together and facilitate answering the research question. Importantly, Obama did not simply act administratively to implement climate policy. If he had, the analysis would likely take on a different form, whereby climate policy could be examined in context with other administrative actions that would lend itself to a different methodology. Nor did Obama only act rhetorically, which would make his rhetoric well suited for a full methodological application of rhetorical analysis. Instead, Obama used both the administrative and rhetorical presidencies to address the wicked problem of climate change, and it is this interaction in which this dissertation is interested. Using grounded theory allows for the explication and emergence of Obama's rhetorical construction of the role of the EPA and provides important connections to how he used the administrative presidency to implement climate policy. Adding rhetorical analysis as a system of investigation functions to reveal how Obama's rhetoric was used as a constitutive force in making his policy aspirations an administrative reality. As a result, the hybrid approach set forth

above provides a way to better understand and contextualize Obama's rhetorical

presidency as a complementary, if not co-productive, tool of his administrative

presidency.

Conclusion

As discussed in the next chapter, a number of intriguing codes emerged from this

process, which were then synthesized within two broad streams of rhetorical theory:

strategic ambiguity and locus of the irreparable. The data reveal Obama's evolving and

fluid use of rhetorical approaches to defend international and domestic action on climate

change, promote the Waxman-Markey Bill, and rationalize his use of executive action

when the bill was derailed in the Senate during the summer of 2010. Notably, Obama's

rhetoric took a dramatic turn away from a collaborative and, at times, conciliatory tone of

unification around a common cause, which characterized his pre-Waxman-Markey

addresses, to one of urgency and increasing stridency as he signaled his "going-it-alone"

approach to policymaking.[44] Obama's rhetoric not only coincided with his shifting

strategic emphasis—first deliberative, then unilateral—but publicly made the case for

how and why he employed each strategy. As will be argued, such an approach places

Obama within the Wilsonian tradition of governance, which includes both Wilson's

views on the relationship between politics and administration and his championing of the

Progressive Era's goal of expanding political, social, and economic opportunities to a

more diverse representation of American citizens by bridging "the gap between the

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[44] Other scholars have made similar observations about Obama's earlier speeches, which they connected to the themes of community centered on American exceptionalism and the American dream. See, for example, Ceaser (2012); Gilmore, Sheets, and Rowling (2016); Riehl (2008); and Atwater (2007).

promise of American ideals and the performance of American political institutions"

(Ruiz, 1989, p. 159).

CHAPTER 6: ANALYSIS AND FINDINGS

This study began by asking how President Obama rhetorically constructed the

role of the EPA, effectively weaponizing[45] it to implement federal climate change

regulations that failed to advance in Congress. A key basis for the research question was

to better understand how presidents rationalize their use of the administrative presidency

in order to gain new insights about how the use of a weaponized bureaucracy might affect

democratic principles, in particular the ability of Congress to deliberate and arrive at

representative solutions. In order to answer the question, as discussed in Chapter 5, the

study used a modified grounded theory approach to analyze Obama's presidential

statements. The presidential statements included speeches, addresses, remarks,

interviews, news conferences, and debates, which specifically referenced greenhouse

gases, climate change, clean energy, or the Clean Power Plan, as well as related topics

such as energy policy and climate agreements, when relevant, from 2009 through 2015.

This time period was chosen because it captures Obama's efforts to implement measures

to address climate change during his two terms in office. Specifically, the time period

includes the lead up to the passage of the Waxman-Markey bill in the House in 2009, the

bill's subsequent failure to move in the Senate in 2010, and Obama's eventual pivot away

from legislation and toward administrative action through the Environmental Protection

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[45] As noted in Chapter 1, the term "weaponized," including its cognates, is intended to be politically neutral, as would "tool" or other similarly descriptive term. "Weaponized" is a particularly apt description considering a similar use of the EPA by President Trump to address the same policy issue but in the opposite direction.

Agency (EPA), which issued a draft version of its Clean Power Plan rule in 2014 and a final rule in 2015.

Throughout this legislative and administrative saga, Obama employed multiple forms of rhetoric to promote his energy and climate policies, which is indicative of Obama's impressive and diverse command of rhetoric throughout his presidency. Given the seven-year time period, 147 speeches analyzed, and the breadth of Obama's rhetorical repertoire, it is unsurprising that multiple rhetorical approaches would emerge from the data. But the findings below identify two rhetorical approaches that predominate, and which also map onto Obama's administrative efforts: the use of "polysemy" and reference to the "locus of the irreparable." As Obama moves from polysemic rhetoric to a focus on the irreparable aspects of climate change—and the need for urgent action—so too do we see the focus shift from legislative action to administrative action. The case of climate policy under Obama, therefore, offers an ideal example of how the rhetorical and administrative presidencies co-produce one another.

As will be discussed in more detail below, when climate legislation was still a possibility early in his first term, Obama made extensive use of polysemy in order to garner as much support as possible for legislative action. In fact, Obama was careful to avoid making climate change a wedge issue in his speeches prior to 2011. Instead, Obama focused on common ground, reconciling reducing carbon emissions with growing a clean energy economy, and existing areas of agreement to build as broad of a consensus as possible on the benefits of an economy-wide transformation to clean energy. Then, in 2011, when the possibility of legislation began to fade, Obama began using "locus of the irreparable" to urge congressional action and raise support for measures to address

climate change among the populace. As Obama entered his second term in 2013, and a deeply divided, polarized Congress effectively erased the possibility of legislation, Obama's references to the "locus of the irreparable" began to dominate his speeches as he made the case to the American public for executive action on climate change measures. During this period, Obama de-emphasized the benefits of transitioning to a clean energy economy as the basis for action, although such a transformation remained a pillar in his overall policy platform. Instead, Obama began emphasizing catastrophic climate change as a clear and present danger to current and future generations that required urgent action, while there was still time to make a difference. The urgency and severity of the threat then became the basis for his administrative action.

What eventually emerged from the analysis of the data was Obama's full rationalization for using the EPA to implement climate policy. Continuing his rhetorical strategy of locus of the irreparable, Obama first argued that climate change is a clear, present, and scientifically verified danger for which time is running out to prevent its most harmful impacts. Obama next argued that American leadership is a necessary precondition for international cooperation and action, without which the isolated actions of any nation would be insufficient. Therefore, because Republican opposition was preventing congress from acting, Obama had to act administratively to avoid condemning future generations to the catastrophic effects of irreversible climate damage. As such, Obama rhetorically constructed EPA as a weapon[46] of last resort, but one that Obama

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[46] Later in this chapter, President Obama is quoted using the phrase "assault against climate change" to describe what the Clean Power Plan, among other United States climate initiatives, means for international climate actions. Given Obama's use of the phrase, the term "weapon" fits well within the framing of an act of last resort to repel an imminent threat. Having said that, there are limitations to the metaphor, especially in that it can take on a deeply partisan tone. For example, "war on coal" and "war on

would freely and fully wield to implement policy he believed would further national—

and intergenerational—interests. Importantly, these arguments were made to a greater or

lesser extent in virtually every speech in this study. Perhaps most significantly, they are

animated by Obama's view of the American Dream—that is, an America that is

motivated by decency, communal responsibility, and perseverance, so that everyone has

an opportunity to realize their own American Dream (Atwater, 2007). Ultimately,

Obama's full rationalization of his administrative action reveals his Progressive Era

ideals and connects him to Wilsonian views of governance.

With the foregoing as a preface, the plan for this chapter begins with an overview

of polysemy in rhetorical theory and then progresses to an analysis of Obama's use of

polysemy (principally through strategic ambiguity) in promoting his climate policies. As

previously noted, this portion of the findings primarily covers the years from 2009 to

2011. The analysis and findings then move to an overview of Obama's uses of the "locus

of the irreparable," demonstrating how Obama employs the irreparable to rationalize

bypassing Congress and "going it alone" through executive action. Throughout the

analysis, the emergent codes are contextualized alongside specific quotations that capture

the sense in which they are used and discussed in relation to how they connect to

rhetorical theory. The connection to theory is important for understanding how Obama

inhabits the rhetorical presidency, using it to animate and rationalize his use of the

administrative presidency. In the end, the analysis forms a picture of how President

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the middle class" have both been used in partisan ways that may help rhetorically create a we-they siege
mentality that may inhibit effective dialogue about important policy questions. Such is not the intent in
this dissertation, but the metaphor does highlight the powerful role rhetoric can play in framing policy
problems for partisan ends.

Obama rhetorically constructs the role of the EPA, effectively weaponizing it to implement federal climate change regulations. The picture that emerges is a fusion of the administrative and rhetorical presidencies that places Obama squarely within a Wilsonian view of governance. It also places Obama among all of his predecessors who have used the bureaucracy to expand executive reach when their policies fail to move through a more deliberative legislative process. As discussed in the final chapter, such actions lead to a type of "executive centered partisanship" (Milkis and Jacobs, 2017, p. 585) that aggrandizes the presidency and marginalizes Congress, which has implications for how wicked and ordinary problems alike are addressed.

The Rhetorical Use of Polysemy

As with many of his speeches during the early years of his administration, Obama engages in a variety of rhetorical strategies, varying them as audiences and political exigencies shift (Ivie, 2011). These strategies help Obama navigate an energy and climate minefield as he finesses arguments about clean energy and climate change. And his calculated approach allows him to craft a more unifying message to avoid alienating his opposition. Obama's more circumscribed arguments at this time are intended to channel attention away from divisive and polarized positions. Instead, he aims to shape perceptions about energy policy through a careful framing of policy choices. To generate the broadest appeal possible, Obama uses polysemy, and especially strategic ambiguity, to create a message that resonates with disparate audiences holding vastly divergent political views. Polysemy is the concept of attaching different fundamental understandings to a single, unifying message (Ceccarelli, 1998; Condit, 1989). Thus, a message that is strategically ambiguous appeals to multiple understandings originating

from diverse points of view—dramatically so in the case of climate change—without having to resolve, or even address, the inherent differences among them. In other words, a polysemic message has a little something for everyone and does not require the various interests to give up firmly held beliefs.

Obama's use of polysemy demonstrates a sensitivity to how deeply America is divided on the wicked problem of climate change. It also demonstrates a politically astute realization that if that polarized divide is to be overcome, disparate American interests would have to become united under a common cause. Not surprisingly then, much of Obama's rhetoric prior to the Waxman Markey bill's failure in Congress focuses on articulating a vision for America intended to unite the various interests under a common understanding of American ideals, as explained below, and economic prosperity. Notably, Obama does not sidestep the deeply polarizing issue of climate change in America. Instead, he frequently recognizes the various differences and firmly held values in a non-polarizing way. He then attempts to create a common ground around a no-regrets policy aimed at building a "clean energy economy," as he recalls times in the past when America faced adversity and rose to the challenge. For Obama, this is the quintessential American spirit that will allow the nation to address its energy and climate challenges, while ensuring equal opportunity for all its citizens. In many ways, then, Obama's rhetoric is as much about America itself as it is about energy and climate policy.

As described in the following sections, Obama's polysemic rhetoric in this regard generally falls under the three broad themes of "United We Stand," "Clean Energy Utopia," and "Social Solidarity" (see Table 6.1). The "United We Stand" theme expresses Obama's efforts to set aside political and ideological differences to focus on

solutions. The theme carries a strong undercurrent of economic rationality and realism, which frames measures addressing climate change as pragmatic solutions that benefit the economy and overall social welfare. Obama also uses the "United We Stand" theme to argue that the similarities that bind Americans are greater than the differences that divide.

Table 6.1   Codes Related to Polysemy

Code	Description
United We Stand	Ideological and political differences are set aside to focus on issues that matter to all Americans, such as energy and climate change. Effectively addressing the challenges America faces will lead to both economic and social benefits.
Clean Energy Utopia	This is an economic argument as much as a utopian vision. A clean energy transformation will be the engine that powers America into economic dominance and solves the climate problem. It is a path that heals the economy and the planet.
Social Solidarity	Conveys Obama's version of the American Dream. It is a vision for America that is communitarian. An America that is characterized by decency, responsibility, and concern for the "least of these." It is an America that strives for prosperity for all.

The next theme, "Clean Energy Utopia," is a manifestation of the economic and social benefits derived from uniting the various interests around a clean energy economy. As such, a "Clean Energy Utopia" is as much of an economic argument as it is a utopian vision. In other words, a transformation to a clean energy economy will be the engine that powers America into economic dominance and also solves the climate problem. In short, it heals the economy and the planet. Last, the "Social Solidarity" theme conveys Obama's version of the American Dream, as discussed above. It is a vision for an America that is communitarian in its focus and seeks to lift up all citizens in a way that elevates the

whole community, including future generations. Social solidarity thus becomes a larger statement about what America means as an idea and what it can mean when its citizens unite under a common cause. Importantly, these are not discrete themes, but instead overlap and interact. As such, they form the core of Obama's polysemic messages and ultimately help build toward a national realization of Obama's version of the American Dream.

United We Stand

In the years leading up to the Waxman-Markey legislative failure, Obama's strategic ambiguity can be seen in his appeals to both those advocating swift and significant action against climate change as well as those concerned with the harmful economic impacts of abandoning fossil fuels. For example, in remarks to a manufacturing plant in Newton, Iowa, Obama (March 31, 2010) reasons that "the answer [to America's energy policy] is not drilling everywhere all the time" nor is the answer "to ignore the fact that we are going to need vital energy sources to maintain our economic growth and our security." Rather than playing one interest off the other, Obama's message here is one that creates a pathway for both sides to unite under a clean energy economy. Taking a broader view, Obama (January 27, 2010) argues for a deeper level of unification during his 2010 State of the Union Address by proclaiming that the values of the American people "aren't Republican values or Democratic values…, business values or labor values, they're American values." In other words, American differences are superficial differences, and the values we all hold are what unites us to achieve great things. The appeal to these disparate interests is then often paired with a claim emphasizing a shared national identity articulated through American exceptionalism. Although the concept of

American exceptionalism is debated (Ceaser, 2012), Obama's appeal is to America being in the unique position to both address and take advantage of the climate change problem.[47] In other words, America's history, prosperity, ingenuity, and ideals combine to make it uniquely well suited among all other nations to solve the climate problem.

Calling on America to fulfill this mission conjures images of past American feats and provides a rallying cry to unify its citizens. For example, during the same State of the Union Address, Obama (January 27, 2010) declares, "Even if you doubt the evidence, providing incentives for energy efficiency and clean energy are the right thing to do for our future, because the nation that leads the clean energy economy will be the nation that leads the global economy. And America must be that nation." Here, Obama is recognizing both those who are skeptical of climate change occurring, and to those who believe it is a threat (polysemy), and then uniting them around common interests to motivate the United States to be a global leader in this regard. Obama's message is a unifying appeal to the nation that paints a vision where America sets aside its differences, answers the call of a global crisis, and at the same time ushers in an era of economic prosperity. In other words, a united America is one that is capable of leading a global effort to solve the climate problem and reap the benefits of doing so.

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[47] Although President Obama arguably did not endorse a view of American exceptionalism as uniquely privileged to lead the world (Ceaser, 2012), he at least adopted exceptionalist language as he made his appeal for America to embrace a clean energy future and thereby fulfill its destiny of both saving the planet and reaping the economic benefits of leading the effort. For example, during a press conference Strasbourg, France, Obama was asked if he adhered "to the school of American exceptionalism that sees America as uniquely qualified to lead the world." (as quoted in Ceaser, 2012, p. 2). Obama responded by stating, "I believe in American exceptionalism, just as I suspect that the Brits believe in British exceptionalism and the Greeks believe in Greek exceptionalism" (as quoted in Ceaser, 2012, p. 2). As Ceaser (2012) observes, "His words were a far cry from a 'Lincolnian' rhetoric depicting America as 'the last best hope of man on earth'" (p. 3).

Obama (April 22, 2009) makes a similar appeal for American initiative at a manufacturing plant in Newton, Iowa but explicitly calls out the "American spirit" that drives its exceptionalism by declaring, "America must be that nation. And while we seek new forms of fuel to power our homes and cars and businesses, we will rely on the same ingenuity, the same American spirit, that has always been a part of our American story." Here, Obama recalls the American ingenuity and spirit that have driven innovation in the past. The call to unite in this passage is implicit but the "American spirit" and "American story" act as a rallying cry around pivotal historical events where America collectively rose to and overcame the challenges facing it.

Notably, in these examples and throughout many of his speeches, Obama embraces head-on the challenge of reconciling the need for carbon emission reductions to address climate change with America's need for fossil fuels to support economic growth. Also worth mentioning during this time are the oil price shocks of 2007-2008, geopolitical crises, and the economic upheaval from which American was still reeling (Hamilton, 2011). These events underscore an unsettled period characterized by elusive unity, in particular where climate and energy are concerned. With all the significant challenges facing America, Obama crafts a message on oil drilling and climate mitigation to appeal to the diverse interests and seemingly conflicting needs of the nation. In doing so, at a speech delivered at Andrews Air force Base, Obama (March 31, 2010) makes use of polysemy to unite the various conflicting interests and to demonstrate how they could be reconciled, reasoning:

> Now, there will be those who strongly disagree with [the decision to expand oil drilling], including those who say we should not open any new areas to drilling. But what I want to emphasize is that this announcement is part of a broader strategy that will move us from an economy that runs on fossil fuels and foreign

oil to one that relies more on homegrown fuels and clean energy. And the only way this transition will succeed is if it strengthens our economy in the short term and the long run. To fail to recognize this reality would be a mistake….

In this passage, Obama addresses those who desire a greater restriction on oil drilling and fossil fuels. As he frequently does during this period, Obama addresses the issue in a non-polarizing way by simply acknowledging "those who strongly disagree" with his policy direction. However, he attempts to assure them that the policy is "part of a broader strategy" to transform the economy away from fossil intensive resources in a way that "strengthens our economy" over both the short and long term.

Similarly, Obama (March 31, 2010) goes on to address the flip side of the argument by observing, "Now, on the other side, there are going to be some who argue that we don't go nearly far enough, who suggest we should open all our waters to energy exploration without any restriction…." Again, Obama's comments are non-polarizing and instead focus on the policy argument of some "on the other side." He goes on to answer the argument by pointing out that America "has less than 2 percent of the world's oil reserves" and consumes "more than 20 percent of the world's oil….And for the sake of our planet and our energy independence, we need to begin the transition to cleaner fuels now." Rather than marginalizing the position of unrestricted energy exploration, Obama reasons through America's economically disruptive dependence on oil, both foreign and domestic, and points toward a potentially unifying solution. Obama thus offers an even-handed assessment of policies that are too narrowly focused on either side of the debate and "fail to recognize the reality" of energy needs or ignore conditions that must be addressed "for the sake of our planet and our energy independence."

By answering both arguments and highlighting a broader energy strategy that attempts to accommodate both sides of the debate—environmental protection and energy development—Obama also positions himself as a voice of reason. In that role and in an effort to unite the disparate interests, Obama (March 31, 2010) concludes, "So moving towards clean energy is about our security. It's also about our economy. And it's about the future of our planet." Consistent with his use of polysemy, Obama offers something for everyone and highlights concerns that resonate with the various interests of all Americans. He also offers a solution in clean energy that he uses as a bridge to unite them.

For good measure, and if all else fails, Obama (January 27, 2010) frequently adds a universal appeal that Americans need to act on behalf of their children and grandchildren to provide them with a safe and secure future. Such statements about future generations were coded as "Transgenerational Trust" and capture the sentiment of this generation's responsibility to act in ways that preserve, protect, and promote opportunities for future generations. As will be discussed, Obama also uses "Transgenerational Trust" in his locus of the irreparable rhetoric to underscore the urgency of acting in order to avoid condemning future generations to not only a future full of "unnatural" climate disaster but to one that is completely beyond our capacity to repair (Obama, August 31, 2015). However, as "Transgenerational Trust" is used in polysemy, Obama calls on all Americans to act on behalf of the children in a way that preserves their future opportunity and prosperity. The following excerpt from his 2010 Andrews Airforce speech is an ideal example of how Obama (March 31, 2101) combines trust with his vision of a clean energy future for America:

> And I'm confident that we can be and will be the benefactors of a brighter future for our children and grandchildren. That can be our legacy, a legacy of vehicles powered by clean renewable energy traveling past newly opened factories, of industries employing millions of Americans in the work of protecting our planet, of an economy exporting the energy of the future instead of importing the energy of the past, of a nation once again leading the world to meet the challenges of our time.

In addition to "Transgenerational Trust," this passage captures a vision for America that becomes a recurring theme of responsibility, community, hope, perseverance, and prosperity in many of Obama's speeches on energy and climate policy. An important theme in the passage, one that will be revisited in the following section, is a vision for America that takes on a utopian quality and in essence becomes a manifestation of Obama's version of the American Dream. As discussed above, that dream is one where America is motivated by decency, communal responsibility, and perseverance in a way that proactively provides an equal opportunity for everyone to realize his or her own American Dream.

At this early juncture of Obama's rhetoric it is important to understand that in these statements, Obama was attempting to shape the attitude of American citizens in anticipation of the policy actions that were soon to follow. As Ivie (2011) observes, "[a]ttitude was embryonic action," and Obama rhetorically shapes that attitude in order to gain support for his energy and climate policies (p. 732). As he shapes attitudes, Obama also recognizes that transforming America's energy policy will be a long-term and difficult task. With that in mind, his motif of a clean energy revolution is tempered with a dose of realism as he observes, "Americans also understand that the problems we face didn't happen overnight, and so we're not going to solve them all overnight either" (Obama, October 24, 2011). Thus, Obama engages in a running discussion with America

about its future and how a clean energy revolution plays a critical role in whether that future is ultimately prosperous. As Obama goes on to argue, that future comes down to a simple question not of the need to act but whether America has the will to act (Obama, October 24, 2011). And as Obama's speeches make clear, a rhetoric of polysemy that projects a vision of prosperity made possible by American ideals is a key element in shaping America's will to act. Themes that were coded as "Clean Energy Utopia" and "Social Solidarity" pull together the key elements of Obama's vision and offer helpful insights into how he made use of polysemy in his attempt to turn a virtuous American attitude into a clean energy revolution.

A Clean Energy Utopia

An important element of Obama's rhetoric was pointing the way to what America could become by moving beyond the more acrimonious nature of its past policy disputes. For Obama (December 19, 2009) that means creating a destination that ultimately leads to American prosperity through a "clean energy transformation," where all sides win and the planet heals. These ideas are recurring themes throughout Obama's first term and indicate a strategic use of utopian rhetoric that can be thought of as a "clean energy utopia." The concept of a clean energy utopia captures Obama's environmental, economic, moral, nationalistic, and ultimately pragmatic argument for leading a clean energy revolution. As the first, critical step in that revolution, Obama envisions a change in political tone. As shown in the following remarks at a fundraiser for the Democratic Senatorial and Congressional Campaign Committees, Obama (June 18, 2009) seeks to move the discussion forward by underscoring the challenges facing the nation and calling for political unity:

> We're living through extraordinary times. We didn't ask for the challenges that we face, but we are determined to answer the call to meet them. We're going to cast aside the old arguments and overcome the stubborn divisions and move forward as one people and one nation.

In this statement, Obama conveys what can be thought of as a "political truce," which envisions the way Democrats and Republicans would come together to adopt climate and energy legislation. As Obama argues, the "extraordinary times" of the moment require an extraordinary level of unity and cooperation. In terms of climate policy, such an approach means sidestepping as much as possible the wicked nature of climate change and framing clean energy policies as economic growth and prosperity policies.

To that end, consistent with his circumscribed approach to strategic ambiguity, Obama carefully avoids framing climate change as a wedge issue in his early speeches and, in some respects, even treats it as an afterthought, as if it were a minor actor in the "clean energy revolution." For example, in his familiar, easy and controlled manner (Gunn, 2010), Obama (December 19, 2009) observes, "...oh, and by the way, [being the leader in clean energy] also solves the climate problem." Obama's casual "oh by the way" reference here reveals a sensitivity to the deep ideological divide of climate change views in the U.S. and an understanding that focusing on the divide makes agreement more difficult (see, e.g., Markowitz et al., 2014). As such, Obama attempts to focus attention on what Americans have in common in order to obviate the need to resolve what Americans do not. Thus, prior to the Waxman-Markey Bill failing in the Senate, Obama argues that actions to address climate change are not simply ideological or climate catastrophism; they are instead pragmatic (Obama, December 19, 2009). They are a path to broader economic prosperity and security that has universal appeal and also "solves the climate problem" (Obama, December 19, 2009). In other words, such actions

are "smart" for America's future regardless of what anyone thinks about climate change and help solidify the argument that a "clean energy economy" will satisfy economic, environmental, social, and intergenerational obligations. Obama therefore uses the idea of a clean energy utopia to bring together both the pragmatic and economic elements of a clean energy transformation with the progressive elements of societal transformation. Of course, by elevating expectations through utopian rhetoric, Obama runs the risk of pleasing no one by trying to please everyone. So it is noteworthy, as discussed later, that Obama's use of utopian rhetoric fades as he justifies his eventual administrative pivot with more urgent and apocalyptic rhetoric.

Also worthy of note is that during this early period of his presidency Obama's rhetoric reveals an even higher, international aim to his strategic ambiguity. For example, Obama's campaign motif of "hope and change" is present in his speech addressing the outcome of the Copenhagen Climate Summit (Obama, December 19, 2009). By almost all accounts the summit was a dismal failure because of its lack of substantive agreement (see, e.g., BBC, 2009). However, Obama characterizes the outcome in more hopeful terms by noting that it was the "first time in history that all of the . . . world's major economies have come together to accept their responsibility to take action to confront the threat of climate change." Referencing "extremely difficult and complex negotiations," Obama concludes that the summit would lay the "foundation for international action in the years to come." In these statements, Obama articulates a collective action ethos, a theme he frequently revisits, to link U.S. action on climate change with broader international action. In addition to reflecting an important ethos, collective action represents an important reality, since the efforts of any individual nation would have no

appreciable impact on global greenhouse gas emissions or resulting global temperatures (Pachauri et al., 2014).

In the same speech, despite the commitment to international cooperation, Obama (December 19, 2009) also echoes previous speeches and shifts to a message of opportunity for America where developing a "clean energy economy" and leading the clean energy revolution would potentially "create millions of new jobs [and] power new industries." Obama (February 2010) further reasons that "whoever builds a clean energy economy, whoever is at the forefront of that, is going to own the twenty-first century global economy." The binary nature of collective international action and American economic dominance creates an arguably tenuous balance but continues the rhetoric of polysemy through strategic ambiguity where domestic and international collaboration and fierce economic competitiveness coexist in the clean energy revolution. Given the thin political margins in Congress, it is understandable that Obama would cast his political net broadly enough to attract as many supporters from as many interests as possible. However, as noted above, by arguing that every interest is represented in the "great hall"[48] of a clean energy economy, Obama's rhetoric flirts with incoherence and runs the risk of being received indifferently. As discussed later, Obama is eventually forced to modify his message in an attempt to create a greater sense of urgency in acting on his climate policies. He continues with themes of unity and economic benefits at that time, but his message sounds a stern warning that such benefits may forever be elusive without swift and decisive action.

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[48] "Great hall" is a reference to C.S. Lewis's discussion in *Mere Christianity* that all denominations are like separate doors leading from a single "great hall" of Christianity.

Domestically, while climate legislation remained a distinct possibility, Obama's

utopian vision of cooperation, collective action, owning the economic future, and healing

the planet became the cornerstone of his message to Congress and the American public.

Obama's message becomes one of "utopian realism" as he attempts to appeal to as broad

of an energy cross-section as possible. One way to think about his message is how he

addresses the major frameworks that shape public perceptions about energy and climate

(Nisbet, 2014). Obama's message of utopian realism is essentially one of smart, carefully

planned growth that is facilitated by technological innovation and market principles. Such

a strategy may be attractive to the political middle, which is clearly his aim, but likely

fails to appease "ecological activists" (Nisbet, 2014) on the left, while alarming skeptics

on the right. Even so, Obama (February 4, 2009) sets the tone for such themes in his first

joint address to Congress, which he carries forward into 2010, when he requests climate

legislation that would also reshuffle the United States energy portfolio:

> But to truly transform our economy, to protect our security, and save our planet
> from the ravages of climate change, we need to ultimately make clean, renewable
> energy the profitable kind of energy. So I ask this Congress to send me legislation
> that places a market-based cap on carbon pollution and drives the production of
> more renewable energy in America. That's what we need.[49]

In this passage, Obama addresses the heart of his polysemic message by offering a plan

"to transform our economy, to protect our security, and save our planet from the ravages

of climate change." He also is clearly focused on legislative action and specifically

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[49] Obama makes similar arguments in 2010 to build momentum for a tough Senate battle after the House
passed the Waxman-Markey bill in 2009. See, e.g., Obama (January 27, 2010). The same themes are also
carried over into a number of Obama's late first-term and second-term speeches. See also, e.g., Obama
(September 21, 2011; April 3, 2013; June 19, 2013; December 12, 2015).

requests that Congress send him "legislation that places a market-based cap on carbon pollution and drives the production of more renewable energy in America." Thus, in this short passage, Obama reaches out to market-oriented and ecologically minded interests a like.

With Democratic majorities in both the House and Senate, the 111th Congress provided the best opportunity up to that point for passing climate legislation. But without a strong majority in the Senate and a distinct possibility that not all Democrats would vote for climate legislation, Obama needed to strike the right chord that would deliver the necessary votes, especially from coal-state democrats. For Obama at this time, that meant expanding the scope of his message. And in a similar 2010 address to a joint session of Congress, Obama (January 27, 2010) adds to his clean energy utopia by offering a "big tent" energy strategy:

> But to create more of these clean energy jobs, we need more production, more efficiency, more incentives. And that means building a new generation of safe, clean nuclear power plants in this country. It means making tough decisions about opening new offshore areas for oil and gas development. It means continued investment in advanced biofuels and clean coal technologies. And yes, it means passing a comprehensive energy and climate bill with incentives that will finally make clean energy the profitable kind of energy in America…. [And even] if you doubt the evidence, providing incentives for energy efficiency and clean energy are the right thing to do for our future, because the nation that leads the clean energy economy will be the nation that leads the global economy. And America must be that nation.[50]

This excerpt encapsulates much of the full breadth of Obama's pitch to gain the needed votes in the Senate to pass the climate bill. And along with his utopian vision, Obama offers a big tent energy policy that includes "clean nuclear power," "opening new

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[50] See also Obama (October 27, 2009; January 29, 2010; January 25, 2011).

offshore areas for [drilling]," and "advanced biofuels and clean coal technologies." Such policies clearly are intended as concessions to energy interests that hold key votes in the Senate, and they represent an important cornerstone in his economically rational and realist argument. Also worth noting is that each of these energy resources was aimed at key *Democratic* swing votes from states that had either strong interests in the resource (e.g., coal in Virginia and Pennsylvania, biofuels in Illinois and Iowa, nuclear in Virginia and Florida, and oil in Alaska and Louisiana) or a strong interest in the politics (i.e., electoral swing states), or both.

Ultimately, the Waxman-Markey bill never made it to the Senate floor for a vote, but Obama's rhetoric invited a polysemous understanding of clean energy and a big tent concept of a clean energy utopia. Later in the same speech, Obama adds an important and recurring touch of strategic ambiguity through American Dream rhetoric by appealing to America's patriotic impulse "to form a more perfect Union" (U.S. Constitution, pmbl.). As will be discussed next, the concept of the American Dream is deeply imbedded in America's psyche and, as Obama employs American Dream rhetoric, recalls a Progressive Era ideal of America as a community, supporting one another to move society forward (Rowland and Jones, 2011).

Toward Social Solidarity

In a broader context, the theme of Clean Energy Utopia weaves into and invokes patriotic, American traditions linked to the founding of the nation where unity is emphasized over diversity (Riehl, 2008). This emphasis is a continuation of Obama's campaign speeches where he de-emphasized the differences among Americans and instead argued that their core identity is simply that of being an American (Riehl, 2008).

Obama carried this idea forward into his presidency, where he projected a vision of America as community, and where the strength of America lies in building up the citizens of America and preserving their future. Such an emphasis on unity supports Obama's argument that there are many compelling economic, environmental, and social reasons to adopt a clean energy economy where all interests are better off than the status quo. And all of these elements play prominently in Obama's use of polysemy to unite around his energy and climate policies. As Obama (December 23, 2009) reasons during an interview with Jim Lehrer on PBS's *The News Hour*, there is much work to be done in the area of climate policy, but adds, "my main responsibility here is to convince the American people that it is smart economics and it is going to be the engine of our economic growth for us to be a leader in clean energy." These types of statements are consistent with Obama's practice of positioning himself as a voice of reason by recognizing the difficulty of the task ahead, yet seeing clearly through the inherent complexity and conflict of climate policy toward a rational solution that considers all the relevant information and where everyone benefits. Obama is essentially standing above the fray pointing the way to the "smart" and inevitable expansion of a clean energy economy.

Because Obama saw himself as a voice of reason, this rhetorical move occurs naturally and at times spontaneously throughout his speeches. As Obama (June 19, 2015) confirms in a 2015 interview with Marc Maron, "But the truth is…it is accurate to say that I believe in reason. And I believe in looking at something and having a debate and an argument, but trying to drive it towards some agreed upon set of assumptions about what works and what doesn't." Embracing reason is why Obama spends so much time laying out arguments in his speeches and "driving...towards some agreed upon...assumptions"

about energy and climate change. It also helps explains why he worked so hard at crafting

messages that had a little something for everyone. In this manner, Obama essentially is

talking to all Americans through a unifying message and letting them know that everyone

has something to gain and nothing to lose by supporting his policies. This is a key reason

why polysemy comes out so clearly at this point in Obama's rhetoric. And, on a deeper

level, it also corresponds to the case Obama was making to the American public about

America itself.

In his first address before a joint session of Congress, Obama offered a vision of

America that would be hard for any American to reject, regardless of their political

affiliation. In the address, Obama (February 24, 2009) touches on the economic crisis,

including his plan to jump start the economy through a clean energy transformation, and

concludes with the following view of the American spirit:

> They tell us that even in the most trying times, amid the most difficult circumstances, there is a generosity, a resilience, a decency, and a determination that perseveres, a willingness to take responsibility for our future and for posterity. Their resolve must be our inspiration. Their concerns must be our cause. And we must show them and all our people that we are equal to the task before us.

> I know--look, I know that we haven't agreed on every issue thus far. [*Laughter*] There are surely times in the future where we will part ways. But I also know that every American who is sitting here tonight loves this country and wants it to succeed. I know that. That must be the starting point for every debate we have in the coming months and where we return after those debates are done. That is the foundation on which the American people expect us to build common ground.

> And if we do, if we come together and lift this Nation from the depths of this crisis, if we put our people back to work and restart the engine of our prosperity, if we confront without fear the challenges of our time and summon that enduring spirit of an America that does not quit, then someday years from now our children can tell their children that this was the time when we performed, in the words that are carved into this very Chamber, "something worthy to be remembered.

Of course, Obama touches on past American expressions of "a generosity, a decency, and a determination that perseveres, a willingness to take responsibility for our future and for posterity" that resonate with all Americans in some way. Obama addresses themes of unity and how he knows "every American…loves this country and wants it to succeed." And he argues that, regardless of differences, love of country "must be a starting point for every debate," and it is the "foundation on which…to build common ground." However, more profoundly, Obama envisions how embodying such expressions anew will "lift the Nation from the depths of…crisis" and "summon that enduring spirit" that will allow America to press on in the face of adversity to address "the challenges of our time." He punctuates this part of his speech by recalling the aspirations of Congress as a deliberative body to accomplish "something worthy to be remembered," thereby making it a rallying cry for unity and action. Again, this message reflects Obama's careful use of polysemy to draw polarized interests together and to connect the challenges at hand to fulfilling the American Dream.

So, on the surface, Obama is charting a course for deliberating the energy and climate legislation he would be asking Congress to deliver. But at a deeper level, he also uses polysemy to construct a foundation on which to build his policies. That foundation begins with unity and love of country, is held together by decency, advances through perseverance, and ends in prosperity for all generations. It is a foundation that is large enough to allow a diversity of interests to build their own ideas of a clean energy economy upon it. Obama's polysemic themes thus echo the "social solidarity" that reflects his fundamental, communitarian view in an America that takes responsibility for

taking care of the "least of these" and strives for prosperity for all (Rowland and Jones, 2011).

In a related way, Obama also articulates his version of the American Dream, framed in this case by a clean energy revolution that emphasizes community over individualism (Atwater, 2007).[51] The communal responsibility is expressed by governmental action to set in motion a clean energy economy that will help people, including the children, realize their own American Dream (Atwater, 2007).[52] And by assuming his familiar position as a voice of reason, Obama makes a rational, yet inspirational, appeal for the "smart choice" that will improve economic conditions, protect the children, and solve the climate crisis. Such an approach has been characterized as the process of "persuading through reason, and motivating through emotion" (Riehl, 2008, p. 9). It is also, as noted above, embryonic action for achieving the American Dream that Obama intends to translate into policy action with the help of strategically ambiguous appeals to diverse interests.

Notably, these appeals also echo Obama's view of the Constitution and governance, which serve "as a roadmap [and vehicle] by which to marry passion and reason, the ideal of individual freedom to the demands of the community" (Atwater,

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[51] For a general discussion of Obama's version of the American Dream, see Atwater (2007). In the case of clean energy transitions to address climate change, Obama connects the American Dream to energy and all the benefits to society of bringing a clean energy revolution to fruition. See also, Rowland and Jones (2011).

[52] In describing Obama's views of politics and governance, Atwater (2007) explains, "For him, the Constitution envisions a road map by which we marry passion to reason, the ideal of individual freedom to the demands of the community. His explanation for being a Democrat is simply this, 'It is this idea that our communal values, our sense of mutual responsibility and social solidarity should also be expressed through our government'" (p. 127) It is this core understanding, predicated on community, of the relationship between governance and the governed that Obama brings to his policies on energy and climate change.

2007, p. 127). As Obama (2006) himself expressed in his second book, *The Audacity of Hope*, being a Democrat captures "the idea that our communal values, our sense of mutual responsibility and social solidarity should also be expressed through our government" (p. 63, as quoted in Atwater, 2007, p. 127). For Obama, then, the American Dream is realized through the expression of government, which seeks to transform society from what it is to what it can become. As will be discussed below, Obama's view of the government also connects him to a Wilsonian view of governance and animates his use of the administrative presidency in pursuit of the American Dream. At this time, though, Obama's American Dream rhetoric provides a useful vehicle for his use of polysemy to unite America around his energy and climate policies.

For example, Obama revisits his version of the American Dream in relation to the clean energy revolution throughout his presidency, making it a central component of his argument to the American people and, eventually, his rationalization for taking administrative action through the EPA (see, e.g., Obama, October 24, 2011). Indeed, Obama's (January 27, 2010) perseverance in seeing his clean energy vision through to fruition is echoed in his version of the American Dream at his 2010 State of the Union Address:

> In the end, it's our ideals, our values that built America, values that allowed us to forge a nation made up of immigrants from every corner of the globe, values that drive our citizens still. Every day, Americans meet their responsibilities to their families and their employers. Time and again, they lend a hand to their neighbors and give back to their country. They take pride in their labor and are generous in spirit. These aren't Republican values or Democratic values that they're living by, business values or labor values, they're American values.
>
> The spirit that has sustained this Nation for more than two centuries lives on in you, its people. We have finished a difficult year. We have come through a difficult decade. But a new year has come. A new decade stretches before us. *We*

> *don't quit. I don't quit. Let's seize this moment to start anew, to carry the dream forward, and to strengthen our Union once more* [emphasis added].[53]

In this passage, Obama's message of social solidarity is punctuated by his references to "our values that built America" and a "spirit that has sustained this nation...[and] lives on in...its people." These are sentiments that connect all Americans in some way to a common cause. And for Obama, that common cause is a clean energy revolution. Obama also clearly speaks to the "American values" that allow the nation to "meet...responsibilities" and then calls for America to dig deep for those enduring qualities "to carry the dream forward, and to strengthen our Union once more." Once again, Obama invites all Americans to attach their own meaning to the American Dream and American values in a way that calls for unity, cooperation, and responsibility.

Later in his presidency, even after he held an increasingly critical view of his opponents in Congress as the prospects of legislative climate action faded and ultimately vanished, Obama frequently articulated his version of the American Dream as illustrated in his second inaugural address. Seeking to set the tone for a concerted push for domestic climate action, Obama (January 21, 2013) resolves:

> We, the people, still believe that our obligations as Americans are not just to ourselves, but to all posterity. We will respond to the threat of climate change, knowing that the failure to do so would betray our children and future generations. Some may still deny the overwhelming judgment of science, but none can avoid the devastating impact of raging fires and crippling drought and more powerful storms.

In this statement, Obama simultaneously emphasizes that his vision for American has not changed, but the urgency with which to "respond to the threat of climate change" has.

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[53] See also Obama (February 17, 2009).

Notably, along with the increased urgency, Obama begins to expand social solidarity with the belief that "our obligations as Americans are...to all posterity." As such, part of a message of American exceptionalism becomes America's role in acting in a way that does not "betray our children and future generations." As discussed in the next section, Obama's articulation of America's international obligations to address climate change becomes an important predicate of his argument for America's domestic actions.

Although Obama continues to articulate his clean energy utopia and economic rationality arguments throughout his presidency, his 2013 Inaugural Address marks an important shift to emphasizing the threat of climate change to future generations. Obama (January 2013) does this by emphasizing the "overwhelming judgement of the science" and introducing catastrophic imagery that raises the specter of a "climate apocalypse." As discussed in the following section, Obama began this shift to rhetoric of the irreparable as the prospects of a climate bill waned, but it is this second inaugural address that signals a full embrace of the rhetorical move. Obama also continues to set himself apart as a voice of reason by observing that, although some still deny the science, the climate catastrophes speak for themselves. In essence, Obama is saying, "So, if you don't believe me, and you won't believe the scientists, then at least look at what's happening and believe what you see."[54] Obama continues to employ polysemy in his speeches throughout his presidency but, as shown in the following section, introduces a more critical and sharper edge when addressing his opponents after climate legislation completely fades from view. Not coincidentally, Obama's change in tone corresponds to his pivot to administrative action

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[54] As an interesting side note, Obama's rhetoric here carries at least an allusion to biblical language where Jesus proclaims, "...even though you do not believe me, believe the works [that I do]..." (John 10:38, English Standard Version).

and an increasingly urgent and apocalyptic view of climate change. His administrative

action therefore is an extension of the rhetorical foundation he builds through the locus of

the irreparable, a topic to which this dissertation now turns.

The Rhetorical Use of Locus of the Irreparable

Obama's shift in urgency and use of increasingly apocalyptic views of climate

change closely connects to a general rhetorical appeal to the "locus of the irreparable"

(Perelman and Olbrechts-Tyteca, 1971, pp. 91-92). The use of locus of the irreparable in

rhetoric seeks to motivate those less willing to act with requisite urgency, as well as to

convert those who are less committed to a no action alternative (Perelman and Olbrechts-

Tyteca, 1971, p. 92). As Perelman and Olbrechts-Tyteca (1971) explain, just as there are

diverse views about climate policy, there are equally diverse views about how urgently

action should be taken on those policies. Of those interested in the policies, some will be

motivated to take immediate action, while others will be less committed. Of those less

committed, some will be interested but not quite ready to commit to action. Still others,

while not holding opposing views, will be more or less ambivalent. Taken together, this

large group of the public requires a compelling reason to get behind urgent action

(Perelman and Olbrecthts-Tyteca, 1971). As discussed below, Obama's appeal in his "We

Can't Wait" campaign (Lowande and Milkis, 2014) is directed at this large group, and the

locus of the irreparable is his rhetorical approach to winning them over. Of particular

note is that this is largely the same group that Obama's polysemic rhetoric failed to

motivate. Important for Obama's message to this segment of America is that locus of the

irreparable captures the idea that not acting now means foreclosing the opportunity to act

in the future (Cox, 1982, p. 232). In this case, Obama is arguing that the consequences of

not acting now through a clean energy economy lead to a future where actions will no longer be effective. It will be too late to secure a bright economic future for America and safety for her children.

As alluded to above, Obama's appeal to the locus of the irreparable emerges in his rhetoric once the Waxman-Markey Bill stalls in the Senate during the summer of 2010. At this point, Obama's rhetoric takes a noticeable turn, which signals a pivot away from legislation and toward administrative action. One gets an early glimpse of where Obama is headed when, in a June 2010 statement on the Senate's action, he offers support of the Waxman-Markey Bill and the Senate's rejection of Senator Murkowski's amendment to prohibit EPA from regulating CO_2 as a pollutant, along with other greenhouse gases, from stationary sources (Dickinson, 2010). The noteworthy aspect of Obama's (June 10, 2010) statement is his emphasis on the distinction between progressing toward a "clean energy economy," a direction that will also protect the children, and regressing "backward to the same failed policies that have left our Nation increasingly dependent on foreign oil." As a result, Obama's message clearly highlights a choice between, on the one hand, safety, security, and prosperity and, on the other hand, a society stuck in reverse, clinging to its coal and oil. At this stage, the Waxman-Markey Bill was floundering in the Senate, and Obama was being roundly criticized by the environmental community for not taking a stronger position on climate change, with *Rolling Stone* even accusing Obama of "lead[ing] from behind on climate change" (Dickinson, 2010).

In the spring of 2011, Obama begins to signal a new policy direction at a Democratic National Convention fundraiser in San Francisco. In that address, Obama (April 20, 2011) strikes a tone of increasing impatience and urgency, stating:

> There are climate change deniers in Congress, and when the economy gets tough, sometimes environmental issues drop from people's radar screens. But I don't think there's any doubt that unless we are able to move forward in a serious way on clean energy that we're putting our children and our grandchildren at risk.

Up to this point, Obama had been much more conciliatory in his rhetoric, going to great lengths to reconcile the diverse interests and conflicting values surrounding climate change. But by using the term "deniers" in reference to his political opposition, Obama's message becomes much more pointed and critical. He also adds an intergenerational appeal intended to underscore the high stakes of not acting—that is, putting "our children and grandchildren at risk."

By the time Obama addresses the United Nations General Assembly in September 2011, he has turned his attention from Congress to the international community and unilateral executive action. For example, in his speech to the United Nations, Obama (September 21, 2011) declares:

> To preserve our planet, we must not put off action that climate change demands. We have to tap the power of science to save those resources that are scarce. And together, we must continue our work to build on the progress made in Copenhagen and Cancun, so that all the major economies here today follow through on the commitments that were made. Together, we must work to transform the energy that powers our economies and support others as they move down that path. That is what our commitment to the next generation demands.

In this short passage, Obama reiterates in summary fashion a number of prominent rhetorical themes he began using in 2009, including the need to act urgently and collectively to "preserve our planet," leveraging technology in order to make the best use of all sources of energy, and acting in trust of future generations.[55] Taken together, these

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[55] The idea of acting in trust of future generations is aptly captured in the following 2014 commencement address where Obama (June 14, 2014) argues: "So the question is not whether we need to act. The

themes comprise a good portion of Obama's early, polysemous message. However, it is his statement that "[t]o preserve our planet, we must not put off action that climate change demands" that is especially noteworthy here and signals a shift in Obama's rhetoric. As discussed in detail below, Obama expressing urgent action is aptly captured in his "We Can't Wait" campaign and emerges as an important theme in his rhetoric. For now, it is sufficient to note that "We Can't Wait" is quintessentially rhetoric of the irreparable. It captures the sense that the time to act is now, and delay will bring the world to a point of no return at which time a climate crisis is inevitable, irreversible, and perilous to the planet and future generations.

Locus of the irreparable also captures the notion that what is lost cannot be replaced (Cox, 1982, p. 229). Accordingly, it speaks to the uniqueness of what is lost and demands exceptional action to ensure it persists (Cox, 1982). This, of course, echoes the precautionary principle but in a more urgent way because it suggests that the outcome is definite and promises that it cannot be reversed (Cox, 1982). The locus of the irreparable also implies that a limit is fast approaching and highlights the precarious nature of the situation, which demands immediate action (Perelman and Olbrechts-Tyteca, 1971). Yet, despite the urgency, there is hope that what is threatened need not be lost and can be preserved by an "agent's active intervention to ensure its continued existence" (Cox, 1982, p. 230). Finally, the locus of the irreparable frames the issue in such a way that it focuses attention on the objects of shared agreement, rather than those of disagreement,

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overwhelming judgment of science, accumulated and measured and reviewed over decades, has put that question to rest. The question is whether we have the will to act before it's too late. For if we fail to protect the world we leave not just to my children, but to your children and your children's children, we will fail one of our primary reasons for being on this world in the first place. And that is to leave the world a little bit better for the next generation."

and places society in a position of looking beyond itself at two future possibilities separated by one fateful action (Cox, 1982). As shown above and in the following, Obama's pivot in word and deed is aptly captured in his rhetorical move to locus of the irreparable, beginning with a call for immediate action.

As shown in Table 6.2, Obama's use of locus of the irreparable manifests in three important rhetorical themes that form the basis for his rationalization of acting administratively through the EPA to implement climate policy. The first theme is "We Can't Wait" and expresses an in vivo code (i.e., pulled directly from Obama's speeches) that captures the idea that the need for action is so urgent that waiting is no longer an option. In other words, waiting any longer means sealing the planet's fate, and the fate of our children, to a future of irreversible climate disaster. The second theme is one of a "Climate Apocalypse" and is a direct manifestation of what will happen if action is delayed. Delayed action means crossing a point of no return where the planet and all its inhabitants are condemned to irreversible climate catastrophe that will wreak havoc on society. The last theme, "Leading the Way," captures the way Obama positions America relative to the international community and expresses the means by which Obama intends to garner international commitment to making meaningful carbon emission reductions. Importantly, Obama uses the theme to bolster his use of the EPA to administratively fill the gap left by the climate change stalemate in Congress. Ultimately, as discussed next, Obama argues that there is a "clear and present danger" that demands action, the time to act is now, and meaningful carbon reduction will not occur without American leadership. In short, because Congress *won't* act, he must.

Table 6.2   Codes Related to Locus of the Irreparable

Code	Description
We Can't Wait	Addressing urgency of action. The need for action is so urgent that waiting is no longer an option. Delay will lead to inevitable and catastrophic outcomes.
Climate Apocalypse	The need for action is so urgent that waiting is no longer an option. Delay will lead to inevitable and catastrophic outcomes. In the absence of action, a climate crisis is inevitable, irreversible, and will have devasting consequences for the planet and future generations.
Leading the Way	Retaking the initiative to not only lead with respect to climate policy and climate action but also the clean energy revolution. This code is juxtaposed to "Falling Behind." Leading the Way also captures leading by example so that other nations follow and taking primary responsibility for climate actions as one of the largest emitters of CO_2.

We Can't Wait

In 2010, Obama began employing locus of the irreparable rhetoric first in an attempt to compel legislative action and subsequently, when that proved ineffective, to signal a full pivot to administrative action in the face of an uncooperative Congress and looming climate catastrophe. As noted above, Obama was growing increasingly impatient, and he underscored the need for immediate action by calling out members of Congress who either were actively undercutting climate legislation or no longer focused on climate policy. Alluding to the current state of Congressional apathy, Obama (June 10, 2010) observes:

> Today's vote is yet another reminder of the urgent need to pass legislation that would help America transition to a 21st century clean energy economy that would create jobs, strengthen our national security, and protect our environment for our children.

Although Obama's tone would dramatically change in the ensuing months and years, this statement begins connecting "the urgent need to pass [energy and climate] legislation" with American prosperity. In particular, Obama points to domestic benefits of a "clean energy economy" in the form of "jobs," stronger "national security," and protecting the "environmental for our children." As this passage illustrates, Obama was not completely abandoning his use of polysemy, but he was shifting to a distinct message of urgency and looming climate disaster.

Obama's initial rhetorical efforts to compel action also were rooted in expressing the sense that America was losing the international competition for clean energy technology. With echoes of his rhetoric of realism combined with locus of the irreparable, Obama warns of lost opportunities that may not be regained. Speaking to the nation's Governors, Obama (February 3, 2010) argues, "We can't afford to spin our wheels while the rest of the world speeds ahead." The idea expressed here of an America hopelessly stuck and helplessly watching as "the rest of the world speeds ahead" captures Obama's attempt to create anxiety over a lost opportunity that will be impossible to recapture. Later, Obama (March 3, 2011) is more direct about the high opportunity cost of waiting too long when he urges, "And we've got to start now because... [we] owned the clean energy economy in the eighties. [But we've] fallen behind on what is going to be the key to our future." Again, Obama is using rhetoric of the irreparable to motivate those who are on the fence. In the same speech Obama (March 3, 2011) underscores the cost of doing nothing by arguing:

> We're already paying a price for our inaction. Every time we fill up at the pump, every time we lose a job or a business to countries that are investing more than we do in clean energy, when it comes to our air, our water, and the climate change that threatens the planet that you will inherit, we're already paying a price. These

are costs that we are already bearing. And if we do nothing, the price will only go up.

In addition to tapping into fears of being left behind in the international competition for the clean energy market, Obama raises the geopolitical stakes by specifically pointing out that Germany, Japan, and China are the nations currently winning the competition, a competition that America once "owned."[56] Obama also makes clear that this is not a far off problem. America is paying the "price of inaction" right now "at the pump," in lost jobs and lost opportunities, and "the price will only go up" as America delays.

In the end, Obama's urging would have no effect on a divided Congress. With the window closing on the prospects of climate legislation, Obama began shifting his strategy and rhetoric to focus on what he could accomplish administratively. It was at this point, halfway through his third year in office, that Obama introduced his "We Can't Wait" campaign, where administrative action was re-prioritized above legislation (Lowande and Milkis, 2014). In announcing the campaign, Obama (October 24, 2011) makes a stark shift in both style and substance by proclaiming, "We can't wait for an increasingly dysfunctional Congress to do its job. Where they won't act, I will." In his speech, which was focused on jobs and the economy but alluded to other policies as well, Obama embraces a level of stridency in referencing an "increasingly dysfunctional" deliberative body and commitment to unilateral action that were absent in earlier speeches when he struck a more collaborative, even conciliatory, tone with Congress and the American people.

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[56] See also Obama (January 8, 2010); Obama (March 30, 2011); and Obama (March 15, 2013).

Even so, Obama does not completely pull back from Congress, rather he offers an alternative path that he is willing to pursue should Congress continue to ignore his policies.[57] However, Obama (October 24, 2011) is clear about his intent should Congress not do what he calls "the right thing" when he proclaims:

> But we can't wait for that action. I'm not going to wait for it. So I'm going to keep on taking this message across the country. Where we don't have to wait for Congress, we're just going to go ahead and act on our own. And we're going to keep on putting pressure on Congress to do the right thing for families all across the country.[58]

In addition to declaring that "we can't wait" for congressional action, Obama vows that he is "not going to wait for it" and he will "keep on taking this message across the country." Although he also vows to "keep on putting pressure on Congress to do the right thing," Obama clearly signals with these promises that he will be focusing on administrative action as much as, if not more than, legislative action. Indeed, over the course of the year following the announcement of his "We Can't Wait" campaign, the Obama administration produced no less than forty-five distinct executive actions, ranging from executive orders and presidential memos to recess appointments and waivers (Lowande and Milkis, 2014, p. 9). With respect to climate change, Obama had already begun to work through the EPA to achieve the goals of the Waxman-Markey Bill and emerging international climate agreements. While Obama's plan for executive action on

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[57] See, e.g., Obama, January 24, 2012; January 26, 2012; July 24, 2013; May 9, 2014).

[58] Obama (July 1, 2014) would go on to reiterate his call for executive action during a second-term cabinet meeting where he reminded his staff, "Keep in mind that my preference is always going to be to work with Congress and to actually get [bipartisan] legislation done. That's how we get some more permanent fixes…. But if Congress is unable to do it, then all of our Cabinet members here head up big agencies that touch people's lives in all sorts of ways, and I'm going to be continually looking for ways in which we can show some real progress….So I want to make sure that we emphasize not what we can't do, but what we can do, in the coming months."

climate change would not be revealed until June of 2013, the Obama administration was already laying the groundwork for the release of "The President's Climate Action Plan" and a related presidential memo directing the EPA to regulate CO_2 emissions from the power sector (EPA Power Sector Carbon Pollution Standards, 2013).[59] As discussed later, the EPA would finalize its regulations to do so under the Clean Power Plan in 2015 (EPA Carbon Pollution Emission Guidelines, 2015).

A Climate Apocalypse

A notable change in Obama's rhetoric occurs after being elected to a second term in the White House in 2012. Up to that point, as discussed earlier, Obama had focused on economic arguments to make the pragmatic case that a clean energy economy would not only save the planet, but it would pave the way for an American economic renaissance. In fact, such themes so consistently emerge from the data that at times Obama appears to be making more of an economic than environmental case for climate mitigation.[60] The theme of economic rationality remains a fixture of Obama's (April 22, 2009) overall message throughout his presidency, as he consistently stresses, "[The] choice we face is not between saving our environment and saving our economy. The choice we face is between prosperity and decline." [61] However, beginning in 2013, that theme becomes overshadowed by warnings of a looming climate crisis as Obama sought to amplify the urgent need for immediate action. Thus, Obama's clean energy utopia transforms into a climate apocalypse" as he relies more heavily on locus of the irreparable rhetoric.

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[59] For a broader discussion of President Obama's "We Can't Wait" campaign, see Lowande & Milkis (2014).

[60] See also, Obama (June 15, 2010; May 6, 2011; August 24, 2015; November 30, 2015).

[61] See also, Obama (January 24, 2012; June 25, 2013; June 2, 2014).

Underscoring the seriousness of the threat as he reveals "The President's Climate Action Plan," Obama (June 25, 2013) warns, "We will be judged—as a people, as a society, and as a country—on where we go from here." This statement has elements of his social solidarity theme in the way it alludes to the American Dream, particularly the way its foreboding tone brings America to the brink of whether the dream is still achievable. It also includes an implied threat that if America fails to act at this critical juncture, then that dream will be shattered by America's own hand. Obama makes is clear that Americans who have the opportunity to act but do not will be "judged" harshly for their failure to do so.

However, acting as that locus of the irreparable "agent" on behalf of the American people, Obama (June 25, 2013) offers a hopeful, albeit conditional, tone as well by assuring:

> The plan I have put forward to reduce carbon pollution and protect our country from the effects of climate change is the path we need to take. And if we remember what's at stake—the world we leave to our children—I'm convinced that this is a challenge that we will meet.

Here, Obama places America at a crossroads and offers a way "forward" and a way to "protect our country." He also reminds America that "what's at stake…is the world we leave our children." Although the choice Obama puts before America remains hopeful and one he is "convinced…that we will meet," there is no mistaking the gravity of not rising to meet the challenge—the very fate of the planet and the future of the children. Days later, in a subsequent question and answer session at a town hall meeting in Johannesburg, South Africa, which immediately followed the announcement of his climate action plan, Obama (June 29, 2013) explicitly addresses the gravity of the choice America faces and intensifies the urgency of climate mitigation by referring to climate

change as an "existential challenge" and warning that "we may be reaching a tipping

point in which if we do not solve this problem soon, it will spin out of control…in

[disastrous] ways we cannot anticipate." By referring to a "tipping point" and the

possibility of climate change as an "existential challenge" spinning "out of control,"

Obama uses rhetoric of the irreparable to drive home the threat of failing to act.

Importantly, as Obama frames it, that threat is not simply a lost opportunity but a lost

planet.

Such motifs fit well within Obama's "We Can't Wait" campaign, with the

catastrophic projections buttressing his arguments for acting with or without Congress.

Such dire warnings convey a sense of a looming "climate apocalypse" that Obama would

repeat over the next two years.[62] As he does during his 2015 remarks at the Global

Leadership in the Arctic: Cooperation, Innovation, Engagement and Resilience

(GLACIER) Conference in Anchorage, Alaska, when raising the specter of a "climate

apocalypse," Obama (August 31, 2015) first sets the stage by detailing the scientific

evidence for anthropogenic climate change, reprising his "voice of reason" themes that

were a fixture in his early speeches, and concludes with pronouncements along the

following lines:

> But if those trend lines continue the way they are, there's not going to be a nation
> on this Earth that's not impacted negatively. People will suffer. Economies will
> suffer. Entire nations will find themselves under severe, severe problems: more
> drought, more floods, rising sea levels, greater migration, more refugees, more
> scarcity, more conflict.

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[62] Obama's "Climate Apocalypse" theme is represented in various ways in many of his speeches. For a
good sample of related statements see Obama (June 25, 2014; July 1, 2014; August 31, 2015).

> If we were to abandon our course of action, if we stop trying to build a clean energy economy and reduce carbon pollution, if we do nothing to keep the glaciers from melting faster and oceans from rising faster and forests from burning faster and storms from growing stronger, we will condemn our children to a planet beyond their capacity to repair: submerged countries, abandoned cities, fields no longer growing. Indigenous peoples who can't carry out traditions that stretch back millennia. Entire industries of people who can't practice their livelihoods. Desperate refugees seeking the sanctuary of nations not their own. Political disruptions that could trigger multiple conflicts around the globe.

Importantly, Obama adds two elements to this passage, which otherwise depicts the dominant motif of a looming "climate apocalypse." First, Obama alludes to the effects of climate change as being seen and felt now, not as some distant phenomenon, and thus as "no longer some far-off problem. It is happening here. It is happening now."[63] Obama's message is one of climate change being a "clear and present danger." And he captures the sense of urgency, as well as justification, for taking immediate action because "the enemy is at the gates" (Craig, 2004) and may already be inside the city.[64]

Second, Obama equates inaction with condemning "our children to a planet beyond their capacity to repair." Not only does this statement speak to an intergenerational trust responsibility and the grim consequence of not acting, but it indirectly implicates the American Dream, or rather the loss of it. As such, the statement serves to warn that America's "social solidarity" is being threatened, and inaction will mean failure to preserve the opportunity for future prosperity. Obama (September 23, 2104) perfectly captures the zeitgeist of this moment by bleakly warning, "As one of

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[63] See also, Obama (May 9, 2014; May 20, 2015).

[64] President Obama (July 24, 2014) makes a particularly pointed accusation against Republicans when he states during remarks at Los Angeles Trade-Technical College in Los Angeles, California: "So I'm not going to stop trying to work with Democrats and Republicans to make a difference in your lives. But I've got to call things as they are. What's really going on is that Republicans in Congress are directly blocking policies that would help millions of Americans. They are promoting policies that harm millions of Americans."

America's Governors has said, 'We are the first generation to feel the impact of climate change and the last generation that can do something about it.'" [65]

Ultimately, by combining apocalyptic language with climate change as a "clear and present danger" and a sense of "social solidarity" by way of an intergenerational trust obligation, any efforts to delay or obstruct action would, at best, constitute acting contrary to our national interests and, at worst, be tantamount to aiding and abetting the enemy. Conversely, any action, unilateral or otherwise, would be sufficiently justified because of the immediacy and severity of the threat. Locus of the irreparable thus provides an ideal rhetorical move that simultaneously creates both the need for and rationalization of Obama's use of the administrative presidency to implement climate policy through the EPA. As discussed in the next section, Obama's call for America to lead by example, which acts as an important catalyst for his eventual executive action.

Leading the Way

Up to this point the analysis has focused on the temporal aspects of Obama's locus of the irreparable rhetoric. In other words, by stressing the themes of "We Can't Wait" and "Climate Apocalypse," Obama was calling attention to the urgency of acting now, before it was too late—too late for a future of safety, security, and prosperity, and too late to do anything about it if we failed to act. But, as Obama argued, all hope was not lost, not yet anyway, and decisive action now would preserve a future perilously close to being lost. Yet Congress, the one institution that had the power to enact a means by which the future could be preserved, refused to act. More than that, Congress was

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[65] The governor to whom Obama attributes the quote is Washington Governor, Jay Inslee (see Kolbert, 2014).

actually getting in the way by promoting policies (oil drilling) that would make the situation worse and hindering policies (clean energy incentives) that would help prevent the crisis (see, for example, Cohen and Silverleib, 2012). In other words, Congress was aligning itself with the problem. Therefore, in the absence of more helpful congressional action, Obama would step in with whatever presidential power he had at his disposal. In effect, Obama was acting as the "agent" who would provide the necessary "active intervention" (Cox, 1982, p. 230) through administrative action. As Obama (February 12, 2015) argues, that agent should have been Congress, "[b]ut if Congress won't act soon to protect future generations, I will."

Temporally, Obama is arguing for immediate action while time remains to act. However, a spatial aspect to Obama's locus of the irreparable rhetoric also emerges from the data. In a major policy speech delivered at Georgetown University, Obama (June 25, 2013) informs his audience that a significant barrier to addressing climate change is the absence of international leadership and accountability. Such an absence creates a spatial problem because, without worldwide cooperation and commitment, there can be no meaningful reduction in carbon emissions. As Obama (June 25, 2013) argues, "[N]o nation can solve this challenge alone, not even one as powerful as ours. And that's why the final part of our plan calls on America to lead: lead international efforts to combat a changing climate." This statement corresponds to Obama's theme of "leading by example" and captures a key element of his overall rationalization for administrative action—that is, without American commitment to "lead international efforts" to cut carbon emissions, other nations with an increasing and problematic appetite for coal-fired

energy (i.e., China and India) would continue to be bystanders as well.[66] Since Obama

was determined to reach an international climate accord during the 2015 Paris Climate

Conference, domestic action was absolutely critical to convincing China and India to join

the pact with meaningful and serious commitments.

Although Obama stressed the importance of American leadership on climate

change throughout the study period, his early speeches primarily emphasize the economic

benefit to America of winning the competition for a clean energy economy, as discussed

above. However, in 2013, Obama makes a subtle but important shift in emphasis. As

Obama (June 25, 2013) argues in his speech at Georgetown University:

> And make no mistake, the world still looks to America to lead. When I spoke to young people in Turkey a few years ago, the first question I got wasn't about the challenges that part of the world faces, it was about the climate challenge that we all face and America's role in addressing it. And it was a fair question because as the world's largest economy and second largest carbon emitter, as a country with unsurpassed ability to drive innovation and scientific breakthroughs, as the country that people around the world continue to look to in times of crisis, we've got a vital role to play. We can't stand on the sidelines. We've got a unique responsibility. And the steps that I've outlined today prove that we're willing to meet that responsibility.

In this passage, Obama offers an important reminder that "the world still looks to

America to lead," and America therefore has a responsibility not for just acting on

climate change but leading international action as well. [67] As Obama reasons, America

has "a vital role to play" and "a unique responsibility" to act because of its "unsurpassed"

economic and technological position in the world, but also because of the magnitude of

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[66] For additional similar remarks see Obama (March 1, 2012; June 2, 2013; June 25, 2014).

[67] An avenue of inquiry that emerged from the data but is not pursued in this study is how Obama viewed America's responsibility to other nations. There is remarkable similarity between Obama's version of the American Dream, where America has a responsibility to ensure the prosperity of future generations, and how he expresses America's responsibility to other nations.

its carbon contributions. However, time is running out. Time is running out to save the planet from "unnatural" and "irreversible" climate disaster. Time is running out on economic prosperity and future generations. And, without leadership from "the country that people around the world continue to look to in times of crisis," time is running out even to act.

Therefore, in an effort to push American leadership to the forefront, Obama's first priority in leading by example was directing EPA to regulate carbon emissions from powerplants, which at the time accounted for approximately 30% of the nation's total (U.S. DOE, 2016, p. 3). The focus on powerplants made sense as an initial effort because it was the largest source of CO_2 emissions at the time and regulating stationary sources was far simpler than regulating mobile and downstream emissions. Plus, the template was already in place with the Waxman-Markey Bill. However, Obama was interested in more than efficient regulation. He was also interested in sending an international signal, as he explains in announcing his domestic climate actions at the same Georgetown University speech:

> But [climate change] is a challenge that does not pause for partisan gridlock. It demands our attention now. And this is my plan to meet it: a plan to cut carbon pollution, a plan to protect our country from the impacts of climate change, and a plan to lead the world in a coordinated assault on a changing climate. (Obama, June 25, 2013)

In this passage, Obama clearly connects his administrative action with "partisan gridlock." As Obama puts it, climate change "is a challenge that does not pause for partisan gridlock." His message here is that climate change is not going away, but instead "demands our attention now." In addition, because Congress refuses to act on a problem that is not going away, Obama is announcing his administrative "plan to lead the world in

a coordinated assault" against it. Obama goes on to add that he is taking this administrative action through the EPA "for the sake of our children and the health and safety of all Americans." Thus, in this short passage, Obama recounts his previous reasons for addressing climate change and combines them with an effort to mobilizing a coordinated international "assault on a changing climate."

To put a finer point on his international aspirations, in that same Georgetown speech, Obama (June 25, 2013) confidently observes that his actions, including his EPA directive to regulate powerplant carbon emissions, "should send a strong signal to the world that America intends to take bold action to reduce carbon pollution." In effect, Obama is announcing to the world that America is back in its rightful leadership role. Then, in a statement that is addressed as much to international leaders as it is to American citizens, Obama declares, "We will continue to lead by the power of our example, because that's what the United States of America has always done." Obama thus signals to the world that America is no longer a bystander in the climate change fight. Not only that, but Obama is clearly seeking to place the United States in a position to influence the actions of other nations, especially China and India, as he looks forward to the 2015 Paris Climate Conference.

In the meantime, during the runup to COP21 in Paris, EPA issued its final Clean Power Plan rule in August 2015. In announcing the final rule, Obama reprises the major themes of his locus of the irreparable rhetoric. In particular, Obama (August 3, 2015) begins by grimly recounting the catastrophic effects of climate change and observing, "Climate change is no longer just about the future that we're predicting for our children or our grandchildren, it's about the reality that we're living with every day, right now."

These themes of course echo his past messages about a "clear and present" danger of a looming "climate apocalypse." Obama (August 3, 2015) then borrows from Martin Luther King and observes, "[I]f we don't get it right, we may not be able to reverse [or adapt to the effects of climate change]….*There is such a thing as being too late* [emphasis added]." By recollecting Dr. King, this last statement places a moral undertone on Obama's rhetoric of the irreparable and, at least in a very subtle and nuanced way, connects an important point in American history when civil liberties were on the brink with America's current plight as it stands on the brink of catastrophic and "irreversible climate change." Obama's message here is clear: America could not wait any longer to address civil liberties and "we can't wait" now to address climate change.

Notwithstanding the international significance of the Paris Climate Agreement, which the Obama administration would sign later that year, finalizing the Clean Power Plan rule clearly marked the most significant climate achievement in Obama's presidency. It also arguably stands out as one of the more significant actions of his administrative presidency. In any event, Obama (August 3, 2015) highlights the moment's import by calling the Clean Power Plan "the single most important step America has ever taken in the fight against global climate change." The statement is reminiscent of the point of no return in locus of the irreparable rhetoric. In other words, the Clean Power Plan is significant not just because it is the first major action to reduce carbon emissions, but because it is the catalyst that pulls America and the world back from the brink of climate devastation.

Indeed, Obama underscores the international implications of America "leading by example" by revealing that "with America leading the way, countries representing 70

percent of the carbon pollution from the world's energy sector have announced plans to cut their greenhouse gas emissions." To press the point further, Obama (August 3, 2015) declares:

> And if we don't do it, nobody will. The only reason that China is now looking at getting serious about its emissions is because they saw that we were going to do it too. When…the world faces its toughest challenges, America leads the way forward; that's what this plan is about.

Here, Obama is reminding America why he took administrative action in the first place—that is, to ensure that America would act because "if we don't do it, nobody will." It is also interesting to note here that, as with his use of polysemy, Obama couches his message in a form of American exceptionalism that says when "the world faces its toughest challenges, America leads the way forward." Thus, in a subtle way, Obama is making a polysemic observation that many Americans would agree with and combining it with his use of locus of the irreparable to justify his administrative actions. The implication is that by his executive actions Obama has moved America more in line with its better nature. Finally, as he brings the temporal and spatial aspects of locus of the irreparable together, Obama optimistically looks into the near future and announces, "In December, with America leading the way, we have a chance to put in place one of the most ambitious international climate agreements in human history." Having used the locus of the irreparable to justify his administrative actions, Obama is now setting his sights on "December"—a reference to the Paris Climate Conference—where he will leverage the foundation of his domestic administrative action to negotiate "one of the most ambitious…climate agreements in human history." It is perhaps fitting, or simply a sign of the political times in America, that this endeavor too would require Obama to act unilaterally to reach an historic climate agreement on behalf of the United States.

Toward Post-Deliberative Policymaking

What the analysis above makes clear is a marked transition from Obama's first term—where he used polysemy to try to call for bipartisan, legislative action—to his second term, where he began using the locus of the irreparable to fully rationalize using the EPA to implement climate policy. Continuing his rhetorical strategy of locus of the irreparable, Obama first argued that climate change is a clear, present, and scientifically verified danger for which time is running out to prevent its most harmful impacts. In fact, so dire were the circumstances that not acting now would condemn future generations to irreversible and devasting climate disaster. Obama next argued that American leadership is a necessary precondition for international cooperation and action, without which the isolated actions of any nation would be insufficient. Therefore, because Republican opposition was preventing congress from acting, Obama had to act administratively as a last resort to avoid condemning future generations to the catastrophic effects of irreversible climate damage.

Also worthy of note is that with his rhetorical shift to locus of the irreparable, Obama (October 29, 2011) was fully inhabiting the rhetorical presidency in what Tulis (1987) describes as "speaking over the heads of Congress" to appeal directly to and motivate the American people by reasoning during a 2011 Weekly Address, "And that's why [we] need all of . . . [these major voices]. Tell Congress to stop playing politics and start taking action...." Obama's message is that the American people need to make themselves heard in support of his policies so that Congress will "stop playing politics" and act on them. Later, as he is rolling out his administrative climate actions, Obama (June 25, 2013) makes a similar impassioned plea for citizen involvement, remarking,

"What we need in this fight are citizens who will stand up and speak up and compel us to do what this moment demands." Obama then points out that the task at hand is "not just for politicians" and encourages citizens to push for carbon reductions in all spheres of their influence, even expanding those spheres where possible. Obama then concludes his remarks with one last appeal:

> And remind everyone who represents you at every level of government that sheltering future generations against the ravages of climate change is a prerequisite for your vote. Make yourself heard on this issue.

By calling on citizens to "stand up and speak up" and to "compel" Congress to act, Obama is making "populist appeals" to the public to intervene in the policymaking process. He also encourages the polis to make climate change a "prerequisite for your vote." Granted, the lines seem fairly standard for a president understandably frustrated by a Congress disinclined to budge on gridlocked policies. However, his message becomes a more populist overture when Obama sets up Congress as the foil for not doing "the right thing" of passing legislation that would otherwise help the American people (see generally Bonikowski and Gidron, 2015).[68]

As mentioned above, such an approach is consistent with the way in which Tulis (1987) envisions the rhetorical presidency functioning when policies fail to gain traction

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[68] For the purpose of their research, Bonikowski and Gidron (2016) define populism as "a discursive strategy that juxtaposes the virtuous populace with a corrupt elite" (p. 1593) Moreover, populism considers the virtuous populace to be the "sole legitimate source of political power" (p. 1593). The authors point out that most prior research has treated populism as a stable attribute of political actors, and their operationalization of populism allows them study how it is impacted by "contextual factors" (p. 1594). As argued by the authors, both Republicans and Democrats commonly employ populist rhetoric but do so in relation to their political opponent. It is also noteworthy that Obama paints his congressional opposition in derisive terms, at various times referring to them as "charter members of the Flat Earth Society" (March 1, 2012), "deniers" (May 9, 2014), and obstructionists (March 6, 2013). As such, Obama himself juxtaposes a virtuous populace against an unfit, if not altogether corrupt, elite.

in Congress. Whether populist or not, Obama's combined use of the rhetorical and administrative presidency moved the executive branch closer to what has been described as an "executive party system" (Lowande and Milkis, 2009, p. 24; see also Milkis et al., 2012) that appeals to partisan support as it adopts partisan policies. Perhaps more profoundly, in light of Trump's actions to unravel the Clean Power Plan, the combination advances a new paradigm where unilateral action becomes the "habitual solution to partisan polarization" (Lowande and Milkis, 2009, p. 3). If this becomes America's new paradigm, then America will have entered into an era of post-deliberative policymaking with potentially sweeping implications on democratic principles, a topic that will be explored in the final chapter.

CHAPTER 7: IMPLICATIONS

A government, by an unlimited power of construction, may stretch constitutions…, or interpret them as synods do scriptures, according to the temporal interest of the predominant sect.

—John Taylor of Caroline, *Construction Construed and Constitutions Vindicated*, 1820[69]

Although this research has focused on Barack Obama, it has important ties to how presidents in general have sought to shape and influence policy outside the often discordant confines of Congress. The reason is because all presidents, from the founding era through today, have sought to expand their power and influence in well-worn and novel directions alike. And as John Taylor warned 200 years ago, the constitutional underpinnings of government are perpetually susceptible to being altered, regardless of intent, by the ambitions, priorities, and expediencies of those in power (Skowronek, 2009). The Framers were particularly concerned about how such alterations might be derived from the actions of presidents, especially if they were to become demagogues[70] in their pursuit of power and influence. The Framers' concerns were indeed warranted as the fusion of the rhetorical and administrative presidencies plays a key role in aggrandizing

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[69] As quoted in Skowronek (2009).

[70] As described by Jeffrey Tulis (1987), demagoguery is characterized by the behavior of popular leaders to sway the passions of the populace through an "excess of passionate appeals" (p. 28). Tulis (1987) also differentiates between "soft" and "hard" demagoguery, noting the Founders were particularly concerned with the hard variety (p. 28). While soft demagoguery pertains to flattering one's constituents, the hard type refers to "attempts to create or encourage divisions among the people in order to build and maintain [a] constituency" (Tulis, 1987, p. 29). Hard demagoguery typically involves "extremist rhetoric that ministers to fear" (Tulis, 1987, p. 29).

the presidency and marginalizing Congress to the point where presidential action risks becoming completely unmoored from constitutional constraints. Unabated, the continual expansion of executive power may do irreparable harm to American democracy.

The expansion of executive power is not, however, the work of a single presidency, party, reform movement, or period in time. Throughout our nation's history, presidents of every era and every movement have without fail endeavored to sweep away the constraints that confound their political and social ambitions. It is this cumulative effort to elevate executive authority that makes understanding the potent force that is the fusion of the rhetorical and administrative presidencies essential to understanding where we are heading as a nation. This dissertation has endeavored to show that the combining of the rhetorical and administrative presidencies is likely to lead to a rebalancing of America's system of government that heavily favors a strong executive, and in the extreme may encourage demagoguery. I make that argument based on the following three claims: (a) the current state of partisanship and polarization creates an ever-present cause and opportunity to aggrandize the presidency; (b) the presidency has been subject to a recurring assault on the constitutional constraints intended to keep executive ambition in check; and therefore (c) the reflexive use of rhetorical and administrative action may exacerbate polarization and encourage their combined use as a weapon of first resort in the form of post-deliberative policymaking.

Aggrandizing the Presidency

The "wickedness" of the climate change problem underpins and motivates the combining of the rhetorical and administrative presidency under Obama. Climate change as a policy problem has been hotly contested since it first emerged on the U.S. national

agenda. So intense has been the divisiveness over the nature of the problem that America has remained sharply divided along ideological lines for over three decades.[71] As a result, forging a bipartisan legislative solution has remained an impossibly big lift for a deeply partisan and polarized Congress. Yet as Obama entered office, the mounting evidence for climate change as a clear and present danger became impossible for him to ignore. And Obama initially focused his attention on the Waxman-Markey bill as a legislative solution with a comfortable Democratic majority in the House and thin Democratic margins in the Senate. The legislation passed in the House but failed even to reach the floor of the Senate for a vote, largely over concerns about mid-term elections and not having the votes to overcome a filibuster.

Once it became clear that climate change legislation was dead on arrival in Congress, Obama pivoted to EPA action as an expedient way—the only way left to him, in fact—to implement climate actions. As he articulated on a regular basis, Obama would have preferred a legislative solution, but a hopelessly gridlocked Congress precluded any possibility of finding one. In other words, Obama began to treat administrative action as legislation by other means, and he used what he characterized as the looming, catastrophic, and irreversible impacts of climate change and its accompanying economic losses as justification for not only "speaking over the heads" of Congress, but for bypassing it altogether.

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[71] Recent polling indicates that attitudes may be shifting, with most Americans believing that climate change is happening now, and a majority expressing "alarm" (See, e.g., Leiserowitz, et al., 2019). Most of this movement comes from political independents, so it remains to be seen how such a transition translates at the political level.

What is also clear in the analysis is that when the road to a legislative solution became blocked, Obama's pivot to an administrative outlet was immediate and reflexive. Such a reaction to gridlock is consistent with his contemporary peers. Indeed, a well-documented consequence of congressional gridlock is that it forces the executive branch down a path of administrative action (Milkis et al., 2012; Bullman-Pozen and Metzger, 2016), and contemporary presidencies are well suited to travel such a path (Howell, 2003). Obama's deft and reflexive transition speaks to the commonplace practice of recent presidents taking executive action on policies stuck in status quo by a gridlocked Congress, although all presidents have used the practice to their advantage. However, these moves made by Obama, under pressure to solve a wicked problem, may have further opened the window for such moves to be made as a matter of course, and not just on wicked problems. Therefore, not only will this practice not end anytime soon, but it becomes increasingly likely given the hyper partisan and polarized nature of today's politics (Howell, 2003; Bullman-Pozen and Metzger, 2016; Milkis and Jacobs, 2017). Combined with the precedent already set, it is therefore almost a foregone conclusion that future presidents will seek to build on the foundation of an "executive centered partisanship" (Milkis and Jacobs, 2017, p. 585) with reckless abandon.[72]

Not surprisingly, as highlighted by Obama's administrative climate actions, a political dynamic that confounds the congressional fulfillment of presidential ambition

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[72] It is noteworthy that others outside of academia are paying attention to the ripple effects of an aggrandized presidency. For example, Jason Pye is quoted in a January 2020 *Washington Post* article make the following observations: "Every time a president leaves office, they leave office with more power the next president in line can take and expand. You're getting to the point where the legislative branch has lost so much of its power...it almost does not matter. And that should concern every person in this country" (Stein and Sullivan, 2020, n.p.).

frequently serves as a mechanism to test the limits of constitutional constraints. As Stephen Skowronek (2009) points out, "The American Constitution was designed to render political change slow and difficult…" (p. 2071). Yet, the motivation for presidents to deliver on policy goals and launch political reforms has continually operated to expand, or sweep away, the limits of those constraints. Presidential ingenuity in this regard has indeed been impressive since the founding, and perhaps no other innovation in governance has been more consequential than all the tools and institutional methods presidents have fashioned to extend their administrative reach (Skowronek, 2009). The result is that many constraints that confound presidential ambition are often only tenuously preserved and perpetually at risk of being reformed into irrelevance.

One of the constraints that is increasingly at risk of reform is Congress's ability keep presidential ambition in check. Of all the possible catalysts that expand administrative reach, congressional partisanship and polarization offer perhaps the most proximate cause for unilateral administrative action (Lowande and Milkis, 2014; Metger, 2015; Rudalevige, 2016). This was clearly the case with Obama's energy and climate policies, and is especially true for all wicked policy problems. As was the case with the Waxman-Markey Bill, the partisan divide in Congress creates an ideological space, or "gridlock interval" (Krehbiel, 1998, p. 44), where certain policies remain stuck in a type of legislative limbo, or status quo, which impede a normal legislative progression (Christenson and Kriner, 2014). In other words, the ideological space that constitutes the

gridlock interval in Congress is where wicked problems go at least to languish, if not die.[73] And that is where presidential ambition takes over.

Ultimately, status quo problems will remain in legislative limbo until something happens to reanimate them. That something could be a focusing event in the form of a crisis or a significant power shift that aligns the executive and legislative branches (Kingdon, 1984; Birkland, 1997, 1998). However, it is the unilateral action of the administrative presidency that strains Congress's ability to keep presidential ambition in check. This certainly was the case as Obama pressed Congress to pass the Waxman-Markey bill to no avail during the first two years of his presidency. Then, when the prospects for climate legislation completely faded, Obama used the administrative presidency to accomplish by administrative means what he could not through legislation. It is also worth pointing out that in both his legislative and administrative initiatives, Obama rhetorically leveraged climate change as a looming crisis first to catalyze legislative action and then to justify his administrative pivot. Framing Obama's actions in this manner helps illustrate the potent force behind the fusion of the administrative and rhetorical presidencies and why it is important to understand how this type of post-deliberative policymaking affects democratic decision making.

To put this in the context of the Post-Deliberative Policymaking Model described in Chapter 3 (see Figure 7.1 below), the gridlock interval is analogous to the space occupied by wicked problems. It is in this space where presidents bring to bear the full

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[73] Of course, the actions of dedicated interests should not be overlooked in the dynamics of status quo policies. A powerful opposition with a vested interest in maintaining the status quo has been able to keep climate policies in check, despite the best efforts of proponents of climate action, who have marshaled an abundance of scientific evidence to make their case (see, e.g., McCright and Dunlap 2000, 2010; Layzer, 2007; Lahsen, 2008; Oreskes and Conway, 2010).

force of the rhetorical and administrative presidencies on specific policy problems. As the gridlock interval grows, the scope of the administrative and rhetorical presidencies also grows, becoming the default mode of governance for status quo policies such as climate change. The impact on democratic principles[74] in this scenario is that deliberation, which helps ensure representative decision making, is not part of the process of arriving at an ultimate policy solution. Instead, executives use the rhetorical presidency on any given status quo (i.e., wicked) problem to set the agenda, define the problem, frame the solution, and justify their use of the administrative presidency to unilaterally make policy. What ensues then is a type of legislative death spiral that aggrandizes the presidency and marginalizes Congress. The extent of the death spiral depends on how Congress and the courts respond. As will be discussed later, both have the power to check post-deliberative policymaking, but up to this point neither has consistently or seriously threatened the practice. Until that changes, partisan politics and polarization will continue to provide both the cause and opportunity to solve wicked problems through the rhetorical and administrative presidencies.

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[74] The exact definition of democratic principles remains contested in political science theory. It is beyond the scope of this dissertation to wade into that political science debate. Therefore, for the purpose of the Post-Deliberative Policymaking Model, democratic principles represent a broad view of governmental decision making that is supported by fair and open deliberation so that the interests of all citizens are represented in the process of arriving at a policy solution.
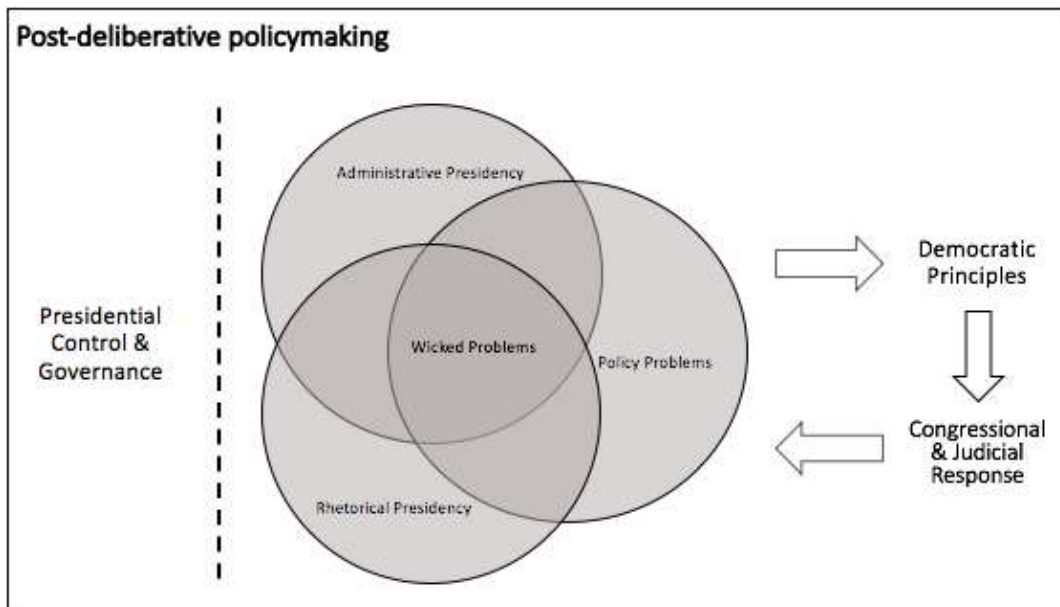
Figure 7.1   Post-Deliberative Policymaking Model

Of course, it makes sense that congressional gridlock would inspire executive

action. Presidents come into office with expectations that generally exceed their capacity

to meet them (Moe, 1985). To reiterate, almost from the moment they step into office,

they experience the headwinds of a system of government "designed to render political

change slow and difficult." Obama faced such headwinds throughout his presidency, and

few were stronger than those he faced addressing climate change. Yet, despite

institutional checks and balances and their own limited capacity, presidents have virtually

unlimited motivation to find ways around the constraints that confound their ambitions,

not least of which is the preservation of their own legacy (Moe, 1985). As a result,

presidents have focused their efforts to maximize control over the bureaucracy in ways

that enhance their ability make policy independent of Congress (Moe, 1985; Vaughan,

2014; Hart, 1995). By doing so, presidents have been able to close the expectations gap

and expand their capacity to make political change less slow and less difficult

(Rudalevige, 2003).

Rebalancing Constitutional Checks and Balances

In light of the above discussion, taking recourse in administrative strategies is unquestionably a reaction to the partisanship and polarization presidents face in a gridlocked Congress. However, presidents have not only habitually resisted constraints against the exercise of their unilateral powers, they have preemptively sought to loosen or sweep away such constraints as well (Skowronek, 2009). An equally important point to consider therefore is that testing the limits of presidential constraints may not just be a reaction to gridlock. On the contrary, the unilateral exercise of presidential power may actually contribute to deeper and more persistent polarization, making policy deliberation all the more difficult. A cycle of gridlock followed by executive action followed by gridlock ensues. After all, "an unlimited power of construction" does not need a cause; it simply needs a reason and a direction. It is the pursuit of that reason by any means necessary that confounds constitutional constraints. This is the paradigm that makes post-deliberative policymaking complicit in the partisanship and polarization that aggrandizes the presidency, confounds existing constraints, and marginalizes Congress.

Although the roots of this paradigm extend to periods that immediately followed the founding, they became far more consequential in the Progressive Era (Skowronek, 2009). It was during this period when the rhetorical presidency emerged as a political force in America (Tulis, 1987). And although the administrative presidency eventually became the focus of scholars beginning in the 1970s, the reforms of the early 20th century engendered a sustained and far-reaching expansion of presidential powers. In important ways, it was this period that set American governance on a path of reform that would

eventually lead to an era of contemporary politics antithetical to Progressive Era ideals.

As Skowronek (2009) observes,

> Successive waves of progressive reform extending over the first two-thirds of the twentieth century expanded the domain of national action, constructed an extensive administrative apparatus for intervention at home and abroad, and concentrated power in the presidency on a scale that dwarfs nineteenth-century precedents. This concerted shift toward national, executive, and presidential power marked a pivotal turn in American political development. (p. 2083)

The goal of the progressive movement's "pivotal turn" was to clear the way for broad societal reforms that would better reflect national interests. The mechanism for achieving the goal was through an empowered presidency that was more open and responsive to the public and less constrained by institutional dynamics (Tulis, 1987; Milkis and Tichenor, 1994). In such a regime, presidential power would be animated by the "fusion of public opinion with 'enlightened administration'[75]" (Skowronek, 2009, pp. 2084-2085; see also Milkis, 2007). In other words, a fusion of the rhetorical and administrative presidencies would provide the requisite force to spawn the political and social reforms of the early 20th century.

In light of the preceding, it is noteworthy that Obama is often connected by scholars in at least a passing way to the political philosophy of Progressive Era reformers (see, e.g., Smith, 2012; Milkis et al., 2012; Mettler, 2010; Rana, 2009; Finley and Esposito, 2012). This dissertation suggests a similar connection. I argue that Obama's rhetorical and administrative climate actions do indeed reveal a discernable tie to Progressive Era ideals that places him squarely within the Wilsonian tradition of

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[75] The term "enlightened administration" comes from Franklin D. Roosevelt, Campaign Address on Progressive Government at the Commonwealth Club (Sept. 23, 1932) (Rosenman and Hassett, 1950, p. 752).

governance. It is an unexpected twist of historical irony, then, to also find President Obama embroiled in the same kind of deeply partisan politics the Progressive Era was attempting to remedy. In fact, the Progressive Era was in many respects a political "insurgency" to overturn the partisanship and party-dominated politics of the Gilded Age (Skowronek, 2009, p. 2083). It is even more ironic, therefore, that America now, under the Trump administration, finds itself reverting to a similar Gilded Age dynamic. And it is this dynamic, explored below, that both gives rise to and reinforces post-deliberative policymaking.

It is important to underscore here that such an outcome is not the direct result of President Obama's actions, or a sign of wrongdoing on his part. It is not a result of any one president's actions, in fact. Obama, and now President Trump, are just the most recent manifestations of an executive-centered presidency that has been taking shape since the Progressive Era (Tulis, 1987; Skowronek, 2009). And the shape that ultimately materializes is a policymaking process that is at least reminiscent of the polarized and party-dominated politics of the Gilded Age (Cameron, 2002). Of course, there are important historical differences between the politics of today and the Gilded Age, chief among them being the sheer breadth of political patronage and machine politics of the era (James, 2005). And while the Gilded Age led to the Progressive Age—a swinging of the political pendulum toward progress—today we seem to be moving from a system dominated by progressive values to a new gilded age. But there are important similarities that deserve attention.

During the latter half of the 19th century, a stark dualism of social and political ideologies dominated American politics (James, 2005). As a result, party loyalty took on

a form of group identity, which was as divisive as the policy issues that polarized them (Miller, 2002). The Gilded Age was thus marked by a period of political equilibrium where no president won a majority of the popular vote between 1876 and 1892 (Miller, 2002). Trump won the 2016 presidential election in similar fashion. Likewise, George W. Bush narrowly beat Al Gore in 2000 but lost the popular vote. Like today, there were also persistent social, economic, and racial gaps that divided the electorate into bitterly competitive factions. The "winner-take-all economy" (Hacker and Pierson, 2010, p. 152) that has permeated much of the last two decades (Rahman, 2016) has contributed to a level of economic inequality largely unsurpassed since the Great Depression (Lieberman, 2011). Such inequality at least suggests a political economy where the financial spoils go to an increasing exclusive class of elites at the expense of increasingly exposed working and middle classes, which bears a disproportionate share of the risk (Lieberman, 2011; Rahman, 2016). Such a political and economic environment "breeds political polarization, mistrust, and resentment between the haves and the have-nots and tends to distort the workings of a democratic political system in which money increasingly confers political voice and power" (Lieberman, 2011, p. 1). And even in the Obama era, racial inequality remained a persistent problem, as racial resentment comingled with and acute economic and political discontent that permeated American politics (Hacker and Pierson, 2010).

Again, analogies between our own historical moment and the Gilded Age are imperfect. Differences in technology, foreign relations, and the expansion of rights are but a few stark differences between the America of today and the America of the late 1800s. But we are drawn to ask some of the same questions of our own political moment

as were Progressives during their era. Progressives inherited a deeply partisan and polarized system from the Gilded Age. They inherited massive social inequalities and urgent problems demanding solutions, many brought on by the Industrial Revolution and the massive changes to social, political, and economic systems that revolution brought. The nature of policymaking now, as then, will have far reaching implications on our political system in the years to come. President Trump's executive actions, which come on the heels of President Obama's, offer a glimpse of what that future might portend if we do indeed return to a Gilded Age. In the section below, I expand on how Obama's actions connect him historically to the values and systems of the Progressive Era and how that connection influences his use of the rhetorical and administrative presidencies.

Partisanship, Populism, and the Rhetorical Presidency: A Tie to Administrative Theory

In order to get a better sense of President Obama's approach to governance, this dissertation placed him within a typology of administrative ideas and political philosophy that allows us to compare him to other presidents (see Figure 3.2). As discussed in Chapter 3, the typology consists of Hamiltonian, Jeffersonian, Madisonian, and Wilsonian types (Kettl, 2000). The Hamiltonian type represents a "strong-executive/top-down" construct, while the Jeffersonian type represents a "weak executive/bottom-up" construct. It is important to note that a "weak executive" does not mean one without power. In a Jeffersonian tradition, a weak executive is one who derives that power from the bottom up rather than the top down. The Wilsonian and Madisonian types are contrasted with one another and capture the way in which the bureaucracy is viewed respectively as "hierarchy, authority, process, and structure" versus "political balance-of-

power." Engaging the typology was especially helpful in explicating Obama's administrative and rhetorical strategies.

As mentioned above, those strategies strongly suggest a Progressive Era orientation that falls within the Wilsonian type. And it is noteworthy that partisan appeals are entirely consistent with the Wilsonian view of governance, especially with respect to how presidents view the role of the bureaucracy in implementing policy. Wilson's articulation of the politics-administration dichotomy was a reaction against partisan politics implemented through political patronage, a view that is consistent with the original meaning of the dichotomy advocated by the civil service reformers of the late 1800s (Rosenbloom, 2008). In this view, free from "politics" means free from partisan, electoral politics, not the policies that are a natural outgrowth of democratic outcomes (Rosenbloom, 2008). In other words, Wilson and the reformers envisioned a bureaucracy free from the influence of "boss"-led, partisan politics operating from a posture of neutral competence, while recognizing that genuine neutral competence means "loyalty that argues back" (Tulis, 1987, p. 120).

Viewed in this light, the dichotomy never envisioned an administration devoid of politics or policymaking (Rosenbloom, 2008). In fact, as expressed by Wilson (1887), "Our own politics must be the touchstone for all theories. The principles on which to base a science of administration for America must be principles which have democratic policy very much at heart" (p. 220). Thus, a Wilsonian understanding of the politics-administration dichotomy is one in which administrative agencies grapple with vexing policy choices set forth by political leaders. Of course, this means that rather than partisan "bosses" directing extra-constitutional institutions, such policy choices would

instead be the priorities of an acting president, as principle, expressed through the actions of administrative agencies, as agent (Meier and O'Toole, 2006). In announcing his "We Can't Wait" policy of administrative action, and motivated by a sense of urgency to act on climate change's wickedness, Obama was simply following a model of governance in the Wilsonian tradition as he pivoted to administrative action via the EPA.

Obama also fits well within the Wilsonian tradition on a political level. As discussed earlier in this study, Obama's Progressive Era impulses led him to view the government as a mechanism for social change—that is, society is improved when government is mobilized through a nonpartisan bureaucracy to promote social welfare (Milkis et al., 2012). Progressives, including Wilson, envisioned addressing societal desires through a system of government that was explicitly engaged with the public and attentive to its evolving concerns (Skowronek, 2009). In order to accomplish this, government would be directed by a "'living' Constitution" that was less constraining and allowed for flexibility and experimentation in responding to the public interest (Skowronek, 2009, p. 2086). Notably, the key to responsiveness would be a president possessing the requisite skill to discern and mobilize national opinion for the broader public good (Neustadt, 1960). Such a president also would possess the ability to influence Congress by discerning and convincingly articulating the public's evolving concerns (Wilson, 1908), as well as the wherewithal to expediently address them. Progressives thus sought to construct a "*presidential* democracy" with the "chief executive as the instrument around which to build their new national polity" (Skowronek, 2009, p. 2087, emphasis in original), accompanied by a professional, non-partisan bureaucracy to carry out the public's work. As a result, a president acting in a Wilsonian tradition would

organize a government with a strong executive at the center and clear hierarchical authority to direct the bureaucracy to mobilize in a way that improves society (Skowronek, 2002).

This view of government in action is frequently expressed in Obama's rhetoric. For example, during his first address before a joint session of Congress, Obama (February 4, 2009) declares, "I reject the view that says our problems will simply take care of themselves, that says Government has no role in laying the foundation for our common prosperity." Later, Obama (January 21, 2013) affirms, "We, the people, still believe that our obligations as Americans are not just to ourselves, but to all posterity." Naturally, such obligations would extend to citizens and civil servants alike. Obama (April 14, 2011) makes his view of governance even clearer as he reveals that "each and every time [my administration] has had to make a decision, my guiding principle, that north star, has been…I am my brother's keeper. I am my sister's keeper."

In these passages, Obama clearly represents the progressive views of government described above. In particular, Obama articulates a vision where the government plays a foundational role in securing "common prosperity." It is not the role of government to get out of the way but rather to stand in the gap. Implicit in this vision is knowing the means by which common prosperity must come. And relating back to Wilson, the only way to know this is to discern the common national views and mobilize those views to effect social change. Obama also takes a long and broad view of social change by referring to America's obligations to "all posterity." Thus, the actions of today are intended to have a lasting impact on future generations that extends beyond national borders. Of particular note is the last passage, where Obama strikes a biblical chord in articulating a solemn and

sacred role for government, his "north star," in looking after one another.[76] From a

governance standpoint, government agencies assume the responsibility for carrying out

these obligations. Of course, when Congress provides little clarity or no assistance,

presidents are more than up to the task to stand in the gap and set a course of action,

accompanied by all the rhetoric necessary to educate, inform, and mobilize public

support. With such a broad view of America's obligations, it is little wonder that Obama

would mobilize the bureaucracy and engage the populace to overcome the gridlock he

faced in Congress.

In further support of this conclusion, Woodrow Wilson theorized as much about

presidential rhetoric as he did administrative action (Tulis, 1987, pp. 119-132). As

expressed by Wilson (1897), "Policy—where there is no absolute and arbitrary ruler to do

the choosing for a whole people—means massed opinion, and the forming of the mass is

the whole art and mastery of politics" (p. 340). In other words, rather than being the

handmaiden of public opinion, the rhetorical presidency was instead the mechanism by

which public opinion would be both formed and informed. Such an approach would

necessarily involve both fathoming the will of the people, which may only be vaguely

known to them, and in turn directing that opinion in order to inform public policy. For

Obama, that meant rhetorically constructing the role of EPA and rationalizing unilateral

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[76] In this short passage, Obama reveals perhaps his deepest sense of motivation in subtly recalling the biblical account of Cain and Abel (Genesis 4:8-9). In this account, Cain kills Abel out of jealousy and, when the Lord asks Cain where his brother is, Cain dismissively responds, "Am I brother's keeper" (Genesis 4:9, English Standard Version). In saying his "north star" for tough decisions is "I am my brother's keeper. I am my sister's keeper." Obama is essentially drawing a sharp contrast between a role for government that actively seeks to do good and one that does harm, whether actively or passively.

executive action. The rhetorical president would then educate and persuade the populace

by connecting public desire with public policy (Tulis, 1987).

This is precisely the approach that Obama (October 24, 2011) takes in his October

2011 remarks in Las Vegas when he observes:

> [M]ost Americans also understand that the problems we face didn't happen
> overnight, and so we're not going to solve them all overnight either. What people
> don't understand though is why some elected officials in Washington don't seem
> to . . . share the same sense of urgency that people all around the country [share].

In this passage, Obama places himself among the populace and expresses a national view

that recognizes the challenges America faces but is frustrated by "elected officials in

Washington" who he depicts as out of touch and apparently little concerned. In doing so,

Obama engages in both shaping and discerning a massed opinion that demands a call to

action. Then, taking his discerned sense of public opinion and connecting it to both

executive action and public mobilization, Obama delivers that call to action as he

concludes:

> But we can't wait for [congressional] action. I'm not going to wait for it. So I'm
> going to keep on taking this message across the country. Where we don't have to
> wait for Congress, we're just going to go ahead and act on our own. And we're
> going to keep on putting pressure on Congress to do the right thing for families all
> across the country. And I am confident that the American people want to see
> action. We know what to do. The question is whether we're going to have the
> political will to do it.

By declaring that "we can't wait" for Congress to act, Obama is clearly setting the stage

for administrative action he intends to make throughout the remainder of his presidency.

The broader point Obama is making is not only are there actions government can and

should take to improve societal conditions, but governmental action is foundational to

achieving social solidarity. Obama continues by revealing that there are certain actions

that "we don't have to wait for Congress" to deliver. Instead, he and the rest of America are "just going to go ahead and act on our own." Obama is not just vocalizing a change in approach here, although he does do that. He also is fully engaging the powerful leverage he has with the rhetorical presidency to mobilize the public "to keep on putting pressure on Congress." In doing so, Obama is actively shaping and massing public opinion to create a sense of urgency that will either compel Congress to act or justify his own unilateral actions.

Thus, with the "We Can't Wait" campaign, we see Obama in the Wilsonian tradition educating, informing, and mobilizing the support of the populace by signaling and rationalizing his administrative pivot. Acting in his chief executive capacity, Obama also situates himself as the instrument that mobilizes the polity. This is the "*presidential democracy*" progressives envisioned, but because of the deeply partisan divide, party politics remained a conspicuous and powerful factor surrounding Obama's pivot. As a result, the force behind the fusion of rhetoric and policy is an executive party system that readily moves forward when Congress stands pat. The effect is that governance is determined—or primarily constrained—by party, especially where highly politicized, even wicked, issues are concerned. This is not to say that such governance is inappropriate or somehow exceeds the rightful authority of the chief executive. The post-New Deal application of the administrative state to make and interpret rules in lieu of Congressional action has been widely supported by both scholars and the courts (Sunstein, 2005).[77] Indeed, practical considerations, such as time and expertise, require

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[77] See also Milkis, Charnock and Rhodes (2012); Milkis and Jacobs (2017); McKinley (2017) countering recent criticisms of the modern administrative state; and Bressman (2003) discussing concerns about the Presidential Control model.

administrative agencies to promulgate rules that would ordinarily cripple Congress (Bressman, 2003). Further, administrative action, while at times favoring narrow interests, also serves national interests (Bressman and Vanderbergh, 2006).

However, it does mean increasingly partisan governance characterized by an expanding gap between deliberation about national priorities and the adoption of rules reflecting more partisan views about those policies (Milkis and Jacobs, 2017). Meanwhile, that gap represents a hardening of political differences that becomes the justification for executive action. In this case, rather than signaling new rounds of negotiation, the breakdown in deliberation signaled legislation by other means—that is, administrative action as the "habitual solution to partisan polarization" (Lowande and Milkis, 2014, p. 3). Thus, the interaction of the policy captured by the pivot and the corresponding political language rationalizing it combine to create a reciprocal relationship that, according to Stuckey (1990), "is capable of reconstituting the reality in which those things are embedded" (p. 4, as quoted in Riehl, 2008). And that reality has become one in which presidents are justified in taking unilateral action when the partisan divide is too wide for Congress to cross.

The Dawn of Post-Deliberative Policymaking

Presidents have clearly grown comfortable resorting to unilateral action when facing an unyielding Congress. Yet, what if the fusion of rhetorical and administrative action becomes irresistible to presidents as a first rather than last resort? In that case, rather than habitually using them as a solution to partisan polarization, the rhetorical and administrative presidencies would become the default mode of governing. This is precisely the outcome the founders worried about if an executive were to become a

demagogue and derive his powers "from the role of popular leader" (Tulis, 1987, p. 27).

Therefore, although Obama's exercise of the rhetorical and administrative presidencies

falls within the norms, conventions, and precedent established by prior presidents, it is

one more step in the direction of presidential aggrandizement. And the collective

presidential steps in this direction amount to a veritable march toward institutionalizing

the reflexive and unmitigated use of presidential powers. As those powers become more

firmly embedded in the DNA of presidents, America moves closer to making post-

deliberative policymaking, which looks a lot like demagoguery, the default means of

addressing wicked and ordinary policy problems alike.

Moreover, as a default method of governing, administrative action invites

reciprocal actions when control of the government transitions to the opposing party. As

this occurs, contested policies will move from *merely* being stuck in status quo to being

whipsawed between two opposing views and a near continuous state of regulatory and

policy uncertainty. This is exactly the dynamic taking place with administrative action on

climate change. Hence, weaponizing any particular administrative power in such a

political regime would necessarily lead to at least an equal and opposite reaction when

the executive office changes hands, the end result of which is a form of party-centered,

brute force politics where the president is aggrandized, Congress is marginalized, and the

judiciary is left to sort through the carnage. As discussed in the following, when taken to

its logical conclusion, this is what post-deliberative policymaking looks like, and our

current trajectory suggests we are well on our way to making it our default form of

governance. Indeed, this is exactly what is taking place now in the Trump administration,

and promises to continue when he leaves office, barring unforeseen and dramatic changes to our system.

When Donald Trump entered the Oval Office in January 2017, he flipped many presidential norms and conventions on their collective head. Making full use of the rhetorical and administrative presidencies was not one of them. In fact, the speed and volume at which Trump utilized the administrative presidency is notable. In his first eight months in office, President Trump signed 45 executive orders compared to the 39 that were signed by President Obama (Woolley, 2020). On average, Trump has issued 47 per year compared to Obama's 39 per year. And while executive orders do not tell the complete story about unilateral action, they do demonstrate a president's commitment to "going it alone." The fact that many of Trump's executive orders were a direct reversal of Obama's policies (Milkis and Jacobs, 2017)—in particular his order, on day one of his presidency, directing the EPA to reconsider and revise the Clean Power Plan—also indicates how reflexive administrative action has become.

In a sign that the habit of using the administrative presidency is as contagious as it is irresistible, virtually all of the current Democratic presidential candidates are now vowing to either reverse Trump's policies or advance their own.[78] Many of the executive orders pertain to wicked problems such as gun control, immigration, and of course climate change. However, in January 2020 Elizabeth Warren, who had introduced a $640 billion debt-relief bill for student loans in 2019, announced that on day one of her

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[78] The inspiration behind the phrase "vest old laws with new meanings" comes from Rudalevige (2016b) and Derthic (2011). In discussing the propensity of modern presidents to reinterpret existing laws to fit their policies, Derthic uses the phrase "…invest old ones with new meanings" (p. 56), while Rudalevige (2016b) titles a journal article dealing with the same subject "Old Laws, New Meanings: Obama's Brand of Presidential 'Imperialism.'"

presidency she would instead sign an executive order to cancel the debt herself (Berman,

January 2020). Echoing Obama's 2010 "We can't wait" declaration, Warren (2020)

proclaims on her campaign website, "We can't afford to wait for Congress" and proceeds

to lay out a plan to vest old laws with new meanings. Similarly, Bernie Sanders is

reportedly preparing to sign dozens of executive orders at the beginning of his presidency

on a familiar premise. That is, according to a Sanders campaign document, "We cannot

accept delays from Congress..." (Stein and Sullivan, January 2020). The document

reportedly contains the expected executive orders addressing climate change and

immigration, but also adds one addressing prescription drugs (Stein and Sullivan, January

2020).

The reciprocal nature of these executive orders is evidence of the whipsaw effect

discussed earlier, but it also is evidence that unilateral, policy consequential action may

in fact be the default mode of governance. Of course, the above designs on future

executive orders highlight important campaign issues that eventually become the basis

for administrative action and partisan leverage. But more fundamental to American

democracy, the reflexive use of administrative action underscores an important message:

presidents, including presidential hopefuls, have lost faith in Congress. This is clearly

true for wicked problems, but it also appears to be true for tough but ordinary problems

as well, such as student-loan debt and prescription drugs. As a result, rather than invest in

a deliberative process that is intended to be representative of American interests,

contemporary presidents have apparently lost patience with Congress and are

increasingly leveraging an expansive view of "administrative power for partisan

purposes" (Milkis and Jacobs, 2017, p. 609; see also Berman, 2020).

As to the rhetorical presidency, it is important to at least point out the degree to which Trump has used rhetoric to influence policy. Notably, as Tulis (2017) argues, because of his reliance on rhetoric, especially via Twitter, Trump may very well be America's first elected demagogue. Although Trump's use of the administrative presidency falls largely in line with his predecessors (Potter et al., 2019), it his administrative actions combined with his rhetoric that seems to draw the most attention, and worry. Indeed, much of Trump's administrative actions are inextricably linked to Obama's use of executive authority—that is, they are predominantly focused on administratively reversing Obama's administrative actions (Milkis and Jacobs, 2017). And his rhetoric is less focused on a reasoned debate than an impassioned "call to arms" (Bostdorff, 2017). From tweeting about ongoing court cases, foreign leaders, controversial social issues, and members of Congress, not to mention the relatively more mundane administrative and policy matters, Trump has taken the rhetorical presidency into uncharted territory.

In fact, Twitter uniquely provides a platform for Trump to control his message and directly tap into his supporters, giving him an enhanced sense of power and persuasion (Tulis, 2017). As Bostdorff (2017) argues, such an evolution in presidential rhetoric is troubling, since it invites "the possibility that social media and its frequent companion, counterfactual advocacy, may simply be promoting a persistent condition of conflict and fluctuation that prevents thoughtful, collaborative, well-informed change from taking place" (p. 704). If that is the case, then it is highly likely that social media alone will reinforce post-deliberative policymaking. Such an observation also makes Tulis's (2017) pronouncement on Trump particularly worrisome, since Trump has been

able to use it so effectively. A nightmare scenario, therefore, would be that whatever success Trump experiences using rhetoric to influence policy would pave the way for a succession of demagogues.

From the founding to Trump and beyond, the partisan use of executive powers clearly demonstrates the degree to which the rhetorical and administrative presidencies are now embedded in the DNA of today's presidents and presidential candidates. Importantly, the exercise of these executive powers may not simply be a reaction to partisanship and polarization but a cause that reinforces existing ideological divides. If that is the case, then the fusion of the rhetorical and administrative presidencies will normalize post-deliberative policymaking to the point where administrative action becomes a weapon of first rather than last resort. As Milkis and Jacobs (2017) observe, this type of "administrative aggrandizement...marks the continuation of...an executive centered partisanship, which relies on presidential candidates and presidents to pronounce party doctrine, raise campaign funds, campaign on behalf of their partisan brethren, mobilize grass roots support, and advance party programs" (p.585). If this is not Gilded Age politics, then it is something very close to it. And the irony of what is at least reminiscent of the Gilded Age today may very well become the reality of a second Gilded Age tomorrow.

CHAPTER EIGHT: CONCLUSION

History and practice have shown that the entrepreneurial skills of presidents frequently prevail in conflicts over the constitutional limits of their powers. In continually testing the limits that would confound their ambitions, presidents have attained a seemingly inexorable expansion of their power and authority. The result is that all presidential constraints are quite possibly rendered temporary by the continual unchecking of their authority. In virtually all cases, research in this regard has focused either on presidential rhetoric or presidential action, unilaterally or through the bureaucracy (Watts, 2012). The attention to these two branches of scholarship has contributed valuable insights about presidential power, but by treating them separately we have a more limited understanding about how the fusion of the two may influence or shape that power. Gaps have remained, therefore, in our understanding of presidential power.

This dissertation has endeavored to bring these two scholarly conversations together in order to draw some larger conclusions about their implications on democratic decision-making and to begin filling those gaps. Analyzing Obama's use of the rhetorical and administrative presidencies to address the wicked problem of climate change has indeed offered a revealing window through which to better understand federal policymaking in America. To be sure, Obama's use of rhetoric and administrative action fit well within the precedent established by previous administrations. In this regard, Obama certainly is not unique. When his focus on shepherding climate change legislation

through Congress remained stuck in status quo, Obama pivoted to the EPA as an expedient way—the only way left to him, in fact—to implement climate actions. As he articulated on a regular basis, Obama would have preferred a legislative solution, but a hopelessly gridlocked Congress precluded any possibility of finding one. In other words, administrative action to Obama can be seen as legislation by other means, and he used what he characterized as the looming, catastrophic, and irreversible impacts of climate change and economic loss as justification for not only "speaking over the heads" of Congress but for bypassing it altogether.

By pivoting to executive action Obama was continuing the well-preserved presidential tradition of implementing policy by any means necessary. Yet it is not enough to note that he continued this tradition; we must also pay attention to *how* he continued it. Indeed, Obama's approach draws fascinating parallels with Woodrow Wilson's progressive philosophy. Wilson saw the office of the president as a unifying force—both the leader of the nation and the leader of his party (Dimock, 1957). As such, Wilson not only saw his role as leading the nation, but also as shaping national views to reflect his own (Dimock, 1957). Obama assumed a similar view of his role as president and attempted to shape national views on climate policy while Congress deliberated the Waxman-Markey bill. However, as a reformer in the Wilsonian tradition, Obama readily adapted to a gridlocked Congress, and a largely unmotivated public, by addressing an urgent problem on his own that was predictably interpreted as an indirect attack on the customs and conventions of democratic principles. And we now see the "counterattack" as President Trump undoes administrative action by administrative action.

The swing of this political pendulum confirms what others have observed as a system of policy formulation and adoption achieved through an executive party system (Lowande and Milkis, 2009; Milkis et al., 2012). If all policy is now partisan policy, then deliberation becomes something that should be attempted but not favored. Instead, administrative action becomes a default mode of governance in a new paradigm of post-deliberative policymaking. Accordingly, unilateral action is justified whenever Congress ignores, ineffectively addresses, or altogether opposes presidential overtures.

It is in this space where the interaction of the administrative presidency and the rhetorical presidency become particularly profound. That is, when administrative action becomes the default means by which policy is formulated, adopted, implemented, and defended, then when combined with a president's rhetoric, the fusion of the two may serve to harden the divide rather than unify the populace. Thus, unlike the progressive era ideals, populist appeals are in reality partisan appeals, while rhetoric is weaponized, along with the bureaucracy, to gain and exploit any advantage to keep and wield power. This is the demagoguery our Founding Fathers were concerned about, and it is the demagoguery we may now face as the administrative presidency and rhetorical presidency become business as usual. At this juncture, Congress has the means but not the will to address the very manifestation of what the Founding Fathers feared. The result is ultimately that wicked policy problems will remain unsettled and national interests will suffer from the absence of robust deliberation. Worse still, ordinary policy problems may go the way of wicked problems as the presidency is aggrandized, Congress is marginalized, and the courts sort through the carnage. This is the essence of what post-deliberative policymaking looks like.

Ultimately, how Congress, the courts, and the public respond to post-deliberative policymaking can either check or enable its expansion. As a result, the two branches of government provide an important feedback mechanism to presidents and have much to say about how much they will tolerate a recasting of their institutional bond with the president. The public also will have cyclical opportunities to decide whether the recasting of our political system that favors a strong executive should proceed unabated. If Congress and the courts do not check presidential power, then a post-deliberative policymaking process may become normalized, which will in turn aggrandize the presidency at the expense of deliberation and a disempowered Congress (Bulman-Pozen and Metzger, 2016). Such an outcome is bound to encourage presidents to bypass Congress and reinforce the use, if not the expansion, of unilateral action (Bulman-Pozen and Metzger, 2016; Milkis et al., 2014; Milkis and Jacobs, 2017). If that is the case, then U.S. policymaking almost certainly will experience the whipsaw effects of diametrical approaches to unsettled policies with each new presidential administration. As a result, America will be plagued by systemic instability that perpetually taxes our politics, our institutions, and our citizens.

As it stands now, presidential action risks becoming completely unmoored from constitutional constraints. Unless checks are restored to constrain presidential power, American democracy will continue to transform in harmful ways that may eventually validate Lord Macaulay's (1860) foreboding prediction that the U.S. Constitution is "all sail and no anchor" (n.p.). Yet, the die is not fully cast and historical developments surrounding the presidency unite to suggest that post-deliberative policymaking is not inevitable, or at least not unchangeable. Taking a panoramic view of the presidency, as

this dissertation has done, reveals a fluid institution that can and does transform over time. The rhetorical and administrative presidencies are tools that presidents have wielded to great effect, but correctives are possible. And just as one era has yielded to the innovations of the next, this current era may yet yield to one that reflects a far more deliberative and representative nature.

In the meantime, the solution of wicked problems at the national level will remain unsettled, if our policymaking process remains as described in this dissertation. America is currently facing a number of "wicked" challenges, of which climate change is only one. Immigration, gun violence, terrorism, and social inequality, among many others, are all serious problems that deserve dedicated and deliberative consideration. If a post-deliberative policymaking process continues to dominate American politics, then we will be missing a key ingredient to developing efficient and effective policy solutions—which is of course the value of a deliberative and representative decision making process. And our ability to actually resolve vexing problems will be seriously undermined, meaning subjecting America on a cyclical basis to whipsawed policies. Put another way, if a President, or special interest acting through the president, can derail our deliberative legislative process, then America itself may be held hostage to increasingly extreme, divisive, and polarizing views of policy solutions. In such a world, Americans will remain polarized on its most pressing issues as presidents "out administrate" each other in an endless cycle of unilateral executive actions. Policy will thus be reduced to brute force politics driven by ideology, demagoguery, and simple majorities. This was the future the Founding Fathers were concerned about, and it remains a pressing concern today.

Viewing the policymaking process through the Post-Deliberative Policymaking Model, as this dissertation has done, adds a dimension to policy and presidential studies that has been understudied. The Post-Deliberative Policymaking Model also expands how scholars in multiple academic fields can view presidents and U.S. policymaking. From an administrative presidency perspective, the model helps visualize how polarization not only prompts but also is exacerbated by unilateral executive actions. Deeper studies in this area are likely to improve our understanding about status quo policies and their influence on our political system. In particular, more studies in this area may help reveal whether, and to what extent, executive centered partisanship is a dysfunctional and increasingly problematic evolution of our political system, or just an expected manifestation of a political system working as designed. In terms of the rhetorical presidency, viewing it in the context of the administrative presidency opens the way scholars can understand its influence on politics. We know it is a potent force on its own, but this dissertation has shown that when combined with the administrative presidency it may have the power to reshape, or at least expand, the way we view the presidency. The Post-Deliberative Policymaking Model thus helps explore different dimensions to the presidency, including how it may influence polarization, to better understand where we may be headed as a nation.

Finally, it would have been interesting to compare President Obama's rhetoric with that of his predecessor, George W. Bush, or even with President Trump, which was considered early on. Given the way Trump has used executive authority to specifically counter Obama's own use of executive authority, such a comparison would have been rich in data and captured a dynamic that appears likely to only increase over time.

However, comparing one president to another using the methods in this dissertation would have greatly expanded the data analyzed and time involved. Trump's rhetoric also posed a problem because its often chaotic and unconventional nature makes comparisons to other presidents more challenging. Nevertheless, these types of comparisons would be fertile ground for future study. By taking the methods and Post-Deliberative Policymaking Model developed in this dissertation and expanding them into additional areas of research, scholars can explore new ways of understanding the familiar themes addressed in this dissertation.

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APPENDIX A

Code Book

Table A.1   Code Book

Climate Apocalypse	Referencing protecting the planet against climate change events, etc. In the absence of action, climate catastrophism is inevitable. Exemplar: "…so that you're not seeing more drought and famine that creates more conflict…" In this case, the text suggests that climate change is currently causing "drought and famine" and, in the absence of action, there will be more socially and politically destabilizing climatic episodes. Provides the ultimate rational for action.
Collective Action	Multi-lateral international cooperation. Individual nations must take responsibility and accept the obligation of taking action to prevent more harmful climate change events. Collective Action capture the notion that no single entity or subset of entities can reverse the trend of climate change. Exemplars: "For the first time in history, all of the major—the world's major economies have come together to accept their responsibility to take action to confront the threat of climate change. After extremely difficult and complex negotiations, this important breakthrough lays the foundation for international action in the years to come." "So that -- that was an important principle, that everybody's got to do something in order to solve this problem. But I make no claims…" "And together, we must continue our work to build on the progress made in Copenhagen and Cancun, so that all the major economies here today follow through on the commitments that were made. Together, we must work to

	transform the energy that powers our economies and support others as they move down that path."
Managing/Tempering Expectations	This is a reminder about the enormity of the problem and the work ahead. Change will not occur overnight, and it will not come easily. It is a call for patience, perseverance, and steadfastness in the face of the significant challenge ahead. Exemplars: "Americans also understand that the problems we face didn't happen overnight, and so we're not going to solve them all overnight either." "Now, this progress did not come easily, and we know that progress on this particular aspect of climate change negotiations is not enough. And going forward, we're going to have to build on the momentum that we established in Copenhagen to ensure that international action to significantly reduce emissions is sustained and sufficient over time."
Clean Energy Utopia/Clean Energy Revolution	This is an economic argument as much as a utopian vision. A clean energy transformation will be the engine that powers America into economic dominance and solves the climate problem. It is a path that heals the economy and the planet. Exemplars: "At home that means continuing our efforts to build a clean energy economy that has the potential to create millions of new jobs and new industries…" "…that produces jobs that can't be exported; it reduces our dependence on foreign oil; it is good economics; it will increase our exports -- oh, and by the way, it also solves the climate problem." "…because if America leads in developing clean energy, we will lead in growing our economy and putting our people back

	to work and leaving a stronger and more secure country to our children."
Leading the Way:	Retaking the initiative to not only lead with respect to climate policy but also the clean energy revolution that is inevitable. This code is juxtaposed to "Falling Behind." Exemplars: "I don't want the technology that will transform the way we use energy to be invented abroad. I want the United States of America to be what it has always been, and that is a leader--the leader--when it comes to a clean energy future."
Transgenerational Trust	For the children. Regardless of any other motivation, everyone should want to act on behalf of the children and grandchildren. So if no argument for action is convincing, then at least act in the interest of the children so they can have a better future. It is an appeal to an intergenerational responsibility to secure a future that protects the children and gives them a chance to pursue their dreams. Exemplars: "…and protect our environment for our children." "…and leaving a stronger and more secure country to our children." "And it is how we will combat the threat of climate change and leave our children a planet that's safer than the one we inherited."
Voice of Reason	Cooler heads will prevail, and the logic of the policies is really very rational and simple. Common sense and reason drives the policy not ideology or passion. Exemplars:

	"what did happen was cooler heads prevailed."
	"I know that there is some concern about how energy fits together with climate change. I happen to believe that climate change is one of the reasons why we've got to pursue a clean energy agenda, but it's not the only reason."
	"I want to be clear that my administration is following a nonideological approach to this issue. We believe in a strategy of more production, more efficiency, and more incentives for clean energy."
We Can't Wait	Addressing urgency of action. The need for action is so urgent that waiting is no longer an option. Exemplars: "we can't wait for an increasingly dysfunctional Congress to do its job. Where they won't act, I will." "…we're willing not to defer tough decisions around health care or energy or education, so that somebody else deals with them…"
Dangerous Dependence	Reliance on foreign oil and concomitant harmful impacts on national security and economic prosperity. Exemplar: "But it's also how we will reduce our dangerous dependence on foreign oil, a dependence that endangers our economy and our security."
Falling Behind	Losing what is rightfully America's. This is America's clean energy Sputnik moment. This code is juxtaposed to "Leading the Way." It captures the idea that America is losing the race and will continue to do so without a change in policy. It also captures the idea that America has been lax in addressing important policy issues in general.

	Exemplars:
	"We can't afford to spin our wheels while the rest of the world speeds ahead." "And unfortunately, right now the United States, the Nation that pioneered the use of clean energy, is being outpaced by nations around the world. It's China that has launched the largest effort in history to make their economy energy efficient. We spearheaded the development of solar technology, but we've fallen behind countries like Germany and Japan in producing it." "…countries like China are moving even faster. And they're very aggressive about wanting to make sure that these clean energy jobs are in their countries."
In It to Win It	We're going to lead and we're going to win and we'll reap the benefits of that effort. The reward of winning is worth the struggle. Missing out on such rewards is unthinkable, especially when you consider other nations enjoying what could have been America's Exemplars: "I am convinced that whoever builds a clean energy economy, whoever is at the forefront of that, is going to own the 21st-century global economy." "But I don't want America to lose that competition. I don't want the industries that yield the jobs of tomorrow to be built overseas. I don't want the technology that will transform the way we use energy to be invented abroad. I want the United States of America to be what it has always been, and that is a leader--the leader--when it comes to a clean energy future."
Closing the Gap	Related to "Falling Behind" and "In It To Win It." Pointing to the fact that America can make up the lost ground. It's not too late to make a difference.

	Exemplar:
	"…if we can tap the talents of our workers and our innovators and our entrepreneurs, if we can gain the lead in clean energy worldwide, then we'll forge a future where a better life is possible in our country over the long run. That's a future we're now closer to building because of the steps that we're taking today."
Big Tent Energy	Creating a diverse energy portfolio...as long as it's not traditional coal burning. America still needs all of its resources and abandoning fossil fuels is not part of the agenda.
	Exemplars:
	"But to create more of these clean energy jobs, we need more production, more efficiency, more incentives. And that means building a new generation of safe, clean nuclear power plants in this country. It means making tough decisions about opening new offshore areas for oil and gas development. It means continued investment in advanced biofuels and clean coal technologies."
	"One of the things that we're going to be talking about today is investing in the kind of technology that will allow us to use coal, our most bountiful natural resource here in the United States, without polluting our planet."
	"And I also think it's important for us to understand that in order for us to move forward with a robust energy policy, we've got to have not an either-or philosophy, but a both-and philosophy…"
United We Stand	Ideological and political differences are set aside to focus on issues that matter to all Americans.
	Exemplar:

	"These aren't Republican values or Democratic values that they're living by, business values or labor values, they're American values."
Difference Don't Matter	Related to MCC above. The similarities that bind us are greater than the differences that divide us. This may be the same codes as MCC and will continue to be evaluated to see if it needs modification. Exemplar: "Now, there's no reason that we shouldn't be able to work together in a bipartisan way to get this done." "We have to focus not so much on those narrow areas where we disagree, but on the broad areas where we agree."
Coming Together:	Related to MCC and DDM above. This may just be another positive expression of Making Common Cause and will be evaluated going forward to determine whether the codes should be combined or hierarchically ordered in a single code. Exemplar: "…because of our diversity of race and faith and religion, that there was something special when we come together and that we can somehow combine a fierce individualism and a sense of entrepreneurship and risk-taking and self-reliance and responsibility with also a sense of community, a sense of mutual obligation, a sense that our lives are better if we're looking out for one another."
Remaining Resolute	As Tom Petty sang, "I won't back down...you can drag me down to the gates of hell, but I won't back down." The outcome is too important to give up. The struggle is worth it. Honoring those who refused to quit by refusing to quit ourselves. Exemplars:

	"The only reason we are here is because generations of Americans were unafraid to do what was hard, to do what was needed even when success was uncertain, to do what it took to keep the dream of this Nation alive for their children and their grandchildren." "A new decade stretches before us. We don't quit. I don't quit. Let's seize this moment to start anew, to carry the dream forward, and to strengthen our Union once more."
Same Failed Policies	It's time to leave old ideas behind. It's time to get with the times and move into the new energy era where a clean energy economy will usher in jobs, wealth, prosperity, safety, and security. Those who argue with such an approach are unreasonable, anti-progress, backward thinking Luddites who support technology that is passing them by from an economic and environmental standpoint. Exemplar: "Today the Senate chose to move America forward towards that clean energy economy, not backward to the same failed policies that have left our Nation increasingly dependent on foreign oil."
Out of Touch Politicians	This code essentially makes politicians (i.e., predominantly Republicans standing in the way of Obama's policies) a foil to Obama's "We Can't Wait" speech. This is a populist message that the elite are out of touch with the needs of ordinary Americans who need them to act but they continue to refuse to do so. Exemplar: "What people don't understand though is why some elected officials in Washington don't seem to…share the same sense of urgency that people all around the country are." "People out here don't have a lot of time or a lot of patience for some of that nonsense that's been going on in Washington."

Waiting on Congress	Congress can help...and we need them to. We're giving them the opportunity and waiting for the take it so they can make a positive contribution. There is a sense of urgency and scope that's important—that is, unilateral action is helpful, but it won't make the same difference that congressional action will. Exemplar: "These Members of Congress who aren't doing the right thing right now, they still have a chance to take meaningful action…' "We still need Congress to pass the jobs bill. We still need them to move forward on Project Rebuild so we can have more homes like this and wonderful families having opportunity to live out the American Dream."
Going It Alone	If Congress won't act, I will. Complete commitment to acting unilaterally to advance policies that are obstructed in Congress. Exemplars: "I've told my administration to keep looking every single day for actions we can take without Congress…" "…I also said that I intend to do everything in my power to act on behalf of the American people, with or without Congress." "Until they act, until they do what they need to do, we're going to act on our own, because we can't wait for Congress to help our families and our economy."
Social Solidarity	Conveys Obama's version of the American Dream. It is a vision for America that is communitarian. An America that is characterized by decency, responsibility, and concern for the "least of these." It is an America that strives for prosperity for all. Exemplars:

	"And if we do, if we come together and lift this Nation from the depths of this crisis, if we put our people back to work and restart the engine of our prosperity, if we confront without fear the challenges of our time and summon that enduring spirit of an America that does not quit, then someday years from now our children can tell their children that this was the time when we performed, in the words that are carved into this very Chamber, 'something worthy to be remembered.'"
Clear and Present Danger	Climate change is real and happening right now. Overwhelming scientific evidence pointing to irreversible climate catastrophe, unless America takes action now. As a real threat happening right now, climate change demands urgent action. "The enemy is at the gates." Exemplars: "But if those trend lines continue the way they are, there's not going to be a nation on this Earth that's not impacted negatively. People will suffer. Economies will suffer. Entire nations will find themselves under severe, severe problems: more drought, more floods, rising sea levels, greater migration, more refugees, more scarcity, more conflict." "[Climate Change] is no longer some far-off problem. It is happening here. It is happening now."