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The Presidency



hen Ronald Reagan died on June 5, 2004, many Americans, first in California and then in Washington, D.C., lined up for hours to pay their respects to the man who had been the fortieth president of the United States. Many people could see, for the first time in recent memory, the grandeur of a presidential state funeral. The first president to lie in state in the Rotunda of the Capitol since Lyndon B. Johnson died in January 1973, Reagan was one of only nine American presidents to receive that honor.

Presidential funerals underscore the esteem that most Americans accord the office of the president, regardless of its occupant. Just before the first president, George Washington, died, he made it known that he wanted his burial to be a quiet one, “without parade or funeral oration.” He also requested a three-day delay of his burial—a common request at the time because of the fear of being buried alive. Despite these requests, Washington’s funeral was a state occasion as hundreds of soldiers, with their rifles held backward, marched to Mount Vernon, Virginia, where he was interred. Across the nation, imitation funerals took place, and the military wore black armbands for six months.¹

When President Abraham Lincoln was assassinated in 1865, his funeral became a nationwide event. He lay in state in the East Room of the White House, where more than 25,000 mourners came to pay their respects. Black cloth draped the room, and two dozen Union soldiers formed an honor guard. Following the funeral, a parade to the Capitol was held in Washington, D.C. Thousands of free blacks escorted Lincoln to the Rotunda, where he lay in state for another day. The body of the deceased president then embarked on a national train tour to his burial site in Springfield, Illinois, allowing Americans across the country an opportunity to grieve.

Today, one of the first things a president does upon leaving office is to consider funeral plans. The military has a 138-page book devoted to the kind of ceremony and traditions so evident in the Reagan funeral: a horse-drawn caisson, a riderless horse with boots hung backward in the stirrups to indicate that the deceased will ride no more, a twenty-one-gun salute, and a flyover by military aircraft. Each president’s family, however, has personalized their private, yet also public,

7.1

Trace the development of the presidency and the provisions for choosing and replacing presidents, p. 192.

7.2

Identify and describe the constitutional powers of the president, p. 197.

7.3

Evaluate the development and expansion of presidential power, p. 202.

7.4

Outline the structure of the presidential establishment and the functions of each of its components, p. 206.

7.5

Explain the concept of presidential leadership and analyze the importance of public opinion, p. 210.

7.6

Assess the president’s role as policy maker, p. 213.



PRESIDENTIAL FUNERALS ARE OCCASIONS FOR NATIONAL MOURNING Above, the nation mourns President Abraham Lincoln, the first American president to be assassinated. Below, former presidents and vice presidents and their wives attend a funeral service for President Ronald Reagan in the National Cathedral in Washington, D.C., prior to his interment in California.



opportunity to mourn. The Reagan family, for example, filed a 300-page plan for the funeral in 1989 and updated it regularly. President Gerald R. Ford filed a plan that was implemented after his death in 2006. Presidents Jimmy Carter and George Bush have also filed formal plans; Bill Clinton and George W. Bush have yet to do so.

The Reagan funeral also created a national time-out from the news of war, and even presidential campaigns halted in respect for the deceased president. One historian commented that the event gave Americans the opportunity to “rediscover . . . what holds us together instead of what pulls us apart.”² This is often the role of presidents—in life or in death.



The authority granted to the president by the U.S. Constitution and through subsequent congressional legislation makes it a position with awesome power and responsibility. Not only did the Framers not envision such a powerful role for the president, but they also could not have foreseen the skepticism with which the modern media greet many presidential actions.

The modern media, used by successful presidents to help advance their agendas, have brought us closer to our presidents and made them seem more human, a mixed blessing for those trying to lead. Only two photographs exist of President Franklin D. Roosevelt in a wheelchair, his paralysis kept a closely guarded secret. Seven decades later, presidential candidate Mitt Romney was asked on national TV what he wore to bed.

Public opinion and confidence greatly affect a president’s ability to get his programs adopted and his vision of the nation implemented. As one political scientist has noted, the president’s power often rests on the power to persuade.³ To persuade, he must have the capacity to forge links with members of Congress as well as gain the support of the American people and the respect of foreign leaders. The tension between public expectations about the presidency and the formal powers of the president permeates our discussion of how the office has evolved from its humble origins in Article II of the Constitution to its current stature.

Roots of the Office of President of the United States

7.1

Trace the development of the presidency and the provisions for choosing and replacing presidents.

The earliest example of executive power in the colonies was the position of royal governor. The king of England appointed a royal governor to each British colony and normally entrusted them with the “powers of appointment, military command, expenditure, and—within limitations—pardon, as well as with large powers in connection with the powers of law making.”⁴ Royal governors often found themselves at odds with the colonists and especially with elected colonial legislatures. The people, many of whom had fled from Great Britain to escape royal domination, distrusted and disdained the governors as representatives of the crown. Other colonists, generations removed from England, no longer felt strong ties to the king and his power over them.

When the colonists declared their independence from Great Britain in 1776, their distrust of a strong chief executive remained. Most state constitutions reduced the once-powerful office of governor to a symbolic post elected annually by the legislature. However, some states did entrust wider powers to their chief executives. In New York, the people directly elected the governor. Perhaps because the people could then hold him accountable, they gave him the power to pardon, the duty to faithfully execute the laws, and the power to act as commander in chief of the state militia.

Under the Articles of Confederation, no executive branch of government existed; the eighteen different men who served as the president of the Continental Congress of the United States of America were president in name only—they held no actual authority or power in the new nation. When the delegates to the Constitutional Convention met in Philadelphia to fashion a new government, the need for an executive branch to implement

the laws made by Congress created little dissent. Although some delegates suggested that multiple executives would be preferable, the Framers eventually agreed that executive authority should be vested in one person. This agreement was relatively easy because the Framers felt certain that George Washington—whom they had trusted with their lives during the Revolutionary War—would become the first president of the new nation.

The Framers also concurred on a title for the new office. Borrowing from the title used at several American colleges and universities, the Framers called the new chief executive “the president.” How the president was to be chosen and by whom created a major stumbling block. James Wilson of Philadelphia suggested that the people should elect the president, who should remain “independent of the legislature.” Wilson also suggested giving the executive an absolute veto over the acts of Congress. “Without such a defense,” he wrote, “the legislature can at any moment sink it [the executive] into non-existence.”⁵

The manner of the president’s election troubled the Framers for some time. Their solution to the dilemma was the creation of the Electoral College. We leave the resolution of that issue aside for now and turn instead to details of the issues the Framers resolved quickly.

□ Presidential Qualifications and Terms of Office

The Constitution requires the president (and the vice president, whose major function is to succeed the president in the event of his death or disability) to be a natural-born citizen of the United States, at least thirty-five years old, and a resident of the United States for fourteen years or longer. In the 1700s, those engaged in international diplomacy often traveled out of the country for substantial periods of time, and the Framers wanted to make sure that prospective presidents spent significant time on this country’s shores before running for its highest elective office. While the Constitution does not bar a woman or member of a minority group from seeking the presidency, Barack Obama is the only nonwhite male thus far to win election to this office (see Table 7.1).

Although only two of the last six presidents failed to win a second term, at one time the length of a president’s term created controversy. Various delegates to the Constitutional Convention suggested four-, seven-, and eleven-year terms with no eligibility for reelection. The Framers ultimately reached agreement on a four-year term with eligibility for reelection.



WHO HAS SERVED AS PRESIDENT OF THE UNITED STATES?

Before Barack Obama, all of the people who served as president were white men. Here, four former presidents—George W. Bush, Bill Clinton, Jimmy Carter, and George Bush—gather to celebrate the opening of the Clinton Presidential Library in 2004.

TABLE 7.1 WHO WERE THE U.S. PRESIDENTS?

President	Place of Birth	Higher Education	Occupation	Years in Congress	Years as Governor	Years as Vice President	Age at Becoming President
George Washington	VA	William & Mary	Military/surveyor	2	0	0	57
John Adams	MA	Harvard	Farmer/lawyer	5	0	4	61
Thomas Jefferson	VA	William & Mary	Farmer/lawyer	5	3	4	58
James Madison	VA	Princeton	Farmer	15	0	0	58
James Monroe	VA	William & Mary	Farmer/lawyer	7	4	0	59
John Quincy Adams	MA	Harvard	Lawyer	0 ^a	0	0	58
Andrew Jackson	SC	None	Military/Lawyer	4	0	0	62
Martin Van Buren	NY	None	Lawyer	8	0	4	55
William H. Harrison	VA	Hampden-Sydney	Military	0	0	0	68
John Tyler	VA	William & Mary	Lawyer	12	2	0	51
James K. Polk	NC	North Carolina	Lawyer	14	3	0	50
Zachary Taylor	VA	None	Military	0	0	0	65
Millard Fillmore	NY	None	Lawyer	8	0	1	50
Franklin Pierce	NH	Bowdoin	Lawyer	9	0	0	48
James Buchanan	PA	Dickinson	Lawyer	20	0	0	65
Abraham Lincoln	KY	None	Lawyer	2	0	0	52
Andrew Johnson	NC	None	Tailor	14	4	0	57
Ulysses S. Grant	OH	West Point	Military	0	0	0	47
Rutherford B. Hayes	OH	Kenyon	Lawyer	3	6	0	55
James A. Garfield	OH	Williams	Educator/lawyer	18	0	0	50
Chester A. Arthur	VT	Union	Lawyer	0	0	1	51
Grover Cleveland	NJ	None	Lawyer	0	2	0	48
Benjamin Harrison	OH	Miami (Ohio)	Lawyer	6	0	0	56
Grover Cleveland	NJ	None	Lawyer	0	2	0	53
William McKinley	OH	Allegheny	Lawyer	14	4	0	54
Theodore Roosevelt	NY	Harvard	Lawyer/author	0	2	1	43
William H. Taft	OH	Yale	Lawyer	0	0	0	52
Woodrow Wilson	VA	Princeton	Educator	0	2	0	56
Warren G. Harding	OH	Ohio Central	Newspaper editor	6	0	0	56
Calvin Coolidge	VT	Amherst	Lawyer	0	2	3	51
Herbert Hoover	IA	Stanford	Engineer	0	0	0	55
Franklin D. Roosevelt	NY	Harvard/Columbia	Lawyer	0	4	0	49
Harry S Truman	MO	None	Clerk/store owner	10	0	0	61
Dwight D. Eisenhower	TX	West Point	Military	0	0	0	63
John F. Kennedy	MA	Harvard	Writer	14	0	0	43
Lyndon B. Johnson	TX	Texas State	Educator	24	0	3	55
Richard M. Nixon	CA	Whittier/Duke	Lawyer	6	0	8	56
Gerald R. Ford	NE	Michigan/Yale	Lawyer	25	0	2	61
Jimmy Carter	GA	Naval Academy	Farmer/business owner	0	4	0	52
Ronald Reagan	IL	Eureka	Actor	0	8	0	69
George Bush	MA	Yale	Business owner	4	0	8	64
Bill Clinton	AR	Georgetown/Yale	Lawyer, law professor	0	12	0	46
George W. Bush	CT	Yale/Harvard	Business owner	0	6	0	54
Barack Obama	HI	Columbia/Harvard	Community organizer, law professor	3	0	0	48

^aAdams served in the U.S. House for six years after leaving the presidency.

SOURCE: Adapted from *Presidential Elections Since 1789*, 4th ed. (Washington, DC: CQ Press, 1987), 4; Norman Thomas, Joseph Pika, and Richard Watson, *The Politics of the Presidency*, 3rd ed. (Washington, DC: CQ Press, 1993), 490; Harold W. Stanley and Richard G. Niemi, eds., *Vital Statistics on American Politics 2001–2002* (Washington, DC: CQ Press, 2001). Updated by the authors.

The first president, George Washington (1789–1797), sought reelection only once, and a two-term limit for presidents became traditional. Although Ulysses S. Grant unsuccessfully sought a third term, the two terms established by Washington remained the standard for 150 years, avoiding the Framers’ much-feared “constitutional monarch,” a perpetually reelected tyrant. In the 1930s and 1940s, however, Franklin D. Roosevelt ran successfully in four elections as Americans fought first the Great Depression and then World War II. Despite Roosevelt’s popularity, negative reaction to his long tenure in office led to passage (and ratification in 1951) of the **Twenty-Second Amendment**. It limits presidents to two four-year terms. A vice president who succeeds a president due to death, resignation, or impeachment is eligible for a maximum of ten years in office: two years of a president’s remaining term and two elected terms, or more than two years of a president’s term followed by one elected term.

The Framers paid little attention to the office of vice president beyond the need to have an immediate official stand-in for the president. Initially, for example, the vice president’s only function was to assume the office of president in the case of the president’s death or some other emergency. After further debate, the delegates made the vice president the presiding officer of the Senate (except in cases of presidential impeachment). They feared that if the Senate’s presiding officer were chosen from the Senate itself, one state would be short a representative. The delegates gave the vice president authority to vote in that body only in the event of a tie. These are his only constitutional powers.

During the Constitutional Convention, Benjamin Franklin staunchly supported inclusion of a provision allowing for **impeachment**, the first step in a formal process to remove a specified official from office. He noted that “historically, the lack of power to impeach had necessitated recourse to assassination.”⁶ Not surprisingly, then, Franklin urged the rest of the delegates to formulate a legal mechanism to remove the president and vice president. Impeachment is that mechanism.

Each house of Congress was given a role in the impeachment process to ensure that the chief executive could be removed only for “Treason, Bribery, or other high Crimes and Misdemeanors.” The Framers empowered the House to impeach the president by a simple majority vote. The Senate then acts as a court of law and tries the president for the charged offenses, with the chief justice of the U.S. Supreme Court presiding. A two-thirds majority vote in the Senate on any count contained in the articles of impeachment is necessary to remove the president from office. The House of Representatives has impeached only two presidents, Andrew Johnson and Bill Clinton. The Senate removed neither man, however, from office.

In 1974, President Richard M. Nixon resigned from office rather than face the certainty of impeachment, trial, and removal from office for his role in covering up details about a break-in at the Democratic Party’s national headquarters in the Watergate office complex. What came to be known simply as Watergate also produced a major decision from the Supreme Court on the scope of what is termed **executive privilege**. In *U.S. v. Nixon (1974)*, the Supreme Court ruled unanimously that no overriding executive privilege sanctioned the president’s refusal to comply with a court order to produce information for use in the trial of the Watergate defendants. Since then, presidents have varied widely in their claim to executive privilege. President Bill Clinton asserted it several times, especially during the impeachment proceedings against him. President George W. Bush made such claims less frequently, instead often arguing that he and the vice president had what he called “constitutional prerogatives.”⁷

□ Rules of Succession

Through 2014, eight presidents have died in office from illness or assassination. William H. Harrison was the first president to die in office—he caught a cold at his inauguration in 1841 and died one month later. John Tyler thus became the first vice president to succeed to the presidency. In 1865, Abraham Lincoln became the first assassinated president.

Knowing that a system of orderly transfer of power was necessary, the Framers created the office of the vice president. To further clarify presidential succession, in

Twenty-Second Amendment

Adopted in 1951; prevents a president from serving more than two terms, or more than ten years if he came to office via the death, resignation, or impeachment of his predecessor.

impeachment

The power delegated to the House of Representatives in the Constitution to charge the president, vice president, or other “civil officers,” including federal judges, with “Treason, Bribery, or other high Crimes and Misdemeanors.” This is the first step in the constitutional process of removing government officials from office.

executive privilege

An implied presidential power that allows the president to refuse to disclose information regarding confidential conversations or national security to Congress or the judiciary.

U.S. v. Nixon (1974)

Supreme Court ruling on power of the president, holding that no absolute constitutional executive privilege allows a president to refuse to comply with a court order to produce information needed in a criminal trial.

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The Living Constitution

Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.
—TWENTY-FIFTH AMENDMENT, SECTION 2

This clause of the Twenty-Fifth Amendment allows a president to fill a vacancy in the office of vice president with the consent of a simple majority of both Houses of Congress. The purpose of this amendment, which also deals with vacancies in the office of the president, was to remedy some structural flaws in Article II. When this amendment to the Constitution was proposed in 1965 (it was ratified in 1967), seven vice presidents had died in office and one had resigned. For over 20 percent of the nation's history, no vice president had been available to assume the office of the president in case of his death or infirmity. When John F. Kennedy was assassinated, Vice President Lyndon B. Johnson became president and the office of vice president was vacant. Since Johnson had suffered a heart attack as vice president, members of Congress were anxious to remedy the problems that might occur should no vice president be able to step in.

Richard M. Nixon followed Johnson as president, and during Nixon's presidency, the office of the vice president became empty twice. First, Vice President Spiro T. Agnew was forced to resign in the wake of charges of

bribe taking, corruption, and income-tax evasion while an elected official in Maryland. His replacement was popular House Minority Leader Gerald R. Ford (R-MI), who had no trouble gaining a majority vote in both houses of Congress to confirm his nomination. When Nixon resigned rather than face certain impeachment, Ford became president and selected the former governor of New York, Nelson A. Rockefeller, to be his vice president. This chain of events set up for the first time in U.S. history a situation in which neither the president nor the vice president had been elected to those positions.

CRITICAL THINKING QUESTIONS

1. Why wasn't the Twenty-Fifth Amendment proposed until 1965? Why might a vice president be more necessary today than in the past?
2. Is it appropriate in a representative democracy to ever have a situation in which both the president and the vice president have not been popularly elected?

Twenty-Fifth Amendment

Adopted in 1967 to establish procedures for filling vacancies in the office of president and vice president as well as providing for procedures to deal with the disability of a president.

1947, Congress passed the Presidential Succession Act, which lists—in order—those in line to succeed the president (see Table 7.2).

The Succession Act has never been used because a vice president has always been available to take over when a president died in office. To ensure this will continue to be the case, the **Twenty-Fifth Amendment**, in fact, became part of the Constitution in 1967 as a response to the death of President John F. Kennedy. Should a vacancy occur in the office of the vice president, the Twenty-Fifth Amendment directs the president to appoint a new vice president, subject to the approval (by a simple majority) of both houses of Congress.

The Twenty-Fifth Amendment also contains a section that allows the vice president and a majority of the Cabinet (or some other body determined by Congress) to deem a president unable to fulfill his duties. It sets up a procedure to permit the vice president to become acting president if the president is incapacitated. The

TABLE 7.2 WHAT IS THE PRESIDENTIAL LINE OF SUCCESSION?

1. Vice President	10. Secretary of Commerce
2. Speaker of the House	11. Secretary of Labor
3. President Pro Tempore of the Senate	12. Secretary of Health and Human Services
4. Secretary of State	13. Secretary of Housing and Urban Development
5. Secretary of the Treasury	14. Secretary of Transportation
6. Secretary of Defense	15. Secretary of Energy
7. Attorney General	16. Secretary of Education
8. Secretary of the Interior	17. Secretary of Veterans Affairs
9. Secretary of Agriculture	18. Secretary of Homeland Security

president also can voluntarily relinquish his power. Twice, for example, President George W. Bush made Vice President Dick Cheney acting president while he underwent colonoscopies.

The Constitutional Powers of the President

7.2 Identify and describe the constitutional powers of the president.

In contrast to Article I's laundry list of enumerated powers for the Congress, Article II details few specific presidential powers. Perhaps the most important section of Article II is its first sentence: "The executive Power shall be vested in a President of the United States of America." Nonetheless, the president's combined powers, discussed below, make him a major player in the policy process.

□ The Appointment Power

To help the president enforce laws passed by Congress, the Constitution authorizes him to appoint, with the advice and consent of the Senate, "Ambassadors, other public Ministers and Consuls, judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law." Although this section of the Constitution deals only with appointments, behind that language lies a powerful policy-making tool. The president has the authority to make nearly 3,500 appointments to his administration (of which about 1,125 require Senate confirmation).⁸ He also holds the power to remove many of his appointees at will. In addition, he technically appoints all military personnel. Many of these appointees are in positions to wield substantial authority over the course and direction of public policy. And, especially in the context of his ability to make appointments to the federal courts, his influence can last far past his term of office.

It is not surprising, then, that the president has, as one of his most important tasks, the selection of the right people. Presidents look for a blend of loyalty, competence, and integrity. Identifying these qualities in people constitutes a major challenge that every new president faces. Recent presidents have made an effort to create staffs that are more diverse, or, in President Bill Clinton's words, look "more like America."

In the past, when a president forwarded nominations to the Senate for its approval, the Senate traditionally gave his selections great respect—especially those for the **Cabinet**, an advisory group chosen by the president to help him make decisions and execute laws. In fact, until the Clinton administration, the Senate confirmed the vast majority of all presidential nominations.⁹ This is no longer the case, as investigations into nominees' pasts and political wrangling in the Senate can delay the approval of nominees for months.

Delay or rejection of nominees can have a major impact on the course of an administration. Rejections leave a president without first choices, affect a president's relationship with the Senate, and influence how the public perceives the president. One tool presidents have to accelerate congressional inaction is to make temporary appointments while Congress is in recess (thus, without congressional approval). In 2014, however, the Supreme Court ruled that the president only has the constitutional authority to use this tool when the Senate is in formal recess for at least ten days.

□ The Power to Convene Congress

The Constitution requires the president to inform the Congress periodically of "the State of the Union" and authorizes the president to convene either one or both houses of Congress on "extraordinary Occasions." In *Federalist No. 77*, Hamilton justified the latter by noting that because the Senate and the chief executive enjoy concurrent

Cabinet

The formal body of presidential advisers who head the fifteen executive departments. Presidents often add others to this body of formal advisers.

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WHO HELPS THE PRESIDENT CONDUCT FOREIGN AFFAIRS?

The president has a large number of aides who help him craft foreign policy. These aides are often held accountable for a president's policy-making failures. Here, President George W. Bush quite literally shows Secretary of Defense Donald Rumsfeld the door following Republican losses in the 2006 midterm elections. These defeats were at least in part attributable to Rumsfeld's failures in the conduct of wars in Afghanistan and Iraq.

executive agreements

Formal international agreements entered into by the president that do not require the advice and consent of the U.S. Senate.

veto

The formal, constitutional authority of the president to reject bills passed by both houses of Congress, thus preventing them from becoming law without further congressional action.

powers to make treaties, “It might often be necessary to call it together with a view to this object, when it would be unnecessary and improper to convene the House of Representatives.” The power to convene Congress had more importance when Congress did not sit in nearly year-round sessions, although it may still be significant in times of national crisis.

□ The Power to Make Treaties

The president’s power to make treaties with foreign nations is checked by the Constitution’s stipulation that at least two-thirds of the members of the Senate must approve all treaties. The chief executive can also “receive ambassadors,” wording that has been interpreted to allow the president to recognize the existence of other nations.

Historically, the Senate ratifies about 90 percent of the treaties submitted by the president.¹⁰ Perhaps the most notable example of a rejected treaty was the Senate’s defeat of the Treaty of Versailles submitted by President Woodrow Wilson in 1919. The treaty was an agreement among the major nations to end World War I. At Wilson’s insistence, it also called for the creation of the League of Nations—a precursor of the United Nations—to foster continued peace and international disarmament. In struggling to gain international acceptance for the League, Wilson had taken American support for granted. This was a dramatic miscalculation. Isolationists, led by Senator Henry Cabot Lodge (R-MA), opposed U.S. participation in the League on the grounds that the League would place the United States in the center of every major international conflict. Proponents countered that, League or no League, the United States had emerged from World War I as a world power and that membership in the League of Nations would enhance its new role. The vote in the Senate for ratification was very close, but the isolationists prevailed—the United States stayed out of the League, and Wilson was devastated.

The Senate also may require substantial amendment of a treaty prior to its approval. When President Jimmy Carter proposed the controversial Panama Canal Treaty in 1977 to turn the canal over to Panama, for example, the Senate demanded settlement of several conditions before approving the canal’s return.

Presidents may also “unsign” treaties, a practice often met with dismay from other signatories. For example, the George W. Bush administration formally withdrew its support for the International Criminal Court (ICC), the first permanent court to prosecute war crimes, genocide, and other crimes against humanity. Critics of this action now charge that President Bush and Vice President Dick Cheney should face prosecution for the treatment of detainees held by the United States.¹¹

When trade agreements are at issue, presidents often must consider the wishes of both houses of Congress. Congressional “fast track” authority protects a president’s ability to negotiate trade agreements with confidence that Congress will not alter the accords. Trade agreements submitted to Congress under fast track procedures bar amendments and require an up or down vote in Congress within ninety days of introduction.

Presidents also often use **executive agreements** to try sidestepping the constitutional “advice and consent” of the Senate requirement for ratification of treaties and the congressional approval requirement for trade agreements. Executive agreements allow the president to form secret and highly sensitive arrangements with foreign nations, without Senate approval. Presidents have used these agreements since the days of George Washington, and the courts have upheld their use. Although executive agreements are not binding on subsequent administrations, since 1900, many presidents have favored them over treaties. President Barack Obama, for example, concluded almost 200 such agreements during his first six years. In contrast, he negotiated only seven treaties.

□ The Veto Power

Presidents can affect the policy process through **veto** power, the authority to reject bills passed by both houses of Congress. The threat of a presidential veto often prompts members of Congress to fashion legislation they know will receive presidential acquiescence,

Take a Closer Look

The president of the United States is asked to wear many hats. A good number of these roles extend from the powers the Framers enumerated in Article II of the U.S. Constitution. Others have evolved out of necessity over time. As a result, the modern president fulfills at least six different professional roles: chief law enforcer, leader of the party, commander in chief, shaper of public policy, key player in the legislative process, and chief of state. Examine the examples, shown below, of recent presidents as they fulfilled these roles.



CHIEF LAW ENFORCER:

Troops sent by President Dwight D. Eisenhower enforce a federal court decision ordering the integration of public schools in Little Rock, Arkansas.



LEADER OF THE PARTY:

President Ronald Reagan mobilizes conservatives at the Republican National Convention, changing the nature of the party.



COMMANDER IN CHIEF:

President Barack Obama meets with members of the armed forces.



SHAPER OF PUBLIC POLICY:

President Richard M. Nixon cheers on the efforts of *Apollo 11* astronauts as he celebrates U.S. space policy.



KEY PLAYER IN THE LEGISLATIVE PROCESS:

President Bill Clinton celebrates newly passed legislation at a bill-signing ceremony.



CHIEF OF STATE:

President John F. Kennedy and his wife Jacqueline pose for cameras with the president of France and his wife during the Kennedys' widely publicized 1961 trip to that nation.

CRITICAL THINKING QUESTIONS

1. Which of these presidential roles is most important? Why?
2. How are these roles derived from the enumerated powers of the presidency? How are they enhanced by the president's inherent powers?
3. How has the balance of power between these roles changed over time? Which roles have become more and less important, and why?

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line-item veto

The authority of a chief executive to delete part of a bill passed by the legislature that involves taxing or spending. Ruled unconstitutional by the U.S. Supreme Court.

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War Powers Resolution

Passed by Congress in 1973; requires the authorization of Congress to deploy troops overseas and limits the time of their deployment.

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if not support. Thus, simply threatening to veto legislation often gives a president another way to influence law-making.

During the Constitutional Convention, proponents of a strong executive argued that the president should have an absolute and final veto over acts of Congress. Opponents of this idea, including Benjamin Franklin, countered that in their home states, the executive veto “was constantly made use of to extort money” from legislators. James Madison made the most compelling argument for a compromise on the issue:

Experience has proven a tendency in our governments to throw all power into the legislative vortex. The Executives of the States are in general little more than Ciphers, the legislatures omnipotent. If no effectual check be devised for restraining the instability and encroachments of the latter, a revolution of some kind or other would be inevitable.¹²

In keeping with the system of checks and balances, then, the Framers gave the president veto power, but only as a “qualified negative.” Although the president had the authority to veto any act of Congress (with the exception of joint resolutions that propose constitutional amendments), the Framers gave Congress the authority to override an executive veto by a two-thirds vote in each house. Congress, however, cannot usually muster enough votes to override a veto. Thus, of the approximately 2,500 presidential vetoes that have occurred in over 200 years, Congress has overridden only about a hundred (see Table 7.3).

As early as 1873, in his State of the Union message, President Ulysses S. Grant proposed a constitutional amendment to give presidents a **line-item veto**, the power to disapprove of individual items within a spending bill rather than the bill in its entirety. Many governors have this authority. Over the years, 150 resolutions calling for a line-item veto were introduced in Congress. Finally, in 1996, Congress enacted legislation that gave the president this authority. The city of New York soon challenged the line-item veto law when President Bill Clinton used it to stop payment of some congressionally authorized funds to the city. In *Clinton v. City of New York* (1998), the U.S. Supreme Court ruled that the line-item veto was unconstitutional because it gave powers to the president denied him by the U.S. Constitution. Significant alterations of executive–congressional powers, said the Court, require constitutional amendment.¹³

□ The Power to Preside over the Military as Commander in Chief

One of the most important executive powers is that over the military. Article II states that the president is “Commander in Chief of the Army and Navy of the United States.” While the Constitution specifically grants Congress the authority to declare war, presidents since Abraham Lincoln have used the commander in chief clause in conjunction with the chief executive’s duty to “take Care that the Laws be faithfully executed” to wage war (and to broaden various powers).

Modern presidents continually clash with Congress over the ability to declare war. The Vietnam War, in which 58,000 American soldiers were killed and 300,000 were wounded, was conducted (at a cost of \$150 billion) without a congressional declaration of war. In fact, acknowledging President Lyndon B. Johnson’s claim to war-making authority, in 1964 Congress passed—with only two dissenting votes—the Gulf of Tonkin Resolution, which authorized a massive commitment of U.S. forces in South Vietnam.

During that highly controversial war, Presidents Johnson and Richard M. Nixon routinely assured members of Congress that victory was near. In 1971, however, publication of what were called *The Pentagon Papers* revealed what many people had suspected all along: the Johnson administration had systematically altered casualty figures and distorted key facts to place the progress of the war in a more positive light. Angered that this misinformation had led Congress to defer to the executive in the conduct of the Vietnam War, in 1973, Congress passed the **War Powers Resolution** to limit the president’s authority to introduce American troops into hostile foreign lands without congressional approval. President Nixon vetoed the resolution, but both houses of Congress overrode it by a two-thirds majority.

TABLE 7.3 HOW MANY PRESIDENTIAL VETOES HAVE THERE BEEN?

President	Regular Vetoes	Pocket Vetoes	Total Vetoes	Vetoes Overridden
Washington	2	.....	2	.....
J. Adams	.....	.....	.....	.....
Jefferson	.....	.....	.....	.....
Madison	5	2	7	.....
Monroe	1	.....	1	.....
J. Q. Adams	.....	.....	.....	.....
Jackson	5	7	12	.....
Van Buren	.....	1	1	.....
W. H. Harrison	.....	.....	.....	.....
Tyler	6	4	10	1
Polk	2	1	3	.....
Taylor	.....	.....	.....	.....
Fillmore	.....	.....	.....	.....
Pierce	9	.....	9	5
Buchanan	4	3	7	.....
Lincoln	2	5	7	.....
A. Johnson	21	8	29	15
Grant	45	48	93	4
Hayes	12	1	13	1
Garfield	.....	.....	.....	.....
Arthur	4	8	12	1
Cleveland	304	110	414	2
B. Harrison	19	25	44	1
Cleveland	42	128	170	5
McKinley	6	36	42	.....
T. Roosevelt	42	40	82	1
Taft	30	9	39	1
Wilson	33	11	44	6
Harding	5	1	6	.....
Coolidge	20	30	50	4
Hoover	21	16	37	3
F. Roosevelt	372	263	635	9
Truman	180	70	250	12
Eisenhower	73	108	181	2
Kennedy	12	9	21	.....
L. Johnson	16	14	30	.....
Nixon	26	17	43	7
Ford	48	18	66	12
Carter	13	18	31	2
Reagan	39	39	78	9
Bush ^a	29	15	44	1
Clinton	36	1	37	2
G. W. Bush	10	.....	10	3
Obama ^b	2	.....	2	.....
Total	1,496	1,066	2,563	109

^aPresident George Bush attempted to pocket veto two bills during intrasession recess periods. Congress considered the two bills enacted into law because of the president's failure to return the legislation. The bills are not counted as pocket vetoes in this table.

^bAs of July 2014.

SOURCE: Clerk of the House, http://artandhistory.house.gov/house_history/vetoes.aspx.

pardon

An executive grant providing restoration of all rights and privileges of citizenship to a specific individual charged or convicted of a crime.

Presidents since Nixon have continued to insist that the War Powers Resolution is an unconstitutional infringement on their executive power. Still, in 2001, President George W. Bush complied with the resolution when he sought, and both houses of Congress approved, a joint resolution authorizing the use of force against “those responsible for the recent [September 11] attacks launched against the United States.” This resolution actually gave the president more open-ended authority to wage war than President Johnson had received from the Gulf of Tonkin Resolution in 1964. In October 2002, after President Bush declared Iraq to be a “grave threat to peace,” the House (296–133) and Senate (77–23) also voted overwhelmingly to allow the president to use force in Iraq “as he determines to be necessary and appropriate,” thereby conferring tremendous authority on Bush and future presidents to wage war.

□ The Pardon Power

Presidents can exercise a check on judicial power through their constitutional authority to grant reprieves or pardons. A **pardon** is an executive grant releasing an individual from the punishment or legal consequences of a crime before or after conviction, and restores all rights and privileges of citizenship. Presidents exercise complete pardoning power for federal offenses except in cases of impeachment, which cannot be pardoned. President Gerald R. Ford gave the most famous presidential pardon of all to former President Richard M. Nixon—who had not been formally charged with any crime—“for any offenses against the United States, which he, Richard Nixon, has committed or may have committed while in office.” This unilateral, absolute pardon unleashed a torrent of public criticism against Ford and raised questions about whether Nixon had discussed the pardon with Ford before resigning. Many analysts attribute Ford’s defeat in the 1976 election to that pardon.

Even though pardons generally apply to a specific individual, presidents have also used them to offer general amnesties. Presidents George Washington, John Adams, James Madison, Abraham Lincoln, Andrew Johnson, Theodore Roosevelt, Harry S Truman, and Jimmy Carter used general pardons to grant amnesty to large classes of individuals for illegal acts. Carter, for example, incurred the wrath of many veterans’ groups when he made an offer of unconditional amnesty to approximately 10,000 men who had fled the United States or gone into hiding to avoid the draft for military service in the Vietnam War.

The Development and Expansion of Presidential Power

7.3

Evaluate the development and expansion of presidential power.

Every president brings to the position not only a vision of America but also expectations about how to use presidential authority. But, most presidents find accomplishing their goals much more difficult than they envisioned. As he was leaving office, for example, President Harry S Truman mused about what surprises awaited his successor, Dwight D. Eisenhower, a former general: “He’ll sit here and he’ll say, ‘Do this! Do that!’ And nothing will happen. Poor Ike—it won’t be a bit like the army. He’ll find it very frustrating.”¹⁴

The formal powers enumerated in Article II of the Constitution and the Supreme Court’s interpretation of those constitutional provisions limit a president’s authority. The times in which the president serves, his confidantes and advisers, and his personality and leadership abilities all affect how he wields these powers. The 1950s postwar Era of Good Feelings and economic prosperity presided over by the grandfatherly Eisenhower, for instance, called for a very different leader from the one needed by the Civil War–torn nation governed by Abraham Lincoln. Furthermore, not only do different times call for different kinds of leaders, they also often provide limits or, conversely,

wide opportunities for whomever serves as president at the time. Crises, in particular, trigger expansions of presidential power. The danger to the union posed by the Civil War in the 1860s required a strong leader to take up the reins of government. Because of his leadership during this crisis, Lincoln was ranked the best president in a survey of historians from across the political spectrum (see Table 7.4).

inherent powers

Powers that belong to the president because they can be inferred from the Constitution.

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□ Establishing Presidential Authority: The First Presidents

When President George Washington was sworn in on a cold, blustery day in New York City on April 30, 1789, he took over an office and a government yet to be created. Eventually, the government hired a few hundred postal workers and Washington appointed a small group of Cabinet advisers and clerks. During Washington's two terms, the entire federal budget was only about \$40 million, or approximately \$10 for every citizen in America. In contrast, in 2012, the federal budget was \$3.55 trillion, or \$11,500 for every person.

George Washington set several important precedents for future presidents:

- He took every opportunity to establish the primacy of the national government. In 1794, for example, Washington used the militia of four states to put down the Whiskey Rebellion, an uprising of 3,000 western Pennsylvania farmers opposed to a federal excise tax on liquor. To emphasize the significance of the action, Washington, along with Secretary of the Treasury Alexander Hamilton, led the 15,000 troops into battle himself. Washington's action helped establish the idea of federal supremacy and the authority of the executive branch to collect taxes levied by Congress.
- He began the practice of regular meetings with his advisers, thus establishing the Cabinet system.
- He asserted the chief executive's prominent role in the conduct of foreign affairs. He sent envoys to negotiate the Jay Treaty to end continued hostilities with Great Britain. Then, over senatorial objection, he continued to wield his authority first to negotiate treaties and then simply to submit them to the Senate for approval. Washington made it clear that the Senate's function was limited to approval of treaties and did not include negotiation with foreign powers.
- He claimed the powers of the presidency as the basis for establishing a policy of strict neutrality when the British and French were at war. Although the Constitution is silent about a president's authority to declare neutrality, Washington's supporters argued that the Constitution granted the president **inherent powers**—that is, powers belonging to the president because they can be inferred from the Constitution, such as that authorizing him to conduct diplomatic relations.

Like Washington, the next two presidents, John Adams and Thomas Jefferson, acted in ways critical to the development of the presidency as well as to the president's role in the political system. Adams's poor leadership skills, for example, heightened the divisions

TABLE 7.4 WHO WERE THE BEST U.S. PRESIDENTS?

According to Historians ...	According to American People ...
1. Lincoln	1. Reagan
2. Washington	2. Lincoln
3. F. Roosevelt	3. Clinton
4. T. Roosevelt	4. Kennedy
5. Truman	5. Washington
6. Kennedy	6. F. Roosevelt
7. Jefferson	7. Obama
8. Eisenhower	8. No opinion
9. Wilson	9. G. W. Bush (tie)
10. Reagan	9. Jefferson (tie)

SOURCE: C-SPAN 2009 Historians Survey of Presidential Leadership; Gallup Poll, February 2–5, 2011.



HOW DID ABRAHAM LINCOLN EXPAND PRESIDENTIAL POWERS?

During the Civil War, Lincoln assumed inherent powers that no president before him had claimed. He argued that these actions were necessary for the preservation of the union. After the war, the president's powers never returned to their previous levels. Here, Lincoln is shown meeting with military leaders following the battle of Antietam, one of the bloodiest battles of the Civil War.

between Federalists and Anti-Federalists and probably hastened the development of political parties. Jefferson took critical steps to expand the role of the president in the legislative process. Like Washington, he claimed that certain presidential powers were inherent and used such powers to justify his expansion of the size of the nation through the Louisiana Purchase in 1803.

□ Incremental Expansion of Presidential Powers: 1809–1933

Although the first three presidents made enormous contributions to the office of the chief executive, the way government functioned in its formative years caused the balance of power to be heavily weighted in favor of a strong Congress. Americans routinely had close contacts with their representatives in Congress, while to most citizens the president seemed a remote figure. By the end of Jefferson's first term, it was clear that the Framers' initial fear of an all-powerful, monarchical president was unfounded. The strength of Congress and the relatively weak presidents who came after Jefferson allowed Congress quickly to assert itself as the most powerful branch of government.

President Andrew Jackson was the first strong national leader who represented more than just a landed, propertied elite. By the time Jackson ran for president in 1828, eleven new states had been added to the union, and the number of white males eligible to vote had increased dramatically, as nearly all states had removed property requirements for voting. The election of Jackson from Tennessee, as the seventh president, signaled the end of an era: he was the first president to be neither a Virginian nor an Adams. Jackson personified the western, frontier, egalitarian spirit, and his election launched the beginning of Jacksonian democracy. The masses loved him, and legends arose around his down-to-earth image. Jackson, for example, once was asked to give a position to a soldier who had lost his leg on the battlefield and needed the job to support his family. When told that the man hadn't voted for him, Jackson responded: "If he lost his leg fighting for his country, that is vote enough for me."¹⁵

Jackson used his image and personal power to buttress the developing party system by rewarding loyal followers of his Democratic Party with presidential appointments. Frequently at odds with Congress, he made use of the veto power against twelve bills, surpassing the combined total of ten vetoes used by his six predecessors. Jackson also reasserted the supremacy of the national government (and the presidency) by facing down South Carolina's nullification of a federal tariff law.

Abraham Lincoln's approach to the presidency was similar to Jackson's. To combat the unprecedented emergency of the Civil War, Lincoln assumed powers that no president before him had claimed. Because Lincoln believed he needed to act quickly for the very survival of the nation, he frequently took action without first obtaining the approval of Congress. Among many of Lincoln's legally questionable acts were:

- He suspended the writ of *habeas corpus*, which allows those in prison to petition for release, citing the need to jail persons suspected of disloyal practices.
- He expanded the size of the U.S. Army above congressionally mandated ceilings.
- He ordered a blockade of southern ports without the approval of Congress.
- He closed the U.S. mail to treasonable correspondence.

Lincoln argued that the inherent powers of his office allowed him to circumvent the Constitution in a time of war or national crisis. Since the Constitution conferred on the president the duty to make sure that the laws of the United States are faithfully executed, reasoned Lincoln, these acts were constitutional. He simply refused to allow the nation to crumble because of what he viewed as technical requirements of the Constitution.

□ Creating the Modern Presidency

Since the 1930s, the general trend has been for presidential—as opposed to congressional—decision making to assume greater importance. The start of this trend can be traced to the four-term presidency of Franklin D. Roosevelt (FDR), who led the nation through several crises. Many commentators now criticize this growth of presidential power, as well as that of the federal government and its programs. To understand the basis for a large number of today's calls for reform of the political system, it is critical to learn how the government and the role of the president grew.¹⁶

FDR took office in 1933 in the midst of the Great Depression, a major economic crisis in which a substantial portion of the U.S. workforce was unemployed. Noting the sorry state of the national economy in his inaugural address, FDR concluded: "This nation asks for action and action now." To jump-start the American economy, FDR asked Congress for and was given "broad executive powers to wage a war against the emergency, as great as the power that would be given to me if we were in fact invaded by a foreign foe."¹⁷

Just as Abraham Lincoln had taken bold steps upon his inauguration, Roosevelt also acted quickly. He immediately fashioned a plan for national recovery called the New Deal, a package of bold and controversial programs designed to invigorate the failing American economy.

Roosevelt served an unprecedented twelve years in office; he was elected to four terms but died shortly after the beginning of the fourth. During his years in office, the nation went from the economic war of the Great Depression to the real international conflict of World War II. The institution of the presidency changed profoundly and permanently with the creation of new federal agencies to implement the New Deal, a package of bold and controversial programs designed to invigorate the failing American economy.

FDR also personalized the presidency by establishing a new relationship between the president and the people. In his radio addresses, or fireside chats, as he called them, he spoke directly to the public in a relaxed and informal manner about serious issues.

To his successors, FDR left the modern presidency. This included a burgeoning federal bureaucracy, an active and usually leading role for the president in both domestic and foreign policy and legislation, and a nationalized executive office that used technology—first radio, then TV, and now the Internet—to bring the president closer to the public than ever before.

The Presidential Establishment

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Outline the structure of the presidential establishment and the functions of each of its components.

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s the responsibilities and scope of presidential authority grew over the years, so did the executive branch, including the number of people working directly for the president in the White House. The presidential establishment includes the vice president and his staff, the Cabinet, the first lady and her staff, the Executive Office of the President, and the White House staff. All help the president fulfill his duties as chief executive.

□ The Vice President

For many years, political observers considered the vice presidency a sure place for a public official to disappear into obscurity. When John Adams wrote to his wife, Abigail, about his position as America's first vice president, he said it was "the most insignificant office that was the invention of man . . . or his imagination conceived."¹⁸

Historically, presidents have selected their vice presidents largely to balance—politically, geographically, or otherwise—the presidential ticket, with little thought given to the possibility that the vice president could become president. Franklin D. Roosevelt, for example, a liberal New Yorker, selected John Nance Garner, a conservative Texan, to be his running mate in 1932. After serving two terms, Garner—who openly disagreed with Roosevelt over many policies, including Roosevelt's decision to seek a third term—unsuccessfully sought the 1940 presidential nomination himself.

In 2008, President Barack Obama, accused of lacking foreign policy experience, chose Senator Joe Biden (D-DE) to balance the Democratic ticket. Obama and Biden ran for reelection in 2012. They were challenged by former Governor Mitt Romney and Representative Paul Ryan (R-WI). One of the main reasons Romney selected Ryan as his running mate was to energize social conservatives who had not been firmly behind Romney. Ryan, as chair of the House Budget Committee, also provided the Republican ticket with expertise in federal financial matters.

How much power a vice president has depends on how much the president is willing to give. Jimmy Carter was the first president to grant his vice president, Walter Mondale, more than ceremonial duties. In fact, Mondale was the first vice president to have an office in the White House. More recent vice presidents, including Joe Biden, have attained significant powers and access to the president, elevating the office to new heights.

□ The Cabinet

The Cabinet, which has no official basis in the Constitution but implied by Article II, section 2, is an informal institution based on practice and precedent whose membership is determined by tradition and presidential discretion. By custom, this advisory group selected by the president includes the heads of major executive departments. Presidents today also include their vice presidents in Cabinet meetings, as well as any other agency heads or officials to whom they would like to accord Cabinet-level status.

As a body, the Cabinet's major function is to help the president execute the laws and assist him in making decisions. Although the Framers discussed the idea of some form of national executive council, they did not include a provision for one in the Constitution. They did recognize, however, the need for departments of government and departmental heads.

Over the years, the Cabinet has grown alongside the responsibilities of the national government. As interest groups, in particular, pressured Congress and the president to recognize their demands for services and governmental action, they often were rewarded by the creation of an executive department. Since a secretary heading an executive department automatically became a member of the president's Cabinet,

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powerful clientele groups, including farmers (Agriculture), business people (Commerce), workers (Labor), and teachers (Education), saw the creation of a department as a way to expand their access to the national government.

While the size of the president's Cabinet has increased over the years, the reliance of most presidents on their Cabinet secretaries has decreased. Some individual members of a president's Cabinet, however, may be very influential.

□ The First Lady

From the time of Martha Washington, first ladies (a term coined in 1849) have assisted presidents as informal advisers while making other, more public, and significant contributions to American society. Abigail Adams, for example, was a constant sounding board for her husband, John. An early feminist, in 1776 she cautioned him “to Remember the Ladies” in any new code of laws.

Edith Bolling Galt Wilson was probably the most powerful first lady. When President Woodrow Wilson collapsed and was left partly paralyzed in 1919, she became his surrogate and decided whom and what the stricken president saw. Her detractors dubbed her “Acting First Man.”

Eleanor Roosevelt also played a powerful and much criticized role in national affairs. Not only did she write a nationally syndicated daily newspaper column, but also she traveled and lectured widely, worked tirelessly on countless Democratic Party matters, and raised six children. After FDR's death, she shone in her own right as U.S.



WHAT DO FIRST LADIES DO?

First ladies often take on important policy initiatives and charitable causes. First Lady Michelle Obama, for example, has prioritized childhood health and fitness. She has been active in the “Let’s Move!” campaign, even challenging late night television host Jimmy Fallon to a series of physical fitness tests in the White House. She is shown here helping students harvest the White House vegetable garden.

Executive Office of the President (EOP)

A mini-bureaucracy created in 1939 to help the president oversee the executive branch bureaucracy.

delegate to the United Nations, where she headed the commission that drafted the covenant on human rights. Later, she headed President John F. Kennedy's Commission on the Status of Women.

More recently, First Lady Michelle Obama, a lawyer who was an administrator at the University of Chicago Medical Center, has prioritized health and physical fitness. From planting an organic White House vegetable garden to visiting schools around the country, she has stressed the importance of healthy lunches and fresh food and encouraged children to make nutritious choices, viewing childhood obesity and childhood diabetes as a serious problem and policy priority.

□ The Executive Office of the President (EOP)

In 1939, FDR established the **Executive Office of the President (EOP)** to oversee his New Deal programs. Its purpose was to provide the president with a general staff to help him direct the diverse activities of the executive branch. In fact, it is a mini-bureaucracy of advisers, many of whom are located in the ornate Eisenhower Executive Office Building next to the White House on Pennsylvania Avenue, as well as in the White House itself.

The EOP has expanded to include several advisory and policy-making agencies and task forces. Over time, the units of the EOP have become the prime policy makers in their fields of expertise, as they play key roles in advancing the president's policy preferences. Among the EOP's most important members are the National Security Council, the Council of Economic Advisers, the Office of Management and Budget, the Office of the Vice President, and the Office of the U.S. Trade Representative.

The National Security Council (NSC) was established in 1947 to advise the president on American military affairs and foreign policy. The NSC comprises the president; the vice president; and the secretaries of state, defense, and treasury. The chair of the Joint Chiefs of Staff and the director of the Central Intelligence Agency also participate. Others, such as the White House chief of staff and the general counsel, may attend. The national security adviser runs the staff of the NSC, coordinates information and options, and advises the president.

Although the president appoints the members of each of these bodies, they must perform their tasks in accordance with congressional legislation. As with the Cabinet, depending on who serves in pivotal positions, these mini-agencies may not be truly responsible or responsive to the president.

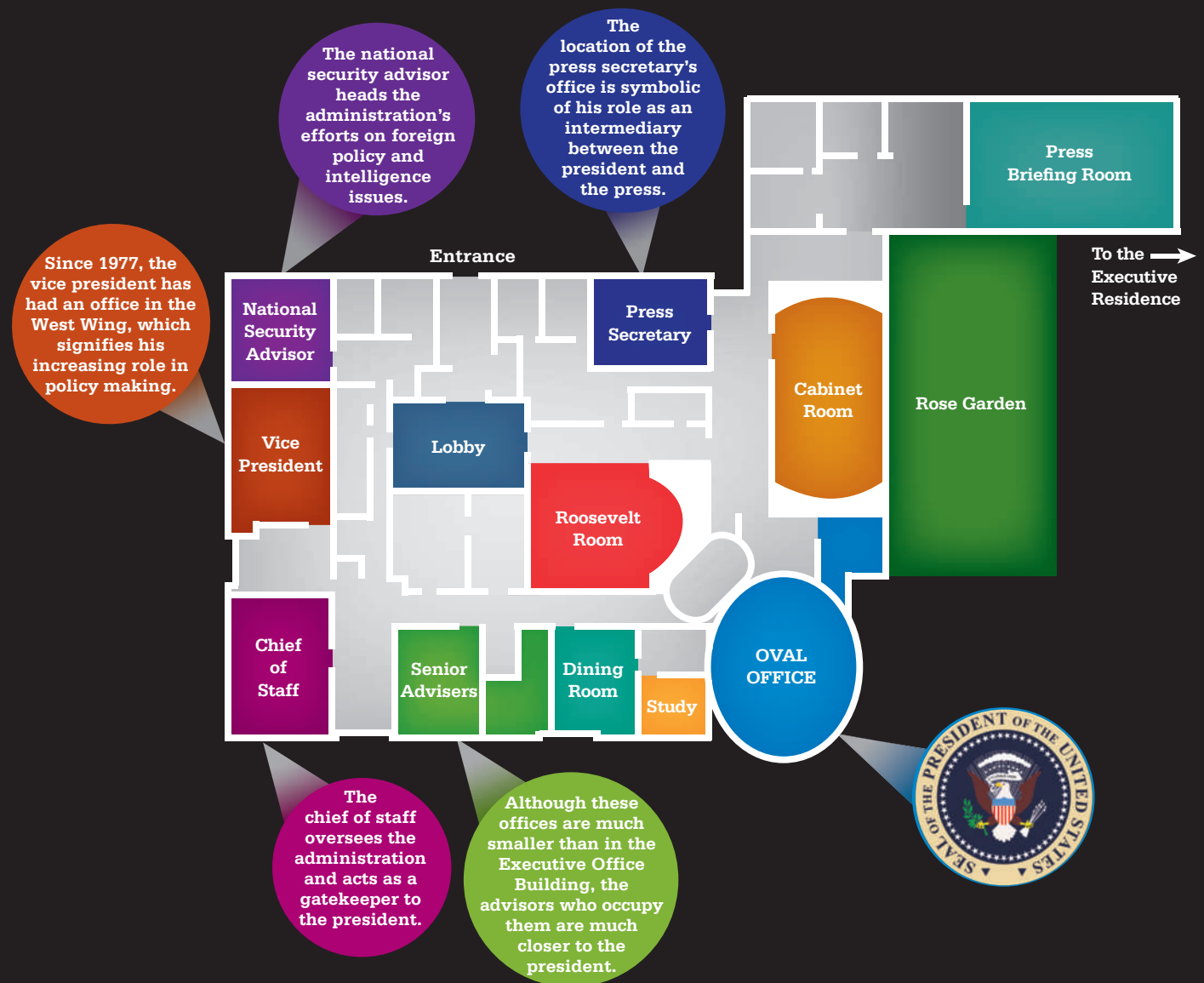
Presidents can clearly indicate their policy preferences by the kinds of offices they include in the EOP. President Barack Obama's addition of an Economic Recovery Advisory Board to the EOP showed his concern about the economy and a desire to find ways to bring the country out of recession. President Obama has also appointed an unprecedented number of "czars," administrators given authority by the president over important policy priorities. The rise in the number of czars can be partially explained by the ever-growing number of organizations and groups now managed by the government, including those involving health, energy, and technology issues. Examples of Obama administration czars include the "California Water Czar" and the "Ebola Czar." These two men, as well as the other czars, report directly to the president with updates concerning their target areas. This delegation of authority allows the president to oversee special interests while spending his time on the pressing issues of state.

□ The White House Staff

Often more directly responsible to the president are the several hundred members of the White House staff: the personal assistants to the president, including senior aides, their deputies, assistants with professional duties, and clerical and administrative aides. As personal assistants, these advisers are not subject to Senate confirmation, nor do they have divided loyalties. Their power derives from their personal relationship with the president, and they have no independent legal authority.

What Does the West Wing Say About the Presidency?

The White House, also known as the “President’s Palace” or “Executive Mansion,” is both a national symbol and a unique private residence. The West Wing of the White House also serves as office space for some of the president’s closest advisors. It was added to the White House in 1902 and has been redesigned several times since then to serve the needs of the president. Most recently, for example, the White House swimming pool, added at the behest of President Franklin D. Roosevelt, was converted into the press room. Examine the diagram of the West Wing and consider how its layout reflects individuals’ power and the president’s policy priorities.



CRITICAL THINKING QUESTIONS

1. Whose offices are closest to the president? What statement does this make about these individuals’ power and authority?
2. Whose offices are notably missing from the West Wing? Where are their offices located, and what statement does this make about these individuals’ power and authority?
3. How might the allocation of West Wing office space vary from one administration to the next? Why might these variations occur?

Although presidents organize the White House staff in different ways, they typically have a chief of staff whose job is to facilitate the smooth running of the executive branch of government. Successful chiefs of staff also have protected the president from mistakes and helped implement policies to obtain the maximum political advantage for the president. Other important White House aides include domestic, foreign, and economic policy strategists; the communications staff; the White House counsel; and a liaison between the president and Congress.

As presidents have tried to consolidate power in the White House, and as public demands on the president have grown, the size of the White House staff has increased—from fifty-one in 1943, to 247 in 1953, to a high of 583 in 1972. Since that time, staffs have been trimmed, generally running around 500. The Obama White House has approximately 490 staffers.

Presidential Leadership and the Importance of Public Opinion

7.5

Explain the concept of presidential leadership and analyze the importance of public opinion.

A president's success in having his programs adopted or implemented depends on many factors, including his leadership capabilities, his personality and powers of persuasion, his ability to mobilize public opinion in support of his actions, the public's perception of his performance, and Congress's perception of his public support.

□ Presidential Leadership and Personality

Leadership is not easy to exercise, and it remains an elusive concept for scholars to identify and measure, but it is important to all presidents seeking support for their programs and policies. Frequently, the difference between great and mediocre presidents centers on their ability to grasp the importance of leadership style. Truly great presidents, such as Lincoln and FDR, understood that the White House was a seat of power from which decisions could flow to shape the national destiny. They recognized that their day-to-day activities and how they went about them should be designed to bolster support for their policies and to secure congressional and popular backing that could translate their intuitive judgment into meaningful action. Mediocre presidents, on the other hand, have tended to regard the White House as “a stage for the presentation of performances to the public” or a fitting honor to cap a career.¹⁹

Political scientist Richard E. Neustadt calls the president's ability to influence members of Congress and the public “the power to persuade.” Neustadt believes this power is crucial to presidential leadership because it enables presidents to get their policy goals enacted and win support for their policies in the electorate.²⁰ Persuasion may come from a variety of sources, including a president's natural charisma or ability to make people do things they would not ordinarily do.

At least one prominent psychologist has suggested that a president's personality may influence his success in the White House. Specifically, this scholar proposes that presidents with mood disorders may be best suited to lead when crises arise. Mania, for example, may lend itself to creative solutions in trying times. Similarly, political scientists and historians have long discussed Lincoln's melancholy and how it affected his ability to keep the nation together.²¹

President Barack Obama is generally credited with having a charismatic leadership style. This was particularly evident in his early emphasis on cross-cultural governing, a deviation from presidential norms. While most presidents tend to stay at home during

the early days of their term, during his first six months in office, President Obama traveled abroad more than any other president. His goal was to rebuild the international reputation of the United States. Both he and Secretary of State Hillary Clinton went out of their way to embrace international values, especially in the Middle East. This leadership left many Americans feeling sour, and believing that the president had neglected the many domestic problems facing the United States, including jobs, the economy, and health care reform.

□ Going Public

Even before radio, TV, and the Internet, presidents tried to reach out to the public to gain support for their programs through what President Theodore Roosevelt called the bully pulpit. The development of commercial air travel, radio, TV, computers, cell phones, and social media has made direct communication to larger numbers of voters easier. Presidents, first ladies, and other presidential advisers travel the world over to publicize their views and to build support on a personal level as well for administration programs.

Direct presidential appeals to the electorate, such as those often made by recent presidents, are referred to as “going public.”²² Going public means that a president bypasses the heads of members of Congress to gain support from the people, who can then place pressure on their elected officials in Washington.

President Bill Clinton, for example, was keenly aware of the importance of maintaining his connection with the public. At a black-tie dinner honoring radio and TV correspondents, Clinton responded to criticisms leveled against him for not holding traditional press conferences by pointing out how clever he was to ignore the traditional press. “You know why I can stiff you on the press conferences? Because Larry King liberated me from you by giving me to the American people directly.”²³



WHAT ROLE DO PRESIDENTIAL SPEECHES SERVE?

Presidents carefully chose favorable audiences that enable them to mobilize support for key initiatives. Here, President Barack Obama speaks to students and faculty at the University of North Carolina—Chapel Hill, encouraging them to lobby members of Congress against raising student loan interest rates.

Barack Obama continued the tradition of going directly to the people, becoming the first sitting president to appear on *The Late Show with David Letterman* and later on *The View*. He also chose favorable audiences for his speeches. For example, in May 2012, Obama visited several college campuses urging students to pressure lawmakers not to increase interest rates on student loans. “Tweet them!” the president said, “Urge your parents to Tweet!”²⁴

□ The President and Public Opinion

Presidents and other public figures often use approval ratings as tacit measures of their political capital: their ability to enact public policy simply because of their name and their office. People assume that presidents who have high approval ratings—as President George W. Bush did in the immediate aftermath of the September 11, 2001, terrorist attacks—are more powerful leaders with a mandate for action that comes largely by virtue of high levels of public support. These presidents are often able to use their clout to push controversial legislation, through Congress. A public appearance from a popular president can even deliver a hotly contested congressional seat or gubernatorial contest to the president’s party.

In sharp contrast, low approval ratings often cripple presidents in the policy arena. Their low ratings can actually prevent favored policies from being enacted on Capitol Hill, even when their party controls the legislature, as many of their partisans locked in close elections shy away from being seen or affiliated with an unpopular president.

Presidential popularity, though, generally follows a cyclical pattern. These cycles have been recorded since 1938, when pollsters first began to track presidential popularity. Typically, presidents enjoy their highest level of public approval at the beginning of their terms and try to take advantage of this honeymoon period to get their programs passed by Congress as soon as possible (see Figure 7.1). Each action a president takes,

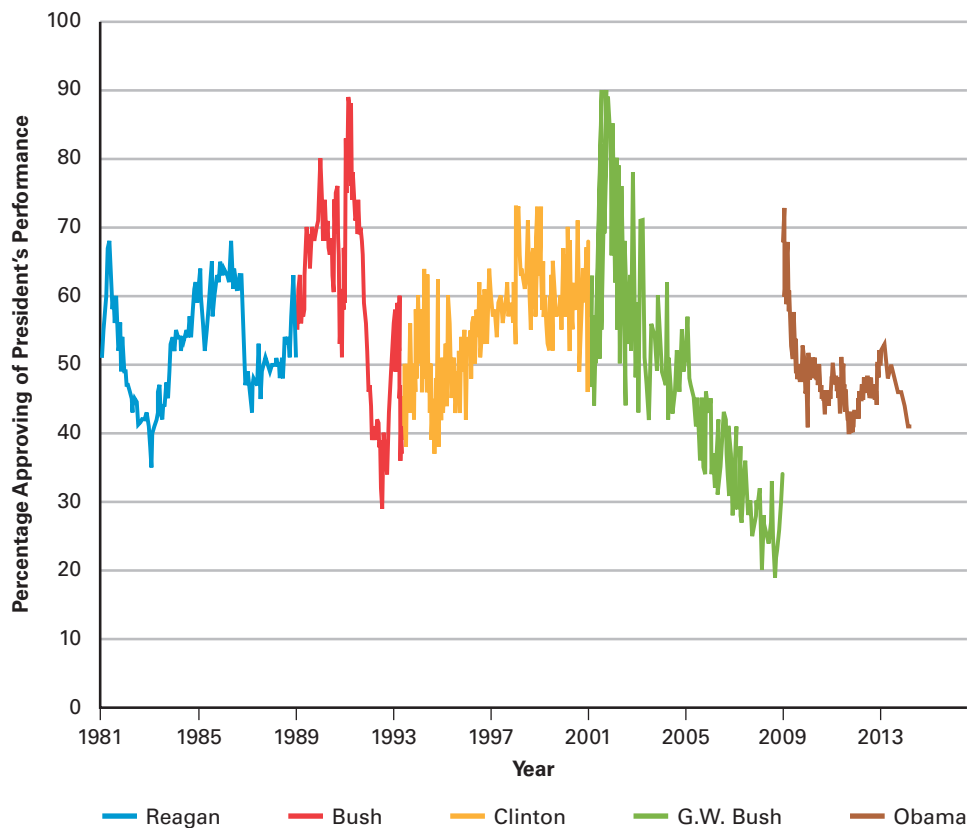


FIGURE 7.1 HOW DO PRESIDENTIAL APPROVAL RATINGS VARY OVER TIME?

Examine the line graph, which shows the percentage of the American public approving of the president’s performance from 1981 through 2013. When is the president’s approval the highest? The lowest? How does the president’s approval rating change over his term? Based on partisanship?

SOURCE: <http://www.gallup.com/poll/124922/presidential-approval-center.aspx>

however, is divisive—some people will approve, and others will disapprove. Disapproval tends to have a negative cumulative effect on a president’s approval rating. Since Lyndon B. Johnson’s presidency, only four presidents have left office with approval ratings of more than 50 percent. Many people attribute this trend to events such as Vietnam, the Iraq War, and economic recessions that have made the public increasingly skeptical of presidential performance.

However, recent presidents have experienced a surge in their approval ratings during the course of their presidencies. Popularity surges usually allow presidents to achieve some policy goals they believe will benefit the nation, even though the policies are unpopular with the public. Often coming on the heels of a domestic or international crisis such as the 1991 Persian Gulf War or the 9/11 terrorist attacks, these increased approval ratings generally do not last long, as the cumulative effects of governing once again catch up with the president.

Toward Reform: The President as Policy Maker

7.6 Assess the president’s role as policy maker.

When President Franklin D. Roosevelt sent his first legislative package to Congress, he broke the traditional model of law-making.²⁵ As envisioned by the Framers, the responsibility of making laws fell to Congress. Now FDR was claiming a leadership role for the president in the legislative process. Said the president of this new relationship: “It is the duty of the President to propose and it is the privilege of the Congress to dispose.”²⁶ With those words and the actions that followed, FDR shifted the presidency into a law- and policy-making role. Now the president and the executive branch not only executed the laws but generally suggested them and proposed budgets to Congress to fund those proposals.

□ The President's Role in Proposing and Facilitating Legislation

Modern presidents play a major role in setting the legislative agenda, especially in an era when the House and Senate are narrowly divided along partisan lines. Without working majorities, “merely placing a program before Congress is not enough,” as President Lyndon B. Johnson once explained. “Without constant attention from the administration, most legislation moves through the congressional process at the speed of a glacier.”²⁷

However, presidents have a hard time persuading Congress to pass their programs. Recent research by political scientists shows that presidents are much more likely to win on bills central to their announced agendas, such as President Barack Obama’s victory on health care reform, than to secure passage of legislation proposed by others.²⁸

Because presidents generally experience declining support for policies they advocate throughout their terms, it is important for a president to propose key plans early in his administration. Even President Lyndon B. Johnson, who was able to push nearly 60 percent of his programs through Congress, noted: “You’ve got to give it all you can, that first year . . . before they start worrying about themselves. . . . You can’t put anything through when half the Congress is thinking how to beat you.”²⁹

A president can also bolster support for his legislative package by calling on his political party. As the informal leader of his party, he should build coalitions in Congress, where party loyalty is very important. This strategy works best when the

Explore Your World

Executive mansions and palaces are often among the most ornate homes in the world. These homes exemplify the importance and prominence of the head of government. They may represent the state's culture or values. Their structure and functions may also vary, depending on whether the state has a presidential or a parliamentary system. Examine the structures shown below, with an eye toward these themes.



Though the White House, home of the American president, may appear modest on the outside, the residence area of the White House alone boasts 132 rooms, thirty-five bathrooms, and twenty-eight fireplaces.



Christiansborg Palace in Copenhagen, Denmark, is the only building in the world that houses all three branches of a state's government. It is home to the prime minister, the Danish Supreme Court, and the Folketing, the Danish legislature.



Until 2002, the prime minister of Japan lived in the small brick residence, shown in the back right hand side of this photo. However, the prime minister's residence has recently been upgraded to the larger glass building in the foreground

CRITICAL THINKING QUESTIONS

1. How does each of these structures reflect the history and governmental system of the state it represents?
2. In states with parliamentary systems, how would you expect the residence of the head of government, the prime minister, to compare to the residence of the head of state, who is often a monarch? How does the combination of these roles affect the structure and functions of presidential residences?
3. Should presidents and prime ministers be provided an official residence at the citizens' expense? Why or why not?



Office of Management and Budget (OMB)

The office that prepares the president's annual budget proposal, reviews the budget and programs of the executive departments, supplies economic forecasts, and conducts detailed analyses of proposed bills and agency rules.

7.1

7.2

7.3

7.4

7.5

7.6

HOW IMPORTANT IS A BALANCED BUDGET?

President Bill Clinton and Vice President Al Gore celebrate the first balanced budget in years, a feat not likely to be repeated soon.

president has carried members of his party into office on his coattails as well as when his party has a majority in the legislature.

□ The Budgetary Process and Legislative Implementation

Closely associated with a president's ability to have legislation passed is his capacity to secure funding for new and existing programs. A president sets national policy and priorities through his budget proposals and his continued insistence on their congressional passage. The budget proposal not only outlines the programs he wants but also indicates the importance of each program by the amount of funding requested for each and for its associated agency or department.

Because the Framers gave Congress the power of the purse, Congress had primary responsibility for the budgetary process until 1930. The economic disaster set off by the stock market crash of 1929, however, gave FDR the opportunity to involve himself in the congressional budget process, just as he inserted himself into the legislative process. In 1939, the Bureau of the Budget, which had been created in 1921 to help the president inform Congress of the amount of money needed to run the executive branch of government, was made part of the newly created Executive Office of the President. In 1970, President Nixon changed its name to the **Office of Management and Budget (OMB)** to clarify its function in the executive branch.

The OMB works exclusively for the president and employs hundreds of budget and policy experts. Major OMB responsibilities include preparing the president's annual budget proposal; assessing the costs of the president's proposals; and reviewing the progress, budget, and program proposals of the executive department agencies. It also supplies economic forecasts to the president and conducts detailed analyses of proposed bills and agency rules. OMB reports allow the president to attach price tags to his legislative proposals and defend his budget.

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executive orders

Rules or regulations issued by the president that have the effect of law. All executive orders must be published in the *Federal Register*.

signing statements

Occasional written comments attached to a bill signed by the president.

□ Tools of Presidential Power

Proposing legislation and using the budget to advance policy priorities are not the only ways that presidents can affect the policy process, especially in times of highly divided government when the policies of the president and Congress may differ. Presidents may make major policy changes by issuing **executive orders**, rules or regulations set forth by the president that have the effect of law without congressional approval. Presidents Franklin D. Roosevelt and Harry S Truman used executive orders to seize mills, mines, and factories whose production was crucial to World War II and Korean War efforts. Roosevelt and Truman argued that these actions were necessary to preserve national security. The Supreme Court, however, eventually disagreed with the Truman administration in *Youngstown Sheet and Tube v. Sawyer* (1952). In that case, the Court unequivocally stated that Truman had overstepped the boundaries of his office as provided by the Constitution.³⁰

While many executive orders help clarify or implement legislation enacted by Congress, others have the effect of making new policy. President Truman also used an executive order to end segregation in the military, and affirmative action was institutionalized as national policy through Executive Order 11246, issued by Lyndon B. Johnson in 1966. And, President Barack Obama has repeatedly used executive orders to circumvent a recalcitrant Congress and attempt to make public policy.

Presidents may also issue two other types of public pronouncements. Presidential directives are executive orders issued by a president with the advice and consent of the National Security Council. They state the president's national security policy, so they are often classified. **Signing statements** are occasional written comments attached to a bill, when signing legislation. Often these written statements merely comment on the bill signed, but they sometimes include controversial claims by the president that some part of the legislation is unconstitutional and that he intends to disregard it or to implement it in other ways. For example, President George W. Bush used signing statements to express his belief that portions of more than 1,200 laws were unconstitutional. "Among the laws Bush said he [could] ignore [were] military rules and regulations, affirmative action provisions, requirements that Congress be told about immigration services problems, 'whistle-blower' protections for nuclear regulator officials, and safeguards against political interference in federally funded research."³¹

After taking office, President Barack Obama sent out a memorandum instructing agencies not to follow directives from previous administrations without first seeking the approval of the Department of Justice.³² And yet, much like Bush, Obama has issued several signing statements raising constitutional concerns about bills he signed into law.³³ In 2014, for example, President Obama came under fire for issuing a signing statement that allowed him to authorize the release of prisoners of war held in Guantanamo Bay, Cuba, without the approval of Congress. This statement became relevant when the president chose to exchange five Guantanamo detainees for U.S. prisoner of war Bowe Berghdal.

Signing statements, thus, have become another way for the president to use his informal powers to make and influence public policy. These statements invite litigation and may delay policy implementation. Because signing statements happen at the end of the legislative process, they also represent a largely unchecked way for the president to assert himself in the ongoing power struggle with Congress.

Review the Chapter

Roots of the Office of President of the United States

7.1 Trace the development of the presidency and the provisions for choosing and replacing presidents, p. 192.

To keep any one president from becoming too powerful, the Framers created an executive office with limited powers. They mandated that a president be at least thirty-five years old, a natural-born citizen, and a resident of the United States for fourteen years or more, and they opted not to limit the president's term of office. To further guard against tyranny, they made provisions for the removal of the president.

The Constitutional Powers of the President

7.2 Identify and describe the constitutional powers of the president, p. 197.

The Framers gave the president a variety of specific constitutional powers in Article II, including the powers to appoint, to convene Congress, and to make treaties. The Constitution also gives the president the capacity to grant pardons and to veto acts of Congress. In addition, the president derives considerable power from being commander in chief of the military.

The Development and Expansion of Presidential Power

7.3 Evaluate the development and expansion of presidential power, p. 202.

The development of presidential power has depended on the personal force of those who have held the office. George Washington, in particular, took several actions to establish the primacy of the president in national affairs and as chief executive of a strong national government. With only a few exceptions, subsequent presidents often let Congress dominate in national affairs. Franklin D. Roosevelt (FDR), however, took more power for the office of the president, and made more decisions in national and foreign affairs.

The Presidential Establishment

7.4 Outline the structure of the presidential establishment and the functions of each of its components, p. 206.

As the responsibilities of the president have grown, so has the executive branch of government. FDR established the Executive Office of the President to help him govern. Perhaps the most important policy advisers are those closest to the president: the vice president, the White House staff, some members of the Executive Office of the President, and the first lady.

Presidential Leadership and the Importance of Public Opinion

7.5 Explain the concept of presidential leadership and analyze the importance of public opinion, p. 210.

The president's leadership and personal style, which are affected by his character and his ability to persuade, determine how he goes about winning support. Since the 1970s, however, the American public has been increasingly skeptical of presidential actions, and few presidents have enjoyed the extended periods of popularity needed to help win support for programmatic change.

Toward Reform: The President as Policy Maker

7.6 Assess the president's role as policy maker, p. 213.

Since FDR, the public has looked to the president to propose legislation to Congress. Through proposing legislation, advancing budgets, involvement in the regulatory process, and executive orders and agreements, presidents make policy.

Learn the Terms



Study and Review the Flashcards

Cabinet, p. 197
executive agreements, p. 198
Executive Office of the President (EOP), p. 208
executive orders, p. 216
executive privilege, p. 195

impeachment, p. 195
inherent powers, p. 203
line-item veto, p. 200
Office of Management and Budget (OMB), p. 215
pardon, p. 202

signing statements, p. 216
Twenty-Fifth Amendment, p. 196
Twenty-Second Amendment, p. 195
U.S. v. Nixon (1974), p. 195
veto, p. 198
War Powers Resolution, p. 200

Test Yourself



Study and Review the Practice Tests

1. Which of the following is a requirement to become president of the United States?

- a. Be at least 35 years old
- b. No prior criminal record
- c. Have a valid U.S. passport
- d. Be a resident of the United States for at least thirty years
- e. Have previous government experience

2. Which of the following is a constitutional duty of the vice president?

- a. In the event of an emergency, the vice president must stand in for the president.
- b. The vice president is the director of foreign policy, often meeting with delegates from other nations and addressing international crises.
- c. The vice president functions as the head of the Supreme Court, voting in the event of a tie.
- d. The vice president is the president's official legislative liaison.
- e. All of the above

3. Which of the following is NOT a role fulfilled by the modern president?

- a. Chief of state
- b. Commander in chief
- c. Chief of party
- d. Chief legislator
- e. Chief of education

4. When creating treaties, the president must:

- a. make binding treaties only with permission from the Supreme Court.
- b. seek the approval of the Senate.
- c. host delegates and ambassadors, but only with Senate approval.
- d. rely only on the House of Representatives to negotiate all treaties related to international commerce.
- e. operate only within the framework established by the United Nations.

5. The president's authority is defined by:

- a. Supreme Court interpretation of international law.
- b. the powers granted to the president by the Senate and the House of Representatives.
- c. the implied and inherent powers extending from Article II of the Constitution.
- d. the powers enumerated in the Bill of Rights.
- e. the powers given to the president by Congress upon his appointment to office.

6. Which of the following is NOT selected by the president?

- a. The Speaker of the House
- b. The Cabinet
- c. The vice president
- d. The first lady
- e. The national security advisor

7. Cabinet secretaries

- a. may also serve simultaneously in Congress.
- b. are elected by the American people.
- c. have decreased in number and importance in the American political system.
- d. may not identify with a particular political party.
- e. have become less important presidential advisors over time.

8. How, according to political scientists, can American presidents best demonstrate their ability to lead?

- a. By spending time abroad with foreign leaders
- b. By increasing public attention to particular issues
- c. By attending all sessions of Congress
- d. By maintaining a wholesome family life
- e. By visiting low-income constituencies across the country

- 9.** What is the typical trend of a president's approval ratings throughout his tenure in office?
- a. The rating usually remains consistent, regardless of the decisions made.
 - b. The rating is higher when entering office than the rating when leaving office.
 - c. The rating is lower when entering office than the rating when leaving office.
 - d. The rating is sporadic, based on the decisions made, and no pattern can be found.
 - e. Each president has had a unique rating pattern, and no systematic patterns can be observed.

- 10.** Which of the following is NOT a method that the president can use to make and influence public policy?
- a. Signing statements to comment on bills
 - b. Suggesting changes to legislation
 - c. Using the budget to advance policy priorities
 - d. Issuing an executive order
 - e. Amending the Constitution