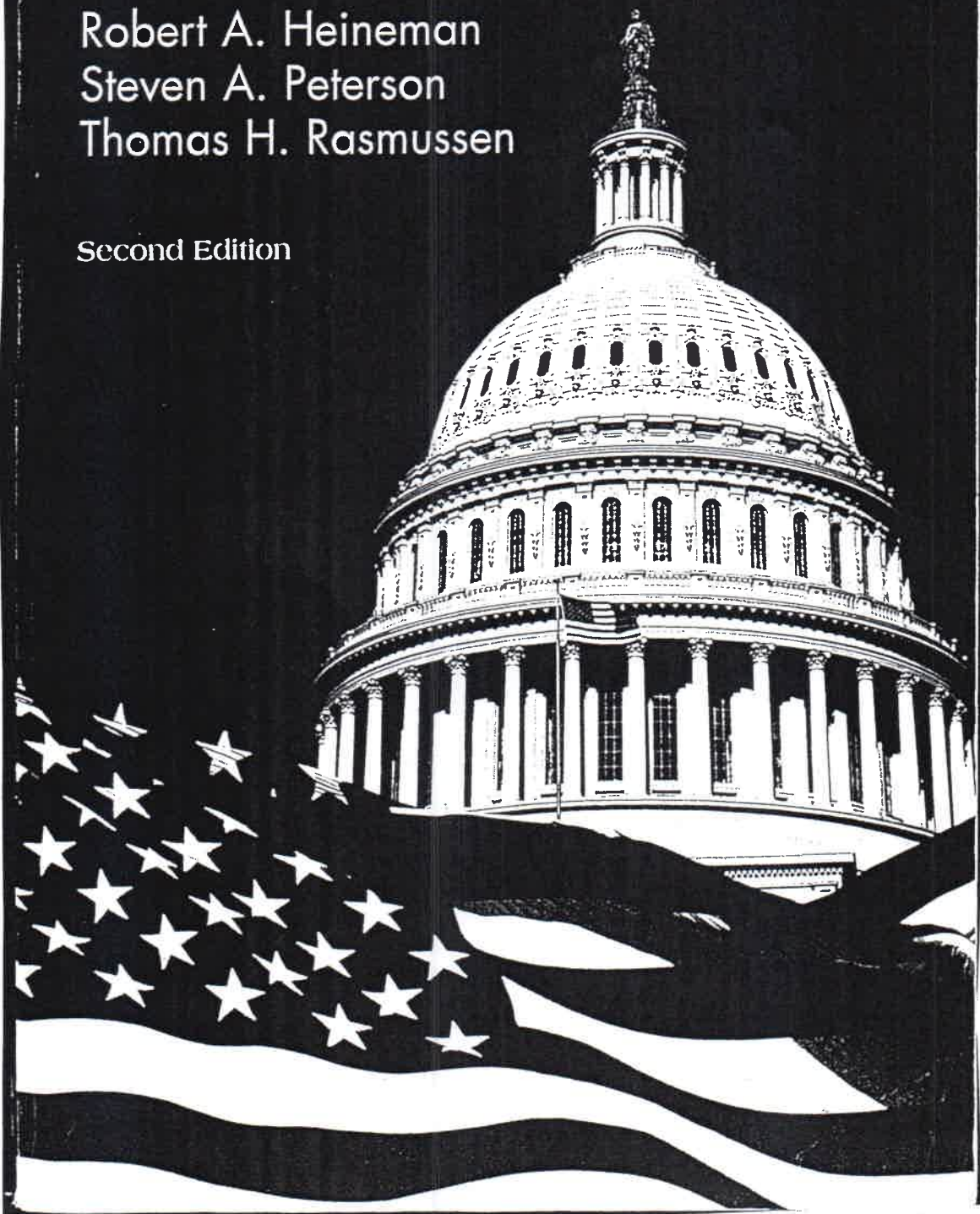


# American Government

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Second Edition



udes toward legislators and to slowing or reversing the weakening of party discipline among members of Congress.

### Recommended Reading

- In addition to reading the following books, which cover important aspects of Congress, the student is encouraged to watch Congress in action on the C-SPAN television network, which carries many debates and hearings live.
- Joel D. Aberbach: *Keeping a Watchful Eye: The Politics of Congressional Oversight*, Brookings Institution, Washington, D.C., 1990.
- John M. Barry: *The Ambition and the Power: A True Story of Washington*, Viking Penguin, New York, 1990.
- Congressional Quarterly Almanac*, Congressional Quarterly Press, Washington, D.C., published annually.
- Congressional Quarterly Weekly Report*, Congressional Quarterly Press, Washington, D.C., published weekly.
- Roger H. Davidson, ed.: *The Postreform Congress*, St. Martin's, New York, 1992.
- Morris Fiorina: *Congress: Keystone of the Washington Establishment*, 3d ed., Yale University Press, New Haven, 1989.
- Alvin M. Josephy, Jr.: *On the Hill: A History of the American Congress*, Simon and Schuster, New York, 1979.
- Paul C. Light: *Forging Legislation*, Norton, New York, 1992.
- Walter J. Oleszek: *Congressional Procedures and the Policy Process*, 3d ed., Congressional Quarterly Press, Washington, D.C., 1989.
- Steven S. Smith: *Call to Order: Floor Politics in the House and Senate*, Brookings Institution, Washington, D.C., 1989.

## CHAPTER 9

### The Presidency

#### Time Line

- |      |  |
|------|--|
| 1789 | The Constitution grants executive power to an independent, elected president.  |
| 1860 | During the Civil War, Abraham Lincoln dramatically expands presidential power.   |
| 1921 | The Budget and Accounting Act shifts responsibility for preparing the budget from Congress to the president.             |
| 1932 | To combat the Great Depression, Franklin Roosevelt's New Deal programs expand the role of government in American life.   |
| 1941 | Presidential foreign policy responsibilities increase during and after World War II.                                     |
| 1946 | The Employment Act of 1946 calls on the president to promote steady economic growth, high employment, and stable prices. |
| 1973 | The Watergate scandal intensifies concerns about a too-powerful "imperial" presidency.                                   |

1980 Ronald Reagan reasserts strong presidential leadership, promoting tax cuts, domestic spending cuts, and military spending increases.

1988– Difficult economic conditions and controversial social issues erode popular and congressional support for the Bush and Clinton presidencies.

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*Of all American political institutions, the presidency is the most visible. This chapter identifies the powers of the president as they are spelled out in the Constitution and how these powers have expanded during the twentieth century. The role of the presidency in American politics has evolved over time, and the office provides opportunities for and imposes limitations on every newly elected president.*

*Presidents do have important power resources, but other important checks limit presidential power. In recent decades, some writers have argued that the presidency is too weak, unable to provide leadership or to carry out electoral mandates. Others have claimed that the presidency is too strong, threatening the liberties of free Americans and upsetting the constitutional balance of power. Complicating the discussion is the fact that the presidency is a highly personalized office. The look of the presidency at any time reflects the management style, political skills, and personality of the incumbent president. Irrational events, economic conditions, and social issues largely beyond the president's control constrain his or her opportunity to lead.*

### The Presidency in the Constitution

The Founding Fathers struggled to define the proper role of the executive branch in the new system of government. On the one hand, their experience with the English monarchy gave them ample reason to fear that a strong executive might abuse the rights and liberties of free citizens. On the other hand, the Founding Fathers were meeting in Philadelphia in 1787 precisely because they were dissatisfied with the weak central government provided in the Articles of Confederation.

Alexander Hamilton argued forcefully for a strong executive. In *Federalist 70*, he wrote that only a strong president could adequately protect the nation from foreign attack and administer laws in an effective and consistent manner. The Constitution is filled with compromises balancing the concerns of those who wished to create a president strong enough to execute the laws with the concerns of those who sought to protect the liberties of free citizens from potentially abusive executive power.

Article I of the Constitution spells out the legislative powers granted to Congress in ten rather detailed sections. Article II describes the executive powers of the president in general terms and in four brief sections. Section 1 states, rather generally, "The executive power shall be vested in a President of the United States of America." Section 2 provides the basis for presidential dominance in foreign affairs, making the president "the Commander in Chief of the army and navy" and granting the president "the power, by and with the advice and consent of the Senate, to make treaties." Section 3 authorizes the president "to give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient." This section also charges the president "to take care that the laws be faithfully executed." Section 4 provides for the impeachment, or removal from office, of a president guilty of serious crimes.

Important checks on presidential power are built into the Constitution. For example, the Senate confirms important presidential appointments and ratifies treaties before they go into effect. The House of Representatives must initiate any laws requiring citizens to pay taxes. The president may not remove federal judges after appointing them.

The Founding Fathers were satisfied that Congress, the lawmakers, would be the dominant power in our constitutional system and that the president would simply implement the laws Congress enacted. They construed the brief and ambiguous powers granted in Article II narrowly.

However, Article II allows presidents considerable discretion in defining the scope of their duties. During the Civil War, Abraham Lincoln dramatically expanded presidential power. For example, he raised an army and spent funds without seeking congressional approval. In the post-Civil War period, presidents tended to interpret their constitutional power narrowly, allowing Congress to set the national agenda. In the twentieth century, presidents have often acted boldly to advance American foreign policy interests, to defend the nation in time of war, to counter the effects of economic depression, or to deal with other pressing domestic problems. Today, the presidency is the pivotal institution in the American political system.

### Contemporary Presidential Roles

#### Commander in Chief

In the aftermath of two world wars and America's emergence as a dominant world power, the president's role as commander in chief has assumed great importance. About 23 percent of the federal budget is devoted to military spending, and some 6 percent of America's productive resources are

devoted to paying soldiers and building weapons systems. While the Constitution does authorize Congress to declare war, appropriate funds for the military, and ratify treaties, in practice Congress has allowed the president great latitude as commander in chief. President Ronald Reagan sent American troops into Lebanon and Grenada; President George Bush took military action to depose drug-dealing dictator Manuel Noriega in Panama in 1989, and 400,000 U.S. troops drove Iraq out of Kuwait after Saddam Hussein's army invaded its neighbor in 1990, and President Bill Clinton sent troops to Haiti to depose military rulers in 1994. The president has committed troops overseas on some 200 occasions; Congress has declared war only 5 times.<sup>1</sup>

Successful conduct of foreign affairs requires that our government continuously assess other nations' political objectives and military strength. The State Department, the Department of Defense, and the Central Intelligence Agency (CIA) collect information about other nations and conduct talks with their political leaders. These executive agencies report to the president, not to Congress; indeed, Congress depends on the president for much of its information about our foreign policy and military preparedness.

The president also has a dominant role in foreign affairs because only the president has a national constituency and can claim to speak for all the people. The president speaks with one voice and can act quickly in time of military crisis.<sup>2</sup> Congress, by contrast, is a deliberative body well suited to hearing many diverse voices and examining carefully all aspects of an issue from many points of view. However, these qualities are not appropriate when a diplomatic crisis requires an instant decision about using military force or when secrecy is imperative to preserve delicate diplomatic negotiations or to protect the identity of intelligence sources.

Contemporary presidents typically spend over half of their time on foreign policy and national security issues. Presidents enjoy dealing with foreign policy because they have much greater autonomy. On domestic issues, presidents must share power with Congress, interest groups, bureaucrats with their own programs and professional interests, and state and local officials. Indeed, we may think of foreign affairs and domestic affairs as two distinct presidencies.<sup>3</sup>

### Head of State

The president is the symbol of shared national identity. The president leads national celebrations on the Fourth of July, Veterans Day, and Thanksgiving. The president leads us in mourning the highly publicized deaths of soldiers in battle, accident victims, and cultural heroes. The president celebrates the achievements of 4-H award winners, distinguished scholars and artists, and

successful sports teams. The president entertains visiting heads of state. These ceremonial functions promote a sense of unity and solidarity among Americans, and they take up many hours of the president's day.

In Great Britain and many other countries, head of government and head of state are two separate offices. A prime minister is responsible for developing and carrying out policy, while a king or queen presides at ceremonies and embodies symbolic national unity. In the United States, we combine head of government and ceremonial head of state in the same person. On a typical day, a president's policy meetings with staff and cabinet members, work on a forthcoming speech, and review of a delicate Middle East issue will be mixed with meeting a group of Girl Scouts, signing a proclamation for National Stamp Collecting Week, and hosting a dinner for the president of Venezuela.

### Chief Legislator

The Constitution directs the president to inform Congress about the state of the union and to recommend measures for legislative action. Every year, Congress expects and depends on the president to present a package of major legislative requests. Presidents Reagan and Bush favored sharp cuts in domestic spending and favored lower taxes than did Democratic majorities in Congress. President Bill Clinton sought to reduce the size of the federal budget deficit and to reform health care during the first year of his presidency. Enacting major policy initiatives requires full-scale mobilization of political resources, and presidents usually concentrate their resources on guiding a few major proposals through Congress.<sup>4</sup>

The Constitution also gives the president power to veto acts of Congress, that is, to prevent an act of Congress from becoming law. If the president vetoes a proposed law, Congress can override the action if a two-thirds majority in both House and Senate agree. Congress rarely musters the two-thirds vote needed to override a presidential veto.

The president has ten days in which to act on a bill before it becomes law without his signature. A president who receives objectionable legislation within the last ten days of an annual congressional session, however, may simply ignore it. Congress has no opportunity to override this "pocket veto."

Over the last 25 years, Republican presidents have used the veto to thwart Democratic majorities in Congress. Republicans Eisenhower, Nixon, Reagan, and Bush have used the veto twice as frequently as recent Democratic presidents.<sup>5</sup> Even threatening to veto objectionable bills allows presidents to influence the legislative process. Congress may take into account the president's strong legislative preferences so as to avoid a veto.

## Budget Maker

Money is the lifeblood of government, and the president coordinates taxing and spending through the budget process. Originally, Congress was fully responsible for the nation's finances. It received requests for funding directly from government agencies and crafted the federal budget itself. In 1921, however, following a surge in government spending during World War I, Congress passed the Budget and Accounting Act.

This law created a Bureau of the Budget (now the Office of Management and Budget, or OMB) to assist the president in drawing up an annual budget for Congress to consider. In effect, this important act shifted primary budget responsibility from Congress to the president. The president sets the budget agenda, which Congress then modifies. The budget process determines whether the role of government in society grows or shrinks, how much we as a society spend on weapons or domestic programs, what priority we assign to loans for students or subsidies to farmers, and how we pay for what we spend. After President Reagan sponsored deep tax cuts in 1982, the federal budget deficit escalated to alarming proportions.<sup>6</sup> In 1993 President Clinton successfully fought for a budget that cut military spending and raised taxes on high-income households while reducing the federal budget deficit.

## Manager of the Economy

Since the Great Depression, the nation has increasingly looked to the president to protect the economic fortunes of individual Americans. With Franklin Delano Roosevelt's election in 1932 and landslide reelection in 1936, the role of the government in economic and social affairs increased rapidly. Government began to regulate financial institutions. The right of workers to form unions and to bargain with their employers was protected. A social security program was enacted, and the principle that federal dollars be spent to assist the needy was established.

In the Employment Act of 1946, Congress authorized the president to assess trends in the national economy and to prepare policies fostering steady economic growth with high employment and stable prices. President Reagan favored a program of reduced taxes for the wealthy and less government regulation to stimulate the economy. President Clinton proposed to raise taxes on the wealthy and to cut the federal budget deficit in order to lower interest rates and stimulate economic growth. See Chapter 13 for further discussion of how the federal government attempts to manage the economy.

## Sources of Presidential Power

Americans expect much of their president. They expect the president to set national priorities, to make legislative proposals, to draft a budget, to manage the economy, to conduct foreign affairs, to symbolize our shared identity as Americans, and to administer countless federal programs efficiently. To establish their authority, new presidents draw upon several resources.

### The Electoral Mandate

After a grueling election campaign, a newly elected president enjoys the support and good wishes of a majority of the voting public. Presidents typically receive high approval rates early in their term, when voters are hopeful that the president will address perceived problems effectively. Since many senators and representatives feel indebted to the president who successfully headed their party's ticket, presidents typically introduce bold new legislative initiatives early in the term. The president's electoral mandate can be a potent political asset during the first year in office.

### Access to Media

What the president says and does is news, covered in detail by newspapers and television reporters and relayed to every American home every day. Theodore Roosevelt called the presidency a "bully pulpit," meaning that he could educate and exhort his national audience with a message of his own choosing. The media give the president an opportunity to build support for the presidential agenda among members of Congress and the general public.<sup>7</sup> The president's press secretary and other advisors write catchy and quotable speeches, prepare the president for questions reporters are likely to ask at press conferences, and arrange "photo opportunities" to keep the president in the public eye.

### Presidential Popularity

Unfortunately for presidents, their approval ratings tend to be highest early in the term and lowest at the end. The Gallup pollsters regularly ask a sample of Americans whether or not they approve of the president's handling of the job. Table 9.1 presents poll results for the last nine administrations.

The strong popularity ratings of a newly elected president are often related to reverses suffered by the preceding administration in foreign policy and the economy. Eisenhower and Nixon replaced presidents bogged down in the Korean and Vietnam wars. Carter, Reagan, and Clinton won their victo-

Table 9.1 Changes in Presidential Popularity Ratings

Administration	Average Approval Rating (%)		
	First Year in Office	Last Year in Office	Change
Truman (1949–1952)	63	30	-33
Eisenhower (1953–1960)	69	61	-8
Kennedy (1961–1963)	76	61	-15
Johnson (1963–1968)	75	42	-33
Nixon (1969–1974)	61	26	-35
Ford (1974–1976)	48	48	0
Carter (1977–1980)	62	32	-30
Reagan (1981–1988)	58	51	-7
Bush (1989–1992)	64	39	-25

Sources: *Public Opinion, January/February 1989, p. 40; Gallup Report, No. 322, July 1992.*

ries in the context of a sluggish economy with high inflation and/or high unemployment. Voters are hopeful that a new president will bring an end to war and international crises and create a stronger economy.

Notice that five recent presidents slid at least 25 percentage points during their term in office. Truman and Johnson left office in the midst of unpopular wars in Korea and Vietnam. Nixon was forced to resign after covering up evidence of criminal wrongdoing in the Watergate scandal. Carter was defeated by the failure to secure the release of American hostages held in Iran and by poor economic conditions. A weak economy cost President Bush reelection in 1992.

Reagan's popularity plummeted during the deep economic recession in his first term, suggesting that the public is quick to reward and punish presidents for the performance of the economy. But he claimed credit for strong economic conditions late in his term, and he benefited from the tendency of Americans to rally around the flag in support of their president during confrontations with the Soviet Union and terrorist groups. Within limits, presidents can manage public opinion.<sup>8</sup>

Presidents are rarely able to deliver all they promised during their election campaigns. Candidates court business and labor, propose programs to aid cities and farmers, and promise lower taxes and more social spending. As the next election approaches, rival politicians underline the president's shortcomings, and those who once supported the president are disappointed and critical.<sup>9</sup>

Republican presidents maintain their popularity more easily than do Democrats, whose complex coalition of Catholics, unions, blacks, and South-

ern supporters is harder to maintain. Bill Clinton's presidential popularity rating slid from 60 to 43 percent in his first months in office, in part because he addressed concerns of traditional Democratic groups at the expense of middle-class voters who supported him in the 1992 election. For example, he pressed the military to allow homosexuals to serve in the armed forces, a policy which did not enjoy wide popular support. His deficit reduction program required unpopular tax increases and did not cut deeply into social spending.

### The Power to Persuade

How powerful the presidency is at any particular moment depends in large part on who is president. The modern presidency has considerable potential power, but converting potential power to actual power requires much skill. In his classic study of the presidency, Richard Neustadt argues that the president's power is ultimately the power to persuade.<sup>10</sup> Members of Congress, career civil servants, cabinet members with close ties to clientele groups, and party officials alert to the opinions of party rank and file all have autonomous power bases. Therefore, the successful president must be able to persuade these significant political actors that a proposed policy initiative or decision is in their best interest.

### The Capacity to Reward and Punish

Effective presidents know how to get what they want by artfully using their capacity to reward and punish. The president administers a trillion-dollar budget and has considerable influence in making individual spending decisions and setting priorities. If a legislative proposal which the president wants badly is short of majority support, the president has the resources to sway the crucial votes. The president can decide whether or not a local military base will be closed. The president can decide whether or not to support a farm subsidy program. The president can decide whether a program to curtail drug use will focus on breaking distribution networks in New York or supply lines in Florida.

A president who is not happy with a Cabinet member making statements at odds with administration policy can ignore the offender's request for new policy initiatives or enhanced budgeting support.<sup>11</sup> A meeting with a city mayor or state governor loudly critical of the president may result in an increased flow of federal funds to the city or state and much more cordial relations.

### The White House Staff

To help them assign and manage the work load, presidents rely heavily on a few key aides. The White House staff is the president's instrument to coordinate and control the Cabinet departments and executive agencies that draw up a budget (OMB), monitor use of offensive language on daytime radio (FCC), and design rules to reduce air pollution from industrial smokestacks and automobiles (EPA). White House staffers help the president to choose policy priorities, resolve conflicts between agencies over jurisdiction, and monitor agency activities to ensure they are consistent with the president's wishes. White House staffers also write the president's speeches, draw up the president's daily schedule, lobby Congress to pass the president's policy proposals, monitor the president's standing in public opinion polls, and protect the president's political base within the party.

Presidents need to have confidence in the judgment and loyalty of their top advisers. That is why presidents typically surround themselves with close friends and longtime political associates. John F. Kennedy turned to his home state of Massachusetts for key staff; Lyndon B. Johnson's closest advisers came from among his Texas associates; Jimmy Carter drew heavily from his staff as Georgia governor; Ronald Reagan's White House staff were close personal friends and political advisers in California conservative politics; and Bill Clinton brought his political associates from Arkansas to Washington. Presidents can choose their team, and they look for advisers who are ideologically compatible and personally loyal.

Supervising a large staff with multiple responsibilities calls for considerable skill. Managing a complex organization is a highly personal art, but presidents tend to organize their key aides in one of two ways. Some prefer a highly structured, hierarchical White House staff, appointing a strong chief of staff who controls access to the president and closely supervises the work of other staff. Eisenhower's powerful chief of staff was Sherman Adams; Nixon relied upon H. R. Haldeman to run the White House; and in Reagan's second term, Donald Regan for a time had unquestioned authority to speak for the president.

Having a strong chief of staff worked for these presidents, who had no wish to be immersed in the details of administration or confronted with contradictory points of view and complex information. Nixon preferred to think and work alone in the privacy of the Oval Office. Eisenhower and Reagan were eight-hour-day presidents who depended on their chiefs of staff to see that their wishes were carried out and to keep administrators with policy questions and jurisdictional quarrels out of their offices. Bush relied heavily on the advice of trusted intimates like James Baker and Nicholas Brady to provide him with essential advice and guidance. For other administration officials, the

road to President Bush passed through Chiefs of Staff John Sununu and James Baker.

Other presidents prefer a hub-and-spokes organization with the president at the center and many top administration officials having direct access to him. Presidents Kennedy, Johnson, Carter, and Clinton were eager to run their own administrations and used their chiefs of staff to coordinate White House staff activity. Kennedy enjoyed discussion with staff and expected them to present him with various policy options. Johnson jealously guarded his own power and was quite unwilling to be overly dependent on a chief of staff.

President Jimmy Carter earned a reputation for not delegating adequately. Carter immersed himself in the details of presidential administration, working 16-hour days and meeting with top Cabinet and executive agency officials about policy issues. However, he spent too much time resolving small disputes between individuals or agencies, getting involved in the details of implementing programs, and scheduling the White House tennis courts.<sup>12</sup>

Clinton placed himself at the center of his presidency; as he had controlled the office during his tenure as governor of Arkansas. He participated directly in key economic, foreign, and health care policy discussions; he talked to many advisers on a daily basis; and he did not rely heavily upon his chief of staff. But Clinton soon discovered that Washington was much more complicated than Little Rock, and within a year, he was attempting to strengthen his staff and to focus on fewer issues.

### Variation in Presidential Effectiveness

Presidential effectiveness varies from one administration to another. The personality, character, and political style of presidents differ markedly. Global and societal circumstances, the context in which they govern, also vary.<sup>13</sup> In the aftermath of Watergate, Presidents Ford and Carter were unable to make particularly effective use of their office. Ford confronted huge Democratic majorities in the House and Senate. Having moved up from vice president to president, he could claim no mandate from the people, especially after his unpopular Watergate-related pardon of former President Nixon. Carter lacked the political skills to work with Congress and the Washington establishment. For some, his informality downgraded the symbolic dignity of the presidency. He was victimized by Iran's seizure of American hostages and an untimely economic recession brought about in part by sharp increases in petroleum prices.

In contrast to Ford and Carter, Reagan made effective use of the presidency's potential power. He avidly pursued his conservative political agenda of more military spending, lower taxes, less domestic spending, deregulation,

and decentralization. He used his personal popularity and media skill effectively to combat the spirited opposition of members of Congress, clientele groups, and federal bureaucrats committed to existing domestic spending programs. He combined unwavering adherence to his basic political principles with a willingness to compromise with his opponents, to the frequent distress of his most conservative supporters.

George Bush presided over the dissolution of the Soviet empire and rolled back Iraq's invasion of Kuwait in 1991. In domestic policy he and a Democratic-controlled Congress were gridlocked. His own failure to stimulate a weak economy cost him reelection in 1992.

Bill Clinton wasted valuable time searching for an effective White House organization and spent scarce political resources promoting integration of homosexuals into the military. Controversial issues on his first-term agenda included reduction of the massive \$300 billion annual budget deficit, health care reform, and ratification of the North American Free Trade Agreement (NAFTA).

### Recent Abuses of Presidential Power

Abuses of presidential power during the Johnson and Nixon presidencies raised the specter of "imperial" presidents aggrandizing their power, subverting checks and balances, and evading democratic control.<sup>14</sup> Americans confronted the possibility that while activist presidents might provide leadership and break political stalemates, imperial presidents might usurp power and pursue personal agendas. Congress was sensitive to the fact that its constitutional authority was being undermined by presidential actions; and in foreign affairs, presidents routinely circumvented Congress by expressing accords with other nations through executive agreements, which do not require the approval of two-thirds of the Senate, rather than by treaty, which does require Senate approval.

### Impoundment

Domestically, President Nixon used the power of impoundment in an unprecedented way to thwart the intentions of Congress. Many presidents have in the past impounded or refused to spend sums of money appropriated by Congress, but infrequently and usually for reasons Congress understood and approved. For example, if serious design flaws are detected in a military airplane or a space vehicle, the project may be put on hold while engineers determine what went wrong.

President Nixon, however, impounded large sums of money because he did not approve of Congress funding municipal water pollution control projects or farmer loan programs. Constitutionally, Congress is empowered to enact legislation and authorize spending. Members of Congress objected strongly to Nixon's encroachment on their right to legislate.<sup>15</sup>

### The Vietnam War

Fears about a dangerous concentration of power in the White House followed the Vietnam war. The active presidency had deteriorated into an imperial presidency, wrote Arthur Schlesinger. Presidents Johnson and Nixon had abused their authority, subverting constitutional checks and balances and usurping congressional prerogatives.<sup>16</sup>

During the Vietnam war, presidents lied and provided misleading information to Congress and the American people about the war effort. President Johnson gave Congress inaccurate information in 1964 to gain passage of the Gulf of Tonkin resolution, which escalated the American military commitment in Vietnam. In 1969 and 1970, President Nixon authorized secret military operations in Laos and Cambodia without congressional authorization and knowledge. By 1967, America was fully committed to fighting the war in Southeast Asia, and that war was going badly. As the war vividly filled television screens every evening, Americans began to question why we were fighting there. The alarming lesson of the Vietnam war was that the president as commander in chief could deceive Congress and the American people and pursue disastrous military adventures unchecked.

### The Watergate Scandal

Even more damaging to the authority of the president was the Watergate scandal. The Watergate investigations revealed that in 1973, high-ranking White House staff had paid the burglars who broke into the National Democratic Party Headquarters in search of information, used the CIA and the IRS to harass political opponents, and engaged in illegal mail surveillance and wire tapping. When journalists discovered parts of the story, President Nixon authorized a cover-up effort to obstruct congressional investigation.

When the Senate Judiciary Committee investigating the Watergate revelations requested relevant documents, tapes, and testimony, Nixon refused to cooperate, invoking executive privilege. Executive privilege claims that the constitutional separation of powers gives a president the right to withhold information from Congress. The dispute was brought before a federal district court, which ruled that the president could claim executive privilege if release of information could compromise national security but not if the information

would simply embarrass the president or reveal presidential wrongdoing. The tapes provided a full account of presidential illegal behavior. Faced with certain impeachment, Nixon resigned from office.<sup>17</sup>

### The Iran-contra Affair

President Reagan's tendency to delegate authority extensively without monitoring how subordinates used their authority hurt the Reagan administration in the Iran-contra affair. Reagan approved a plan to ship weapons secretly to moderates in Iran in exchange for efforts to secure the release of Americans held hostage by Iranian-backed groups in Lebanon. A low-ranking National Security Council staff member, Colonel Oliver North, diverted the profits to the Nicaraguan contras, despite a congressional ban on further government aid to them. North had the approval of National Security Council head John Poindexter, who chose to protect President Reagan by not telling him of the illegal diversion of funds.

When the Iran-contra scandal was exposed in November 1986, North quickly shredded many relevant documents to thwart a congressional investigation. Joint congressional hearings revealed that Secretary of State George Schultz and Secretary of Defense Caspar Weinberger had dissented from the original decision to ship arms to Iran and were not consulted on the project to divert funds to the contras, despite its obvious relevance for their missions. President Reagan's chief of staff and personal friend, Donald Regan, was forced to resign because he had not known about North's and Poindexter's actions and because he had insulated the president from competing points of view. President Reagan himself was sharply criticized for creating an atmosphere in which top subordinates would even consider making major decisions without getting explicit presidential approval.

### Curbing the Imperial Presidency

The most important check on presidential power is the system of checks and balances provided in the Constitution.

#### *Impeachment*

The Constitution provides that a president can be charged with criminal actions or abuse of power and removed from office if found guilty. The House of Representatives serves as prosecutor and the Senate serves as judge. A majority of those voting in the House is needed to impeach; a two-thirds vote of Senators present is needed to convict and remove from office.

No president has ever been impeached and convicted. President Andrew Johnson was impeached in 1868, but he narrowly escaped conviction in the Senate. The House began impeachment proceedings against President Richard Nixon in 1974. As the entire story of presidential wrongdoing unfolded, President Nixon resigned to escape almost certain impeachment. He was succeeded by Gerald Ford, who subsequently issued a full pardon to block any future court action against Nixon.

Ford's pardon was controversial. Presidential pardons are normally used to correct obvious errors and miscarriages of justice, but pardons are not usually granted before an accused person is brought to trial. Critics wondered whether Ford and Nixon had made a resign-and-pardon deal which would make Ford president and protect Nixon from any judicial action. Ford firmly insisted that no deal had been struck and that he acted only to shift attention from past misdeeds to current issues.<sup>18</sup>

Although Watergate forced a Republican president to resign in disgrace and facilitated the election of Democrats in unprecedented numbers to Congress and state legislatures, the damage to the institution of the presidency ultimately hurt the Democratic party. The Democratic party has supported a strong, activist role for the federal government. Watergate eroded public confidence in the integrity and effectiveness of government and paved the way for the election of Ronald Reagan in 1980. He was committed to a program of deregulation, lower taxes, decentralization of responsibility to the states, and less domestic spending. This agenda reversed the emphasis of activist Democratic presidents since Roosevelt's New Deal. The only Democratic president elected since Watergate, Jimmy Carter (1976–1980) and Bill Clinton (1992–), ran as moderate centrists and as political outsiders uncorrupted by Washington politics.

#### *Congressional Action*

To curb potential abuse of presidential power in foreign affairs, Congress passed the War Powers Resolution (1973), enabling Congress to force the president to withdraw troops committed in combat overseas after 60 days in the absence of a formal declaration of war. Although American troops have engaged in military actions in Lebanon, Grenada, Libya, and the Persian Gulf since the War Powers Resolution was passed, Congress has never invoked it. Congress would be likely to curb the commander in chief's war-making authority only if American troops became bogged down in an unpopular, Vietnam-style war. Both the Senate and the House set up intelligence committees to supervise the CIA and the FBI more closely and to provide secure, leak-free channels for the president to keep Congress informed on sensitive

intelligence matters. Congress also has refused presidential requests for funds to aid government opponents in Angola and Nicaragua.

Domestically, the Budget and Impoundment Control Act of 1974 established a Congressional Budget Office to provide Congress with its own more detailed taxing and spending information, created permanent House and Senate Budget Committees, spelled out new procedures intended to streamline the budget process, and placed limits on the president's right to impound funds.

### Limits on Presidential Power

Many students of the American presidency are more struck by the limits on presidential power than by the president's potential to abuse power. The president has emerged as the pivotal figure in the American political system. After Roosevelt's election in 1932, many Americans were persuaded that the best hope of addressing various defects in American society rested with a strong, active president. Roosevelt and his successors pledged to find ways to ease the burden of economic depression, erase the post-Civil War legacy of legal racial segregation in the South, defeat fascism in World War II, and contain the expansionist Soviet Union. Influential students of the presidency, however—notably, Clinton Rossiter<sup>19</sup> and Richard Neustadt<sup>20</sup>—wondered whether the responsibilities of the president had grown more rapidly than the president's ability to carry them out. Several factors inherent in the American political system work together to limit a president's power.

#### Autonomy of Other Political Actors

One important limit on presidential power is the autonomy of other political actors. Particularly in domestic policy, the president shares power and responsibility with other political actors having their own interests and political resources. While the president is expected to provide leadership, other political actors can all too easily thwart the president's best efforts.

Members of Congress, for example, are insulated from presidential influence. Their power base is within their constituencies, and keeping the folks back home satisfied is crucial to their political future. They will support the president only when it is advantageous to do so.

This problem has been particularly acute in recent decades when Republican presidents have had to work with Democratic Congresses. Ideological confrontation has been the rule, and Republican presidents have had infrequent success at persuading Congress to follow their lead.<sup>21</sup> Yet Democrat Bill Clinton also encountered strong, effective resistance within Congress to his

proposals to raise taxes, reform health care, and liberalize trade. Members of Congress found presidential influence less compelling than the preferences of important interests and voter opinion in their home constituencies.

The president is similarly constrained by our federal system, for city mayors and state governors are also independently elected. These local officials decide whether to support, tolerate, or oppose the president's policies. A president who punishes an uncooperative mayor or governor may earn the active displeasure of local interest groups, political party activists, and irate citizens.

Even getting the White House staff to pull together is a major challenge for a modern president. Part of the difficulty lies simply in the growth of the presidential establishment. In 1944, President Roosevelt had a White House staff of 48. By 1963, President Kennedy's staff had swelled to 263. And in 1980, President Carter had 417 White House staffers to coordinate and control.<sup>22</sup> In 1990, President Bush used the services of 623 full-time employees.

Also, since top White House staffers tend to be strong-willed, ambitious people used to having their own way, conflicts rooted in personal ambition or jurisdictional disputes are common. To some extent, conflict is desirable, since the president needs to hear competing policy proposals and suggestions for implementation. Presidents must beware of surrounding themselves with "Yes, boss" advisers who will carefully tailor their comments to suit the president's biases. Postmortems on the lost Vietnam war dwelled on Johnson's refusal to give skeptical advisers a chance to express their doubts about how the war effort was going. "Groupthink," which can impel presidential advisers to develop a collective opinion consistent with the president's own biases, is an important factor when decisions produce poor results.<sup>23</sup>

#### Size and Complexity of the Federal Government

Another limitation on presidential power is the size of the federal government. Table 9.2 compares the size of America's largest corporations and federal government departments.

Note that the Department of Defense dwarfs General Motors in both annual budget and number of employees, and even the smaller cabinet departments spend more dollars or hire more employees than do our largest corporations. The larger an organization, the more difficult is the chief executive's job of supervising and coordinating the work. The president as chief executive officer of the federal government has an enormous task.

Most of the 3 million federal government employees are protected by civil service regulations. High-level managers with supervisory and policy responsibilities cannot be dismissed easily should they disagree with the president's priorities. In fact, the president can appoint supporters to about 2000

**Table 9.2** Sizes of Largest Corporations and U.S. Government Departments in 1992

Corporation	Fortune Rank	Annual Sales (billions)	Number of Employees	Government Department	Annual Budget (billions)	Number of Employees
General Motors	1	\$132.8	750,000	Defense	\$322.3	1,034,000
Exxon	2	\$103.5	95,000	Agriculture	\$61.8	122,600
IBM	4	\$65.1	308,000	Transportation	\$33.4	67,400
PepsiCo	15	\$22.1	372,000	Education	\$26.5	17,731
Weyerhaeuser	51	\$9.3	39,000	Housing and Urban Development	\$24.2	13,600
Northrup	100	\$5.6	33,600	Energy	\$15.7	17,700
Briggs & Stratton	350	\$1.0	7,800	NASA	\$13.8	24,900
Block Drug	500	\$0.6	3,300	EPA	\$5.9	17,100

Sources: *Fortune*, April 19, 1993, p. 49; *United States Statistical Abstract*, *Government Printing Office*, Washington, D. C., 1992, pp. 322, 331.

top jobs. Of these 2000, some are politically necessary appointments to reward campaign supporters. Other appointments have independent credentials and bases of power. For example, the secretaries of labor, commerce, and agriculture must be acceptable to leading labor, business, and farm interests. Environmental groups push hard for a sympathetic EPA administrator. In these cases, top managers may place the priorities of their supporting clientele above the priorities of their president.<sup>24</sup>

Coordination problems and jurisdictional conflicts within the federal government are commonplace. A proposal to widen an urban highway typically requires the approval of federal transportation, housing, and environmental bureaucrats as well as consultation with numerous state and city officials. Conflict between the State Department's diplomatic perspective and the Department of Defense's military perspective is a staple feature of all presidencies. Washington insiders refer to these jurisdictional conflicts as "turfing."

Within the executive branch, the president can more easily cajole, persuade, and bargain than order and instruct. George Shultz, who ran the Bechtel Corporation as well as the labor, treasury, and state departments for two presidents, observed that in business, the chief executive can decide policy and expect that subordinates will make a good-faith effort to carry out decisions. In the federal government, there is not much hierarchy, and policy evolves out of discussions between the department, White House staff, other departments, and Congress. In a similar vein, Harry S. Truman ruefully predicted that his successor, Dwight Eisenhower, would find running the federal

government far more difficult than commanding an army. Truman mused, "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."<sup>25</sup>

### Presidential Inexperience

To make their job even more difficult, presidents typically are inexperienced. They do not know the inner workings of the organization they are expected to administer. Our presidents have had political careers in the Senate (Kennedy and Johnson), the House of Representatives (Ford), the military (Eisenhower), and state government (Nixon, Carter, Reagan, and Clinton). They are brought in from outside to administer a huge, complex organization; by contrast, the chief executive officer of a typical corporation has risen through the ranks, having served a long apprenticeship before being asked to run the organization.

### Length of Term

Presidential authority is also weakened because the president is elected to a four-year term and may be reelected only once. Dissenters in Congress and within the bureaucracy know that patience and delay will inevitably defeat the president. The president's authority problems are particularly acute in the last two years if indications are the president will not run again. The president's top advisors leave their Cabinet and White House staff posts to pursue more lucrative opportunities. They write books, deliver lectures, or use their contacts and knowledge of the administration on behalf of clients. Others leave the government because the excitement and challenge are over. No new policy initiatives will be undertaken. The balance of power within the bureaucracy inevitably shifts from the president's enthusiastic supporters to the president's opponents. And the president cannot get high-powered replacements to come to Washington for one year of caretaking.

When it is clear that the president will not run again, attention shifts to the next presidential race. The quest for the party presidential nominations begins at least 18 months before the presidential election, and political attention tends to shift from what the president says and thinks to the views of the possible next president.

Some reformers propose giving the president a single six-year term. Free from the pressures of special-interest and party politics, our chief executives could then exercise greater independence of judgment and pursue policies they judge to be best for the nation rather than policies which are politically expedient.

dent. Presidents Johnson and Carter supported the idea of a single six-year term.

However, our democratic system is built on the idea that the president should be closely attentive to the moods of the electorate. Limiting the president to a single six-year term also would hamstring the president's ability to build support for policies. Why should members of Congress follow the lead of a president who will not be around to head their party's ticket in the next election? Will bureaucrats be more likely to resist a president whose six-year term will end at a known date or a president who might be around for eight years? A six-year term might well aggravate the difficulties of a "lame duck" president seeking to persuade other political actors to support presidential initiatives.<sup>26</sup>

*Our distant presidents, especially George Washington, Thomas Jefferson, Abraham Lincoln, and Franklin Roosevelt, are now heroic figures, and contemporary presidents seem to compare unfavorably to them. The mythic reputations of our past presidential heroes, however, ignore the political controversies, such as states' rights and the proper role of the federal government, that surrounded their presidencies. They would not have fared so well in the court of contemporary public opinion, either. Thomas Cronin has concluded, "Perhaps the ultimate paradox of the modern presidency is that it is always too powerful because it is contrary to our ideals of a government by the people . . . yet always inadequate because it seldom achieves our highest hopes for it."<sup>27</sup>*

*Controversy inevitably surrounds the presidency. Advocates of democratic, pluralist, and elitist perspectives differ sharply about how to interpret the president's role in the American system of government.*

*From a democratic perspective, a president strong enough to provide leadership is a president strong enough to abuse power. How to make the president responsive to the people is an enduring question in American politics, asked by the Founding Fathers and in recent years by critics of the imperial presidency.*

*From a pluralist perspective, presidents are weakened because they must share power with Congress and local officials. Presidential power is the power to persuade. The reality of domestic politics is that a president will find it difficult to pursue policies which are good for the nation as a whole but unfavorable to special interests such as farmers, retired persons, or the inner-city poor.*

*From an elitist perspective, the president is a powerful part of a small economic, political, and social elite that establishes economic and social prior-*

*ities. Citizens live their lives in a context shaped by this elite, and the importance of elections in American politics is much overstated. Elitists say that the notion that the people influence important presidential policy decisions is largely a myth.*

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## Chapter 8

1. *Congressional Quarterly Weekly Report*, April 13, 1985, p. 687. *CQ* notes that part of this discrepancy can also be attributed to the fact that some Democrats are elected from urban districts that have very low voting turnout.
2. Thirteen of the new black Representatives and six of the new Hispanic representatives won in districts specifically drawn to increase minority representation.
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4. Rudolf Engelbarts, *Women in the United States Congress, 1917–1972*, Libraries Unlimited, Littleton, Colo., 1974, p. 23.
5. Two useful works on the GAO are Frederick C. Mosher, *The GAO: The Quest for Accountability in American Government*, Westview, Boulder, Colo., 1979, and Wallace Earl Walker, *Changing Organizational Culture: Strategy, Structure, and Professionalism in the U.S. General Accounting Office*, University of Tennessee Press, Knoxville, 1986.

6. Each house in Congress has a parliamentarian and parliamentarian assistants. One of these people is always on the floor to advise the presiding officer on points of order. These people also help the membership generally with questions about procedures.
7. See Julie Rovner, “After Fiery Debate, Senate Passes AIDS Bill,” *Congressional Quarterly Weekly Report*, April 30, 1988, pp. 1167–1169.
8. *Congressional Quarterly’s Guide to Congress*, 2d ed., Congressional Quarterly Press, Washington, D.C., 1976.
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