

CHAPTER 14

The Presidency

OBJECTIVES

This chapter studies the chief executive, considering the powers of the presidential office and the structures that constitute the presidency. After reading and reviewing the material in this chapter, the student should be able to do each of the following:

1. Explain the differences between the positions of president and prime minister.
2. Discuss the approach taken by the Founders in regard to executive power.
3. Sketch the evolution of the presidency from 1789 to the present.
4. List and describe the various offices that make up the executive branch.
5. Review discussions of presidential character, and explain how these relate to the achievements in office of various presidents.
6. Enumerate and discuss the various facets—formal and informal—of presidential power.

OVERVIEW

A president, chosen by the people and with powers derived from a written constitution, has less power than does a prime minister, even though the latter depends on the support of her or his party in parliament. The separation of powers between the executive and legislative branches, the distinguishing feature of the political system in the United States, means that the president must compete with Congress in setting policy and even in managing executive agencies.

Presidential power, though still sharply limited, has grown from its constitutional origins as a result of congressional delegation, the increased importance of foreign affairs, and public expectations. But while the presidential office has more power today, the president also faces higher expectations. As a result, presidential effectiveness depends not on any general grant of authority but on the nature of the issues to be confronted and the support gained from informal sources of power. Public opinion and congressional support are extremely important. As a political scientist noted so many years ago, the president's primary power is often the power to persuade.

Though the president seemingly controls a vast executive branch apparatus, only a small proportion of executive branch personnel are presidential appointees or nominees. Even these may not be under presidential control. Moreover, public support, high at the beginning of any new presidency, usually declines as the term proceeds. Consequently, each president must conserve power (and energy and time), concentrating these scarce resources to deal with a few matters of major importance. Virtually every president since Franklin D. Roosevelt has tried to gain better control of the executive branch—by reorganizing, by appointing White House aides, by creating specialized staff agencies—but no president has been satisfied with the results.

In dealing with Congress, the president may be able to rely somewhat on party loyalty. Presidents whose party controls Congress tend to have more of their proposals approved. But such loyalty is insufficient. Every president must also cajole, award favors, and threaten vetoes to influence legislation. Few presidents can count on a honeymoon. Most presidents discover that their plans are at the mercy of unexpected crises.

CHAPTER OUTLINE WITH KEYED-IN RESOURCES

- I. Presidents and prime ministers (THEME A: THE POWER OF THE PRESIDENCY VERSUS OTHER INSTITUTIONS)
 - A. Characteristics of parliaments
 1. Chief executive is the prime minister, chosen by the _____
 2. Parliamentary system, with a prime minister as the chief executive, is more common than a directly elected president as chief executive
 3. Prime minister chooses the cabinet ministers from among the members of _____
 4. Prime minister remains in power as long as her/his party or coalition maintains a _____ in the legislature
 - B. Differences between the chief executives in presidential and parliamentary systems
 1. Presidents may be _____; prime ministers are always _____, chosen by the members of the majority party in parliament
 2. Sitting members of Congress cannot simultaneously serve in a president's cabinet; members of parliament are eligible to serve in the prime minister's cabinet and ministers are almost always chosen from their ranks
 3. Presidents have no guaranteed _____ in the legislature; prime ministers _____ have a majority
 4. Presidents and the Congress often work at cross-purposes
 - a) Even when one party controls both branches
 - b) A consequence of separation of powers, which fosters _____ between the branches
 - c) Only _____; and _____ had (briefly) constructive relations with Congress; also George W. Bush immediately following the September 11th attacks
 - C. Divided government
 1. Occurs when one party controls the White House and another controls one or both houses of Congress
 2. A recurring phenomena in American government
 3. Many people think divided government produces _____
 - D. Does gridlock matter?
 1. Divided government does about as well as unified government in passing laws, conducting investigations, and ratifying treaties
 2. Parties themselves are ideologically diverse, leading to policy disagreements
 3. Unified government actually requires the same ideological wing of the party to control both branches of government
 - E. Is policy gridlock bad?
 1. Everybody has an interest in some gridlock—blocking policies they don't like
 2. Divided government results from _____ voting, in part
 3. Necessary consequence of representative democracy
- II. The evolution of the presidency
 - A. Delegates feared both anarchy and monarchy
 - B. Concerns of the Founders
 1. Fear of the military power of the president, who could overpower _____
 2. Fear of presidential corruption by Senate, because Senate and president shared treaty-making power
 3. Fear of presidential bribery to ensure reelection
 4. Principal concern was to balance power of legislative and executive branches
 - C. The Electoral College
 1. Each state to choose its own method of selecting electors
 2. Electors would meet in their own capital to vote for president and vice president
 3. If no candidate won a majority, the _____ would decide the election
 4. Electoral College ultimately worked differently than expected, because Founders did not anticipate the role of political parties

- D. The president's term of office
1. Precedent of George Washington and the historical tradition of two terms
 2. 22nd Amendment in 1951 limited presidents to two terms
 3. Another problem was establishing the legitimacy of the office—public acceptance of the office and officeholder
 4. Founders also provided for the orderly transfer of power
- E. The first presidents
1. Office was legitimated by men active in independence and Founding politics
 2. Washington's activism of early government contributed to lessening the fear of the presidency
 3. Appointed people of stature in the community (rule of "fitness")
 4. Relations with Congress were reserved: few vetoes; no advice from Congress to president
- F. The Jacksonians
1. Jackson believed in a strong and independent president
 2. Vigorous use of veto for constitutional and policy reasons; none of the vetoes were
 3. Demonstrated what could be done by a popular president
- G. The reemergence of Congress (1837-1936)
1. With brief exceptions, the next hundred years was a period of congressional dominance
 2. Intensely divided public opinion—partisanship, slavery, sectionalism
 3. Only Lincoln expanded presidential power
 - a) Asserted "implied powers" and the express authorization of the commander in chief
 - b) Justified actions by emergency conditions created by Civil War
 4. Following Lincoln, Congress again became the dominant branch until the New Deal, except for the T. Roosevelt and Wilson administrations
 5. Even today, the popular perception of the president as the center of government contradicts the reality: the president is often the policy leader
- III. The powers of the president
- A. Formal powers found in Article II
1. Some powers can be unilaterally exercised by the president, while others require formal legislative approval
 2. Potential for power found in ambiguous clauses of the Constitution—e.g., power as commander in chief, duty to "take care that laws be faithfully executed" (executive power)
- B. Greatest source of power lies in politics and public opinion
1. Increase in congressional grants of broad statutory authority, especially since the 1930s
 2. Expectation of presidential leadership from the public
- IV. The office of the president (THEME B: THE INSTITUTIONALIZATION OF THE PRESIDENCY)
- A. President did not have any real staff until 1857
- B. White House staff has grown
1. President now has large bureaucracy of assistants he has difficulty controlling
 2. Rule of the few: power is wielded by people who are in the room when a decision is made
 3. Presidential appointments can be classified in terms of their physical and political proximity to the President
- C. The White House Office
1. President's closest assistants
 2. Three types of structure, often used in combination to compensate for their weaknesses and to capitalize on their strengths

- a) structure: Eisenhower, Nixon, Reagan, Bush, Clinton (late in his administration); most assistants report through hierarchy to chief of staff, who then reports to president
- b) structure: Carter (early in his administration); cabinet secretaries and assistants report directly to president
- c) structure: Clinton (early in his administration); task forces, committees, and informal groups deal directly with president
- d) Common to organizational methods
- 3. Staff typically had worked on the campaign; a few are experts
- 4. Always a great deal of jockeying for physical proximity (office closer to the Oval Office) and access to the president
- D. Executive Office of the President
 - 1. Composed of agencies that report directly to the president
 - 2. Appointments must receive confirmation, unlike the White House staff
 - 3. , perhaps the most important agency in the EOP
 - a) Assembles the budget
 - b) Develops reorganization plans
 - c) Reviews legislative proposals of agencies
 - d) Has recently become more of a policy advocate
- E. The chief executives (secretaries) of the executive branch departments
 - 1. Not explicitly mentioned in Constitution
 - 2. Presidents have many more appointments to make than do prime ministers, due to competition created by the separation of power
 - 3. Presidential control over departments remains uncertain—secretaries become for their departments
- F. independent agencies, commissions, and judgeships
 - 1. President appoints members of agencies that have a quasi-independent status
 - 2. “Acting” appointments have increased legislative-executive tensions
 - 3. In general, independent agency heads can be removed only “for cause” and serve fixed terms
 - 4. Executive agency heads serve at the president’s pleasure, though their appointments must be confirmed by the Senate
 - 5. Judges can be removed only by
- V. Who gets appointed
 - A. President knows few appointees personally
 - B. Most appointees to the cabinet and subcabinet have had federal experience
 - 1. “In-and-outers” alternate federal government and private sector jobs
 - 2. Modern tendency is to place , rather than those with political followings, to the cabinet
 - C. Need to consider groups, regions, and organizations when making appointments
 - D. Rivalry often develops between department heads (who represent expert knowledge) and White House staff (who are extensions of presidential priorities)

- VI. Presidential character
 - A. Eisenhower: orderly, military style; delegation of authority to trained specialists
 - B. Kennedy: bold, articulate, amusing leader; improviser who bypassed traditional lines of authority
 - C. Johnson: master legislative strategist; tended to micromanage
 - D. Nixon: expertise in foreign policy; disliked personal confrontation; tried to centralize power in the White House
 - E. Ford: discussion-oriented and genial; decisions structures not always coherent or utilized
 - F. Carter: Washington outsider; tended to micromanage
 - G. Reagan: set policy priorities and then gave staff wide latitude; leader of public opinion
 - H. George H.W. Bush: hands-on manager, with considerable Washington experience
 - I. Clinton: good communicator; pursued liberal/centrist policies
 - J. George W. Bush: tightly run White House; agenda became dominated by foreign affairs following the September 11th attacks
- VII. The power to persuade
 - A. The president can use the office's national constituency and ceremonial duties to enlarge powers
 - B. Three audiences for president's persuasive powers
 - 1. Fellow politicians and leaders in Washington, D.C.—reputation very important
 - 2. Party activists and officials outside Washington
 - 3. Various publics
 - 4. Presidents make fewer impromptu remarks and rely more on prepared speeches (taking advantage of the bully pulpit)
 - C. Popularity and influence
 - 1. Presidents try to transform popularity into congressional support for their programs
 - 2. Presidential coattails have had a declining effect for years and are minimal in their influence today
 - 3. Congressional elections are relatively insulated from presidential elections
 - a) Weak party loyalty and organization
 - b) Congressional members' own strong relations with their constituents
 - 4. Still, to avoid the political risks of opposing a popular president, Congress will pass more of that individual's legislative proposals
 - 5. Popularity is affected by factors beyond anyone's control—consider Bush's approval ratings following the September 11th attacks
 - D. The decline in popularity
 - 1. Popularity highest immediately after an election (honeymoon period)
 - 2. Declines by midterm, with president's party usually losing congressional seats in the midterm elections
- VIII. The power to say no
 - A. Veto
 - 1. Veto message sent within ten days of the bill's passage
 - 2. Pocket veto (only before Congress adjourns at the end of its second session)
 - 3. Congress rarely overrides vetoes
 - 4. President does not hold line-item veto power
 - a) 1996 reform permitted enhanced rescissions
 - b) Supreme Court ruled this procedure was unconstitutional

- B. Executive privilege
 - 1. Confidential communications between president and advisers need not be disclosed
 - 2. Justification
 - a) Separation of powers
 - b) Need for candid advice
 - 3. *U.S. v. Nixon* (1973) rejected claim of absolute executive privilege
 - 4. Clinton-Paula Jones episode greatly weakened number of officials with whom president can speak in confidence
 - C. Impoundment of funds
 - 1. Definition: presidential refusal to spend funds appropriated by Congress
 - 2. Nixon impoundments countered by Budget Reform Act of 1974
 - a) Requires president to notify Congress of funds he does not intend to spend
 - b) Congress must agree in 45 days to delete item
 - c) Requires president to notify Congress of delays in spending
 - d) Congress may pass a resolution refusing the delay and requiring the immediate release of funds
- IX. The president's program
- A. Putting together a program
 - 1. Resources in developing a program include interest groups, aides and campaign advisers, federal departments and agencies, and various specialists
 - 2. Alternative approaches to policy formulation:
 - a) Carter and Clinton: tried to have a policy on everything
 - b) Reagan: concentrated on a small number of initiatives and leave everything else to subordinates
 - 3. Constraints on a president's program
 - a) Public and congressional reactions
 - b) Limited time and attention span of the president
 - c) Unexpected crises, ex. September 11th attacks
 - d) Programs can be changed only marginally because most resources are already committed
 - e) Public opinion polls
 - 4. Presidential approach may be influenced by opinion polling
 - a) Trustee: act for the public good, regardless of popular opinion
 - b) Delegate: act as constituents
 - B. Attempts to reorganize
 - 1. Almost every president since 1928 has proposed reorganization
 - a) Reorganization: changing the structure of the staff, departments, and agencies that are subordinate to the executive
 - b) Bush and homeland security merely an example of longstanding practice
 - 2. Reasons for reorganizing
 - a) Large number of agencies
 - b) Easier to change policy through reorganization than by abolishing an old program or agency
 - 3. Reorganization outside the White House staff must be Congressionally approved
- X. Presidential transition (THEME C: PRESIDENTIAL SUCCESSION)
- A. Only fourteen of forty-one presidents have served two full terms (George W. Bush will be the 15th if he finishes his full 2nd term)
 - B. The vice president
 - 1. Eight vice presidents have succeeded to office on president's death

2. Prior to 2000, only five vice presidents won the presidency in an election without having first entered the office as a result of their president's death
 3. "A rather empty job"
 - a) Vice president presides over Senate and votes in case of tie
 - b) Leadership powers in Senate are weak, especially in times of divided government
- C. Problems of succession
1. What if president falls ill?
 - a) Examples: Garfield, Wilson, Eisenhower, Reagan
 2. If vice president steps up, who becomes new vice president?
 - a) Earliest answer was in the Succession Act (1886), amended in 1947
 - b) Today, Twenty-fifth Amendment (1967) establishes procedures
 - (1) Allows vice president to serve as acting president if president is disabled
 - (2) Illness is decided by president, by vice president and cabinet, or by two-thirds vote of Congress
 - (3) Requires a vice president who ascends to office on death or resignation of president to name a vice president
 - (4) New vice president must be confirmed by a majority vote of both houses
 - (5) Examples: Agnew's and Nixon's resignations
- D. Impeachment
1. Judges, not presidents, are the most frequent subjects of impeachment
 2. Indictment by the House, conviction by the Senate
 - a) Presidential examples: Andrew Johnson, Richard Nixon (pre-empted by resignation), Bill Clinton
 - b) Neither Johnson nor Clinton was convicted by the Senate
 3. Office of the Independent Counsel was not renewed in 1999 and is generally considered a casualty of the Clinton impeachment
- XI. How powerful is the president?
- A. Both the president and the Congress are more constrained today
 - B. Reasons for constraint:
 1. Complexity of issues
 2. Scrutiny of the media
 3. Greater number and power of interest groups
 - C. Presidential responses to constraints include:
 1. Acting early in the first term (honeymoon period)
 2. Establishing a few top priorities
 3. Giving power to the White House staff and supervising them carefully

WEB RESOURCES

The American President, *Grolier Encyclopedia*: <http://gi.grolier.com/presidents>

American Presidents' Life Portraits: <http://www.americanpresidents.org/>

Inaugural Addresses of the Presidents: <http://www.bartleby.com/124/>

POTUS [President of the United States], The Internet Public Library: <http://www.ipl.org/div/potus>

The Presidential Appointee Initiative: <http://www.appointee.brookings.edu/>

The Presidents, Public Broadcasting System: <http://www.pbs.org/wgbh/amex/presidents/indexjs.html>

The White House: <http://www.whitehouse.gov/>

White House 2001, The White House Interview Program: <http://www.whitehouse2001.org/>

RESEARCH AND DISCUSSION TOPICS

Jeb Bartlett for president? Many students will be familiar with the Emmy Award-winning drama *The West Wing* and it can stimulate a number of discussions. For example, select a particular character and ask students to assess his/her contribution to Jeb Bartlett's administration. Then, study that office as it has operated in recent administrations, seeing the ways in which the program either enhances or understates its actual significance. (For an excellent discussion of the principal offices of the White House, see: <http://www.whitehouse2001.org>). Alternatively, compare and contrast this program with other films about the American president. What elements are consistently present in these fictional accounts? What does this reveal about the mythology, as well as the practical politics, of the presidential office?

A day in the life . . . A number of presidential libraries are now putting the presidents' daily diaries online. The Lyndon B. Johnson Library, in particular, offers fifty of the most important days in this administration. As students study these documents, ask them to distinguish between political practices that typify a particular president's style and those that characterize the presidency more generally. For access to the presidential libraries online, see: <http://www.nara.gov/>

Communicator-in-chief? Ask students to watch and evaluate a presidential speech or press conference. How do students prioritize content, delivery, and visuals? How would they advise the president, so that the impact of the speech would be enhanced? In advising, are they counseling the president to reach out to the general public? Or should presidential statements be geared to the elite few?

IMPORTANT TERMS

* <i>ad hoc</i> structure	Several subordinates, cabinet officers, and committees report directly to the president on different matters.
*bully pulpit	The president's use of his prestige and visibility to guide or enthuse the American public.
*cabinet	The heads of the fifteen executive branch departments of the federal government.
*circular structure	Several of the president's assistants report directly to him.
*divided government	One party controls the White House and another party controls one or both houses of Congress.
*Electoral College	The people chosen to cast each state's votes in a presidential election. Each state can cast one electoral vote for each senator and representative it has. The District of Columbia has three electoral votes even though it cannot elect a representative or senator.
*gridlock	The inability of the government to act because rival parties control different parts of the government.
*impeachment	Charges against a president approved by a majority of the House of Representatives.
*lame duck	A person still in office after he or she has lost a bid for re-election.
*legislative veto	The authority of Congress to block a presidential action after it has taken place. The Supreme Court has held that Congress does not have this power.
*line-item veto	The authority, held by many governors but not by the president, to veto specific items in a bill without vetoing it in its entirety.

- ***pocket veto** A bill fails to become law because the president did not sign it within ten days before Congress adjourns.
- ***pyramid structure** A president's subordinates report to him through a clear chain of command headed by a chief of staff.
- ***unified government** The same party controls the White House and both houses of Congress.
- ***veto message** A message from the president to Congress stating that he will not sign a bill it has passed. Must be produced within ten days of the bill's passage.

THEME A: THE POWER OF THE PRESIDENT VERSUS OTHER INSTITUTIONS

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- Jon R. Bond and Richard Fleisher, eds., *Polarized Politics: Congress and President in a Partisan Era*. Washington, D.C.: CQ Press, 2000.
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Summary

Two models of executive leadership exist in representative democracies, prime ministers and presidents. A prime minister is chosen not by the voters, but by members of parliament. In Britain's parliamentary system, for example, the prime minister is a party leader, chosen by elected officials of the party, and selected to hold the party together inside parliament. Once in power, the prime minister appoints other ministers (cabinet officers) from among the members of his or her party in parliament, a fact that gives the prime minister great leverage. In addition, the prime minister is assured of a great deal of loyalty from ministers because of the tradition of collective responsibility, which requires

ministers publicly to support all government policies or, if in disagreement, to resign from office. Moreover, the prime minister is shielded from bearing personal blame for policy failures through the doctrine of ministerial responsibility, which obliges the minister with responsibility for a department with a failed policy to resign. A prime minister is quite likely to have had high-level administrative experience in the national government as well as in parliament itself.

Presidents, on the other hand, are nominated by conventions in which party professionals are a minority. They must appeal to a majority of the voters and may not have had experience in Washington. They may (and often do) lack a majority in one or both houses of Congress, and they select cabinet members from among their personal followers, to recognize interest groups, or to gain expertise in the cabinet.

The Framers debated the office of the president at length. On the one hand, they feared the possibility of monarchical tendencies if the office was made too powerful. On the other hand, they felt that a large nation with foreign enemies required an executive with substantial powers. They were also concerned that the president not dominate Congress and that Congress not dominate the president. The assumption that George Washington would be the first president, coupled with the successful balancing of the interests of small and large states in the Electoral College, allowed the Framers to cede power to the president.

The emergence of the modern presidency, then, is the outcome of nearly two hundred years of American history. The first presidents (Washington to John Quincy Adams) established the legitimacy of the presidency, greatly aided by the fact that the national government had little to do. Andrew Jackson, though opposed to a large and powerful federal government, believed in a strong and independent presidency. He greatly expanded the powers of the office. After the end of Jackson's second term in 1837, Congress reasserted its power and, with the exception of occasional presidential assertions on Polk, Cleveland, and especially Lincoln, remained the dominant institution until the New Deal. Since the inauguration of the modern presidency by Franklin D. Roosevelt, each president has left a mark on the office of the president and on the larger institution of the presidency.

For example, the power of commander in chief was, at first, not considered to entail much authority; the main military force was expected to be state militias, and the president was thought to lack any independent offensive capability without prior congressional approval. The president also was given the power to "take care that the laws be faithfully executed." The wording seemed to imply that the president was allowed to do no more than carry out the laws of Congress, but subsequent Supreme Court interpretations of this clause have expanded the scope of presidential authority to act without a specific congressional mandate in domestic affairs.

An important source of increased presidential power has always been politics and public opinion: The American people look to the president for leadership and hold this official responsible for national affairs. Richard Neustadt has argued that the president's success depends not on any formal power but on the ability to persuade, especially as exercised in regard to the people within the Washington establishment.

Discussion Questions

1. Given the resources and the constraints that confront presidents and prime ministers, which office would you prefer to hold if you were allowed such a choice? Which structure—presidential or parliamentary—would you prefer to be governed by, if such a choice could be made? Compare and contrast these assessments of power and legitimacy.
2. The text concludes that presidential authority began to increase as a result of national crises. Why didn't presidential power increase after the nation's first three wars (the War of 1812, the Mexican War, and the Spanish-American War)? Were the wars different or was the nation different?

3. If the expansion of presidential power has occurred because of political events and has been fostered by public opinion, under what circumstances might presidential power begin to be limited? Will the historical trend in favor of expanding presidential power be reversed? (Consider the 1994 election and the Contract with America; was this a trend or an anomaly? Also, you may wish to consider the changes imposed on the chief executive after the Watergate scandal, which are identified in this chapter of the text.)
4. The text suggests that Congress generally hesitates to challenge a popular president. Under what circumstances might this maxim not hold true? How can you explain the Clinton impeachment, given the president's successful re-election campaign and strong approval ratings?

THEME B: THE INSTITUTIONALIZATION OF THE PRESIDENCY

Instructor Resources

MaryAnne Borrelli, *The President's Cabinet: Gender, Power, and Representation*. Boulder, CO: Lynne Rienner Publishers, 2002.

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Summary

Since the New Deal era, the president has headed a vast bureaucracy responsible not only for implementing government policy but also for providing policy initiatives. The job became too big for any single person to manage and culminated in a report from the Brownlow Commission in 1937, bluntly declaring that "the president needs help." The result was the creation of the *White House Office* and the *Executive Office of the President (EOP)*.

The White House staff was initially quite small, with presidents often personally answering the telephone and their own mail. The president did not even have a paid secretary until 1857. Rapid growth followed the 1937 recommendation. The staff numbered 51 persons in 1943 and spiraled to 583 in 1971; after this swelling of White House personnel President Carter reduced the staff to 351, a

number that increased only slightly by 1990, to 386. In recent administrations, the numbers have fluctuated as some aides were included in some counts and not in others. Virtually all political scientists, however, agree that the White House staff cannot be cut. Campaign promises to do so, they argue, only create problems later in a presidency.

Presidents have developed three strategies for organizing the White House Office. In the *circular* structure, several assistants have direct access to the president. This arrangement maximizes the flow of information to the president but produces internal confusion over lines of authority. In the *pyramid* structure, a chief of staff controls access to the president and positions are organized in a hierarchical formation. This arrangement is more orderly but frequently isolates the president from needed information. Presidents have recently begun to rely more heavily on White House staff for policy proposals than cabinet departments, a fact that creates a stressful relationship within the executive branch. In the *ad hoc* structure, the president employs task forces and informal groups. President Clinton relied heavily on this organizational approach. In general, however, presidents have preferred the pyramidal structure, with Carter and Reagan shifting to this mode to cut back on the demands on their time imposed by the circular model.

The *EOP*, which includes the White House Office and Office of the Vice President, consists of agencies that perform staff services for the president but are not (with the exception of the White House Office) located in the White House itself. Unlike the White House Office, most of the EOP agencies have a specific function outlined in law and their executives must be confirmed by the Senate. The two most important such units in the EOP are the Office of Management and Budget and the National Security Council.

The *cabinet* consists of the heads of the federal departments. Occasionally, under Eisenhower, for example, the cabinet has come close to being a truly deliberative body. But cabinet members are heads of vast organizations that they seek to defend, explain, and enlarge. Only a tiny proportion of employees in cabinet departments can be nominated by the president. Cabinet members are now likely to be nominated for their administrative experience and/or policy connections. The president is fortunate if most cabinet members agree with him on major policy questions, and there is an inevitable rivalry between the White House staff and the department heads.

Given the president's lack of constitutional powers and his inability to depend on cooperation from Congress or even support from the executive branch, he must necessarily rely on persuasion if he is to accomplish much. His persuasive powers are aimed at three audiences: (1) his fellow politicians and leaders in Washington, (2) party activists and officeholders outside Washington, and (3) the public—actually many different publics, each with a different view or set of interests. Any statement the president makes will be carefully scrutinized (and perhaps attacked); therefore, recent presidents have had fewer and fewer impromptu discussions and press conferences and have made more and more prepared speeches. The purpose is to generate personal popularity, which will translate into congressional support. The more popular the president, the higher the proportion of his bills that Congress will pass. Any popularity the president succeeds in gaining is temporary, however. Every modern president except Eisenhower has lost popular support between his inauguration and the time he left office.

In addition to the ability to nominate people to office and to persuade the public, the president has three additional prerogatives (two of them quite controversial) with which to influence policy.

1. *The veto.* The president can exercise this constitutional power of the office by sending a *veto message* back to Congress or by doing nothing if Congress adjourns within ten days of sending the bill to the president: this is called a *pocket veto*. Overturning a veto requires a two-thirds vote in both houses. The veto is a powerful weapon, because historically less than 4 percent of presidents' vetoes have been overridden. In 1996, Congress enhanced the veto power of the president by enhancing the president's budgetary rescission authority. (This innovation was popularly known as the "line-item veto.") This law, however, was subsequently ruled unconstitutional by the Supreme Court.
2. *Executive privilege.* The president has traditionally claimed the right to keep communication secret within the executive branch, based on the principle of separation of powers (which would be compromised if the internal workings of one branch could be scrutinized by another branch) and on the president's need to obtain confidential and candid advice from advisers (who could not be frank if their communications were made public). In the Watergate tapes case (*United States v. Nixon*) the Supreme Court held that executive privilege was not absolute and did not allow the president to withhold evidence from a criminal investigation. This decision was reinforced, and even expanded, by additional court rulings during the Clinton administration, which further limited executive privilege.
3. *Impoundment.* Many presidents have refused to spend money appropriated by Congress for programs they did not like. Nixon was particularly aggressive in doing this and eventually provoked Congress to pass the Budget Reform Act of 1974, which severely limited presidential impoundment. It is not clear that this matter is settled, however, because the Supreme Court has declared that the legislative veto, an essential part of this act, is unconstitutional.

Immediately on taking office, the president is faced with the need to present a State of the Union address and to formulate a program of policy changes. The president must also nominate individuals to fill hundreds of posts and submit a new budget. There are essentially two ways for a president to develop a program: have a policy on almost every topic (Carter) or concentrate on only a few major initiatives or themes (Reagan). For help in formulating a program, the president can draw on aides and campaign advisers, federal bureaus and agencies, academic and other outside specialists, and interest groups. A controversial proposal may be leaked to the press, or floated as a trial balloon to test possible adverse public reaction. The president's ability to plan is constrained by limited time and a correspondingly narrowed attention span, the likelihood of unexpected crises, and the fact that most federal programs can be only incrementally changed.

Discussion Questions

1. Why has the president's staff grown? Many presidents enter office with a commitment to cutting the size of their staff. Why isn't this goal achieved? Why do presidents rely more on the White House staff than on the various other offices in the Executive Office of the President? Why don't presidents rely on their cabinets?
2. The text describes the connections between presidents' character and their staffing arrangements. But why would a president's personality have much to do with the staffing method (circular, pyramidal or *ad hoc*)? Why must the president rely on staff to devise policy when the executive branch bureaucracy already exists for this purpose?
3. Presidents frequently sign legislation with which they disagree. Why doesn't the president simply veto such laws, since Congress seldom manages to override a veto? What kinds of veto strategies would you recommend to a president whose party controlled Congress? Whose party was in the minority in Congress?

4. Should the president be granted absolute executive privilege? Have the courts placed too many constraints on the White House staff, in denying them confidentiality in so many of their communications?

THEME C: PRESIDENTIAL SUCCESSION

Instructor Resources

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John P. Burke, *Presidential Transitions: From Politics to Practice*. Boulder, CO: Lynne Rienner Publishers, 2000.

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Robert E. Denton and Rachel L. Holloway, eds., *Images, Scandal, and Communication Strategies of the Clinton Presidency*. Westport, CT: Praeger, 2003.

36 Days: The Complete Chronicle of the 2000 Presidential Election Crisis. New York Times, 2000.

Timothy Walch, ed., *At the President's Side: The Vice Presidency in the Twentieth Century*. University of Missouri Press, 1997.

Stephen J. Wayne, *The Road to the White House 2000: The Politics of Presidential Elections*, Post-election Edition. New York: Palgrave Macmillan, 2001.

Summary

The key problem in presidential succession is to establish the legitimacy of the presidency itself: to promote public acceptance of the office, its incumbent, and its powers, and to establish an orderly transfer of power from one incumbent to the next.

No president except FDR has ever served more than two full terms. Assassination, death, and inability to be reelected have all taken a toll. The vice president has become president eight times as provided for in the Constitution. The Twenty-fifth Amendment, approved in 1967, provides for the vice president to take over in cases of presidential disability; it also provides for the nomination of a new vice president.

The president may leave office through death, disability, resignation, or impeachment. An impeachment is like an indictment: It is a set of charges. For the president to be removed from office he must be impeached by the House and convicted by a two-thirds vote of the Senate. Andrew Johnson was impeached in 1868 because of policy differences with Congress over Reconstruction, and he escaped conviction in the Senate by only one vote. Richard Nixon resigned when faced with impeachment for the Watergate cover-up. Articles of impeachment were voted against Bill Clinton in the House, but the Senate vote did not meet the two-thirds majority required to impeach the president.

No other presidential transition highlighted both the difficulties that attend to transition of power, and the resiliency of the institution of the presidency, quite like the transition from President Clinton to President George W. Bush in 2000. The thirty-six day struggle to determine the vote count in Florida was a period of much heated discussion, but no violence. When President Bush took office in January 2001, there were protestors at the inauguration, but they did not disturb the proceedings in any meaningful way. The aftermath of the 2000 election was the most “disorderly” presidential succession since the Civil War, and yet even this transition was fairly mild and highlighted the respect most Americans hold for the office and whoever happens to be inhabiting it.

Discussion Questions

1. What does the peaceful and orderly transfer of power from one president to the next have to do with presidential legitimacy? Can a revolutionary government or a military junta ever be legitimate?
2. What factors have precluded vice presidents from succeeding “their” presidents in office? Recent vice presidents who have failed in this effort include Richard M. Nixon in 1960, Hubert H. Humphrey in 1968, and Gerald R. Ford in 1976. Recent vice presidents who have succeeded (at least initially) include Lyndon B. Johnson in 1964 and George H. Bush in 1992.
3. Unless a president resigns, the chief executive can be politically removed only through impeachment proceedings. These proceedings are extremely involved and are undertaken only in extraordinary circumstances. Is it a strength or a weakness of the presidential system that its chief executive is so difficult to remove? Does this provide the system with greater stability or does it increase the likelihood of corruption in the executive branch? In other words, does this practice contribute to or detract from the legitimacy of the government? Answer your question in light of the Clinton impeachment proceedings.
4. Given the degree of controversy surrounding the 2000 election, why wasn’t the transition to the presidency of George W. Bush more contentious? What might this say about the American political system and American political culture—both positive and negative?